

WRITTEN QUESTION E-3581/06  
by Michel Rocard (PSE)  
to the Commission

Subject: Separation of powers within the European Patent Judiciary set up under the EPLA (European Patent Litigation Agreement)

A Community system for settling patent disputes can only exist if it is fully part of the European legal order and is completely independent of the legislature and the executive, in line with the principle of separation of powers.

It follows that judges called on to issue rulings within the European Patent Judiciary may not concurrently hold or have held a post in the various chambers of the European Patent Office or within national offices responsible for issuing patents.

What steps has the Commission taken or does it intend to take in this regard?