



Elżbieta Bienkowska
Member of the European Commission

Brussels, 10. 02. 2017

Ms Ildikó Gáll-Pelcz (MEP)
Vice-President
European Parliament
Bâtiment Altiero Spinelli
09E130
60, rue Wiertz / Wiertzstraat 60
B-1047 Brussels

Dear Ms Ildikó Gáll-Pelcz ,

Thank you for your letter of 24 October 2016 to Vice-President Katainen and me regarding the introduction of a supplementary protection certificate (SPC) manufacturing waiver in the framework of European patent rules. Vice-President Katainen has asked me to respond on behalf of both of us.

The Commission Communication of October 2015 on the Single Market Strategy announced a package of possible measures in relation to SPCs in the context of improving the patent system in Europe, including the SPC export manufacturing waiver. We believe that this package would result in an important modernisation of SPC rules and facilitate further investment in research and innovation in the fields concerned.

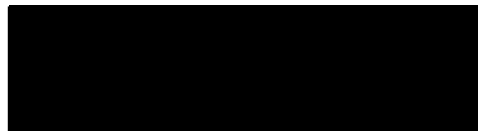
We have taken good note of your comments regarding the specific issue of an export manufacturing waiver, and in particular of your request for a Commission roadmap related to this issue. In line with the Commission's better regulation rules, the preparatory work regarding the evaluation of the SPC legislation has started. It will analyse in detail the impact of the current absence of such a waiver, taking account of developments in the relevant industries that the SPC has an impact on. It will also analyse the scope and period of SPC protection as well as the question of a future possible unitary SPC title, which should be seen in the framework of the upcoming unitary patent.

An inception impact assessment is currently in preparation and should be published shortly. It will consider policy options and an overview of the different steps that need to be undertaken for a possible initiative on SPCs, including the consultation of stakeholders and, as appropriate, further impact assessment work.

We will keep you informed of the progress of the file. Should you have any question, my services and I are at your disposal.

Please be aware that the same answer has been addressed to your honourable colleagues Vice-President Mr Antonio Tajani and Mr Antonio López-Istúriz White.

Yours sincerely,

A black rectangular box used to redact the signature of Elżbieta Bieńkowska.

Elżbieta Bieńkowska