



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from: General Secretariat
to: Permanent Representatives Committee (Part 1) / Council (Competitiveness)

No. prev. doc. : 13955/03 PI 105 CODEC 1468
No. Cion prop. : 6580/02 PI 10 CODEC 242

Subject : PREPARATION OF THE MEETING OF THE COUNCIL
(COMPETITIVENESS) ON 26 AND 27 NOVEMBER 2003
- Proposal for a Directive of the European Parliament and of the Council on the
patentability of computer-implemented inventions
= Progress report

1. The Commission presented its proposal for a Directive on 20 February 2002 (6580/02 PI 10 CODEC 242 - COM(2002) 92).

The proposal is based on Article 95 of the EC Treaty and is subject to the codecision procedure.

2. The Economic and Social Committee gave its opinion on 19 September 2002 (OJ C 61, 14.3.2003, p. 154).

3. On 14 November 2002 the Council (Competitiveness) reached broad agreement on a common approach as set out in the Annex to 14017/02 PI 69 CODEC 1401, pending adoption of the European Parliament's opinion at first reading, noting a reservation by the Commission, a general scrutiny reservation by the French delegation and a Parliamentary scrutiny reservation by the Spanish delegation.
4. The European Parliament adopted its opinion at first reading on 24 September 2003 (11503/03 CODEC 995 PI 70), proposing 64 amendments to the Commission's proposal.
5. The Council's Working Party on Intellectual Property (Patents) has recently initiated its examination of the amendments proposed by the European Parliament in order to identify which amendments might be acceptable to the Council, with a view to the Council adopting its common position in due course.
6. **The Permanent Representatives Committee (Part 1) is invited to take note of this report and decide whether or not to forward it to the Council (Competitiveness).**
