

**Question for written answer E-011256/2013
to the Commission**

Rule 117

Amelia Andersdotter (Verts/ALE)

Subject: Unified Patent Court

On 26 July 2013 the Commission proposed¹ a regulation amending Regulation (EU) No 1215/2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (Brussels I Regulation (recast)).

According to the Commission's explanatory memorandum, this proposal aims in the first place to enable the entry into force of the Unified Patent Court (UPC) Agreement. The latter is an international agreement which was signed by some Member States on 19 February 2013. The European Union is not a party to this agreement.

Article 89(1) of the UPC Agreement provides that the Agreement cannot enter into force prior to the entry into force of the amendments to the Brussels I Regulation (recast) regulating the relationship between the two instruments. The aim of these amendments is twofold: firstly, to ensure compliance between the UPC Agreement and the Brussels I Regulation (recast); and secondly, to address the particular issue of jurisdiction rules vis-à-vis defendants in non-EU countries.

Given this proposal to amend the Brussels I Regulation (recast):

1. Does the Commission agree that the UPC Agreement affects or alters the scope of existing common rules, and specifically the Brussels I Regulation (recast)?

According to Article 3.2 TFEU and Court of Justice case-law², the Union has exclusive competence for the conclusion of an international agreement which might affect common rules or alter their scope.

2. Does the Commission not therefore consider the conclusion of the UPC Agreement by some Member States only, without the EU being a party, to be in breach of the EU's exclusive competence to conclude such an agreement?

¹ COM(2013)0554 – 2013/0268 (COD).

² Case C-370/12, *Thomas Pringle v Government of Ireland* (27 November 2012), 101.