

**Question for written answer E-002071/2022**  
**to the Commission**  
Rule 138  
**Ibán García Del Blanco (S&D)**

**Subject:** Anti-suit injunctions in cases involving standard essential patents

On 18 February 2022 the Commission announced that it had brought a complaint against China at the World Trade Organization (WTO) for the use of anti-suit injunctions in cases involving standard essential patents (SEPs). At the same time, some European courts routinely issue injunctions without assessing whether the patent holder has made a fair, reasonable and non-discriminatory offer for the use of standardised technology, thus exacerbating the harm to innovation, SMEs and consumers in Europe due to SEP abuse.

1. Before submitting the complaint at the WTO on behalf of the EU, did the Commission undertake a public consultation to better understand the issues affecting SEP holders seeking injunctions and licensees trying to defend themselves by seeking anti-suit injunctions? If not, will the Commission undertake such an assessment now? Will this consultation affect the WTO case launched by the Commission, and if so what will that impact be?
2. How does the Commission view its WTO complaint in light of the fact that the District Court of the Hague recently ruled that anti-suit injunctions should be judged on the facts of the case, rather than condemning the issuing of anti-suit injunctions by any country?