

VOTING LIST

on the Proposal for a Regulation of the European Parliament and of the Council on standard essential patents and amending Regulation (EU) 2017/1001

2023/0133(COD)

Rapporteur: Marion Walsmann

Draft report: (AMs 1-118) - Fdr 1286802- PE 753.697 v01-00
Amendments: (AMs 119 - 388) - Fdr 1289261 - PE 755.032v01-00
Amendments: (AMs 389 - 780) - Fdr 1289392 - PE 755.032v01-00
INTA opinion: Fdr 1291412 - PE 753.729v02-00
IMCO opinion: Fdr 1290925 - PE 753.649v03-00

Concerned text	AM	Tabled by	Remarks	Rapp	Vote
Articles 1 - 3	CA 1		If adopted, 233, 234, 235, 236, 237, 238, 239, IMCO 25, 23, INTA 24, 240, 243, 244, IMCO 26, 245, 249, IMCO 27, 250, 24, INTA 25, 253, 254, 255, 256, 257, IMCO 29, 25, INTA 26, 258, IMCO 30, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, IMCO 31, 26, INTA 28, IMCO 32, 27, 28, 29, IMCO 33, INTA 29, 30, 31, INTA 30, 32, IMCO 34, 33, 34, 35, INTA 31, 36, 37, 38, IMCO 35, 39, IMCO 36, 278, 279, 280, 281, 282, 283, 285, 286, 287, 288, 289, IMCO 37, 40, 41, IMCO 38, 42, 43, IMCO 39, 44, INTA 32, 45, 46, 47, 48, IMCO 40, 49, INTA 33, IMCO 41, IMCO 47, 119, 120, 1, INTA 1, 121, 2, 122, 123, 124, IMCO 1, 3, INTA	+	

			2, 125, 126, 127, 128, 129, 130, IMCO 2, 4, INTA 3, 131, 132, 133, 134, 135, IMCO 3, INTA 4, 136, IMCO 4, 137, 138, IMCO 5, INTA 5, 139, 5, 6, 140, 141, 142, 143, 7, 162, 163, IMCO 13, IMCO 21 and INTA 19 fall <i>If adopted, go to CA 2, p. 9</i>		
Article 1 – paragraph 1 – point c	233	Manders, Schreijer-Pierik	Falls if CA 1 adopted <i>Deletion</i>		
Article 1 – paragraph 1 – point c	234	Vázquez Lázara	Falls if CA 1 or 233 adopted		
Article 1 – paragraph 1 a (new)	235	Rinzema, Groothuis	Falls if CA 1 adopted		
Article 1 – paragraph 2 – introductory part	236	Rinzema, Groothuis	Falls if CA 1 adopted		
Article 1 – paragraph 2 – introductory part	237	Didier	Falls if CA 1 adopted		
Article 1 – paragraph 2 – introductory part	238	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 1 adopted		
Article 1 – paragraph 2 – introductory part	239	Breyer	Falls if CA 1 adopted		
Article 1 – paragraph 2 – introductory part	IMCO 25		Falls if CA 1 adopted		
Article 1 – paragraph 2 – introductory part	23	Walsmann	Falls if CA 1 adopted		
Article 1 – paragraph 2	INTA 24		Falls if CA 1 adopted		

Article 1 – paragraph 2 – point a	240	Maurel	Fall if CA 1 adopted Identical <i>Deletion</i>		
	241	Rinzema, Groothuis			
	242	Wölken, García Del Blanco, Repasi, Leitão-Marques			
Article 1 – paragraph 2 – point a	243	Didier	Falls if CA 1 or 240 adopted		
Article 1 – paragraph 2 – point a	244	Breyer	Falls if CA 1 or 240 adopted		
Article 1 – paragraph 2 – point a	IMCO 26		Falls if CA 1 or 240 adopted <i>Deletion</i>		
Article 1 – paragraph 2 – point b	245	Didier	Fall if CA 1 adopted Identical <i>Deletion</i>		
	246	Rinzema, Groothuis			
	247	Wölken, García Del Blanco, Repasi, Leitão-Marques			
	248	Breyer			
Article 1 – paragraph 2 – point b	249	Maurel	Falls if CA 1 or 245 adopted		
Article 1 – paragraph 2 – point b	IMCO 27		Falls if CA 1 or 245 adopted <i>Deletion</i>		
Article 1 – paragraph 3	250	Maurel	Fall if CA 1 adopted Identical <i>Deletion</i>		
	251	Rinzema, Groothuis, Schreijer-Pierik, Manders			
	252	Didier			
	IMCO 28				
Article 1 – paragraph 3	24	Walsmann	Falls if CA 1 or 250 adopted		
Article 1 – paragraph 3	INTA 25		Falls if CA 1 or 250 adopted		
Article 1 – paragraph 4	253	Maurel	Falls if CA 1 adopted <i>Deletion</i>		

Article 1 – paragraph 4	254	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 1 or 253 adopted		
Article 1 – paragraph 4	255	Rinzema, Groothuis	Falls if CA 1 or 253 adopted		
Article 1 – paragraph 4	256	Manders, Schreijer-Pierik	Falls if CA 1 or 253 adopted		
Article 1 – paragraph 4	257	Didier	Falls if CA 1 or 253 adopted		
Article 1 – paragraph 4	IMCO 29		Falls if CA 1 or 253 adopted <i>Deletion</i>		
Article 1 – paragraph 4	25	Walsmann	Falls if CA 1, 253 or IMCO 29 adopted		
Article 1 – paragraph 4	INTA 26		Falls if CA 1, 253 or IMCO 29 adopted		
Article 1 – paragraph 5	258	Maurel	Falls if CA 1 adopted		
Article 1 – paragraph 5	IMCO 30		Fall if CA 1 adopted Identical <i>Deletion</i>		
	INTA 27				
Article 2 – paragraph 1 – point 2	259	Didier	Falls if CA 1 adopted		
Article 2 – paragraph 1 – point 6	260	Maurel	Falls if CA 1 adopted		
Article 2 – paragraph 1 – point 7	261	Vázquez Lázara	Falls if CA 1 adopted		
Article 2 – paragraph 1 – point 7	262	Breyer	Falls if CA 1 adopted		
Article 2 – paragraph 1 – point 10	263	Didier	Falls if CA 1 adopted <i>Deletion</i>		
Article 2 – paragraph 1 – point 10	264	Maurel	Falls if CA 1 or 263 adopted		

Article 2 – paragraph 1 – point 11	265	Didier	Falls if CA 1 adopted <i>Deletion</i>		
Article 2 – paragraph 1 – point 11	266	Manders, Schreijer-Pierik	Falls if CA 1 or 265 adopted		
Article 2 – paragraph 1 – point 11	267	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 1 or 265 adopted		
Article 2 – paragraph 1 – point 12	268	Manders, Schreijer-Pierik	Falls if CA 1 adopted <i>Deletion</i>		
Article 2 – paragraph 1 – point 16	269	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 1 adopted		
Article 2 – paragraph 1 – point 18 a (new)	270	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 1 adopted		
Article 2 – paragraph 1 – point 18 a (new)	271	Manders, Schreijer-Pierik	Falls if CA 1 adopted		
Article 2 – paragraph 1 – point 18 b (new)	272	Manders, Schreijer-Pierik	Falls if CA 1 adopted		
Article 2 – paragraph 1 – point 18 c (new)	273	Manders, Schreijer-Pierik	Falls if CA 1 adopted		
Article 2 – paragraph 1 – point 18 d (new)	274	Manders, Schreijer-Pierik	Falls if CA 1 adopted		
Article 2 a (new)	275	Vázquez Lázara	Falls if CA 1 adopted		
Article 2 a (new)	276	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 1 adopted		
Article -3 (new)	277	Breyer	Falls if CA 1 adopted		

Article 2 – paragraph 1 – point 1	IMCO 31		Falls if CA 1 adopted		
Article 2 – paragraph 1 – point 1	26	Walsmann	Falls if CA 1 adopted		
Article 2 – paragraph 1 – point 1	INTA 28		Falls if CA 1 adopted		
Article 2 – paragraph 1 – point 2	IMCO 32		Falls if CA 1 adopted		
Article 2 – paragraph 1 – point 3	27	Walsmann	Falls if CA 1 adopted		
Article 2 – paragraph 1 – point 5 a (new)	28	Walsmann	Falls if CA 1 adopted		
Article 2 – paragraph 1 – point 6	29	Walsmann	Falls if CA 1 adopted		
Article 2 – paragraph 1 – point 7	IMCO 33		Falls if CA 1 adopted		
Article 2 – paragraph 1 – point 7	INTA 29		Falls if CA 1 adopted		
Article 2 – paragraph 1 – point 7 a (new)	30	Walsmann	Falls if CA 1 adopted		
Article 2 – paragraph 1 – point 10	31	Walsmann	Falls if CA 1 or 263 adopted		
Article 2 – paragraph 1 – point 10	INTA 30		Falls if CA 1 or 263 adopted <i>Deletion</i>		
Article 2 – paragraph 1 – point 10 a (new)	32	Walsmann	Falls if CA 1 adopted		
Article 2 – paragraph 1 – point 11	IMCO 34		Falls if CA 1 or 265 adopted		

Article 2 – paragraph 1 – point 11	33	Walsmann	Falls if CA 1 or 265 adopted		
Article 2 – paragraph 1 – point 13	34	Walsmann	Falls if CA 1 adopted		
Article 2 – paragraph 1 – point 16	35	Walsmann	Falls if CA 1 adopted		
Article 2 – paragraph 1 – point 16	INTA 31		Falls if CA 1 adopted		
Article 2 – paragraph 1 – point 17 a (new)	36	Walsmann	Falls if CA 1 adopted		
Article 2 – paragraph 1 – point 17 b (new)	37	Walsmann	Falls if CA 1 adopted		
Article 2 – paragraph 1 – point 17 c (new)	38	Walsmann	Falls if CA 1 adopted		
Article 2 – paragraph 1 – point 18 a (new)	IMCO 35		Falls if CA 1 adopted		
Article 2 – paragraph 1 – point 18 a (new)	39	Walsmann	Falls if CA 1 adopted		
Article 2 a (new)	IMCO 36		Falls if CA 1 adopted		
Article 3 – paragraph 1	278	Breyer	Falls if CA 1 adopted		
Article 3 – paragraph 2 – point b	279	Vázquez Lázara	Falls if CA 1 adopted		
Article 3 – paragraph 2 – point c	280	Manders, Schreijer-Pierik	Falls if CA 1 adopted <i>Deletion</i>		

Article 3 – paragraph 2 – point c	281	Vázquez Lázara	Falls if CA 1 or 280 adopted		
Article 3 – paragraph 2 – point e	282	Vázquez Lázara	Falls if CA 1 adopted		
Article 3 – paragraph 2 – point f	283	Didier	Fall if CA 1 adopted Identical <i>Deletion</i>		
	284	Rinzema, Groothuis, Schreijer-Pierik, Manders			
Article 3 – paragraph 2 – point f	285	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 1 or 283 adopted		
Article 3 – paragraph 2 – point g – point i	286	Manders, Schreijer-Pierik	Falls if CA 1 adopted <i>Deletion</i>		
Article 3 – paragraph 2 – point g – point i	287	Maurel	Falls if CA 1 or 286 adopted		
Article 3 – paragraph 2 – point g – point i	288	Vázquez Lázara, Rinzema	Falls if CA 1 or 286 adopted		
Article 3 – paragraph 2 – point j	289	Maurel	Falls if CA 1 adopted		
Article 3 – paragraph 2 – point a	IMCO 37		Falls if CA 1 adopted		
Article 3 – paragraph 2 – point a	40	Walsmann	Falls if CA 1 adopted		
Article 3 – paragraph 2 – point b	41	Walsmann	Falls if CA 1 adopted		
Article 3 – paragraph 2 – point c	IMCO 38		Falls if CA 1 or 280 adopted		
Article 3 – paragraph 2 – point c	42	Walsmann	Falls if CA 1 or 280 adopted		

Article 3 – paragraph 2 – point d	43	Walsmann	Falls if CA 1 adopted		
Article 3 – paragraph 2 – point f	IMCO 39		Falls if CA 1 or 283 adopted		
Article 3 – paragraph 2 – point f	44	Walsmann	Falls if CA 1 or 283 adopted		
Article 3 – paragraph 2 – point f	INTA 32		Falls if CA 1 or 283 adopted <i>Deletion</i>		
Article 3 – paragraph 2 – point g – point i	45	Walsmann	Falls if CA 1 or 286 adopted		
Article 3 – paragraph 2 – point g – point ii	46	Walsmann	Falls if CA 1 adopted		
Article 3 – paragraph 2 – point g – point iii	47	Walsmann	Falls if CA 1 adopted		
Article 3 – paragraph 2 – point g – point iv	48	Walsmann	Falls if CA 1 adopted		
Article 3 – paragraph 2 – point h	IMCO 40		Falls if CA 1 adopted		
Article 3 – paragraph 2 – point h	49	Walsmann	Falls if CA 1 adopted		
Article 3 – paragraph 3	INTA 33		Falls if CA 1 adopted		
Article 3 – paragraph 3 a (new)	IMCO 41		Falls if CA 1 adopted		
Articles 4 - 13	CA 2		If adopted, 290, 291, 50, 51, 292, 293, 52, 294, 53, IMCO 42, 54, 55, 302, 295, 296, 297, 298, 299, IMCO 43, INTA 34, 56, 300, INTA 35,	+	

			301, 303, IMCO 44, 304, IMCO 45, 57, IMCO 46, 305, 306, 58, 307, IMCO 47, 59, 308, IMCO 48, 60, INTA 36, 309, 310, 312, 313, INTA 38, 314, 316, IMCO 49, 317, 318, 319, IMCO 50, 61, 320, 321, 62, 322, IMCO 51, 63, INTA 39, 323, 324, 325, IMCO 52, 326, 327, IMCO 53, 328, IMCO 54, 329, IMCO 55, INTA 40, 330, 64, INTA 41, 331, IMCO 56, 332, 333, 334, 335, 336, 337, IMCO 57, 65, 338, IMCO 58, 339, 340, 66, 341, 342, 343, 344, 345, 346, IMCO 59, 67, 347, 348, IMCO 60, 68, 69, 70, 349, IMCO 61, 71, IMCO 62, 72, 350, 73, 351, 352, IMCO 63, INTA 42, IMCO 64, 74, INTA 43, 353, 354, 355, 356, 357, IMCO 65, 75, 358, 359, 360, 144, 145, 146, IMCO 6, 8, INTA 6, 147, 9, 148, 10, 149, 150, 151, 152, IMCO 7, 11, INTA 7 and IMCO 13 fall <i>If adopted, go to CA 3, p. 19</i>		
Article -4 (new)	290	Manders, Schreijer-Pierik	Falls if CA 2 adopted		
Article 4 – paragraph 1	291	Manders, Schreijer-Pierik	Falls if CA 2 adopted <i>Deletion</i>		
Article 4 – paragraph 1	50	Walsmann	Falls if CA 2 or 291 adopted		
Article 4 – paragraph 2	51	Walsmann	Falls if CA 2 adopted <i>Deletion</i>		
Article 4 – paragraph 3 – point b	292	Lebreton	Falls if CA 2 adopted		
Article 4 – paragraph 3 – point c	293	Didier	Falls if CA 2 adopted		
Article 4 – paragraph 3 – point f	52	Walsmann	Falls if CA 2 adopted		

Article 4 – paragraph 3 – point h	294	Breyer	Falls if CA 2 adopted		
Article 4 – paragraph 3 – point h	53	Walsmann	Falls if CA 2 adopted		
Article 4 – paragraph 3 – point i	IMCO 42		Falls if CA 2 adopted		
Article 4 – paragraph 3 – point i	54	Walsmann	Falls if CA 2 adopted		
Article 4 – paragraph 3 – point j	55	Walsmann	Falls if CA 2 adopted		
Article 4 – paragraph 4 – point i	302	Manders, Schreijer-Pierik	Falls if CA 2 adopted <i>Deletion</i>		
Article 4 – paragraph 4 – point b	295	Rinzema, Groothuis, Schreijer-Pierik, Manders	Falls if CA 2 adopted <i>Deletion</i>		
Article 4 – paragraph 4 – point c	296	Manders, Schreijer-Pierik	Falls if CA 2 adopted <i>Deletion</i>		
Article 4 – paragraph 4 – point c	297	Rinzema, Groothuis	Falls if CA 2 or 296 adopted		
Article 4 – paragraph 4 – point c	298	Vázquez Lázara, Rinzema	Falls if CA 2 or 296 adopted		
Article 4 – paragraph 4 – point c	299	Didier	Falls if CA 2 or 296 adopted		
Article 4 – paragraph 4 – point c	IMCO 43		Falls if CA 2 or 296 adopted		
Article 4 – paragraph 4 – point c	INTA 34		Falls if CA 2 or 296 adopted		
Article 4 – paragraph 4 – point d	56	Walsmann	Falls if CA 2 adopted		

Article 4 – paragraph 4 – point f	300	Rinzema, Groothuis, Schreijer-Pierik, Manders	Falls if CA 2 adopted		
Article 4 – paragraph 4 – point f	INTA 35		Falls if CA 2 adopted		
Article 4 – paragraph 4 – point g	301	Rinzema, Groothuis, Schreijer-Pierik, Manders	Falls if CA 2 adopted <i>Deletion</i>		
Article 4 – paragraph 4 a (new)	303	Didier	Falls if CA 2 adopted		
Article 4 – paragraph 4 a (new)	IMCO 44		Falls if CA 2 adopted		
Article 4 – paragraph 7	304	Maurel	Falls if CA 2 adopted		
Article 5 – paragraph 1	IMCO 45		Falls if CA 2 adopted		
Article 5 – paragraph 1	57	Walsmann	Falls if CA 2 adopted		
Article 5 – paragraph 2 – introductory part	IMCO 46		Falls if CA 2 adopted		
Article 5 – paragraph 2 – point b	305	Didier	Falls if CA 2 adopted <i>Deletion</i>		
Article 5 – paragraph 2 – point b	306	Breyer	Falls if CA 2 or 305 adopted		
Article 5 – paragraph 2 – point b	58	Walsmann	Falls if CA 2 or 305 adopted		
Article 5 – paragraph 2 – point b a (new)	307	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 2 adopted		
Article 5 – paragraph 2 – point c	IMCO 47		Falls if CA 1 or CA 2 adopted		
Article 5 – paragraph 2 – point c	59	Walsmann	Falls if CA 2 adopted		

Article 5 – paragraph 2 – point d	308	Didier	Falls if CA 2 adopted		
Article 5 – paragraph 2 – point d	IMCO 48		Falls if CA 2 adopted		
Article 5 – paragraph 2 – point d	60	Walsmann	Falls if CA 2 adopted		
Article 5 – paragraph 2 – point d	INTA 36		Falls if CA 2 adopted		
Article 5 – paragraph 2 – point f	309	Rinzema, Groothuis, Schreijer-Pierik, Manders	Falls if CA 2 adopted <i>Deletion</i>		
Article 5 – paragraph 2 – point g	310	Maurel	Fall if CA 2 adopted Identical <i>Deletion</i>		
	311	Rinzema, Groothuis, Schreijer-Pierik, Manders			
	INTA 37				
Article 5 – paragraph 2 – point h	312	Rinzema, Groothuis, Schreijer-Pierik, Manders	Falls if CA 2 adopted <i>Deletion</i>		
Article 5 – paragraph 2 – point h	313	Maurel	Falls if CA 2 or 312 adopted		
Article 5 – paragraph 2 – point h	INTA 38		Falls if CA 2 or 312 adopted <i>Deletion</i>		
Article 5 – paragraph 2 – point j	314	Vázquez Lázara, Rinzema	Fall if CA 2 adopted Identical <i>Deletion</i>		
	315	Manders, Schreijer-Pierik			
Article 5 – paragraph 2 – point k	316	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 2 adopted		
Article 5 – paragraph 2 – point k	IMCO 49		Falls if CA 2 adopted		

