

WRITTEN QUESTION E-0351/05

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to the Commission

Subject: Fresh start for the software directive legislative procedure

The repeated failure of the Council's attempts to have a common position on the directive on computer-implemented inventions (COM(2002) 92 final<sup>1</sup>) adopted as an 'A item' shows that an approach that fails to take due account of Parliament's amendments and changes in the political situation is doomed to failure.

The political situation has undergone major changes, with

- the entry into the Union of new Member States and the recent European Parliament elections,
- the emergence of evidence of the devastating impact - particularly on small businesses and innovation - of the patents system in force in the United States, with which the directive seeks to come into line,
- doubts arising in connection with the disproportionate and prohibitive cost of patent procedures, which would deepen the digital divide between large and small businesses.

1. Would the Commission not agree that the procedure for the adoption of the above directive should start afresh (Rules 51 and 55(4) of Parliament's Rules of Procedure) with the submission of a new Commission proposal?
2. Would it not agree that a fresh first reading by Parliament is necessary not least out of respect for the new Member States and their MEPs and in order to restore the credibility and transparency of the Community institutions, which have been undermined by the clumsy attempts to have a controversial directive adopted as an 'A item'?

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