



## EUROPEAN COMMISSION

Brussels, 14.03.2014  
C(2014) 1519 final

*Dear President,*

*The Commission would like to thank the Camera Deputaților for its Opinion concerning the subsidiarity check of the Commission's Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters {COM(2013) 554 final}.*

*The Commission welcomes the favourable opinion of the Camera Deputaților and considers the political dialogue with the national Parliaments through the transmission of its new proposals as an important step of the Union's legislative process.*

*As regards the point raised in the Camera Deputaților's submission concerning the results of consultations with stakeholders, the Commission would like to briefly give the following clarifications:*

*First, the patent package has been the subject of extensive consultation prior to its adoption. In January 2006, the Commission launched a broad consultation on the future patent policy in Europe. More than 2,500 replies were received from a variety of stakeholders, including businesses in all sectors of the economy, business and SME associations, patent practitioners, public authorities and academics. Stakeholders expressed overall support for a "unitary, affordable and competitive" Union-wide patent. This message was repeated at a public hearing held on 12 July 2006, where a large variety of stakeholders stated their support for the creation of a truly unitary high quality patent. The issue of unitary patent protection was also addressed extensively in the consultation on the Small Business Act for Europe in 2008, which consisted of a range of initiatives targeted to help European SMEs. Small and medium-sized businesses identified the high level of patent fees and the legal complexity of the patent system as major obstacles.*

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*Second, insofar as jurisdiction rules vis-à-vis third State defendants are concerned, this matter was extensively assessed in the Commission's Impact Assessment accompanying the legislative proposal amending Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters ("Brussels I") (SEC(2010)1547 final of 14.12.2010). As explained in the Commission's explanatory memorandum to the proposal, this assessment concerned the harmonisation of jurisdiction vis-à-vis third State defendants generally. The conclusions of that assessment are a fortiori relevant for the limited harmonisation in relation to unified patents proposed in this proposal. Furthermore, the question of residual or subsidiary jurisdiction (i.e. the jurisdiction of the courts in cases where the defendant is domiciled outside the European Union) was assessed in detail in the 2007 study on residual jurisdiction conducted by Prof. Arnaud Nuyts of the University of Brussels (the "Nuyts report", available at [http://ec.europa.eu/civiljustice/news/docs/study\\_residual\\_jurisdiction\\_en.pdf](http://ec.europa.eu/civiljustice/news/docs/study_residual_jurisdiction_en.pdf)). This study shows that the proposed subsidiary jurisdiction rule based on the location of assets already exists in the laws of a large number of Member States. In the Commission's proposal, the rule is carefully circumscribed and limited by certain conditions for its application.*

*The Commission hopes that these clarifications address the concerns raised by the Camera Deputaţilor and looks forward to continuing our political dialogue in the future.*

*Yours faithfully,*

*Maroš Šefčovič  
Vice-President*