Article 5 – paragraph 2 a (new)	317	Didier	Falls if CA 2 adopted		
Article 5 – paragraph 3	318	Breyer	Falls if CA 2 adopted		
Article 5 – paragraph 3	319	Maurel	Falls if CA 2 adopted		
Article 5 – paragraph 3	IMCO 50		Falls if CA 2 adopted		
Article 5 – paragraph 3	61	Walsmann	Falls if CA 2 adopted		
Article 5 – paragraph 4	320	Lebreton	Falls if CA 2 adopted		
Article 5 – paragraph 4	321	Breyer	Falls if CA 2 adopted		
Article 5 – paragraph 4	62	Walsmann	Falls if CA 2 adopted		
Article 6 – paragraph 1	322	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 2 adopted		
Article 6 – paragraph 1	IMCO 51		Falls if CA 2 adopted		
Article 6 – paragraph 1	63	Walsmann	Falls if CA 2 adopted		
Article 6 – paragraph 1	INTA 39		Falls if CA 2 adopted		
Article 6 – paragraph 5	323	Maurel	Falls if CA 2 adopted		
Article 7 – paragraph 1 – introductory part	324	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 2 adopted		
Article 7 – paragraph 1 – introductory part	325	Didier	Falls if CA 2 adopted		
Article 7 – paragraph 1 – introductory part	IMCO 52		Falls if CA 2 adopted		

Article 7 – paragraph 1 – point a	326	Maurel	Falls if CA 2 adopted		
Article 7 – paragraph 1 – point a	327	Didier	Falls if CA 2 adopted		
Article 7 – paragraph 1 – point a	IMCO 53		Falls if CA 2 adopted		
Article 7 – paragraph 1 – point b	328	Didier	Falls if CA 2 adopted <i>Deletion</i>		
Article 7 – paragraph 1 – point b	IMCO 54		Falls if CA 2 or 328 adopted		
Article 7 – paragraph 1 a (new)	329	Breyer	Falls if CA 2 adopted		
Article 7 – paragraph 1 a (new)	IMCO 55		Falls if CA 2 adopted		
Article 7 – paragraph 1 a (new)	INTA 40		Falls if CA 2 adopted		
Article 8	330	Manders, Schreijer-Pierik	Falls if CA 2 adopted <i>Deletion</i>		
Article 8 – title	64	Walsmann	Falls if CA 2 or 330 adopted		
Article 8	INTA 41		Falls if CA 2 or 330 adopted		
Article 8 – paragraph 1 – introductory part	331	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 2 or 330 adopted		
Article 8 – paragraph 1 – introductory part	IMCO 56		Falls if CA 2 or 330 adopted		
Article 8 – paragraph 1 – point a	332	Breyer	Falls if CA 2 or 330 adopted		
Article 8 – paragraph 1 – point a	333	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 2 or 330 adopted		

Article 8 – paragraph 1 – point b	334	Didier	Falls if CA 2 or 330 adopted		
Article 8 – paragraph 1 – point b	335	Rinzema, Groothuis	Falls if CA 2 or 330 adopted		
Article 8 – paragraph 1 – point b	336	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 2 or 330 adopted		
Article 8 – paragraph 1 – point b	337	Maurel	Falls if CA 2 or 330 adopted		
Article 8 – paragraph 1 – point b	IMCO 57		Falls if CA 2 or 330 adopted		
Article 8 – paragraph 1 – point b	65	Walsmann	Falls if CA 2 or 330 adopted		
Article 8 – paragraph 1 – point b a (new)	338	Didier	Falls if CA 2 or 330 adopted		
Article 8 – paragraph 1 – point b a (new)	IMCO 58		Falls if CA 2 or 330 adopted		
Article 9	339	Didier	Falls if CA 2 adopted <i>Deletion</i>		
Article 9 – paragraph 1	340	Didier	Falls if CA 2 or 339 adopted <i>Deletion</i>		
Article 9 – paragraph 1 – introductory part	66	Walsmann	Falls if CA 2, 339 or 340 adopted		
Article 9 – paragraph 1 – point a a (new)	341	Breyer	Falls if CA 2, 339 or 340 adopted		
Article 9 – paragraph 1 – point c	342	Rinzema, Groothuis, Schreijer-Pierik, Manders	Falls if CA 2, 339 or 340 adopted <i>Deletion</i>		
Article 9 – paragraph 1 – point d	343	Rinzema, Groothuis, Schreijer-Pierik, Manders	Falls if CA 2, 339 or 340 adopted <i>Deletion</i>		

Article 9 – paragraph 1 – point e	344	Rinzema, Groothuis, Schreijer-Pierik, Manders	Falls if CA 2, 339 or 340 adopted <i>Deletion</i>		
Article 9 – paragraph 1 – point g	345	Maurel	Falls if CA 2, 339 or 340 adopted		
Article 9 – paragraph 1 – point g	346	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 2, 339 or 340 adopted		
Article 9 – paragraph 1 – point g	IMCO 59		Falls if CA 2, 339 or 340 adopted		
Article 9 – paragraph 1 – point g	67	Walsmann	Falls if CA 2, 339 or 340 adopted		
Article 9 – paragraph 1 – point h	347	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 2, 339 or 340 adopted		
Article 9 – paragraph 1 – point h	348	Breyer	Falls if CA 2, 339 or 340 adopted		
Article 9 – paragraph 1 – point h	IMCO 60		Falls if CA 2, 339 or 340 adopted		
Article 9 – paragraph 1 – point h	68	Walsmann	Falls if CA 2, 339 or 340 adopted		
Article 9 – paragraph 1 – point i	69	Walsmann	Falls if CA 2, 339 or 340 adopted		
Article 9 – paragraph 1 – point k	70	Walsmann	Falls if CA 2, 339 or 340 adopted		
Article 9 – paragraph 1 a (new)	349	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 2 or 339 adopted		
Article 9 – paragraph 1 a (new)	IMCO 61		Falls if CA 2 or 339 adopted		
Article 9 – paragraph 1 a (new)	71	Walsmann	Falls if CA 2 or 339 adopted		

Article 9 – paragraph 1 b (new)	IMCO 62		Falls if CA 2 or 339 adopted		
Article 9 – paragraph 1 b (new)	72	Walsmann	Falls if CA 2 or 339 adopted		
Article 10 – paragraph 1 – introductory part	350	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 2 adopted		
Article 10 – paragraph 1 – point b	73	Walsmann	Falls if CA 2 adopted		
Article 11	351	Didier	Falls if CA 2 adopted <i>Deletion</i>		
Article 11 – paragraph 1	352	Złotowski	Falls if CA 2 or 351 adopted		
Article 11 – paragraph 1	IMCO 63		Falls if CA 2 or 351 adopted		
Article 12 – paragraph 1	INTA 42		Falls if CA 2 adopted		
Article 12 – paragraph 2	IMCO 64		Falls if CA 2 adopted		
Article 12 – paragraph 2	74	Walsmann	Falls if CA 2 adopted		
Article 12 – paragraph 2 a (new)	INTA 43		Falls if CA 2 adopted		
Article 13 – paragraph 1	353	Breyer	Falls if CA 2 adopted		
Article 13 – paragraph 1	354	Maurel	Falls if CA 2 adopted		
Article 13 – paragraph 2 – point a	355	Manders, Schreijer-Pierik	Falls if CA 2 adopted		
Article 13 – paragraph 2 – point a	356	Vázquez Lázara, Rinzema	Falls if CA 2 adopted		
Article 13 – paragraph 2 – point c a (new)	357	Breyer	Falls if CA 2 adopted		

Article 13 – paragraph 2 – point c a (new)	IMCO 65		Falls if CA 2 adopted		
Article 13 – paragraph 2 – point d a (new)	75	Walsmann	Falls if CA 2 adopted		
Article 13 – paragraph 3	358	Breyer	Falls if CA 2 adopted		
Article 13 a (new)	359	Breyer	Falls if CA 2 adopted		
Article 13 a (new)	360	Didier	Falls if CA 2 adopted		
Articles 14-18	CA 3		If adopted, 361, 362, IMCO 66, 76, 363, 364, 365, 366, IMCO 67, IMCO 68, 77, IMCO 69, 367, 370, 78, 371, 372, 373, 376, 377, 79, INTA 46, 380, IMCO 70, IMCO 71, 80, 381, IMCO 72, 382, 383, IMCO 73, 384, 385, IMCO 74, 386, 387, IMCO 75, IMCO 76, 389, 390, 391, 388, 81, INTA 47, 392, IMCO 77, IMCO 78, 393, IMCO 79, IMCO 80, 394, IMCO 81, 82, 395, 396, IMCO 82, 397, 398, 399, 400, 401, IMCO 83, 402, 403, 404, IMCO 84, 405, 406, IMCO 85, 407, 83, 84, 408, 409, 410, 85, 411, 412, 413, 414, 415, IMCO 86, 86, 416, 417, 153, 154, 155, IMCO 8, 12, INTA 8 and 13 fall <i>If adopted, go to CA 4, p. 25</i>	+	
Chapter 2 – title	361	Manders, Schreijer-Pierik	Falls if CA 3 adopted		
Article 14 – paragraph 1 – introductory part	362	Didier	Falls if CA 3 adopted		
Article 14 – paragraph 1 – introductory part	IMCO 66		Falls if CA 3 adopted		

Article 14 – paragraph 1 – introductory part	76	Walsmann	Falls if CA 3 adopted		
Article 14 – paragraph 1 – point d	363	Didier	Falls if CA 3 adopted <i>Deletion</i>		
Article 14 – paragraph 2	364	Maurel	Falls if CA 3 adopted		
Article 14 – paragraph 2	365	Didier	Falls if CA 3 adopted		
Article 14 – paragraph 3	366	Maurel	Falls if CA 3 adopted		
Article 14 – paragraph 4 a (new)	IMCO 67		Falls if CA 3 adopted		
Article 14 – paragraph 5	IMCO 68		Falls if CA 3 adopted		
Article 14 – paragraph 5	77	Walsmann	Falls if CA 3 adopted		
Article 14 – paragraph 6	IMCO 69		Falls if CA 3 adopted		
Article 15	367	Maurel	Fall if CA 3 adopted Identical <i>Deletion</i>		
	368	Rinzema, Groothuis, Schreijer-Pierik, Manders			
	369	Didier			
	INTA 44				
Article 15 – paragraph 1	370	Breyer	Falls if CA 3 or 367 adopted		
Article 15 – paragraph 1	78	Walsmann	Falls if CA 3 or 367 adopted		
Article 15 – paragraph 2 – point c	371	Breyer	Falls if CA 3 or 367 adopted		
Article 15 – paragraph 2 – point f	372	Breyer	Falls if CA 3 or 367 adopted		
Article 16	373	Maurel			

	374	Rinzema, Groothuis, Schreijer-Pierik, Manders	Fall if CA 3 adopted Identical <i>Deletion</i>		
	375	Didier			
	INTA 45				
Article 16 – paragraph 1	376	Breyer	Falls if CA 3 or 373 adopted		
Article 17	377	Maurel	Fall if CA 3 adopted Identical <i>Deletion</i>		
	378	Rinzema, Groothuis, Schreijer-Pierik, Manders			
	379	Didier			
Article 17 – title	79	Walsmann	Falls if CA 3 or 377 adopted		
Article 17	INTA 46		Falls if CA 3 or 377 adopted <i>Deletion</i>		
Article 17 – paragraph 1	380	Breyer	Falls if CA 3, 377 or INTA 46 adopted		
Article 17 – paragraph 1	IMCO 70		Falls if CA 3, 377 or INTA 46 adopted		
Article 17 – paragraph 2 a (new)	IMCO 71		Falls if CA 3, 377 or INTA 46 adopted		
Article 17 – paragraph 3 – point e	80	Walsmann	Falls if CA 3, 377 or INTA 46 adopted		
Article 17 – paragraph 4 a (new)	381	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 3, 377 or INTA 46 adopted		
Article 17 – paragraph 4 a (new)	IMCO 72		Falls if CA 3, 377 or INTA 46 adopted		
Article 17 – paragraph 5	382	Breyer	Falls if CA 3, 377 or INTA 46 adopted		
Article 17 – paragraph 5	383	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 3, 377 or INTA 46 adopted		
Article 17 – paragraph 5	IMCO 73		Falls if CA 3, 377 or INTA 46 adopted		

Article 17 – paragraph 6	384	Breyer	Falls if CA 3, 377 or INTA 46 adopted		
Article 17 – paragraph 6	385	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 3, 377 or INTA 46 adopted		
Article 17 – paragraph 6	IMCO 74		Falls if CA 3, 377 or INTA 46 adopted		
Article 17 – paragraph 7	386	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 3, 377 or INTA 46 adopted		
Article 17 – paragraph 7	387	Breyer	Falls if CA 3, 377 or INTA 46 adopted		
Article 17 – paragraph 7	IMCO 75		Falls if CA 3, 377 or INTA 46 adopted		
Article 17 – paragraph 8	IMCO 76		Falls if CA 3, 377 or INTA 46 adopted		
Article 18	389	Rinzema, Groothuis, Schreijer-Pierik, Manders	Falls if CA 3 adopted <i>Deletion</i>		
Article 18 – title	390	Vázquez Lázara	Falls if CA 3 or 389 adopted		
Article 18 – title	391	Maurel	Falls if CA 3 or 389 adopted		
Article 18	388	Didier	Falls if CA 3 or 389 adopted <i>Deletion</i>		
Article 18 – title	81	Walsmann	Falls if CA 3, 389 or 388 adopted		
Article 18	INTA 47		Falls if CA 3, 389 or 388 adopted <i>Deletion</i>		
Article 18 – paragraph 1	392	Maurel	Falls if CA 3, 389, 388 or INTA 47 adopted		
Article 18 – paragraph 1	IMCO 77		Falls if CA 3, 389, 388 or INTA 47 adopted		
Article 18 – paragraph 2 – introductory part	IMCO 78		Falls if CA 3, 389, 388 or INTA 47 adopted		
Article 18 – paragraph 2 – point b a (new)	393	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 3, 389, 388 or INTA 47 adopted		

Article 18 – paragraph 2 a (new)	IMCO 79		Falls if CA 3, 389, 388 or INTA 47 adopted		
Article 18 – paragraph 3 – point d a (new)	IMCO 80		Falls if CA 3, 389, 388 or INTA 47 adopted		
Article 18 – paragraph 4	394	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 3, 389, 388 or INTA 47 adopted		
Article 18 – paragraph 4	IMCO 81		Falls if CA 3, 389, 388 or INTA 47 adopted		
Article 18 – paragraph 4	82	Walsmann	Falls if CA 3, 389, 388 or INTA 47 adopted		
Article 18 – paragraph 5	395	Złotowski	Falls if CA 3, 389, 388 or INTA 47 adopted		
Article 18 – paragraph 5	396	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 3, 389, 388 or INTA 47 adopted		
Article 18 – paragraph 5	IMCO 82		Falls if CA 3, 389, 388 or INTA 47 adopted		
Article 18 – paragraph 6	397	Vázquez Lázara	Falls if CA 3, 389, 388 or INTA 47 adopted		
Article 18 – paragraph 6	398	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 3, 389, 388 or INTA 47 adopted		
Article 18 – paragraph 6	399	Maurel	Falls if CA 3, 389, 388 or INTA 47 adopted		
Article 18 – paragraph 6	400	Złotowski	Falls if CA 3, 389, 388 or INTA 47 adopted		
Article 18 – paragraph 6	401	Walsmann	Falls if CA 3, 389, 388 or INTA 47 adopted		
Article 18 – paragraph 6	IMCO 83		Falls if CA 3, 389, 388 or INTA 47 adopted		
Article 18 – paragraph 8 – introductory part	402	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 3, 389, 388 or INTA 47 adopted		
Article 18 – paragraph 8 – introductory part	403	Maurel	Falls if CA 3, 389, 388 or INTA 47 adopted		

Article 18 – paragraph 8 – introductory part	404	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 3, 389, 388 or INTA 47 adopted		
Article 18 – paragraph 8 – introductory part	IMCO 84		Falls if CA 3, 389, 388 or INTA 47 adopted		
Article 18 – paragraph 8 – point b a (new)	405	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 3, 389, 388 or INTA 47 adopted		
Article 18 – paragraph 8 – point b a (new)	406	Vázquez Lázara	Falls if CA 3, 389, 388 or INTA 47 adopted		
Article 18 – paragraph 8 – point b a (new)	IMCO 85		Falls if CA 3, 389, 388 or INTA 47 adopted		
Article 18 – paragraph 8 a (new)	407	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 3, 389, 388 or INTA 47 adopted		
Article 18 – paragraph 8 a (new)	83	Walsmann	Falls if CA 3, 389, 388 or INTA 47 adopted		
Article 18 – paragraph 9 – introductory part	84	Walsmann	Falls if CA 3, 389, 388 or INTA 47 adopted		
Article 18 – paragraph 9 – point a	408	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 3, 389, 388 or INTA 47 adopted		
Article 18 – paragraph 9 – point a	409	Maurel	Falls if CA 3, 389, 388 or INTA 47 adopted		
Article 18 – paragraph 9 – point a	410	Maurel	Falls if CA 3, 389, 388 or INTA 47 adopted		
Article 18 – paragraph 9 – point a	85	Walsmann	Falls if CA 3, 389, 388 or INTA 47 adopted		
Article 18 – paragraph 9 – point b	411	Maurel	Falls if CA 3, 389, 388 or INTA 47 adopted		

Article 18 – paragraph 10	412	Maurel	Falls if CA 3, 389, 388 or INTA 47 adopted		
Article 18 – paragraph 10	413	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 3, 389, 388 or INTA 47 adopted		
Article 18 – paragraph 11	414	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 3, 389, 388 or INTA 47 adopted		
Article 18 – paragraph 11	415	Maurel	Falls if CA 3, 389, 388 or INTA 47 adopted		
Article 18 – paragraph 11	IMCO 86		Falls if CA 3, 389, 388 or INTA 47 adopted		
Article 18 – paragraph 11	86	Walsmann	Falls if CA 3, 389, 388 or INTA 47 adopted		
Article 18 – paragraph 12	416	Maurel	Falls if CA 3, 389, 388 or INTA 47 adopted		
Article 18 – paragraph 13	417	Maurel	Falls if CA 3, 389, 388 or INTA 47 adopted		
Articles 19-25	CA 4		If adopted, 418, 419, IMCO 87, INTA 48, 420, IMCO 88, 421, 423, IMCO 89, INTA 49, IMCO 90, 424, 87, 425, 426, 427, IMCO 91, 428, INTA 50, 429, 431, INTA 51, 432, IMCO 92, 433, 435, 88, INTA 52, 89, INTA 53, 436, 437, 439, INTA 54, 440, 442, 90, 443, 446, 447, 448, IMCO 93, IMCO 94, 449, 450, IMCO 95, 451, 452, 453, 454, 455, 457, 458, IMCO 96, 459, 156, IMCO 9, INTA 9, 157, 158, 161, IMCO 10, INTA 10, 162, 163, 164, INTA 11, 165, 166, 167, IMCO 11, 186, 188, 189, 190, 191 and 192 fall <i>If adopted, go to CA 5, p. 29</i>	+	
Article 19 – paragraph 1 – introductory part	418	Didier	Falls if CA 4 adopted		
Article 19 – paragraph 1 –	419	Rinzema, Groothuis	Falls if CA 4 adopted		

introductory part					
Article 19 – paragraph 1 – introductory part	IMCO 87		Falls if CA 4 adopted		
Article 19 – paragraph 1	INTA 48		Falls if CA 4 adopted		
Article 19 – paragraph 1 – point a	420	Didier	Falls if CA 4 adopted <i>Deletion</i>		
Article 19 – paragraph 1 – point a	IMCO 88		Falls if CA 4 or 420 adopted		
Article 19 – paragraph 1 – point b	421	Rinzema, Groothuis, Schreijer-Pierik, Manders	Fall if CA 4 adopted Identical <i>Deletion</i>		
	422	Didier			
Article 19 – paragraph 2	423	Rinzema, Groothuis	Falls if CA 4 adopted		
Article 19 – paragraph 2	IMCO 89		Falls if CA 4 adopted		
Article 19 – paragraph 2	INTA 49		Falls if CA 4 adopted		
Article 20 – paragraph 1	IMCO 90		Falls if CA 4 adopted		
Article 20 – paragraph 5	424	Niebler	Falls if CA 4 adopted		
Article 20 – paragraph 5	87	Walsmann	Falls if CA 4 adopted		
Article 20 – paragraph 6	425	Manders, Schreijer-Pierik	Falls if CA 4 adopted		
Article 22	426	Manders, Schreijer-Pierik	Falls if CA 4 adopted <i>Deletion</i>		
Article 22 – paragraph 1	427	Rinzema, Groothuis	Falls if CA 4 or 426 adopted		
Article 22 – paragraph 1	IMCO 91		Falls if CA 4 or 426 adopted		
Article 22 – paragraph 3	428	Rinzema, Groothuis	Falls if CA 4 or 426 adopted		

