



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 17 December 2004**

**16120/04**

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

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**PI 77  
CODEC 1346**

**"A" ITEM NOTE**

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from: Council Secretariat

to: Council

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No. prev. doc. : 14574/04 PI 71 CODEC 1225 + ADD 1 + ADD 1 COR 1 (en)

No. Cion prop. : 6580/02 PI 10 CODEC 242

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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

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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 inventions<sup>1</sup>, based on Article 95 of the EC Treaty.
2. The Economic and Social Committee delivered its Opinion on 19 September 2002<sup>2</sup>.
3. The European Parliament delivered its Opinion at first reading on 24 September 2003<sup>3</sup>.

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<sup>1</sup> OJ C 151, 25.6.2002, p. 129.

<sup>2</sup> OJ C 61, 14.3.2003, p. 154.

<sup>3</sup> 11503/03 CODEC 995 PI 70.

4. At its 2583<sup>rd</sup> 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 + COR 1(es) + COR 2(de).
6. The draft statement of the Council reasons on the common position is set out in 11979/04 PI 61 CODEC 962 ADD 1 + COR 1(de) + COR 2(es).
7. At its 2077<sup>th</sup> meeting on 15 December 2004, the Permanent Representatives Committee agreed to recommend the Council to:
  - adopt, as an "A" item of the agenda of a forthcoming meeting, the Spanish delegation voting against and the Austrian, Belgian and Italian delegations abstaining, the common position as in 11979/04 PI 61 CODEC 962 + COR 1(es) + COR 2(de) 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.
8. **The Council is asked to follow this recommendation.**

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