



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 10 December 2004

14574/04

**Interinstitutional File:
2002/0047 (COD)**

**PI 71
CODEC 1225**

"I/A" ITEM NOTE

from:	General Secretariat
to:	Permanent Representatives Committee/Council
No. prev. doc.:	11979/04 PI 61 CODEC 962 + ADD 1
No. Cion prop.:	6580/02 PI 10 CODEC 242
Subject:	Proposal for a Directive of the European Parliament and of the Council on the patentability of computer-implemented inventions
	– Common position
	– Statement of the Council's reasons

1. On 20 February 2002 the Commission submitted a proposal for a Directive of the European Parliament and of the Council on the patentability of computer-implemented inventions¹, based on Article 95 of the EC Treaty.
2. The Economic and Social Committee delivered its Opinion on 19 September 2002².
3. The European Parliament delivered its Opinion at first reading on 24 September 2003³.

¹ OJ C 151, 25.6.2002, p. 129.

² OJ C 61, 14.3.2003, p. 154.

³ 11503/03 CODEC 995 PI 70.

4. At its 2583rd meeting on 18 May 2004 the Council (Competitiveness) reached a political agreement on a common position concerning the above Directive, with the Spanish delegation voting against and the Austrian, Belgian and Italian delegations abstaining.
5. The text of the common position, as finalised by the Legal/Linguistic Experts, is set out in 11979/04 PI 61 CODEC 962.
6. The draft statement of the Council reasons on the common position is set out in 11979/04 PI 61 CODEC 962 ADD 1.
7. The Permanent Representatives Committee is asked to recommend the Council to:
 - adopt, as an "A" item on the agenda for a forthcoming meeting, the common position as in 11979/04 PI 61 CODEC 962 + COR 1(es) and the statement of reasons as in 11979/04 PI 61 CODEC 962 ADD 1 + COR 1(de) + COR 2(es), and
 - enter in its Minutes the statements contained in the Addendum to this Note.

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