Article 22 – paragraph 3	INTA 50		Falls if CA 4 or 426 adopted		
Article 22 – paragraph 4	429	Rinzema, Groothuis, Schreijer-Pierik, Manders	Fall if CA 4 or 426 adopted Identical <i>Deletion</i>		
	430	Didier			
Article 22 – paragraph 4	431	Maurel	Falls if CA 4, 426 or 429 adopted		
Article 22 – paragraph 4	INTA 51		Falls if CA 4, 426 or 429 adopted		
Article 22 – paragraph 4 a (new)	432	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 4 or 426 adopted		
Article 22 – paragraph 4 a (new)	IMCO 92		Falls if CA 4 or 426 adopted		
Article 22 – paragraph 5	433	Didier	Fall if CA 4 or 426 adopted Identical <i>Deletion</i>		
	434	Rinzema, Groothuis, Schreijer-Pierik, Manders			
Article 23 – paragraph 1	435	Maurel	Falls if CA 4 adopted		
Article 23 – paragraph 3	88	Walsmann	Falls if CA 4 adopted		
Article 23 – paragraph 3	INTA 52		Falls if CA 4 adopted		
Article 23 – paragraph 4 – introductory part	89	Walsmann	Falls if CA 4 adopted		
Article 23 – paragraph 4 – introductory part	INTA 53		Falls if CA 4 adopted		
Article 23 – paragraph 4 – point c a (new)	436	Maurel	Falls if CA 4 adopted		
Article 23 – paragraph 5	437	Rinzema, Groothuis, Schreijer-Pierik, Manders	Fall if CA 4 adopted Identical <i>Deletion</i>		
	438	Didier			

Article 23 – paragraph 5	439	Maurel	Falls if CA 4 or 437 adopted		
Article 23 – paragraph 5	INTA 54		Falls if CA 4 or 437 adopted		
Article 23 – paragraph 6	440	Didier	Fall if CA 4 adopted Identical <i>Deletion</i>		
	441	Rinzema, Groothuis, Schreijer-Pierik, Manders			
Article 23 – paragraph 7	442	Manders, Schreijer-Pierik	Falls if CA 4 adopted <i>Deletion</i>		
Article 23 – paragraph 8	90	Walsmann	Falls if CA 4 adopted		
Article 24	443	Rinzema, Groothuis, Schreijer-Pierik, Manders	Fall if CA 4 adopted Identical <i>Deletion</i>		
	444	Didier			
	445	Niebler			
Article 24 – paragraph 1	446	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 4 or 443 adopted <i>Deletion</i>		
Article 24 – paragraph 1	447	Breyer	Falls if CA 4, 443 or 446 adopted		
Article 24 – paragraph 2	448	Breyer	Falls if CA 4 or 443 adopted <i>Deletion</i>		
Article 24 – paragraph 2	IMCO 93		Falls if CA 4, 443 or 448 adopted		
Article 24 – paragraph 2 a (new)	IMCO 94		Falls if CA 4 or 443 adopted		
Article 24 – paragraph 3	449	Breyer	Falls if CA 4 or 443 adopted <i>Deletion</i>		
Article 24 – paragraph 3	450	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 4, 443 or 449 adopted		
Article 24 – paragraph 3	IMCO 95		Falls if CA 4, 443 or 449 adopted <i>Deletion</i>		
Article 24 – paragraph 4	451	Breyer	Falls if CA 4 or 443 adopted <i>Deletion</i>		

Article 24 – paragraph 4	452	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 4, 443 or 451 adopted		
Article 24 – paragraph 5	453	Breyer	Falls if CA 4 or 443 adopted <i>Deletion</i>		
Article 24 – paragraph 5	454	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 4, 443 or 453 adopted		
Article 25 – paragraph 1 – point d	455	Manders, Schreijer-Pierik	Fall if CA 4 adopted Identical <i>Deletion</i>		
	456	Vázquez Lázara, Rinzema			
Article 25 – paragraph 2	457	Manders, Schreijer-Pierik	Falls if CA 4 adopted		
Article 25 – paragraph 2	458	Vázquez Lázara, Rinzema	Falls if CA 4 adopted		
Article 25 – paragraph 3	IMCO 96		Falls if CA 4 adopted		
Article 25 – paragraph 3 a (new)	459	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 4 adopted		
Articles 26-33	CA 5		If adopted, 460, 461, 462, 464, 465, 466, INTA 55, 467, 470, 471, 473, 474, 475, 476, 477, 91, 478, IMCO 97, 480, 481, 482, 483, IMCO 98, INTA 56, 484, 485, 486, 487, IMCO 99, 488, 489, 490, INTA 57, 491, IMCO 100, 492, 493, 494, IMCO 101, 92, INTA 58, 495, 497, 498, 499, 500, 501, 502, 503, 504, IMCO 102, 505, 506, 507, 508, 509, 510, 511, 512, IMCO 103, 93, IMCO 104, IMCO 105, 94, IMCO 106, 95, 513, 514, 516, 517, 518, 519, 520, 521, IMCO 107, 522, 523, 524, 525, 526, 527, 528, 529, 530, IMCO 108, 531, IMCO 109, 168, 170, IMCO 12, 171, IMCO 13, 173, INTA 12, 176, 177, 179, 14, 180, 181, 182, 184 and 15 fall <i>If adopted, go to CA 6, p. 35</i>	+	

Title IV	460	Manders, Schreijer-Pierik	Falls if CA 5 adopted		
Article 26 – title	461	Manders, Schreijer-Pierik	Falls if CA 5 adopted		
Article 26 – paragraph 1	462	Manders, Schreijer-Pierik	Fall if CA 5 adopted Identical <i>Deletion</i>		
	463	Vázquez Lázara, Rinzema			
Article 26 – paragraph 1	464	Maurel	Falls if CA 5 or 462 adopted		
Article 26 – paragraph 2 – introductory part	465	Rinzema, Groothuis, Schreijer-Pierik, Manders	Falls if CA 5 adopted		
Article 26 – paragraph 2 – introductory part	466	Didier	Falls if CA 5 adopted		
Article 26 – paragraph 2	INTA 55		Falls if CA 5 adopted		
Article 26 – paragraph 2 – point a	467	Maurel	Fall if CA 5 adopted Identical <i>Deletion</i>		
	468	Rinzema, Groothuis, Schreijer-Pierik, Manders			
	469	Didier			
Article 26 – paragraph 2 – point a	470	Didier	Falls if CA 5 or 467 adopted		
Article 26 – paragraph 2 – point b	471	Rinzema, Groothuis, Schreijer-Pierik, Manders	Fall if CA 5 adopted Identical <i>Deletion</i>		
	472	Didier			
Article 26 – paragraph 2 – point b	473	Maurel	Falls if CA 5 or 471 adopted		
Article 26 – paragraph 2 – point c	474	Rinzema, Groothuis, Schreijer-Pierik, Manders	Falls if CA 5 adopted <i>Deletion</i>		
Article 26 – paragraph 2 – point c a (new)	475	Vázquez Lázara	Falls if CA 5 adopted		

Article 26 – paragraph 3	476	Vázquez Lázara, Rinzema	Falls if CA 5 adopted		
Article 26 – paragraph 3	477	Manders, Schreijer-Pierik	Falls if CA 5 adopted		
Article 26 – paragraph 3	91	Walsmann	Falls if CA 5 adopted		
Article 26 – paragraph 4	478	Vázquez Lázara, Rinzema	Fall if CA 5 adopted <i>Identical Deletion</i>		
	479	Manders, Schreijer-Pierik			
Article 26 – paragraph 4	IMCO 97		Falls if CA 5 or 478 adopted		
Article 26 – paragraph 4 a (new)	480	Didier	Falls if CA 5 adopted		
Article 26 – paragraph 5 – introductory part	481	Rinzema, Groothuis	Falls if CA 5 adopted		
Article 26 – paragraph 5 – introductory part	482	Didier	Falls if CA 5 adopted		
Article 26 – paragraph 5 – introductory part	483	Maurel	Falls if CA 5 adopted		
Article 26 – paragraph 5 – introductory part	IMCO 98		Falls if CA 5 adopted		
Article 26 – paragraph 5 – introductory part	INTA 56		Falls if CA 5 adopted		
Article 26 – paragraph 5 – point a	484	Didier	Falls if CA 5 adopted <i>Deletion</i>		
Article 26 – paragraph 5 – point a	485	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 5 or 484 adopted		

Article 26 – paragraph 5 – point a	486	Manders, Schreijer-Pierik	Falls if CA 5 or 484 adopted		
Article 26 – paragraph 5 – point a	487	Vázquez Lázara, Rinzema	Falls if CA 5 or 484 adopted		
Article 26 – paragraph 5 – point a	IMCO 99		Falls if CA 5 or 484 adopted		
Article 26 – paragraph 5 – point b	488	Vázquez Lázara	Falls if CA 5 adopted		
Article 26 – paragraph 5 – point b	489	Rinzema, Groothuis, Schreijer-Pierik, Manders	Falls if CA 5 adopted		
Article 26 – paragraph 5 – point b	490	Didier	Falls if CA 5 adopted		
Article 26 – paragraph 5 – point b	INTA 57		Falls if CA 5 adopted		
Article 27 – paragraph 1	491	Didier	Falls if CA 5 adopted		
Article 27 – paragraph 1	IMCO 100		Falls if CA 5 adopted		
Article 27 – paragraph 2	492	Vázquez Lázara	Falls if CA 5 adopted		
Article 27 – paragraph 2	493	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 5 adopted		
Article 27 – paragraph 2	494	Manders, Schreijer-Pierik	Falls if CA 5 adopted		
Article 27 – paragraph 2	IMCO 101		Falls if CA 5 adopted		
Article 27 – paragraph 2	92	Walsmann	Falls if CA 5 adopted		
Article 27 – paragraph 2	INTA 58		Falls if CA 5 adopted		
Article 27 – paragraph 3	495	Vázquez Lázara, Rinzema	Fall if CA 5 adopted <i>Identical Deletion</i>		
	496	Didier			

Article 27 – paragraph 3	497	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 5 or 495 adopted		
Article 27 – paragraph 3	498	Manders, Schreijer-Pierik	Falls if CA 5 or 495 adopted		
Article 27 – paragraph 4 a (new)	499	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 5 adopted		
Title V	500	Manders, Schreijer-Pierik	Falls if CA 5 adopted <i>Deletion</i>		
Title V	501	Vázquez Lázara	Falls if CA 5 or 500 adopted		
Article 28	502	Vázquez Lázara, Rinzema	Falls if CA 5 adopted <i>Deletion</i>		
Article 28 – title	503	Vázquez Lázara	Falls if CA 5 or 502 adopted		
Article 28 – paragraph 1	504	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 5 or 502 adopted		
Article 28 – paragraph 2	IMCO 102		Falls if CA 5 or 502 adopted		
Article 28 – paragraph 3	505	Didier	Falls if CA 5 or 502 adopted		
Article 28 – paragraph 5	506	Maurel	Falls if CA 5 or 502 adopted		
Article 28 – paragraph 5 a (new)	507	Maurel	Falls if CA 5 or 502 adopted		
Article 28 a (new)	508	Vázquez Lázara	Falls if CA 5 adopted		
Article 29	509	Vázquez Lázara	Falls if CA 5 adopted <i>Deletion</i>		
Article 29 – paragraph 1	510	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 5 or 509 adopted		
Article 29 – paragraph 1	511	Maurel	Falls if CA 5 or 509 adopted		
Article 29 – paragraph 1	512	Rinzema, Groothuis	Falls if CA 5 or 509 adopted		
Article 29 – paragraph 1	IMCO 103		Falls if CA 5 or 509 adopted		

Article 29 – paragraph 1	93	Walsmann	Falls if CA 5 or 509 adopted		
Article 29 – paragraph 2	IMCO 104		Falls if CA 5 or 509 adopted		
Article 29 – paragraph 4	IMCO 105		Falls if CA 5 or 509 adopted		
Article 29 – paragraph 4	94	Walsmann	Falls if CA 5 or 509 adopted		
Article 29 – paragraph 4 a (new)	IMCO 106		Falls if CA 5 or 509 adopted		
Article 29 – paragraph 4 a (new)	95	Walsmann	Falls if CA 5 or 509 adopted		
Article 29 – paragraph 5	513	Didier	Fall if CA 5 or 509 adopted Identical <i>Deletion</i>		
	INTA 59				
Article 29 – paragraph 6	514	Didier	Fall if CA 5 or 509 adopted Identical <i>Deletion</i>		
	515	Rinzema, Groothuis, Schreijer-Pierik, Manders			
	INTA 60				
Article 29 – paragraph 11	516	Rinzema, Groothuis, Schreijer-Pierik, Manders	Falls if CA 5 or 509 adopted <i>Deletion</i>		
Article 30	517	Vázquez Lázara	Falls if CA 5 adopted <i>Deletion</i>		
Article 30 – paragraph 1	518	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 5 or 517 adopted		
Article 30 – paragraph 3	519	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 5 or 517 adopted		
Article 31	520	Vázquez Lázara	Falls if CA 5 adopted <i>Deletion</i>		
Article 31 – paragraph 2	521	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 5 or 520 adopted		
Article 31 – paragraph 2	IMCO 107		Falls if CA 5 or 520 adopted		

Article 31 – paragraph 3	522	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 5 or 520 adopted		
Article 31 – paragraph 4	523	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 5 or 520 adopted		
Article 31 – paragraph 6	524	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 5 or 520 adopted		
Article 32	525	Vázquez Lázara	Falls if CA 5 adopted <i>Deletion</i>		
Article 32 – paragraph 1	526	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 5 or 525 adopted		
Article 32 – paragraph 3	527	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 5 or 525 adopted		
Article 32 – paragraph 4	528	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 5 or 525 adopted		
Article 32 – paragraph 5	529	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 5 or 525 adopted		
Article 32 – paragraph 6	530	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 5 or 525 adopted		
Article 32 – paragraph 6	IMCO 108		Falls if CA 5 or 525 adopted		
Article 33	531	Vázquez Lázara	Falls if CA 5 adopted <i>Deletion</i>		
Article 33 – paragraph 1	IMCO 109		Falls if CA 5 or 531 adopted		
Articles 34-58	CA 6		If adopted, 532, IMCO 110, 533, 534, 535, 536, 537, 538, 539, 540, 541, IMCO 111, 542, 543, 545, INTA 61, INTA 62, 546, 547, IMCO 112, 548, 550, 551, 552, 553, 554, 555, IMCO 113, 96, INTA 64, 556, 557, 558, IMCO 114, 97, INTA 65, 559, 561, 562, 563, IMCO 115, 98, INTA 66, 564, 567, IMCO 116, 99, INTA 67,	+	

			<p> 568, 569, 570, 571, 572, 573, 574, IMCO 117, 100, INTA 68, 575, 576, 577, 578, IMCO 118, 101, INTA 69, 579, 581, 582, IMCO 119, 102, INTA 70, 583, IMCO 120, 585, 587, IMCO 121, INTA 71, 588, 591, IMCO 122, 103, INTA 72, 592, 593, 594, IMCO 123, 595, INTA 73, 596, 597, 598, 599, IMCO 124, 600, 601, 602, 603, 604, 605, 606, 607, 608, INTA 74, 609, 610, 611, 612, IMCO 125, INTA 75, 613, 614, 615, 616, IMCO 126, INTA 76, 617, 618, INTA 77, 619, 620, 104, INTA 78, 621, 622, INTA 79, 623, 624, 625, 626, IMCO 127, INTA 80, 627, 628, 629, 630, IMCO 128, INTA 81, 631, IMCO 129, 633, 634, 635, IMCO 130, INTA 82, 636, 637, 105, INTA 83, 638, INTA 85, 641, 642, 643, 644, INTA 86, 645, 646, 648, 649, IMCO 132, 650, 651, 652, 653, IMCO 133, 107, INTA 87, 654, 655, 656, 657, IMCO 134, 108, 658, 659, 660, 661, INTA 88, 662, 663, 664, 665, 666, INTA 89, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, INTA 90, 688, 689, 690, 691, 692, IMCO 135, INTA 91, 693, 694, 695, 696, IMCO 136, 697, 698, INTA 92, 699, 700, 701, INTA 93, 702, 703, 704, INTA 94, 705, 706, INTA 95, 707, 708, 709, IMCO 137, 109, 710, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 193, IMCO 14, 194, IMCO 15, 16, 195, 196, 197, IMCO 16, INTA 13, 198, 199, 200, IMCO 17, 17, INTA 14, 201, 202, 203, 204, </p>		
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			IMCO 18, 18, INTA 15, 205, 206, INTA 16, 207, 208, IMCO 19, 209, 210, 211, 212, 213, 214, 215, IMCO 20, INTA 17, 216, 217, 218, 219, 221, 222, 19, 223 and INTA 18 fall <i>If adopted, go to CA 7, p. 54</i>		
Article 34 – paragraph 1 – introductory part	532	Didier	Falls if CA 6 adopted		
Article 34 – paragraph 1 – introductory part	IMCO 110		Falls if CA 6 adopted		
Article 34 – paragraph 1 – point a	533	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Article 34 – paragraph 1 – point b	534	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Article 34 – paragraph 1 – point b a (new)	535	Didier	Falls if CA 6 adopted		
Article 34 – paragraph 3	536	Didier	Falls if CA 6 adopted		
Article 34 – paragraph 4	537	Rinzema, Groothuis, Schreijer-Pierik, Manders	Falls if CA 6 adopted <i>Deletion</i>		
Article 34 – paragraph 4	538	Didier	Falls if CA 6 or 537 adopted		
Article 34 – paragraph 4	539	Maurel	Falls if CA 6 or 537 adopted		
Article 34 – paragraph 4	540	Niebler	Falls if CA 6 or 537 adopted		
Article 34 – paragraph 4	541	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 or 537 adopted		
Article 34 – paragraph 4	IMCO 111		Falls if CA 6 or 537 adopted		

Article 34 – paragraph 4 a (new)	542	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Article 34 – paragraph 5	543	Niebler	Fall if CA 6 adopted Identical Deletion		
	544	Rinzema, Groothuis, Schreijer-Pierik, Manders			
Article 34 – paragraph 5	545	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 or 543 adopted		
Article 36 – paragraph 1 – point d	INTA 61		Falls if CA 6 adopted		
Article 36 – paragraph 1 – point f	INTA 62		Falls if CA 6 adopted		
Article 36 – paragraph 2 – introductory part	546	Maurel	Falls if CA 6 adopted		
Article 37 – paragraph 1	547	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Article 37 – paragraph 1	IMCO 112		Falls if CA 6 adopted		
Article 37 – paragraph 2	548	Niebler	Fall if CA 6 adopted Identical Deletion		
	549	Rinzema, Groothuis, Schreijer-Pierik, Manders			
	INTA 63				
Article 38 – paragraph 1	550	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Article 38 – paragraph 2	551	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Article 38 – paragraph 2	552	Rinzema, Groothuis	Falls if CA 6 adopted		
Article 38 – paragraph 2	553	Didier	Falls if CA 6 adopted		

Article 38 – paragraph 2	554	Manders, Schreijer-Pierik	Falls if CA 6 adopted		
Article 38 – paragraph 2	555	Breyer	Falls if CA 6 adopted		
Article 38 – paragraph 2	IMCO 113		Falls if CA 6 adopted		
Article 38 – paragraph 2	96	Walsmann	Falls if CA 6 adopted		
Article 38 – paragraph 2	INTA 64		Falls if CA 6 adopted		
Article 38 – paragraph 3 – introductory part	556	Breyer	Falls if CA 6 adopted		
Article 38 – paragraph 3 – introductory part	557	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Article 38 – paragraph 3 – introductory part	558	Rinzema, Groothuis, Schreijer-Pierik, Manders	Falls if CA 6 adopted		
Article 38 – paragraph 3 – introductory part	IMCO 114		Falls if CA 6 adopted		
Article 38 – paragraph 3 – introductory part	97	Walsmann	Falls if CA 6 adopted		
Article 38 – paragraph 3 – introductory part	INTA 65		Falls if CA 6 adopted		
Article 38 – paragraph 3 – point a	559	Didier	Fall if CA 6 adopted Identical Deletion		
	560	Rinzema, Groothuis, Schreijer-Pierik, Manders			
Article 38 – paragraph 3 – point a	561	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 or 559 adopted		

