



EU patent: Parliament gives go-ahead for enhanced cooperation

Plenary sessions

The European Parliament gave its consent on Tuesday for a common EU patent system to be created using the enhanced cooperation procedure. In December 2010, twelve Member States made a request to launch such a procedure, after it was concluded that not all the Member States could agree on an EU-wide patent system.

All the other Member States except Italy and Spain have since indicated they will sign up to the procedure. These two countries can still join in at any time if they wish.

Parliament gave its backing today for the procedure to go ahead by 471 votes to 160, with 42 abstentions.

Next steps

The Council of Competitiveness Ministers is expected to formally adopt the decision authorising enhanced cooperation on 9-10 March. The Commission will then submit two legislative proposals: one establishing the single patent (under the co-decision procedure) and the other on the language regime (consultation procedure). In today's resolution, drafted by Klaus-Heiner Lehne (EPP-ED, DE), MEPs call on the Council to use the co-decision procedure for both proposals.

Member States have been trying to agree on an EU-wide patent system for years but the necessary unanimity proved impossible to achieve. Language issues were a particular bone of contention. Currently, national patents can coexist alongside a European patent (issued by the European Patent Office, a non-EU body) but the system is complex and expensive: a European patent can be 10 times more expensive than a comparable US patent.

A unitary patent system, abolishing differences between Member States over patent rights, would make it easier and cheaper for inventors to protect their patents throughout the EU, help tackle infringements and create a level playing field for Europe's innovative businesses.

What is enhanced co-operation?

Under the Lisbon Treaty, "enhanced co-operation" can be used to enable a group of Member States to adopt new common rules when a unanimous EU-wide agreement cannot be reached.

Such a procedure may go ahead only after the Council authorises it, on the basis of a Commission proposal, and after the European Parliament has given its consent.

This is the second case of enhanced cooperation, the first being the divorce law approved in 2010.

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