

FINAL DOCUMENT

Proposal for a Council Regulation (EU) on the translation arrangements
for the European Union patent (COM(2010) 350 final)

Committee X on Economic Activities, Trade and Tourism of the Italian Chamber of Deputies,

having considered the proposal for a Council Regulation on the translation arrangements for the European Union patent (COM(2010) 350) pursuant to Article 127 of the Rules of Procedure;

noting that the proposal addresses an issue of primary importance for the economic system, particularly with regard to the prospects for growth and innovation of enterprises, and that its aim is to simplify the patent application process and to reduce the currently very high costs of receiving a European patent, which are especially harmful to the SMEs that make up the foundation of the national production system;

stressing that the proposed solution (i.e. that the single patent shall be issued by the European Patent Office in one of its working languages – English, French or German – and published in the same language with a translation of the claims in the other two languages) is not only in direct conflict with the provisions of the Treaty on the Functioning of the European Union that establish the principle of equality among all the official EU languages, but would also unjustifiably place Italian companies on an unequal footing with companies in those countries whose languages are included in the Commission's proposed translation arrangements;

underscoring the fairness of the alternative solutions suggested as a compromise during negotiations which would use just one language (English) for the issue and recognition of European patents;

noting that, in the unanimous opinion of members of the Committee, another alternative proposal could be to use a single official language, to be selected from among English, French and German, alongside the language of the country of origin of the patent;

acknowledging and agreeing with the very firm position taken by the Italian Government, which vetoed the proposal in the Council;

and, finally, welcoming the opinion expressed by the European Union Policies Committee of the Chamber of Deputies (Committee XIV),

HAS ISSUED A NEGATIVE OPINION on the proposed Regulation.

Chamber of Deputies

Committees Service

Opinion on the "Proposal for a Council Regulation (EU) on the translation arrangements for the European Union patent (COM(2010) 350 final)"

Committee XIV on European Union Policies,

having considered the proposal for a Council Regulation (EU) on the translation arrangements for the European Union patent (COM(2010) 350) pursuant to Article 127 of the Rules of Procedure;

whereas:

a) the proposal addresses an issue of primary importance for the economic system, particularly with regard to the prospects for the growth and innovation of enterprises;

b) the patent is, in particular, a key element of the "Innovation Union" Flagship Initiative (COM(2010) 546 final), which was launched to meet the objectives of the Europe 2020 strategy;

c) the proposal aims to simplify the patent application process and to reduce the currently very high costs of receiving a European patent;

d) the costs are especially harmful to SMEs, which account for the major part of the national production system;

e) the proposed solution, which would adopt the practice currently applied in the European Patent Office (EPO) so that the EU patent would be handled, issued and published in one of the EPO's working languages, i.e. English, French or German, is in direct conflict with the provisions of the Treaty on the Functioning of the European Union (Articles 118 and 342) which establish the principle of equality among all the official EU languages;

f) for this reason the Italian Government has quite rightly vetoed the proposal in the Council;

g) the proposed solution is, moreover, unacceptable and unsuited to its purpose since, on the one hand, it would unjustifiably place Italian companies on an unequal footing with companies in those countries whose languages are included in the Commission's proposed translation arrangements and, on the other, it would impose the costs of translation on Italian companies, thus inflicting a greater burden on them compared with their competitors in other countries, to the detriment of their

competitiveness. This would therefore also distort competition and the functioning of the internal market, contrary to the general principles of the Treaties;

bearing in mind that the alternative solution suggested as a compromise during negotiations, even by the Belgian presidency itself, to use just one language for the issue and recognition of European patents (English) would at least have the advantage of greater simplification and would not create an unequal footing, given that English is the most widely used language in the world of business and economics;

whereas the initiative taken by some Member States of using the instrument of enhanced cooperation to adopt the Commission's proposal, in order to overcome the vetoes of Italy, Spain and other states, would violate the principle of unanimity which, in accordance with the above-mentioned Articles 118 and 342, must govern language arrangements within the EU;

noting, moreover, that enhanced cooperation would in this case create a clear distortion of competition between Member States, which is specifically prohibited under the second paragraph of Article 326 of the Treaty on the Functioning of the European Union;

noting with satisfaction that there has been broad consensus in our country on the very firm position taken by the Italian Government, particularly by business organisations;

given that, on a general level, the proposal follows a growing number of breaches of the European institutions' language regime and the principle of multilingualism, starting with the introduction of French, English and German as "working languages" of European Union institutions and bodies;

noting that this trilingual system, apart from being clearly unlawful as mentioned above, is totally unjustifiable and generates unnecessary translation and interpreting costs for the European budget;

confirming the undertakings already made in this respect in the Resolution of Pescante et al (6-00043) approved by the Chamber on 13 July 2010 following the examination of the Commission's work programme for 2010 and the programme of the Spanish, Belgian and Hungarian presidencies of the Council;

stressing the need to use where necessary all appropriate jurisdictional instruments to challenge decisions by the EU institutions that are in breach of the above-mentioned principles,

HAS ISSUED A NEGATIVE OPINION on the proposed Regulation.