Article 38 – paragraph 3 – point a	562	Breyer	Falls if CA 6 or 559 adopted		
Article 38 – paragraph 3 – point a	563	Breyer	Falls if CA 6 or 559 adopted		
Article 38 – paragraph 3 – point a	IMCO 115		Falls if CA 6 or 559 adopted		
Article 38 – paragraph 3 – point a	98	Walsmann	Falls if CA 6 or 559 adopted		
Article 38 – paragraph 3 – point a	INTA 66		Falls if CA 6 or 559 adopted		
Article 38 – paragraph 3 – point b	564	Didier	Fall if CA 6 adopted Identical <i>Deletion</i>		
	565	Rinzema, Groothuis, Schreijer-Pierik, Manders			
	566	Niebler			
Article 38 – paragraph 3 – point b	567	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 or 564 adopted		
Article 38 – paragraph 3 – point b	IMCO 116		Falls if CA 6 or 564 adopted		
Article 38 – paragraph 3 – point b	99	Walsmann	Falls if CA 6 or 564 adopted		
Article 38 – paragraph 3 – point b	INTA 67		Falls if CA 6 or 564 adopted		
Article 38 – paragraph 3 – point c	568	Rinzema, Groothuis, Schreijer-Pierik, Manders	Falls if CA 6 adopted <i>Deletion</i>		
Article 38 – paragraph 3 – point c	569	Didier	Falls if CA 6 or 568 adopted		
Article 38 – paragraph 3 – point c	570	Didier	Falls if CA 6 or 568 adopted		

Article 38 – paragraph 4 – introductory part	571	Breyer	Falls if CA 6 adopted		
Article 38 – paragraph 4 – introductory part	572	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Article 38 – paragraph 4 – introductory part	573	Didier	Falls if CA 6 adopted		
Article 38 – paragraph 4 – introductory part	574	Rinzema, Groothuis	Falls if CA 6 adopted		
Article 38 – paragraph 4 – introductory part	IMCO 117		Falls if CA 6 adopted		
Article 38 – paragraph 4 – introductory part	100	Walsmann	Falls if CA 6 adopted		
Article 38 – paragraph 4 – introductory part	INTA 68		Falls if CA 6 adopted		
Article 38 – paragraph 4 – point a	575	Rinzema, Groothuis, Schreijer-Pierik, Manders	Falls if CA 6 adopted <i>Deletion</i>		
Article 38 – paragraph 4 – point a	576	Didier	Falls if CA 6 or 575 adopted		
Article 38 – paragraph 4 – point a	577	Breyer	Falls if CA 6 or 575 adopted		
Article 38 – paragraph 4 – point a	578	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 or 575 adopted		
Article 38 – paragraph 4 – point a	IMCO 118		Falls if CA 6 or 575 adopted		

Article 38 – paragraph 4 – point a	101	Walsmann	Falls if CA 6 or 575 adopted		
Article 38 – paragraph 4 – point a	INTA 69		Falls if CA 6 or 575 adopted		
Article 38 – paragraph 4 – point b	579	Didier	Fall if CA 6 adopted Identical Deletion		
	580	Rinzema, Groothuis, Schreijer-Pierik, Manders			
Article 38 – paragraph 4 – point b	581	Breyer	Falls if CA 6 or 579 adopted		
Article 38 – paragraph 4 – point b	582	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 or 579 adopted		
Article 38 – paragraph 4 – point b	IMCO 119		Falls if CA 6 or 579 adopted		
Article 38 – paragraph 4 – point b	102	Walsmann	Falls if CA 6 or 579 adopted Deletion		
Article 38 – paragraph 4 – point b	INTA 70		Falls if CA 6, 579 or 102 adopted		
Article 38 – paragraph 4 – point c	583	Rinzema, Groothuis, Schreijer-Pierik, Manders	Fall if CA 6 adopted Identical Deletion		
	584	Didier			
Article 38 – paragraph 4 – point c	IMCO 120		Falls if CA 6 or 583 adopted		
Article 38 – paragraph 4 – point d	585	Didier	Fall if CA 6 adopted Identical Deletion		
	586	Rinzema, Groothuis, Schreijer-Pierik, Manders			
Article 38 – paragraph 4 a (new)	587	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Article 38 – paragraph 4 a (new)	IMCO 121		Falls if CA 6 adopted		

Article 38 – paragraph 4 a (new)	INTA 71		Falls if CA 6 adopted		
Article 38 – paragraph 5	588	Didier	Fall if CA 6 adopted Identical <i>Deletion</i>		
	589	Rinzema, Groothuis, Schreijer-Pierik, Manders			
	590	Breyer			
Article 38 – paragraph 5	591	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 or 588 adopted		
Article 38 – paragraph 5	IMCO 122		Falls if CA 6 or 588 adopted		
Article 38 – paragraph 5	103	Walsmann	Falls if CA 6 or 588 adopted <i>Deletion</i>		
Article 38 – paragraph 5	INTA 72		Falls if CA 6, 588 or 103 adopted		
Article 38 – paragraph 6	592	Rinzema, Groothuis, Schreijer-Pierik, Manders	Falls if CA 6 adopted <i>Deletion</i>		
Article 38 – paragraph 6	593	Didier	Falls if CA 6 or 592 adopted		
Article 38 – paragraph 6	594	Breyer	Falls if CA 6 or 592 adopted		
Article 38 – paragraph 6	IMCO 123		Falls if CA 6 or 592 adopted		
Article 39 – title	595	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Article 39	INTA 73		Falls if CA 6 adopted		
Article 39 – paragraph 1	596	Breyer	Falls if CA 6 adopted		
Article 39 – paragraph 1	597	Rinzema, Groothuis	Falls if CA 6 adopted		
Article 39 – paragraph 1	598	Didier	Falls if CA 6 adopted		
Article 39 – paragraph 1	599	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		

Article 39 – paragraph 1	IMCO 124		Falls if CA 6 adopted		
Article 39 – paragraph 2	600	Breyer	Falls if CA 6 adopted		
Article 39 – paragraph 2	601	Didier	Falls if CA 6 adopted		
Article 39 – paragraph 2	602	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Article 40 – title	603	Maurel	Falls if CA 6 adopted		
Article 40 – paragraph 1	604	Breyer	Falls if CA 6 adopted		
Article 40 – paragraph 2	605	Breyer	Falls if CA 6 adopted		
Article 40 – paragraph 2	606	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Article 42 – paragraph 1	607	Breyer	Falls if CA 6 adopted		
Article 42 – paragraph 1	608	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Article 42 – paragraph 1	INTA 74		Falls if CA 6 adopted		
Article 42 – paragraph 2	609	Didier	Falls if CA 6 adopted		
Article 42 – paragraph 2	610	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Article 42 – paragraph 2	611	Breyer	Falls if CA 6 adopted		
Article 42 – paragraph 2	612	Rinzema, Groothuis	Falls if CA 6 adopted		
Article 42 – paragraph 2	IMCO 125		Falls if CA 6 adopted		
Article 42 – paragraph 2	INTA 75		Falls if CA 6 adopted		
Article 43 – paragraph 1	613	Breyer	Falls if CA 6 adopted		

Article 44 – paragraph 1	614	Breyer	Falls if CA 6 adopted		
Article 44 – paragraph 1	615	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Article 44 – paragraph 1	616	Didier	Falls if CA 6 adopted		
Article 44 – paragraph 1	IMCO 126		Falls if CA 6 adopted		
Article 44 – paragraph 1	INTA 76		Falls if CA 6 adopted		
Article 44 – paragraph 2	617	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Article 44 – paragraph 2	618	Breyer	Falls if CA 6 adopted		
Article 44 – paragraph 2	INTA 77		Falls if CA 6 adopted		
Article 44 – paragraph 3	619	Breyer	Falls if CA 6 adopted		
Article 44 – paragraph 3	620	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Article 44 – paragraph 3	104	Walsmann	Falls if CA 6 adopted		
Article 44 – paragraph 3	INTA 78		Falls if CA 6 adopted		
Article 45 – paragraph 1	621	Breyer	Falls if CA 6 adopted		
Article 45 – paragraph 1	622	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Article 45 – paragraph 1	INTA 79		Falls if CA 6 adopted		
Article 45 – paragraph 2	623	Rinzema, Groothuis	Falls if CA 6 adopted		
Article 45 – paragraph 2	624	Didier	Falls if CA 6 adopted		
Article 45 – paragraph 2	625	Breyer	Falls if CA 6 adopted		

Article 45 – paragraph 2	626	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Article 45 – paragraph 2	IMCO 127		Falls if CA 6 adopted		
Article 45 – paragraph 2	INTA 80		Falls if CA 6 adopted		
Article 45 – paragraph 3	627	Didier	Falls if CA 6 adopted		
Article 45 – paragraph 3	628	Rinzema, Groothuis	Falls if CA 6 adopted		
Article 45 – paragraph 3	629	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Article 45 – paragraph 3	630	Breyer	Falls if CA 6 adopted		
Article 45 – paragraph 3	IMCO 128		Falls if CA 6 adopted		
Article 45 – paragraph 3	INTA 81		Falls if CA 6 adopted		
Article 45 – paragraph 4	631	Didier	Fall if CA 6 adopted Identical Deletion		
	632	Rinzema, Groothuis, Schreijer-Pierik, Manders			
Article 45 – paragraph 4	IMCO 129		Falls if CA 6 or 631 adopted		
Article 45 – paragraph 5	633	Rinzema, Groothuis	Falls if CA 6 adopted		
Article 45 – paragraph 5	634	Didier	Falls if CA 6 adopted		
Article 45 – paragraph 5	635	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Article 45 – paragraph 5	IMCO 130		Falls if CA 6 adopted		
Article 45 – paragraph 5	INTA 82		Falls if CA 6 adopted		
Article 46 – paragraph 1 – point a	636	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		

Article 46 – paragraph 1 – point a	637	Breyer	Falls if CA 6 adopted		
Article 46 – paragraph 1 – point a	105	Walsmann	Falls if CA 6 adopted		
Article 46 – paragraph 1 – point a	INTA 83		Falls if CA 6 adopted		
Article 46 – paragraph 1 – point b	638	Rinzema, Groothuis, Schreijer-Pierik, Manders	Fall if CA 6 adopted Identical <i>Deletion</i>		
	639	Didier			
	640	Wölken, García Del Blanco, Repasi, Leitão-Marques			
	IMCO 131				
	106	Walsmann			
	INTA 84				
Article 46 – paragraph 1 – subparagraph 2	INTA 85		Falls if CA 6 adopted		
Article 46 – paragraph 1 – concluding part	641	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Article 46 – paragraph 1 – concluding part	642	Breyer	Falls if CA 6 adopted		
Article 46 – paragraph 2 – introductory part	643	Breyer	Falls if CA 6 adopted		
Article 46 – paragraph 2 – introductory part	644	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Article 46 – paragraph 2 –	INTA 86		Falls if CA 6 adopted		

introductory part					
Article 46 – paragraph 2 a (new)	645	Didier	Falls if CA 6 adopted		
Article 46 – paragraph 3	646	Rinzema, Groothuis, Schreijer-Pierik, Manders	Fall if CA 6 adopted Identical <i>Deletion</i>		
	647	Didier			
Article 46 – paragraph 3	648	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 or 646 adopted		
Article 46 – paragraph 3	649	Breyer	Falls if CA 6 or 646 adopted		
Article 46 – paragraph 3	IMCO 132		Falls if CA 6 or 646 adopted		
Article 47 – paragraph 2	650	Maurel	Falls if CA 6 adopted		
Article 47 – paragraph 2	651	Breyer	Falls if CA 6 adopted		
Article 47 – paragraph 2	652	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Article 47 – paragraph 2	653	Rinzema, Groothuis	Falls if CA 6 adopted		
Article 47 – paragraph 2	IMCO 133		Falls if CA 6 adopted		
Article 47 – paragraph 2	107	Walsmann	Falls if CA 6 adopted		
Article 47 – paragraph 2	INTA 87		Falls if CA 6 adopted		
Article 48 – paragraph 1	654	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Article 48 – paragraph 1	655	Breyer	Falls if CA 6 adopted		
Article 48 – paragraph 2	656	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Article 48 – paragraph 2	657	Breyer	Falls if CA 6 adopted		

Article 48 – paragraph 2	IMCO 134		Falls if CA 6 adopted		
Article 48 – paragraph 2	108	Walsmann	Falls if CA 6 adopted		
Article 49	658	Breyer	Falls if CA 6 adopted		
Article 49	659	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Article 50 – paragraph 1	660	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Article 50 – paragraph 1	661	Breyer	Falls if CA 6 adopted		
Article 50 – paragraph 1	INTA 88		Falls if CA 6 adopted		
Article 50 – paragraph 2	662	Maurel	Falls if CA 6 adopted		
Article 50 – paragraph 3	663	Rinzema, Groothuis, Schreijer-Pierik, Manders	Falls if CA 6 adopted		
Article 50 – paragraph 3	664	Didier	Falls if CA 6 adopted		
Article 50 – paragraph 3	665	Breyer	Falls if CA 6 adopted		
Article 50 – paragraph 3	666	Maurel	Falls if CA 6 adopted		
Article 50 – paragraph 3	INTA 89		Falls if CA 6 adopted		
Article 51 – title	667	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Article 51 – title	668	Breyer	Falls if CA 6 adopted		
Article 51 – paragraph 1	669	Breyer	Falls if CA 6 adopted		
Article 51 – paragraph 1	670	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Article 52 – paragraph 1	671	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		

Article 52 – paragraph 1	672	Breyer	Falls if CA 6 adopted		
Article 53 – paragraph 1	673	Breyer	Falls if CA 6 adopted		
Article 53 – paragraph 1	674	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Article 54 – paragraph 1	675	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Article 54 – paragraph 1	676	Breyer	Falls if CA 6 adopted		
Article 54 – paragraph 1	677	Breyer	Falls if CA 6 adopted		
Article 54 – paragraph 2	678	Breyer	Falls if CA 6 adopted		
Article 54 – paragraph 2	679	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Article 54 – paragraph 3	680	Breyer	Falls if CA 6 adopted		
Article 54 – paragraph 3	681	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Article 55 – title	682	Breyer	Falls if CA 6 adopted		
Article 55 – title	683	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Article 55 – paragraph 1	684	Didier	Falls if CA 6 adopted		
Article 55 – paragraph 1	685	Rinzema, Groothuis	Falls if CA 6 adopted		
Article 55 – paragraph 1	686	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Article 55 – paragraph 1	687	Breyer	Falls if CA 6 adopted		
Article 55 – paragraph 1	INTA 90		Falls if CA 6 adopted		

Article 55 – paragraph 2	688	Didier	Falls if CA 6 adopted		
Article 55 – paragraph 2	689	Rinzema, Groothuis	Falls if CA 6 adopted		
Article 55 – paragraph 2	690	Breyer	Falls if CA 6 adopted		
Article 55 – paragraph 2	691	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Article 55 – paragraph 2	692	Maurel	Falls if CA 6 adopted		
Article 55 – paragraph 2	IMCO 135		Falls if CA 6 adopted		
Article 55 – paragraph 2	INTA 91		Falls if CA 6 adopted		
Article 55 – paragraph 2 a (new)	693	Maurel	Falls if CA 6 adopted		
Article 55 – paragraph 2 b (new)	694	Maurel	Falls if CA 6 adopted		
Article 56 – paragraph 1 – introductory part	695	Didier	Falls if CA 6 adopted		
Article 56 – paragraph 1 – introductory part	696	Rinzema, Groothuis, Schreijer-Pierik, Manders	Falls if CA 6 adopted		
Article 56 – paragraph 1 – introductory part	IMCO 136		Falls if CA 6 adopted		
Article 56 – paragraph 1 – point b	697	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Article 56 – paragraph 1 – point b	698	Breyer	Falls if CA 6 adopted		
Article 56 – paragraph 1 – point b	INTA 92		Falls if CA 6 adopted		

Article 56 – paragraph 1 – point c	699	Maurel	Falls if CA 6 adopted <i>Deletion</i>		
Article 56 – paragraph 1 – point c	700	Breyer	Falls if CA 6 or 699 adopted		
Article 56 – paragraph 1 – point c	701	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 or 699 adopted		
Article 56 – paragraph 1 – point c	INTA 93		Falls if CA 6 or 699 adopted		
Article 56 – paragraph 1 – point d	702	Maurel	Falls if CA 6 adopted <i>Deletion</i>		
Article 56 – paragraph 1 – point d	703	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 or 702 adopted		
Article 56 – paragraph 1 – point d	704	Breyer	Falls if CA 6 or 702 adopted		
Article 56 – paragraph 1 – point d	INTA 94		Falls if CA 6 or 702 adopted		
Article 56 – paragraph 1 – point d a (new)	705	Rinzema, Groothuis	Falls if CA 6 adopted		
Article 56 – paragraph 1 – point d a (new)	706	Didier	Falls if CA 6 adopted		
Article 56 – paragraph 1 – point d a (new)	INTA 95		Falls if CA 6 adopted		
Article 56 – paragraph 4	707	Rinzema, Groothuis, Schreijer-Pierik, Manders	Falls if CA 6 adopted <i>Deletion</i>		
Article 56 – paragraph 4	708	Didier	Falls if CA 6 or 707 adopted		
Article 56 – paragraph 4	709	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 or 707 adopted		
Article 56 – paragraph 4	IMCO 137		Falls if CA 6 or 707 adopted		

Article 56 – paragraph 4	109	Walsmann	Falls if CA 6 or 707 adopted		
Article 56 – paragraph 5	710	Rinzema, Groothuis, Schreijer-Pierik, Manders	Fall if CA 6 adopted <i>Identical Deletion</i>		
	711	Didier			
Article 57 – title	712	Maurel	Falls if CA 6 adopted		
Article 57 – paragraph 1	713	Maurel	Falls if CA 6 adopted <i>Deletion</i>		
Article 57 – paragraph 1	714	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 or 713 adopted		
Article 57 – paragraph 1	715	Breyer	Falls if CA 6 or 713 adopted		
Article 57 – paragraph 2 – introductory part	716	Maurel	Falls if CA 6 adopted <i>Deletion</i>		
Article 57 – paragraph 2 – point a	717	Maurel	Falls if CA 6 adopted <i>Deletion</i>		
Article 57 – paragraph 2 – point b	718	Maurel	Falls if CA 6 adopted <i>Deletion</i>		
Article 57 – paragraph 2 – point c	719	Maurel	Falls if CA 6 adopted <i>Deletion</i>		
Article 57 – paragraph 2 – point d	720	Maurel	Falls if CA 6 adopted <i>Deletion</i>		
Article 57 – paragraph 2 – point d	721	Breyer	Falls if CA 6 or 720 adopted		
Article 57 – paragraph 3	722	Maurel	Falls if CA 6 adopted		
Article 57 – paragraph 4	723	Maurel	Falls if CA 6 adopted		
Article 58 – paragraph 1	724	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		

Article 58 – paragraph 2	725	Maurel	Falls if CA 6 adopted		
Articles 59-72	CA 7		If adopted, 726, IMCO 138, 110, INTA 96, 727, 728, IMCO 139, 111, 729, 730, IMCO 140, 731, 732, IMCO 141, 112, IMCO 142, 733, 734, 735, 736, IMCO 143, 737, 738, IMCO 144, 739, IMCO 145, 740, 742, 744, 745, 746, 748, IMCO 146, INTA 100, 750, 751, 113, 752, 753, 754, INTA 101, 755, 758, 114, 759, 760, 761, 762, 763, 764, IMCO 148, 765, 766, IMCO 149, 767, 768, IMCO 150, INTA 103, 769, 770, IMCO 151, INTA 104, 771, 116, INTA 105, 772, 773, 774, IMCO 152, INTA 106, 117, INTA 107, 118, INTA 108, 775, 776, 777, 778, 779, 780, INTA 109, INTA 110, 20, 224, 225, 226, IMCO 22, 21, INTA 20, 22, 227, IMCO 23, INTA 21, 228, 229, 230, IMCO 24, INTA 22, 231, 232 and INTA 23 fall <i>If adopted, go to final vote</i>	+	
Article 60 – paragraph 1	726	Złotowski	Falls if CA 7 adopted		
Article 60 – paragraph 1 a (new)	IMCO 138		Falls if CA 7 adopted		
Article 61 – title	110	Walsmann	Falls if CA 7 adopted		
Article 61	INTA 96		Falls if CA 7 adopted		
Article 61 – paragraph 1	727	Didier	Falls if CA 7 adopted		
Article 61 – paragraph 1	728	Rinzema, Groothuis	Falls if CA 7 adopted		
Article 61 – paragraph 1	IMCO 139		Falls if CA 7 adopted		

Article 61 – paragraph 1	111	Walsmann	Falls if CA 7 adopted		
Article 61 – paragraph 1 a (new)	729	Rinzema, Groothuis	Falls if CA 7 adopted		
Article 61 – paragraph 2	730	Didier	Falls if CA 7 adopted		
Article 61 – paragraph 2	IMCO 140		Falls if CA 7 adopted		
Article 61 – paragraph 3 a (new)	731	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 7 adopted		
Article 61 – paragraph 3 a (new)	732	Didier	Falls if CA 7 adopted		
Article 61 – paragraph 3 a (new)	IMCO 141		Falls if CA 7 adopted		
Article 61 – paragraph 3 a (new)	112	Walsmann	Falls if CA 7 adopted		
Article 61 – paragraph 3 b (new)	IMCO 142		Falls if CA 7 adopted		
Article 61 a (new)	733	Didier	Falls if CA 7 adopted		
Article 61 a (new)	734	Manders, Schreijer-Pierik	Falls if CA 7 adopted		
Article 62 – paragraph 1	735	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 7 adopted		
Article 62 – paragraph 1	736	Złotowski	Falls if CA 7 adopted		
Article 62 – paragraph 1	IMCO 143		Falls if CA 7 adopted		
Article 62 – paragraph 2	737	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 7 adopted		
Article 62 – paragraph 3	738	Złotowski	Falls if CA 7 adopted		

Article 62 – paragraph 3	IMCO 144		Falls if CA 7 adopted		
Article 62 – paragraph 3 a (new)	739	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 7 adopted		
Article 62 – paragraph 3 a (new)	IMCO 145		Falls if CA 7 adopted		
Article 63 – paragraph 2 – point a	740	Rinzema, Groothuis, Schreijer-Pierik, Manders	Fall if CA 7 adopted Identical <i>Deletion</i>		
	741	Didier			
	INTA 97				
Article 63 – paragraph 2 – point b	742	Didier	Fall if CA 7 adopted Identical <i>Deletion</i>		
	743	Rinzema, Groothuis, Schreijer-Pierik, Manders			
	INTA 98				
Article 63 – paragraph 2 – point c	744	Manders, Schreijer-Pierik	Falls if CA 7 adopted <i>Deletion</i>		
Article 63 – paragraph 2 – point c	745	Vázquez Lázara	Falls if CA 7 or 744 adopted		
Article 63 – paragraph 3 – point a	746	Didier	Fall if CA 7 adopted Identical <i>Deletion</i>		
	747	Rinzema, Groothuis, Schreijer-Pierik, Manders			
	INTA 99				
Article 63 – paragraph 3 – point b	748	Didier	Fall if CA 7 adopted Identical <i>Deletion</i>		
	749	Rinzema, Groothuis, Schreijer-Pierik, Manders			
Article 63 – paragraph 3 – point b	IMCO 146		Falls if CA 7 or 748 adopted		

Article 63 – paragraph 3 – point b	INTA 100		Falls if CA 7 or 748 adopted <i>Deletion</i>		
Article 63 – paragraph 3 – point c	750	Manders, Schreijer-Pierik	Falls if CA 7 adopted <i>Deletion</i>		
Article 63 – paragraph 3 – point c	751	Vázquez Lázara	Falls if CA 7 or 750 adopted		
Article 63 – paragraph 4	113	Walsmann	Falls if CA 7 adopted		
Article 63 – paragraph 5	752	Maurel	Falls if CA 7 adopted		
Article 64 – paragraph 2	753	Didier	Falls if CA 7 adopted		
Article 64 – paragraph 2	754	Rinzema, Groothuis	Falls if CA 7 adopted		
Article 64 – paragraph 2	INTA 101		Falls if CA 7 adopted		
Article 66	755	Wölken, García Del Blanco, Repasi, Leitão-Marques	Fall if CA 7 adopted Identical <i>Deletion</i>		
	756	Rinzema, Groothuis, Schreijer-Pierik, Manders			
	757	Didier			
	IMCO 147				
	INTA 102				
Article 66 – paragraph 1	758	Maurel	Falls if CA 7 or 755 adopted		
Article 66 – paragraph 1	114	Walsmann	Falls if CA 7 or 755 adopted		
Article 66 – paragraph 2	759	Maurel	Falls if CA 7 or 755 adopted		
Article 66 – paragraph 3	760	Maurel	Falls if CA 7 or 755 adopted		
Article 66 – paragraph 4	761	Maurel	Fall if CA 7 or 755 adopted Identical <i>Deletion</i>		
	115	Walsmann			

Article 66 b (new)	762	Didier	Falls if CA 7 adopted		
Article 67 – paragraph 2	763	Breyer	Falls if CA 7 adopted		
Article 67 – paragraph 2	764	Rinzema, Groothuis	Falls if CA 7 adopted		
Article 67 – paragraph 2	IMCO 148		Falls if CA 7 adopted		
Article 67 – paragraph 3	765	Breyer	Falls if CA 7 adopted		
Article 67 – paragraph 3	766	Rinzema, Groothuis	Falls if CA 7 adopted		
Article 67 – paragraph 3	IMCO 149		Falls if CA 7 adopted		
Article 67 – paragraph 6	767	Breyer	Falls if CA 7 adopted		
Article 67 – paragraph 6	768	Rinzema, Groothuis	Falls if CA 7 adopted		
Article 67 – paragraph 6	IMCO 150		Falls if CA 7 adopted		
Article 68 – paragraph 2	INTA 103		Falls if CA 7 adopted		
Article 70 – paragraph 1	769	Breyer	Falls if CA 7 adopted		
Article 70 – paragraph 1	770	Złotowski	Falls if CA 7 adopted		
Article 70 – paragraph 1	IMCO 151		Falls if CA 7 adopted		
Article 70 – paragraph 1	INTA 104		Falls if CA 7 adopted		
Article 70 – paragraph 1 a (new)	771	Lebreton	Falls if CA 7 adopted		
Article 70 – paragraph 1 a (new)	116	Walsmann	Falls if CA 7 adopted		
Article 70 – paragraph 1 a (new)	INTA 105		Falls if CA 7 adopted		

Article 70 – paragraph 2	772	Złotowski	Falls if CA 7 adopted		
Article 70 – paragraph 2	773	Breyer	Falls if CA 7 adopted		
Article 70 – paragraph 2	774	Maurel	Falls if CA 7 adopted		
Article 70 – paragraph 2	IMCO 152		Falls if CA 7 adopted		
Article 70 – paragraph 2	INTA 106		Falls if CA 7 adopted <i>Deletion</i>		
Article 70 – paragraph 3	117	Walsmann	Falls if CA 7 adopted		
Article 70 – paragraph 3	INTA 107		Falls if CA 7 adopted <i>Deletion</i>		
Article 70 – paragraph 4	118	Walsmann	Falls if CA 7 adopted		
Article 70 – paragraph 4	INTA 108		Falls if CA 7 adopted <i>Deletion</i>		
Article 72 – paragraph 1	775	Manders, Schreijer-Pierik	Falls if CA 7 adopted		
Article 72 – paragraph 1 – point a (new)	776	Manders, Schreijer-Pierik	Falls if CA 7 adopted		
Article 72 – paragraph 1 – point b (new)	777	Manders, Schreijer-Pierik	Falls if CA 7 adopted		
Article 72 – paragraph 1 – point c (new)	778	Manders, Schreijer-Pierik	Falls if CA 7 adopted		
Article 72 – paragraph 1 – subparagraph 1 (new)	779	Manders, Schreijer-Pierik	Falls if CA 7 adopted		
Article 72 – paragraph 2	780	Maurel	Falls if CA 7 adopted		
Article 72 – paragraph 2	INTA 109		Falls if CA 7 adopted		
Article 72 – paragraph 2 a (new)	INTA 110		Falls if CA 7 adopted		
Recital 2	119	Breyer	Falls if CA 1 adopted		

Recital 2	120	Vázquez Lázara	Falls if CA 1 adopted		
Recital 2	1	Walsmann	Falls if CA 1 adopted		
Recital 2	INTA 1		Falls if CA 1 adopted		
Recital 2 a (new)	121	Vázquez Lázara	Falls if CA 1 adopted		
Recital 2 a (new)	2	Walsmann	Falls if CA 1 adopted		
Recital 3	122	Didier	Falls if CA 1 adopted		
Recital 3	123	Breyer	Falls if CA 1 adopted		
Recital 3	124	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 1 adopted		
Recital 3	IMCO 1		Falls if CA 1 adopted		
Recital 3	3	Walsmann	Falls if CA 1 adopted		
Recital 3	INTA 2		Falls if CA 1 adopted		
Recital 3 a (new)	125	Breyer	Falls if CA 1 adopted		
Recital 4	126	Maurel	Falls if CA 1 adopted <i>Deletion</i>		
Recital 4	127	Didier	Falls if CA 1 or 126 adopted		
Recital 4	128	Vázquez Lázara	Falls if CA 1 or 126 adopted		
Recital 4	129	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 1 or 126 adopted		
Recital 4	130	Breyer	Falls if CA 1 or 126 adopted		
Recital 4	IMCO 2		Falls if CA 1 or 126 adopted <i>Deletion</i>		
Recital 4	4	Walsmann	Falls if CA 1, 126 or IMCO 2 adopted		
Recital 4	INTA 3		Falls if CA 1, 126 or IMCO 2 adopted		
Recital 4 b (new)	131	Manders, Schreijer- Pierik	Falls if CA 1 adopted		
Recital 4 c (new)	132	Manders, Schreijer- Pierik	Falls if CA 1 adopted		

Recital 5	133	Didier	Falls if CA 1 adopted <i>Deletion</i>		
Recital 5	134	Maurel	Falls if CA 1 or 133 adopted		
Recital 5	135	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 1 or 133 adopted		
Recital 5	IMCO 3		Falls if CA 1 or 133 adopted		
Recital 5	INTA 4		Falls if CA 1 or 133 adopted <i>Deletion</i>		
Recital 7	136	Breyer	Falls if CA 1 adopted		
Recital 7	IMCO 4		Falls if CA 1 adopted		
Recital 7 a (new)	137	Breyer	Falls if CA 1 adopted		
Recital 8	138	Didier	Falls if CA 1 adopted <i>Deletion</i>		
Recital 8	IMCO 5		Falls if CA 1 or 138 adopted		
Recital 8	INTA 5		Falls if CA 1 or 138 adopted		
Recital 10	139	Didier	Falls if CA 1 adopted		
Recital 10 a (new)	5	Walsmann	Falls if CA 1 adopted		
Recital 10 b (new)	6	Walsmann	Falls if CA 1 adopted		
Recital 11 a (new)	140	Niebler	Falls if CA 1 adopted		
Recital 12	141	Vázquez Lázara	Falls if CA 1 adopted		
Recital 12	142	Lebreton	Falls if CA 1 adopted		
Recital 12	143	Niebler	Falls if CA 1 adopted		
Recital 12	7	Walsmann	Falls if CA 1 adopted		
Recital 13	144	Vázquez Lázara	Falls if CA 2 adopted		
Recital 13	145	Didier	Falls if CA 2 adopted		
Recital 13	146	Manders, Schreijer-Pierik	Falls if CA 2 adopted		
Recital 13	IMCO 6		Falls if CA 2 adopted		

Recital 13	8	Walsmann	Falls if CA 2 adopted		
Recital 13	INTA 6		Falls if CA 2 adopted		
Recital 13 a (new)	147	Breyer	Falls if CA 2 adopted		
Recital 13 a (new)	9	Walsmann	Falls if CA 2 adopted		
Recital 13 b (new)	148	Breyer	Falls if CA 2 adopted		
Recital 13 b (new)	10	Walsmann	Falls if CA 2 adopted		
Recital 14	149	Manders, Schreijer- Pierik	Falls if CA 2 adopted		
Recital 14	150	Vázquez Lázara	Falls if CA 2 adopted		
Recital 15	151	Didier	Falls if CA 2 adopted <i>Deletion</i>		
Recital 15	152	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 2 or 151 adopted		
Recital 15	IMCO 7		Falls if CA 2 or 151 adopted		
Recital 15	11	Walsmann	Falls if CA 2 or 151 adopted		
Recital 15	INTA 7		Falls if CA 2 or 151 adopted <i>Deletion</i>		
Recital 16	153	Didier	Falls if CA 3 adopted <i>Deletion</i>		
Recital 16	154	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 3 or 153 adopted		
Recital 16	155	Breyer	Falls if CA 3 or 153 adopted		
Recital 16	IMCO 8		Falls if CA 3 or 153 adopted		
Recital 16	12	Walsmann	Falls if CA 3 or 153 adopted		
Recital 16	INTA 8		Falls if CA 3 or 153 adopted <i>Deletion</i>		
Recital 16 a (new)	13	Walsmann	Falls if CA 3 adopted		
Recital 18	156	Didier	Falls if CA 4 adopted		

Recital 18	IMCO 9		Falls if CA 4 adopted		
Recital 18	INTA 9		Falls if CA 4 adopted		
Recital 19	157	Maurel	Falls if CA 4 adopted		
Recital 20	158	Niebler	Fall if CA 4 adopted Identical <i>Deletion</i>		
	159	Didier			
	160	Breyer			
Recital 20	161	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 4 or 158 adopted		
Recital 20	IMCO 10		Falls if CA 4 or 158 adopted		
Recital 20	INTA 10		Falls if CA 4 or 158 adopted		
Recital 20 a (new)	162	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 1 or CA 4 adopted		
Recital 20 a (new)	163	Vázquez Lázara	Falls if CA 1 or CA 4 adopted		
Recital 22	164	Niebler	Falls if CA 4 adopted		
Recital 22	INTA 11		Falls if CA 4 adopted		
Recital 23	165	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 4 adopted		
Recital 23	166	Vázquez Lázara	Falls if CA 4 adopted		
Recital 23	167	Didier	Falls if CA 4 adopted		
Recital 23	IMCO 11		Falls if CA 4 adopted		
Recital 24	168	Manders, Schreijer-Pierik	Fall if CA 5 adopted Identical <i>Deletion</i>		
	169	Vázquez Lázara			
Recital 24	170	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 5 or 168 adopted		
Recital 24	IMCO 12		Falls if CA 5 or 168 adopted		

Recital 25	171	Vázquez Lázara	Fall if CA 5 adopted Identical <i>Deletion</i>		
	172	Manders, Schreijer-Pierik			
Recital 25 a (new)	IMCO 13		Falls if CA 1, CA 2 or CA 5 adopted		
Recital 26	173	Didier	Fall if CA 5 adopted Identical <i>Deletion</i>		
	174	Manders, Schreijer-Pierik			
	175	Vázquez Lázara			
Recital 26	INTA 12		Falls if CA 5 or 173 adopted		
Recital 26 a (new)	176	Vázquez Lázara	Falls if CA 5 adopted		
Recital 27	177	Vázquez Lázara	Fall if CA 5 adopted Identical <i>Deletion</i>		
	178	Manders, Schreijer-Pierik			
Recital 27	179	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 5 or 177 adopted		
Recital 27	14	Walsmann	Falls if CA 5 or 177 adopted		
Recital 27 a (new)	180	Vázquez Lázara	Falls if CA 5 adopted		
Recital 27 a (new)	181	Breyer	Falls if CA 5 adopted		
Recital 28	182	Vázquez Lázara	Fall if CA 5 adopted Identical <i>Deletion</i>		
	183	Manders, Schreijer-Pierik			
Recital 29	184	Vázquez Lázara	Fall if CA 5 adopted Identical <i>Deletion</i>		
	185	Manders, Schreijer-Pierik			
Recital 29	15	Walsmann	Falls if CA 5 or 184 adopted		
Recital 30	186	Manders, Schreijer-Pierik	Fall if CA 4 adopted Identical <i>Deletion</i>		
	187	Vázquez Lázara			
Recital 30 a (new)	188	Vázquez Lázara	Falls if CA 4 adopted		
Recital 30 b (new)	189	Vázquez Lázara	Falls if CA 4 adopted		

Recital 30 c (new)	190	Vázquez Lázara	Falls if CA 4 adopted		
Recital 30 d (new)	191	Vázquez Lázara	Falls if CA 4 adopted		
Recital 30 e (new)	192	Vázquez Lázara	Falls if CA 4 adopted		
Recital 31	193	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Recital 31	IMCO 14		Falls if CA 6 adopted		
Recital 32	194	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Recital 32	IMCO 15		Falls if CA 6 adopted		
Recital 32	16	Walsmann	Falls if CA 6 adopted		
Recital 33	195	Manders, Schreijer-Pierik	Falls if CA 6 adopted <i>Deletion</i>		
Recital 33	196	Didier	Falls if CA 6 or 195 adopted		
Recital 33	197	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 or 195 adopted		
Recital 33	IMCO 16		Falls if CA 6 or 195 adopted		
Recital 33	INTA 13		Falls if CA 6 or 195 adopted		
Recital 34	198	Didier	Falls if CA 6 adopted		
Recital 34	199	Manders, Schreijer-Pierik	Falls if CA 6 adopted		
Recital 34	200	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Recital 34	IMCO 17		Falls if CA 6 adopted		
Recital 34	17	Walsmann	Falls if CA 6 adopted		
Recital 34	INTA 14		Falls if CA 6 adopted		
Recital 35	201	Manders, Schreijer-Pierik	Falls if CA 6 adopted <i>Deletion</i>		

Recital 35	202	Didier	Falls if CA 6 or 201 adopted		
Recital 35	203	Niebler	Falls if CA 6 or 201 adopted		
Recital 35	204	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 or 201 adopted		
Recital 35	IMCO 18		Falls if CA 6 or 201 adopted		
Recital 35	18	Walsmann	Falls if CA 6 or 201 adopted		
Recital 35	INTA 15		Falls if CA 6 or 201 adopted		
Recital 36	205	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Recital 36	206	Breyer	Falls if CA 6 adopted		
Recital 36	INTA 16		Falls if CA 6 adopted		
Recital 37	207	Didier	Falls if CA 6 adopted		
Recital 37	208	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Recital 37	IMCO 19		Falls if CA 6 adopted		
Recital 38	209	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Recital 38	210	Breyer	Falls if CA 6 adopted		
Recital 39	211	Maurel	Falls if CA 6 adopted		
Recital 39	212	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Recital 39	213	Breyer	Falls if CA 6 adopted		
Recital 40	214	Breyer	Falls if CA 6 adopted		
Recital 40	215	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Recital 40	IMCO 20		Falls if CA 6 adopted		
Recital 40	INTA 17		Falls if CA 6 adopted		

Recital 41	216	Maurel	Falls if CA 6 adopted		
Recital 41	217	Wölken, García Del Blanco, Repasi, Leitão-Marques	Falls if CA 6 adopted		
Recital 41	218	Breyer	Falls if CA 6 adopted		
Recital 42	219	Didier	Fall if CA 6 adopted Identical Deletion		
	220	Manders, Schreijer-Pierik			
Recital 43	221	Manders, Schreijer-Pierik	Falls if CA 6 adopted Deletion		
Recital 43	222	Niebler	Falls if CA 6 or 221 adopted		
Recital 43	19	Walsmann	Falls if CA 6 or 221 adopted		
Recital 44	223	Didier	Falls if CA 6 adopted		
Recital 44	INTA 18		Falls if CA 6 adopted		
Recital 45	IMCO 21		Falls if CA 1 adopted		
Recital 45	INTA 19		Falls if CA 1 adopted		
Recital 45 a (new)	20	Walsmann	Falls if CA 7 adopted		
Recital 46	224	Vázquez Lázara	Falls if CA 7 adopted		
Recital 46	225	Manders, Schreijer-Pierik	Falls if CA 7 adopted		
Recital 46	226	Didier	Falls if CA 7 adopted		
Recital 46	IMCO 22		Falls if CA 7 adopted		
Recital 46	21	Walsmann	Falls if CA 7 adopted		
Recital 46	INTA 20		Falls if CA 7 adopted		
Recital 46 a (new)	22	Walsmann	Falls if CA 7 adopted		
Recital 47	227	Didier	Falls if CA 7 adopted		
Recital 47	IMCO 23		Falls if CA 7 adopted		
Recital 47	INTA 21		Falls if CA 7 adopted		

Recital 48	228	Manders, Schreijer-Pierik	Falls if CA 7 adopted		
Recital 48	229	Maurel	Falls if CA 7 adopted		
Recital 48	230	Didier	Falls if CA 7 adopted		
Recital 48	IMCO 24		Falls if CA 7 adopted		
Recital 48	INTA 22		Falls if CA 7 adopted		
Recital 49	231	Vázquez Lázara	Falls if CA 7 adopted		
Recital 49	232	Didier	Falls if CA 7 adopted		
Recital 49	INTA 23		Falls if CA 7 adopted		
Final vote – Draft as amended (Roll-call vote)					

Compromise amendments

Title I and II: Articles 1-3 + relevant recitals 1- 12 and 45
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CA1

Replacing all relevant amendments: AMs 23-39, 233- 274, INTA 24-33, IMCO 25-41

Title I General Provisions

Article 1

Subject matter and scope

1. This Regulation establishes the following rules on patents essential to a standard ('SEPs'):
 - (a) rules providing for enhanced transparency with regard to information necessary for SEP licensing;
 - (b) rules on the registration of SEPs;
 - (c) a procedure to evaluate the essentiality of registered SEPs;
 - (d) a procedure for the amicable settlement of disputes related to fair, reasonable and non-discriminatory nature of terms and conditions ('FRAND determination').
2. This Regulation shall apply to patents that ***are in force in one or more Member States and that a SEP holder claims to be***~~are~~ essential to a standard that has been published by a standard development organisation, ***after entry into force of this Regulation regardless of whether to which*** the SEP holder has ***or has not*** made a commitment to license its SEPs on fair, reasonable and non-discriminatory (FRAND) terms and conditions. (EPP 23, EPP 26, EPP 237, S&D 238, Greens 239)
3. ***Articles 17 and 18 and Article 34(1) shall not apply where there is sufficient evidence that, , SEP licensing negotiations on FRAND terms and conditions do not give rise to significant difficulties or inefficiencies affecting the functioning of the internal market as regards identified implementations of certain standards or parts thereof. Such implementation, standards and parts thereof shall be identified pursuant to the procedure set out in Article 65b.***
4. ***Without prejudice to paragraph 2, this Regulation shall also apply to patents in force in one or more Member States and that a SEP holder claims to be essential to a standard published by a standard development organisation before the entry into force of this Regulation, where the functioning of the internal market is severely distorted due to significant difficulties or inefficiencies in the licensing of SEPs for certain implementations, standards and parts thereof. Such implementations, standards and parts thereof shall be identified pursuant to the procedure set out in Article 65c.***

5. ~~This Regulation shall apply to holders of SEP in force in one or more Member States.~~
This Regulation shall not apply to standard essential patents that are the subject to a royalty-free intellectual property policy, except when such standard essential patents are part of a portfolio of patents licensed for royalties. (Greens 239)
6. This Regulation shall not apply to claims of invalidity or claims of infringement unrelated to the implementation of a standard notified under this Regulation.
7. This Regulation is without prejudice to the application of Articles 101 and 102 TFEU or to the application of corresponding national competition law rules.

Article 2

Definitions

For the purposes of this Regulation, the following definitions shall apply:

- (1) ‘standard essential patent’ or ‘SEP’ means any patent that ***a SEP holder claims to be essential to a standard; (EPP 26)***
- (2) ‘essential to a standard’ means that the patent contains at least one claim for which it is not possible on technical grounds to make or use an implementation or method which complies with a standard, including options therein, without infringing the patent under the current state of the art and normal technical practice;
- (3) (‘standard’ means a technical specification, adopted by a standard development organisation, for repeated or continuous application ~~with which compliance is not compulsory;~~ ***(EPP 27)***)
- (4) ‘technical specification’ means a document that prescribes technical requirements to be fulfilled by a product, process, service or system as defined in Article 2 of Regulation (EU) No 1025/2012 of the European Parliament and of the Council¹;
- (5) ‘standard development organisation’ means any standardising body that is not a private industrial association developing proprietary technical specifications, that develops technical or quality requirements or recommendations for products, production processes, services or methods;
- (5a) ***‘implementation’ means a specific scenario where a particular standardised technology or method is applied to fulfil a given purpose or function of a product, process, service or system, irrespective of the level in the value chain; (EPP 28, Left 264, RE 275, S&D 276)***
- (6) ‘SEP holder’ means an owner of a SEP or a person holding an exclusive licence for a SEP in one ~~of or~~ ***more Member States; (EPP 29)***
- (7) ‘implementer’ means a natural or legal person that implements, or intends to implement, a standard in a product, process, service or system ***on the Union market; (Greens 262, IMCO 33, INTA 29)***

¹ Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12.).

- (8) 'FRAND terms and conditions' means fair, reasonable and non-discriminatory terms and conditions of licensing SEPs;
- (9) 'FRAND determination' means a structured procedure for the determination of the FRAND terms and conditions of a SEP licence;
- (10) 'aggregate royalty' means the **total** amount of **money paid or required to be paid to license** all patents essential to a standard; (EPP 31)
- (10a) ***'royalty-free' means available without payment of a royalty or without an agreement to any other consideration, whether monetary or non-monetary; (EPP 32)***
- (11) 'patent pool' means an entity, created by an agreement between two or more SEP holders, ***or a consortium in which multiple SEP holders agree*** to license one or more of their ***SEPs to each other and/or*** to third parties; (EPP 33, EPP 266, S&D 267)
- (12) 'peer evaluation' means a process for the re-examination of the preliminary results of essentiality checks by evaluators other than those that carried out the original essentiality check;
- (13) 'claim chart' means a **document identifying** correspondence between the elements (features) of one patent claim and at least one requirement of a standard or recommendation of a standard; (EPP 34)
- (14) 'requirement of a standard' means expression, in the content of a document, that conveys objectively verifiable criteria to be fulfilled and from which no deviation is permitted if conformance with the document is to be claimed;
- (15) 'recommendation of a standard' means expression, in the content of a document, that conveys a suggested possible choice or course of action deemed to be particularly suitable without necessarily mentioning or excluding others;
- (16) 'patent family' means a collection of patent ***applications covering at least one priority in common, including the priority document(s) themselves***; (EPP 35, S&D 269)
- (17) 'stakeholder' means any person that can demonstrate a legitimate interest in SEPs, including a SEP holder, an implementer, an agent for a SEP holder or an implementer, or an association representing the interests of SEP holders and implementers;
- (17a) ***'conciliator' means any person that has been appointed to mediate among parties in establishing an aggregate royalty in accordance with Article 17, to serve on a panel that provides a opinion on an aggregate royalty in accordance with Article 18 and to serve in the FRAND determination in accordance with Title VI, who is independent and impartial, and does not have any direct or indirect conflict of interest; (EPP 36)***
- (17b) ***'evaluator' means any person that has been appointed to conduct essentiality checks in accordance with Title V, who is independent and impartial, and does not have any direct or indirect conflict of interest; (EPP 37)***
- (17c) ***'peer evaluator' means any person that has been appointed to conduct a peer evaluation, who is independent and impartial, and does not have any direct or indirect conflict of interest; (EPP 38)***
- (18) 'competence centre' means the EUIPO administrative units that fulfil the tasks entrusted to EUIPO under this Regulation.
- (18a) ***'patent assertion entity' means an entity that primarily derives its revenue from the enforcement or licensing of patents, including any damages or monetary awards from the assertion of such patents, and that does not engage in the production,***

manufacture, sale, or distribution of ~~goods~~ products or services utilising the patented inventions or in the research and development of such inventions, that is not an educational or research institution, or technology transfer organisation facilitating the commercialisation of technological innovations generated by them, and that is not an individual inventor asserting patents originally granted to that inventor or patents that cover technologies originally developed by that inventor. (EPP 39, S&D 270)

Title II

Competence centre

Article 3

Tasks of the competence centre

1. The tasks under this Regulation shall be performed by a competence centre established within the EUIPO with the necessary human and financial resources.
2. The competence centre shall support transparency and FRAND determination in relation to SEPs and shall perform the following tasks:
 - (a) set up and maintain an electronic register and an electronic database for SEPs *in accordance with Articles 4 and 5; (EPP 40)*
 - (b) set up and manage rosters of evaluators and conciliators *in accordance with Article 27; (EPP 41)*
 - (c) set up and administer a system for assessment of the essentiality of SEPs *in accordance with Articles 28 to 33; (EPP 42)*
 - (d) set up and administer the process for the FRAND determination *in accordance with Articles 34 to 58; (EPP 43)*
 - (e) provide training to evaluators and conciliators;
 - (f) administer a process for *facilitating agreements on and the determination of an aggregate royalty in accordance with Articles 17 and 18; (EPP 44, S&D 285)*
 - (g) enhance transparency and information sharing through:
 - (i) publishing the results and reasoned opinions of the essentiality checks and non-confidential *opinions* of the FRAND determinations *in accordance with Article 33(1) and Article 57(3); (EPP 45, The Left 287)*
 - (ii) enabling access to case-law (including alternative dispute resolution) on SEPs, including from third country jurisdictions *in accordance with Article 13(3); (EPP 46)*
 - (iii) compiling non-confidential information on FRAND determination methodologies and FRAND royalties *in accordance with Article 13(4) and (5); (EPP 47)*
 - (iv) enabling access to SEP-related rules of third countries *in accordance with Article 12; (EPP 48)*

- (h) *set up and maintain a ~~one-stop~~ SEP Licensing Assistance Hub ~~shop~~ for SMEs and start-ups and* provide training, support and general advice on SEPs to SMEs *and start-ups in accordance with Article 61; (EPP 49, IMCO 40)*
 - (i) conduct studies and any other necessary activities to support the objectives of this Regulation;
 - (j) *~~raise awareness about SEP licensing, including SEP licensing in the value chain and establish a dedicated working group on conditions for~~ licensing SEPs in the value chain and raise awareness *about SEP licensing.* (The Left 289)*
3. Using the powers conferred by Article 157 of Regulation (EU) 2017/1001, the Executive Director of the EUIPO shall adopt the internal administrative instructions and shall publish the notices that are necessary for the fulfilment of all the tasks entrusted to the competence centre by this Regulation.

Recitals:

- (1) On 25 November 2020, the Commission published its intellectual property action plan², where it announced its goals of promoting transparency and predictability in licensing of standard essential patents (SEPs), including by improving the SEP licensing system, for the benefit of Union industry and consumers, and in particular *micro*, small and medium-sized enterprises (SMEs)³. The action plan was supported by Council Conclusions of 18 June 2021⁴ and by the European Parliament in its Resolution. **(IMCO 13, 35, 40, 42, 47)**
 - (2) This Regulation aims at improving the licensing of SEPs, by addressing the causes of inefficient licensing such as insufficient transparency with regard to SEPs, fair, reasonable and non-discriminatory (FRAND) terms and conditions and licensing in the value chain, and limited use of dispute resolution procedures for resolving FRAND disputes. All these together reduce the overall fairness and efficiency of the system and result in excess administrative and transactional costs, *which reduces resources available for investment in innovation*. By improving the licensing of SEPs, the Regulation aims to incentivise participation by European firms in the standard development process and the broad implementation of such standardised technologies, particularly in Internet of Things (IoT) industries. Therefore, this Regulation pursues objectives that are complementary to, but different from that of protecting undistorted competition, guaranteed by Articles 101 and 102 TFEU. This Regulation should also be without prejudice to national competition rules. **(EPP 1, RE 120)**
- 2a. (new) *Good faith SEP licensing negotiations between parties ~~willing to participate~~ occur in many ~~FRAND~~ cases, yet in ~~other~~ some instances, SEPs become the subject of legal proceedings. This Regulation aims to provide advantages to both Union SEP holders and SEP implementers by introducing mechanisms designed to address two key issues: firstly, situations where SEP implementers unreasonably delay or decline FRAND licenses; and secondly, scenarios where SEP holders impose non-FRAND*

² Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Making the most of the EU's innovative potential An intellectual property action plan to support the EU's recovery and resilience of 25 November 2020, COM(2020) 760 final.

³ OJ L 124 of 20.05.2003, p. 36.

⁴ Council conclusions on intellectual property policy, as approved by the Council (Economic and Financial Affairs) at its meeting on 18 June 2021.

royalties due to the threat of injunction and a lack of transparency. It is essential to ensure that SEP holders and implementers behave in good faith, before, during and after licenses negotiations. SEP implementers using standardised technology should proactively seek to take a license from the SEP holder who owns the technology they use and SEP holders should grant a license under FRAND terms and conditions to any party seeking one, irrespective of the position of the potential licensee in the respective value chain (RE 121, EPP 2, S&D 162, RE 163, EPP 360).

- 2b. (new) *The measures, introduced by this Regulation are consistent with the objectives of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs Agreement) to promote technological innovation and the dissemination of technology to the mutual advantage of the SEP holder and the user, as well as with the principles of preventing the abuse of intellectual property rights and adopting measures for public interest reasons. In particular, according to the TRIPs Agreement, an exception to the exclusive rights conferred by a patent is justified if it does not unreasonably conflict with a normal exploitation of the patent and it does not unreasonably prejudice the legitimate interests of the patent owner, taking account of the legitimate interests of third parties. (IMCO 3, INTA 1)*
- (3) SEPs are patents that protect technology that is incorporated in a standard. SEPs are ‘essential’ in the sense that implementation of the standard requires use of the inventions covered by SEPs. The success of a standard depends on its wide implementation and as such every stakeholder should be allowed to use a standard. To ensure wide implementation and accessibility of standards, standard development organisations demand the SEP holders that participate in standard development to commit to license those patents on FRAND terms and conditions to implementers that chose to use the standard. The FRAND commitment is a voluntary contractual commitment given by the SEP holder for the benefit of third parties, and it should be respected as such also by subsequent SEP holders. This Regulation should apply to patents *in force in one or more Member States that a SEP holder claims to be ~~that~~ **are** essential to a standard that has been published by a standard development organisation, to which the SEP holder **or a previous holder of the SEPs in question (S&D)** has **or has not** made a commitment to license its SEPs on fair, reasonable and non-discriminatory (FRAND) terms and conditions and that is not subject to a royalty-free intellectual property policy, after the entry into force of this Regulation. (EPP 3, EPP 122, Greens 123, S&D 124 and 124, INTA 2).*
- (4) There are well established commercial relationships and licensing practices for certain ~~use-cases~~ *implementations* of standards, ~~such as the standards for wireless communications~~, with iterations over multiple generations leading to considerable mutual dependency and significant value visibly accruing to both SEP holders and implementers. There are other, typically more novel ~~use-cases~~ *implementations* – sometimes of the same standards or subsets thereof - with less mature markets, more diffuse and less consolidated implementer communities, for which unpredictability of royalty and other licensing conditions and the prospect of complex patent assessments and valuations and related litigation weigh more heavily on the incentives to deploy standardised technologies in innovative products. Therefore, in order to ensure a proportionate and well targeted response, certain procedures under this Regulation, namely the aggregate royalty determination and the compulsory FRAND determination prior to litigation, should not be applied to identified ~~use-cases~~ *implementations of certain standards or parts thereof for in* which there is sufficient evidence that SEP licensing negotiations on FRAND terms *and conditions* do not give rise to significant difficulties or inefficiencies. (EPP 4, S&D 129, Greens 130, RE 128).

- (4a) *Significant difficulties or inefficiencies in the licensing of SEPs affecting the functioning of the internal market might result from, among other things, material impediments to the timely and effective deployment, development, distribution or commercialisation of a product, service, or technology, but also unreasonable delays, involving an undue postponement of the conclusion of a licence agreement. They may also result from excessive costs, multiple legal disputes, challenges, or litigations involving more than one SEP holder or SEP implementer, as well as from barriers to innovation, where the implementation of a standard, including any lack thereof, hinders, limits, or curtails technological innovation or advancement, as compared to industry norms (EPP 30).*
- (5) Whereas transparency in SEP licensing should stimulate a balanced investment environment, along entire Single Market value chains, in particular for emerging technology ~~use-cases~~ **implementations** underpinning Union objectives of green, digital and resilient growth, the Regulation should also apply to standards or parts thereof, published before its entry into force where inefficiencies in the licensing of the relevant SEPs severely distort the functioning of the internal market. This is particularly relevant for market failures hindering investment in the Single Market, the roll-out **or the development** of innovative technologies ~~or the development of nascent technologies and emerging use-cases~~ **implementations**. Therefore, taking into account those criteria, the Commission should determine by a delegated act the standards or parts thereof that have been published before the entry into force of this Regulation and the relevant ~~use-cases~~ **implementations**, for which SEPs can be registered. (S&D 135)
- (6) Because a FRAND commitment should be made for any SEP ~~declared~~ **claimed essential** to any standard intended for repeated and continuous application, the meaning of standards should be broader than in Regulation (EU) No 1025/2012 of the European Parliament and of the Council⁵.
- (7) Licensing on FRAND terms and conditions includes licensing royalty-free, **as they are key in the development of the digital society**. Given that most issues arise with royalty-bearing licensing policies, this Regulation does not apply to royalty-free licensing **of SEPs, except where such SEPs are part of a portfolio of patents licenses for royalties**. (IMCO 4)
- (7a) *Open standards are key in the development of our digital society, including the development of open source software. Open standards remove barriers to interoperability, promote choice between vendors and technology solutions, and ensure market competition and innovation. This Regulation applies to open standards, whilst not discouraging SEP holders to innovate and participate in the open collaborative standards development. (Greens 137)*
- (8) In view of the global character of SEP licensing, references to aggregate royalty and FRAND determination may refer to global aggregate royalties and global FRAND determinations, or as otherwise agreed by the notifying stakeholders or the parties to the proceedings.
- (9) In the Union, standard setting and the application of competition law rules related to FRAND obligation to standard essential patents are guided by the Horizontal

⁵ Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316, 14.11.2012, p. 12.)

Guidelines⁶ and the Court of Justice judgment of 16 July 2015 in case C-170/13, *Huawei Technologies Co. Ltd v ZTE Corp. and ZTE Deutschland GmbH*⁷. The Court of Justice recognised the right of a SEP holder to seek to enforce its patents in national courts subject to certain conditions that must be fulfilled to prevent an abuse of dominant position by the SEP holder when seeking an injunction. Since a patent confers on its holder the exclusive right to prevent any third party from using the invention without the holder's consent only in the jurisdiction for which it is issued, the patent disputes are governed by national patent laws and civil proceedings and/or enforcement laws harmonised by Directive 2004/48/EC of the European Parliament and of the Council⁸.

- (10) As there are specific procedures for assessing the validity and the infringement of patents, this Regulation should not affect such procedures.
- (10a) ***Patent pools, as industry-led joint patent licensing solutions, are beneficial to the market and companies across the SEP licensing spectrum, including both SEP holders and SEP implementers. They are a predictable and fair option for licensing patented technologies essential for a standard, since they allow agreement to be reached on a widely acceptable set of licensing terms and conditions between companies from across the world. Since patent pools deal with SEPs, they should also commit to FRAND terms and conditions, and they should provide full transparency with regard to the patents that are covered by their portfolio, ideally licence them to all interested licensees regardless of their position in the value chain and preferably include all the SEPs relevant to the standard.(EPP 5)***
- (10b) ***While competition scrutiny of patent pools already took place, uncertainty about the compatibility of licensee negotiation groups ('LNGs') formed by SEP implementers still remains. LNGs can streamline the negotiation process, thereby reducing the administrative burden and ensuring that the licensing terms and conditions are more uniform and equitable for all participating SEP implementers. LNGs benefit SMEs in particular. The Commission should therefore examine the competitive impact of LNGs and analyse which conditions they should fulfil in order to comply with competition law while avoiding the risk of offering 'hold-out' options to participating SEP implementers. (EPP 6)***
- (11) Any reference to a competent court of a Member State in this Regulation includes the Unified Patent Court where the conditions are met.
- (12) ***As the agency of the European Union in charge of intellectual property rights and to facilitate the implementation of this Regulation, the European Union Intellectual Property Office (EUIPO) should perform the relevant tasks by means of a competence centre. The EUIPO has extensive experience with managing databases, electronic registers and alternative dispute settlement mechanisms, which are key aspects of the functions assigned under this Regulation. It is **crucial** necessary to equip the **ensure that the** competence centre **has the necessary means, including with necessary** financial and human and financial resources to **effectively perform** fulfil its tasks (EPP 7, RE 141).***

⁶ Communication from the Commission – Guidelines on the applicability of Article 101 of the Treaty on the Functioning of the European Union to horizontal co-operation agreements, OJ C 11, 14.01.2011, pp. 1 (currently under review)

⁷ Judgment of the Court of Justice of 16 July 2015, *Huawei Technologies Co. Ltd v ZTE Corp. and ZTE Deutschland GmbH*, C-170/13, ECLI:EU:C:2015:477

⁸ DIRECTIVE 2004/48/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 29 April 2004 on the enforcement of intellectual property rights (OJ L 157, 30.4.2004, p. 45.)

(45 *12a*) SEP licensing may cause friction in the value chains that have so far not been exposed to SEPs. It is, therefore, important that the competence centre raises awareness concerning SEP licensing in the value chain through any of the tools at its disposal, ***including through meaningful engagement of stakeholders***. Other factors would include the ability of upstream manufacturers to pass the cost of a SEP licence downstream and any potential impact of existing indemnification clauses within a value chain. ***The framework foreseen in this Regulation should promote the EU's technological leadership in innovation. (INTA 19, IMCO 21).***

Title III Chapter I: Articles 4-13 + relevant recitals 13-15, 17	CA2
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Replacing all relevant amendments: AMs 50-74, 292-360, INTA 34-43, IMCO 42-65

Title III

Information on SEP made available through the competence centre

Chapter 1

General Provisions

Article 4

Register of standard essential patents

1. A Union register for SEPs ('the register') ***shall be set up and maintained in electronic format by the competence centre. (EPP 50)***
- ~~2. ***The register shall be maintained in electronic format by the competence centre. (EPP 51)***~~
3. The register shall contain the following entries:
 - (a) information on relevant standards;
 - (b) ***identification of*** registered SEPs ~~***identification***~~, including the country of registration and patent number; **(ID 292)**
 - (c) the standard version, the technical specification and the ~~***specific***~~ sections of the technical specification for which the patent is considered essential; **(EPP 293)**
 - (d) reference to the terms of the SEP holder's FRAND licensing commitment to the standard development organisation;
 - (e) name, address and contact details of the SEP holder;
 - (f) if the SEP holder is ***an affiliate, subsidiary or*** part of ***one or more other*** companies, the name, address and contact details of the parent company; **(EPP 52)**
 - (g) name, address and contact details of the SEP holder's legal representatives in the Union, where relevant;
 - (h) the existence of any ***publicly available*** standard terms and conditions, including SEP holder's royalty, ***royalty-free and discount*** policies; **(EPP 53, Greens 294)**

- (i) the existence of any **publicly available** standard terms and conditions for SEP licensing to SMEs **and start-ups**; (EPP 54, IMCO 42)
 - (j) availability for licensing through patent pools **and the name of the respective patent pool**, where applicable; (EPP 55)
 - (k) contact details for licensing, including licensing entity;
 - (l) the date of registration of the SEP in the register and the registration number.
4. The register shall also contain the following entries, each accompanied by the date of recording of such entry:
- (a) changes in the contact details of entries referred to in paragraph (3), points (e), (f), (g) and (k);
 - (b) the grant or transfer of a licence through patent pools, where applicable pursuant to Article 9;
 - (c) **any** information on whether an essentiality check or peer evaluation have been performed and **unless not possible due to contractual restraints agreed upon by the parties reference also the outcome result of the essentiality check**; (EPP 299, RE 297)
 - (d) information on whether the SEP is expired, invalidated **or deemed unenforceable** by a final judgment of a competent court of a Member State; (EPP 56)
 - (e) particulars regarding proceedings and decisions on SEPs pursuant to Article 10;
 - (f) date of publication of information pursuant to Article 19(1) ~~in conjunction with Article 14(7), Article 15(4) and Article 18(11)~~; (RE/EPP 300)
 - (g) the date of suspension of the SEP from the Register pursuant to Article 22;
 - (h) corrections of the SEP, pursuant to Article 23;
 - (i) the date of removal of the SEP from the register pursuant to Article 25 and the grounds for removal;
 - (j) the correction to or removal from the register of the item referred to in points (b), (e) and (f).
- 4a. **Prior to registering their patents, SEP holders may voluntarily submit their SEPs for essentiality checks to the competence centre. (EPP 303, IMCO 44)**
5. The Commission is empowered to adopt delegated acts in accordance with Article 67, amending paragraphs (3) and (4) to determine items other than those referred to in paragraphs (3) and (4) that are to be entered in the Register for the purposes of this Regulation.
6. The competence centre shall collect, organise, make public and store the items referred to in paragraphs (3) and (4), including any personal data for the purposes of this Regulation.
7. The competence centre shall keep the register easily accessible for public inspection. The data shall be considered to be of public interest and may be accessed by any third party free of charge.

Article 5

Electronic database

1. The competence centre shall *set up* and maintain an electronic database for SEPs. **(EPP 57)**
2. The following information in the database shall be accessible to any third party subject to the registration with the competence centre:
 - (a) patent bibliographic data on the claimed SEP or SEP, including priority date, family members, grant date and expiration date;
 - (b) *publicly available* standard terms and conditions, including SEP holder's royalty, *royalty-free and discount* policies pursuant to Article 7, first paragraph, point (b), if available; **(EPP 58, EPP 305, Greens 306)**
 - (c) *publicly available* standard terms and conditions for SEP licensing to SMEs, *and start-ups* pursuant to Article 62(1), *including royalty-free access*, if available, **(EPP 59, S&D 307, IMCO 47)**
 - (d) information regarding known products, processes, services or systems and implementations *and where available any known market data* pursuant to Article 7, first paragraph, point (b); **(EPP 60, EPP 308)**
 - (e) information pertaining to essentiality pursuant to Article 8;
 - (f) non-confidential information on FRAND determinations pursuant to Article 11;
 - (g) information on aggregate royalties pursuant to Articles 15, 16 and 17;
 - (h) expert opinions referred to in Article 18;
 - (i) non-confidential reports of the conciliators pursuant to Article 57;
 - (j) SEPs selected for essentiality checks pursuant to Article 29, the reasoned opinions or the final reasoned opinions pursuant to Article 33;
 - (k) the date and the grounds for removal of the SEP from the database pursuant to Article 25;
 - (l) information on SEP related rules in third countries pursuant to Article 12;
 - (m) case-law and reports pursuant to Article 13(3) and (5);
 - (n) awareness raising and training materials.
3. Access to the information pursuant to paragraph (2), points (f), (h), (i), (j) and (k) *shall be available to any third party subject to registration with the competence centre and* may be subject to the payment of a *reasonable* fee, *as set out in Article 63*. **(EPP 61, The Left 319)**
4. However, public authorities, including courts, shall have full access to the information in the database referred to in paragraph (2) free of charge subject to registration with the competence centre. *Academic institutions may also request access to the information free of charge solely for the purpose of conducting academic tasks*. **(EPP 62, ID 320, Greens 321)**

Article 6

Common provisions on the register and the database

1. When a party requests that data and documents of the database be kept confidential, that party shall provide *a reasoned statement justifying this confidentiality and so far as reasonably possible* a non-confidential version of the information submitted in confidence in sufficient detail to permit a reasonable understanding of the substance

of the information submitted in confidence. The competence centre may disclose that non-confidential version. (EPP 63, S&D 322, IMCO 51, INTA 39)

2. The competence centre shall keep the files of any procedure relating to the registration of the SEP. The Executive Director of the EUIPO shall determine the form in which those files shall be kept and made available. The competence centre shall keep the files for 10 years after the removal of the registration of the SEP. Upon request, personal data may be removed from the register or the database after 18 months from the expiry of the SEP or removal of the SEP from the register.
3. The competence centre may correct any information contained in the register or the database pursuant to Article 23.
4. The SEP holder and its legal representative in the Union shall be notified of any change in the register or the database when that change concern a particular SEP.
5. Upon request, the competence centre shall issue registration certificates or certified copies of the data and documents in the register or the database. The registration certificates and certified copies may be subject to the payment of a *reasonable* fee. (The Left 323)
6. The Commission shall determine the conditions of access to the database, including the fees for such access, or for registration certificates and certified copies from the database or the register, by means of an implementing act. The implementing act shall be adopted in accordance with the examination procedure referred to in Article 68(2).

Article 7

Identification of implementations of a standard and related SEP licensing terms and conditions

A SEP holder shall provide to the competence centre the following information:

- (a) information as regards the products, processes, services or systems in which the subject-matter of the SEP may be incorporated or to which it is intended to be applied, for all existing or potential implementations of a standard and *where available, any market data*, to the extent such information is known to the SEP holder. (EPP 327)
- (b) where available, its standard terms and conditions for SEP licensing, including its royalty, *royalty-free and discount* policies, within 7 months from the opening of the registration for the relevant standard and implementation by the competence centre.

Article 8

Information ~~pertaining to~~ on essentiality (EPP 64)

A SEP holder shall provide to the competence centre the following information to be included in the database and referenced in the register:

- (a) a final decision on essentiality for a registered SEP made by a competent court of a Member State within ~~6~~ 2 months *after from* the ~~publication of such decision has become final~~. (Greens 332, S&D 333)
- (b) any *other* essentiality check ~~prior to [OJ: please insert the date = 24 months from entry into force of this regulation]~~ by an independent evaluator in the context of *for example, a patent* (EPP 65, RE 335) pool, identifying the SEP

registration number, the identity of the patent pool and its administrator, and the evaluator. (EPP 65, EPP 334, RE 335, S&D 336, The Left 337, EPP 338, IMCO 58)

Article 9

Information to be provided by patent pools

(1) Patent pools shall publish on their websites at least the following *accurate and updated* information and inform the competence centre thereof: (EPP 66)

- (a) standards subject to collective licensing;
- (b) the administrative entity's shareholders or ownership structure;
- (c) process for evaluating SEPs;
- (d) roster of evaluators having residence in the Union;
- (e) list of evaluated SEPs and list of SEPs being licensed;
- (f) illustrative cross-references to the standard;
- (g) list of products, services and processes that may be licensed through the patent pool ~~or the entity~~; (EPP 67, S&D 346)
- (h) royalties, *royalty-free and discount policy policies* per *implementation including information on royalty calculation per SEP owner in the pool and aggregate royalty rate, if applicable*; (EPP 68, S&D 347, Greens 348)
- (i) standard licence agreement per *implementation*; (EPP 69)
- (j) list of licensors in each *implementation*;
- (k) list of licensees for each *implementation*. (EPP 70)

(1a) *The competence centre shall systematically verify the information submitted by patent pools in accordance with paragraph 1 on a regular basis and at least once a year, based on a methodology it develops for this purpose, ensuring that the verification process is thorough, transparent and consistent. That methodology shall be made available to patent pools and to other stakeholders for the sake of transparency.* (EPP 71, S&D 349)

(1b) *The competence centre shall prepare a report detailing the outcomes of its verification including with regard to patent pools' compliance with paragraph 1, any discrepancies or missing information identified, and the corrective actions taken or recommended. That report shall be submitted to the Commission within one month following the completion of each verification cycle.* (EPP 72)

Article 10

Information on decisions on SEPs

1. Competent courts of Member States shall notify the competence centre within ~~6~~ 2 months *after from the adoption* (S&D 350) ~~decision judgment~~ concerning SEPs *has become final* on: (S&D 350)
 - (a) injunctions;
 - (b) infringement ~~proceedings~~; (EPP 73)
 - (c) essentiality and validity;
 - (d) abuse of dominance;

- (e) determination of FRAND terms and conditions.
- 2. Any person may inform the competence centre about any judicial proceeding or alternative dispute resolution proceeding concerning a SEP.

Article 11

Information on FRAND determinations

- 1. Persons involved in alternative dispute resolution proceedings concerning SEPs in force in a Member State shall disclose to the competence centre within ~~6~~ **4** months from the termination of the procedure the standards and the implementations concerned, the methodology used for the calculation of FRAND terms and conditions, information on the name of the parties, and on specific licensing rates determined. **(ECR 352, IMCO 63)**
- 2. No confidential information shall be disclosed by the competence centre without the prior consent of the affected party.

Article 12

Information on SEP related rules in third countries

- 1. The competence centre shall collect and ***promptly*** publish in the database, ***after having it duly verified***, information on any SEP related rules in any third country. ***The competence centre shall may also collect information on compliance of this Regulation in ~~or by~~ third countries, as well as monitoring the impact on implementers . (INTA 42)***
- 2. Any person may provide the competence centre with such information as well as information on updates, corrections and public consultations. The competence centre shall publish that information in the database ***after verifying its accuracy***. **(EPP 74, IMCO 64)**
- 2a. ***In order to facilitate effective implementation of this Regulation, the competence centre may cooperate, engage and exchange information with, amongst others, authorities of third countries and international organisations dealing with SEPs, in particular as regards the information on SEP related rules in third countries or the prevention of parallel proceedings. (INTA 43)***

Article 13

Enhancing transparency and information sharing

- 1. The competence centre shall store in the database all the data provided by stakeholders, as well as ***reasoned*** opinions ***as well as*** reports of evaluators and conciliators. **(The Left 354)**
- 2. The collection, storage and processing of such data shall serve the purposes of:
 - (a) administering the registrations of SEPs, essentiality checks and conciliation proceedings pursuant to this Regulation;
 - (b) accessing the information necessary for conducting those proceedings more easily and efficiently;
 - (c) communicating with the parties to the proceedings;

- (ca) ~~new~~ ***making available to interested persons the SEPs, the ~~existence and quality of standards and the implementations, with easily accessible research tools and reasonably understandable search results;~~ (Greens 357, IMCO 65)***
- (d) producing reports and statistics enabling the competence centre to improve its operations and the functioning of the registration of SEPs and the proceedings under this Regulation.
- (da) ***facilitating assessments of SEP licensing practices and their impact on the internal market, innovation, and access to standardised technology. (EPP 75)***
3. The competence centre shall include in the database case-law from competent courts of Member States, from third country jurisdictions and alternative dispute resolution bodies.
 4. The competence centre shall collect all information on FRAND terms and conditions, including any discounts, which have been made public by SEP holders, disclosed to it pursuant to Article 11 and included in the FRAND determination reports and shall make such disclosures accessible to public authorities in the Union, including competent courts of Member States, subject to a written request. Confidential documents shall be accompanied by a non-confidential version of the information submitted in confidence in sufficient detail to permit a reasonable understanding of the substance of the information submitted in confidence.
 5. The competence centre shall publish in the database an annual report on methodologies for FRAND determinations based on information from court and arbitration decisions and statistical information on licences and licensed products from the FRAND determinations.
 6. Upon a reasoned request by a stakeholder, any confidential information shall be redacted in a non-confidential format before the competence centre publishes or transmits such information.

Recitals:

- (13) The competence centre should ***on the one hand*** set up and administer an electronic register ~~and an electronic database~~ containing detailed information on SEPs in force in one or more Member States. ***The electronic register should serve as a foundational repository designed to be the primary reference point for users, providing easily accessible and basic information about SEPs free of charge. On the other hand, the competence centre should also set up and administer an electronic database providing easily accessible information on more extensive and comprehensive dataset to which access could be subject to the payment of a reasonable and proportionate fee. Public authorities, including courts, should have access to the information in the database free of charge. Academic institutions may also request access to the information free of charge under certain conditions. The electronic register and the electronic database should offer a high level of legal certainty*** ~~In order to raise awareness and facilitate SEP licensing for SMEs the competence centre should offer assistance to SMEs. The setting up and administering a system for essentiality checks and processes for aggregate royalty determination and FRAND determination by the competence centre should include actions improving the system and the processes on a continuous basis, including through the use of new technologies. In line with this objective, the competence centre should establish training procedures for evaluators of essentiality and conciliators for providing opinions on aggregate royalty as well as on~~

~~FRAND determination and should encourage consistency in their practices. (EPP 8, Greens 147, 148)~~

- (13a) *In order to raise awareness and facilitate SEP licensing for SMEs, the competence centre should offer assistance to SMEs and start-ups. The setting up and administering of a system for essentiality checks and processes for aggregate royalty determination and FRAND determination by the competence centre should include actions improving the system and the processes on a continuous basis, including through the use of new technologies. In line with this objective, the competence centre should establish training procedures for evaluators of essentiality and conciliators for providing opinions on aggregate royalty as well as on FRAND determination and should encourage consistency in their practices (EPP 10, IMCO 13).*
- (14) The competence centre should be the subject ~~to~~ of Union rules on access to documents and data protection. Its tasks should be designed to increase transparency by making existing information relevant to SEPs available to all stakeholders in a centralised and systematic way. Therefore, a balance *should* ~~would have to~~ be made between the free public access to basic information and the need to finance the functioning of the competence centre. ~~In order to cover the maintenance costs a registration fee should be requested to access detailed information contained in the database, such as results of any essentiality checks and non-confidential FRAND determination reports.~~
- (15) Knowledge of the potential total royalty for all SEPs covering a standard (aggregate royalty) applicable to the implementations of that standard is important for the assessment of the royalty amount for a product, which plays a significant role for the manufacturer's cost determinations. It also helps SEP *holders* to plan expected return on investment *and SEP implementers to estimate the cost of standard integration in their products*. The publication of the expected aggregate royalty and the standard licensing terms and conditions for a particular standard would facilitate SEP licensing and reduce the cost of SEP licensing. Thus, ~~it is necessary to make SEP implementers and SEP holders would benefit from making~~ public the information on total royalty rates (aggregate royalty) and the standard FRAND terms and conditions of licensing. (EPP 11, S&D 152, IMCO 7)
- (17) In line with the general principles and objectives of transparency, participation and access to European standardisation, the ~~centralised~~ *electronic* register should make information regarding the number of SEPs applicable to a standard, the ownership of relevant SEPs, and the parts of the standard covered by the SEPs publicly available. The register and the database will contain information on relevant standards, products, processes, services and systems, which implement the standard, SEPs in force in the EU, standard SEP licensing FRAND terms and conditions or any licensing programmes, collective licensing programmes and essentiality. For SEP holders the register will create transparency with regard to the relevant SEPs, their share of all SEPs declared to the standard and the features of the standard covered by the patents. SEP holders will be in a better position to understand how their portfolios compare with other SEP holders' portfolios. This is important not only for negotiations with implementers but also for the purpose of cross-licensing with other SEP holders. For implementers, the register will provide a trusted source of information on the SEPs, including with regard to the SEP holders from whom the implementer may need to obtain a licence. Making such information available in the register will also help shorten the length of technical discussions during the first stage of the SEP licensing negotiations.

Replacing all relevant amendments, including AMs 76-86, AM 364-414, INTA 44-47, IMCO 66-86)

Chapter 2

Notification of a standard and an aggregate royalty

Article 14

Notification of a standard to the competence centre

1. Holders of *patents* in force in one or more Member States which *are claimed to be* essential to a standard for which FRAND commitments have *or have not* been made shall notify to the competence centre, where possible through the standard development organisation or through a joint notification, the following information: **(EPP 76, IMCO 66)**
 - (a) the commercial name of a standard;
 - (b) the list of relevant technical specifications that define the standard;
 - (c) the date of the publication of the latest technical specification;
 - (d) implementations of the standard known to the SEP holders making the notification.
2. Such notification shall be made within 30 days of the publication of the latest technical specification.

~~(a) within 90 days of the entry into force of this Regulation for standards already adopted;~~

~~(b) within 30-60 days of the publication of the latest technical specification adopted after the entry into force of this Regulation. (The Left 364, EPP 365). (all procedures are covered by the final provisions, Art. 66)~~
3. In the absence of the notification under paragraph (1), any holder of a SEP in force in one or more Member States shall notify individually:

~~(a) the standards already adopted within a maximum period of 150 days from the entry into force of this Regulation;~~

~~(b) within a maximum period of no later than~~ no later than 90 days, from the publication of the latest technical specification, to the competence centre the information referred to in paragraph (1). ~~(The Left 366) (all procedures are covered by the final provisions, Art. 66)~~
4. In the absence of notification under paragraph (1) or under paragraph (3) any implementer may notify, to the competence centre the information referred to in paragraph (1).

- 4a. ~~Any implementer or any holder, of a SEP in force in one or more Member State that is declared claimed to be essential to a standard that has been published before the entry into force of this Regulation, in the absence of notification under paragraph (1), (3) or under paragraph (4), may in the absence of notification under paragraph (1), (3) or under paragraph (4) notify, to the competence centre the information referred to in paragraph (1). (IMCO 67)~~
(all procedures are covered by the final provisions, Art. 66)
5. The competence centre shall also notify the relevant standard development organisation of the **notification**. In case of notification pursuant to paragraphs (3) and (4), it shall also notify, where possible, known SEP holders individually or request confirmation from the standard development organisation that it has duly notified the SEP holders. **(EPP 77)**
6. The competence centre shall publish on the EUIPO website the notifications made pursuant to paragraphs (1), (3), (4) **and (4a)** for comments by stakeholders. Stakeholders may submit their comments to the competence centre within 30 days from the publication of the list. **(IMCO 69)**
7. After expiry of the time limit referred to in paragraph (6) the competence centre shall consider all comments received including all relevant technical specifications and implementations and publish the information pursuant to paragraph (1).

Article 15

Notification of an aggregate royalty to the competence centre

1. Holders of SEPs in force in one or more Member States for which FRAND commitments have **or have not** been made may jointly notify the competence centre the aggregate royalty for ~~the their~~ **all** SEPs covering a standard. **(EPP 78)**
2. The notification made in accordance with paragraph (1) shall contain the information on the following:
 - (a) the commercial name of the standard;
 - (b) the list of technical specifications that define the standard;
 - (c) the names of the SEP holders making the notification referred to in paragraph (1);
 - (d) the estimated percentage the SEP holders referred to in paragraph (1) represent from all SEP holders;
 - (e) the estimated percentage of SEPs they own collectively from all SEPs for the standard;
 - (f) the implementations known to the SEP holders referred to in point (c);
 - (g) the global aggregate royalty, unless the notifying parties specify that the aggregate royalty is not global;
 - (h) any period for which the aggregate royalty referred to in paragraph (1) is valid.
3. The notification referred to in paragraph (1) shall be made at the latest 120 days after:
 - (a) the publication of a standard by the standard development organisation for implementations known to the SEP holders referred to in paragraph (2), point (c); or
 - (b) a new implementation of the standard becomes known to them.

4. The competence centre shall publish in the database the information provided under paragraph (2).

Article 16

Revision of aggregate royalty

1. In case of revision of the aggregate royalty, the SEP holders shall notify the competence centre about the revised aggregate royalty and the reasons for the revision.
2. The competence centre shall publish in the database the initial aggregate royalty, the revised aggregate royalty and the reasons for the revision in the register.

Article 17

Process for facilitating agreements *between SEP holders* on aggregate royalty ~~*determinations*~~-(EPP 79)

1. Holders of SEPs in force in one or more Member States representing at least 20 % of all SEPs of a standard may request the competence centre to appoint a conciliator from the roster of conciliators to mediate the discussions for a joint submission of an aggregate royalty.
2. Such a request shall be made no later than 90 days following the publication of the standard or no later than 120 days following the first sale of new implementation on the Union market for implementations not known at the time of publication of the standard.
3. The request shall contain the following information:
 - (a) the commercial name of the standard;
 - (b) the date of publication of the latest technical specification or the date of the first sale of new implementation on the Union market;
 - (c) the implementations known to the SEP holders referred to in paragraph (1);
 - (d) the names and contact details of the SEP holders supporting the request;
 - (e) the estimated percentage of SEPs they own individually and collectively from all ~~potential~~ SEPs claimed for the standard.(EPP 80)
4. The competence centre shall ~~publish the request and invite other SEP holders to express their interest in participating in the process and to provide their estimated percentage of SEPs from all SEPs for the standard.~~ ***publish the request and invite other SEP holders to express their interest in participating in the process and to provide their estimated percentage of SEPs from all SEPs for the standard.***
5. The competence centre shall appoint a conciliator from the roster of conciliators and inform all SEP holders that expressed interest to participate in the process.
6. SEP holders that submit to the conciliator confidential information shall provide a non-confidential version of the information submitted in confidence in sufficient detail to permit a reasonable understanding of the substance of the information submitted in confidence.
7. Where the SEP holders fail to make ~~a~~ ***an agreement regarding the joint notification submission of an aggregate royalty*** within 6 months from the appointment of the conciliator, the conciliator shall terminate the process. (IMCO 75)

8. If the ~~contributors~~ **SEP holders** agree on a joint notification, the procedure set out in Article 15(1), (2) and (4) shall apply. **(IMCO 76)**

Article 18

~~Determination of an aggregate royalty by a~~ Non-binding expert opinion on aggregate royalty **(EPP 81, RE 390)**

1. A SEP holder or an implementer may request the competence centre for a non-binding expert opinion on a ~~global~~ aggregate royalty. *An implementer shall be able to may make this request, even if an agreement amongst SEP holders had already been reached, including through the procedure laid down in Articles 15 to 17.* **(IMCO 77)**
2. The request referred to in paragraph (1) shall be made no later than 150 days after:
 - (a) the publication of the relevant standard for known implementations; or
 - (b) new implementations are first sold on the Union market.
- ~~2a. — In the case of a standard published before the entry into force of this Regulation, the request referred to in paragraph (1) shall be made no later than 150 days following the publication by the competence centre of the information pursuant to Article 14(7).~~ **(IMCO 79) (covered by the final provisions, Art. 66)**
3. That request shall include:
 - (a) commercial name of the standard;
 - (b) list of relevant technical specifications that define the standard;
 - (c) list of relevant products, processes, services or systems or implementations;
 - (d) list of known stakeholders and contact details.
4. The competence centre shall notify the relevant standard development organisation and all ~~known relevant~~ stakeholders of the request. It shall publish the request on EUIPO's website and invite stakeholders to express interest in participating in the process within 30 days from the day when the request was published. **(EPP 82, S&D 394)**
5. Any stakeholder may request to participate in the process after explaining the basis of its interest. SEP holders shall provide their estimated percentage of those SEPs of all SEPs for a standard. Implementers *and other stakeholders* shall provide information on any relevant *existing or potential* implementations of the standard, including any relevant market share in the Union. **(ECR 395, S&D 396, IMCO 82)**
6. If the requests for participation include SEP holders representing collectively at least an estimated 20% of all SEPs for the standard, ~~and~~ *or* implementers holding collectively at least 10% relevant market share in the Union or at least 10 *SMEs or start-ups*, the competence centre shall appoint a panel of three conciliators selected from the roster of conciliators *having with the appropriate experience in background from* the relevant field of technology. **(EPP 401, IMCO 83)**
7. Stakeholders that submit to the panel confidential information shall provide a non-confidential version of the information submitted in confidence in sufficient detail to permit a reasonable understanding of the substance of the information submitted in confidence.

8. ***Within one month*** following the appointment, the panel shall request the participating SEP holders to, ~~*within one month:*~~ (IMCO 84)
 - (a) propose an aggregate royalty, including the information referred to in Article 15(2), or
 - (b) submit justification on the impossibility to propose an aggregate royalty due to technological, economic, or other considerations *and*
 - (c) ***provide evidence or observations to assist the panel in determining an opinion on aggregate royalty.*** (S&D 405, Renew 406, IMCO 85)
- 8a. ***The panel shall permit participants to submit responses to the submissions provided for in paragraph 8 and reactions to those responses.*** (EPP 83, S&D 407)
9. The panel shall duly consider the submissions *and responses* provided for in ***paragraphs 8 and 8a*** and decide: (EPP 84)
 - (a) to ***grant a suspension of*** the procedure ~~*for the expert opinion on aggregate royalty*~~ for an initial period of no longer than 6 months, which can be further extended ***for another period of 3 months*** on the basis of a duly justified request by one of the participating SEP holders, or (EPP 85, The Left 409)
 - (b) to provide the expert opinion.
10. The panel shall provide the expert opinion within 8 months of the end of the suspension period pursuant to paragraph ~~8~~ 9(a) or of the decision referred to in paragraph ~~8~~ 9 (b). The opinion shall be supported by at least two of the three conciliators. (S&D 413)
11. ~~The~~ expert opinion shall include a summary of the information provided in the request, the information referred to in Article 15(2), the names of the conciliators, the procedure, the ***recommended aggregate royalty rate***, the reasons for the opinion on the aggregate royalty and the underlying methodology. Any divergent views *and the reasons underlying them* shall be specified in an annex to the expert opinion. (EPP 86, S&D 414)
12. The expert opinion shall include an analysis of the value chain concerned and the potential impact of the aggregate royalty on the innovation incentives of both SEP holders and stakeholders in the value chain where licensing is to take place.
13. The competence centre shall publish the expert opinion and notify the participants of that publication.

Recitals:

- (16) SEP holders should have the opportunity to first inform the competence centre of the publication of the standard ***in respect of which they claim essentiality*** or the aggregate royalty which they have agreed upon among themselves. Except for those ~~use cases~~ ***implementations*** of standards for which the Commission establishes that there are well established and broadly well-functioning licensing practices of SEPs, the competence centre may assist the parties in the relevant aggregate royalty determination. In this context, if there is no agreement on an aggregate royalty among SEP holders, certain SEP holders may request the competence centre to appoint a conciliator to assist the SEP holders willing to participate in the process in determining an aggregate royalty for the SEPs covering the relevant standard. In this case, the role of the conciliator would be to facilitate the decision-making by the participating SEP holders without

making any recommendation for an aggregate royalty. Finally, it is important to ensure that there is a third independent party, an expert, that could recommend an aggregate royalty. Therefore, SEP holders and/or implementers should be able to request the competence centre for an expert opinion on an aggregate royalty. When such a request is made, the competence centre should appoint a panel of conciliators and administer a process in which all interested stakeholders are invited to participate. After receiving information from all of the participants, the panel should provide a non-binding expert opinion for an aggregate royalty. The expert opinion on the aggregate royalty should contain a non-confidential analysis of the expected impact of the aggregate royalty on the SEP holders and the stakeholders in the value chain. Important in this respect would be to consider factors such as, efficiency of SEP licensing, including insights from any customary rules or practices for licensing of intellectual property in the value chain and cross-licensing, and impact on incentives to innovate of SEP holders and different stakeholders in the value chain. (EPP12)

- (16a) *SEP holders and SEP implementers should be able to request the competence centre for a non-binding expert opinion by an independent third party on an aggregate royalty. When such a request is made, the competence centre should appoint a panel of conciliators and administer a process in which all interested stakeholders are invited to participate. After receiving information from all of the participants, the panel should provide an expert opinion for an aggregate royalty. The expert opinion on the aggregate royalty should contain a non-confidential analysis of the expected impact of the aggregate royalty on the SEP holders and the stakeholders in the value chain. In this respect, it would be important to consider factors such as, efficiency of SEP licensing, including insights from any customary rules or practices for licensing of intellectual property in the value chain and cross-licensing, and impact on incentives to innovate of SEP holders and different stakeholders in the value chain. (EPP13)*

Title III. Chapter 3: Articles 19-25 + relevant recitals 18-23, 30	CA 4
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Replacing all relevant amendments, including AMs 87-90, 418-459, INTA 48-54, IMCO 87-96)

Chapter 3 Registration of SEPs

Article 19

Administration of the register of standard essential patents

1. The competence centre shall create an entry in the register for a standard ***or part thereof*** for which FRAND commitments have been made within 60 days from the earliest of the following events: **(IMCO 87)**
 - (a) publication by the competence centre of the standard and related information pursuant to Article 14(7);

- (b) publication by the competence centre of an aggregate royalty and related information pursuant to Article 15(4) and Article 18(11).
2. The competence centre shall publish a notice on the EUIPO website informing stakeholders that an entry in the register has been made and refer to the publications referred to in paragraph (1). The competence centre shall notify known SEP holders individually by electronic means and the relevant standard development organisation of the notice in this paragraph.

Article 20

Registration of standard essential patents

1. Upon request of a SEP holder the competence centre shall register any patent in force in one or more Member States and falling within the scope of this Regulation that is essential for a standard, for which the competence centre has published a notice pursuant to Article 19(2).
2. For a SEP to be included in the register, at least one patent claim shall correspond with at least one requirement or recommendation to the standard, identified by standard name, version (and/or release) and sub-clause.
3. The request for registration shall be made within 6 months from the publication of the notice pursuant to Article 19(2). In case the SEP is only granted by a national or European patent office after the publication of the notice pursuant to Article 19(2), the request for registration shall be made within 6 months from the grant of the SEP by the relevant patent office.
4. The request shall include the information set out in Article 4(3) and Article 5(2), points (a), (b), (d) and (e).
5. A SEP holder shall update the information in the register, ***except for the information provided in accordance with Article 4(3), point (c),*** and database to reflect relevant changes in relation to its registered SEP by notifying the competence centre within 6 months from the change occurring. **(EPP 87)**
6. The request for registration will only be accepted following the payment of the registration fee by the SEP holder. The Commission shall determine the registration fee in the implementing act issued based on Art. 63(5). The registration fee shall include, in case of medium and large enterprises, the expected costs ~~***and fees of the essentiality check for SEPs selected***~~ pursuant to Article 29(1). **(EPP 425)**

Article 21

Date of registration

1. The date of registration shall be the date on which the competence centre has received a registration request pursuant to Article 20(2), (4) and (5) .
2. The competence centre shall publish the registered SEPs in the register within 7 working days from the date of registration.

Article 22

Examination of the conditions of registration

1. ***The EUIPO shall annually check a sample of SEP registrations in order to verify their completeness and correctness. (IMCO 91)***

2. The EUIPO shall adopt a methodology for selecting a sample of SEP registrations for checks.
3. Where the registration does not contain the information in accordance with Articles 4 and 5 or contains incomplete or inaccurate information, the competence centre shall request the SEP holder to provide the complete and accurate information within the set time limit of no less than **2 3** months. **(INTA 50)**
4. If the SEP holder fails to provide the correct and complete information, ***the competence centre shall notify the SEP holder about its failure to provide the correct and complete information and that, following a grace period of 1 month during which the SEP holder could still provide the required information, its*** the registration shall be suspended from the register, until such time as the incompleteness or inaccuracy is remedied. **(INTA 51)**
5. A SEP holder whose SEP has been suspended from the register pursuant to paragraph (4) and considers that the finding of the competence centre is incorrect may apply before the Boards of Appeal of the EUIPO for a decision on the matter. The application shall be made within 2 months from the suspension. Within 2 months from the application, the Boards of Appeal of the EUIPO shall either reject the application or request the competence centre to correct its finding and inform the requesting person.
6. Any completing or correcting information on a SEP pursuant to this article shall be made free of charge.

Article 23

Correction of an entry in the register or information in the database

1. A SEP holder may request a correction of its SEP registration or of the information contained in the database by filing an appropriate request to the competence centre, except as provided for in paragraph (2).
2. Any third party may request the competence centre to correct a SEP registration or information contained in the database. The request shall contain the following information:
 - (a) the name and contact details of the requesting person;
 - (b) the registration number of the registered SEP;
 - (c) the reasons for the request;
 - (d) evidence from an independent source supporting the request.
3. The competence centre shall notify the request ***made in accordance with paragraph 2*** to the SEP holder and invite the SEP holder to ***request a correction of*** the entry in the register or the information submitted for the database, where relevant within a time limit no less than **2 3** months. **(EPP 88, INTA 52)**
4. The competence centre shall notify the SEP holder and invite the SEP holder to ***request a correction of*** the entry in the register or the information submitted for the database, where relevant within a time limit no less than **2 3** months, when the competence centre is informed by a competent court of a Member State pursuant to Article 10(1) or a patent office or any third party of: **(EPP 89, INTA 53)**
 - (a) the expiry of a registered SEP
 - (b) the invalidation of a registered SEP by a competent authority; or

- (c) a final judgment that the registered SEP is not essential to the relevant standard.
5. If the SEP holder fails to correct the entry in the register or the information submitted for the database within the given time limit, ***the competence centre shall notify the SEP holder about its failure to provide the correct and complete information and that, following a grace period of 1 month during which the SEP holder could still provide the required information,*** the registration shall be suspended from the register, until such time as the incompleteness or inaccuracy is remedied. **(INTA 54)**
 6. A SEP holder whose SEP has been suspended from the register pursuant to paragraph (5) and considers that the finding of the competence centre is incorrect may apply before the Boards of Appeal of the EUIPO for a decision on the matter. The application shall be made within 2 months from the suspension. Within two months from the application, the Boards of Appeal of the EUIPO shall either reject the application or request the competence centre to correct its finding and inform the requesting person.
 7. The treatment of requests for correction pursuant to This article by the competence centre shall be suspended from the selection of the SEP for essentiality check pursuant to Article 29 until the publication of the result of the essentiality check in the register and the database pursuant to Article 33(1).
 8. The competence centre ***may shall*** correct any linguistic errors or errors of transcription and manifest oversights or technical errors attributable to it in the register and in the database of its own motion. **(EPP 90)**
 9. Any corrections pursuant to this article shall be made free of charge.

Article 24

Effects of absence of registration or suspension of registration of SEPs

- ~~1.~~ ~~A SEP that is not registered within the time limit set out in Article 20(3) may not be enforced in relation to the implementation of the standard for which a registration is required in a competent court of a Member State, from the time limit set out in Article 20(3) until its registration in the register. (S&D 446)~~
- ~~1.2~~ A SEP holder that has not registered its SEPs within the time-limit set out in Article 20(3) shall not be entitled to ~~receive royalties or seek damages~~ ***bring a claim assert a claim*** for infringement of such SEPs in relation to the implementation of the standard for which registration is required, from the time-limit set out in Article 20(3) until its registration in the register. **(IMCO 93)**
- ~~2.3~~ Paragraphs (1) ~~and (2) are~~ ***is*** without prejudice to provisions included in contracts ***concluded and applied before the entry into force of this Regulation which set a royalty for patents that are or have been claimed to be essential to a standard,; present or future, stipulating that the invalidity, non-essentiality or unenforceability of a limited number thereof shall not affect the overall amount and enforceability of the royalty or other terms and conditions of the contract.*** **(IMCO 94, 95)**
- ~~3. 4~~ Paragraphs (1) ~~and (2) applies~~ also in case the registration of a SEP is suspended, during the suspension period pursuant to Article 22(4) or 23(5), except where the Boards of Appeal request the competence centre to correct its findings in accordance with Article 22(5) and 23(6). **(S&D 452)**
- ~~4.5~~ A competent court of a Member State requested to decide on any issue related to a SEP in force in one or more Member States, shall verify whether the SEP is registered as part of the decision on admissibility of the action.

Article 25

Removing a SEP from the register and the database

1. A SEP holder may request the removal of its registered SEP from the register and the database, on the following grounds:
 - (a) expiry of the patent;
 - (b) invalidation of the patent by a competent authority;
 - (c) final judgment of a competent court of a Member State that the registered patent is not essential to the relevant standard;
 - (d) as a consequence of a negative result from the essentiality check pursuant to Article 31(5) and Article 33(1).
2. Such a request may be made at any time, except from the selection of the SEP for essentiality check pursuant to Article 29 until the publication of the result of the essentiality check in the register and database pursuant to Article 33(1).
3. The competence centre shall remove the SEP from the register and the database.

Recitals:

- (18) Once a standard has been notified or an aggregate royalty is specified, whichever is made first, the competence centre will open the registration of SEPs by holders of SEPs in force in one or more Member States.
- (19) In order to ensure transparency of about SEPs, it is appropriate to require from SEP holders to register their patents which are essential to the standard for which the registration is open. SEP holders should register their SEPs within 6 months following the opening of the registration by the competence centre or the grant of the relevant SEPs, whichever is first. ***SEP holders may collect royalties even if their SEP is not registered, but they should only be able to claim damages for uses and infringements that happened before the registration in case of timely registration, provided that the amount thereof has been established in accordance with the FRAND determination rules set out in this Regulation (Left 157).***
- (20) ~~SEP holders may register after the indicated time limit. However, in that case, SEP holders should not be able to for the period of delay.~~ ***In case of failure by SEP holders to register within the indicated time limit, the competence centre should notify the SEP holder that, in case of further delays in registering its patents, following a grace period of 1 month, the SEP holder should not be able to bring a collect royalties and claim damages collect royalties and in relation to its patent, until the registration is completed (INTA 10).***
- (21) Clauses in licensing agreement that set a royalty for a large number of patents – present or future – should not be affected by the invalidity, non-essentiality, or unenforceability of a small number of those patents when they do not affect the overall amount and enforceability of the royalty or other clauses in such agreements.
- (22) SEP holders should ensure that their SEP registration(s) are updated. Updates should be registered within 6 months for relevant status changes, including ownership, invalidation findings or other applicable changes resulting from contractual commitments or public authorities' decisions. ***In case of failure to update the registration, the competence centre should notify the SEP holder that in case of***

further delays in updating its registration, following a grace period of 1 month, its SEP may be suspended (INTA 11).

- (23) A SEP holder may also request the modification of a SEP registration. An interested stakeholder may also request the modification of a SEP registration, if it can demonstrate that the registration is inaccurate based on a definitive decision by a public authority. A SEP can only be removed from the register at the request of the SEP holder, if the patent is expired, was invalidated or found non-essential by a final decision or ruling of a competent court of a Member State or found non-essential under this Regulation. *To ensure transparency, a record of any modifications to the SEP registration should be made publicly available (S&D 165, RE 166, IMCO 11).*

~~(30 23a)~~ It is necessary to ensure that the registration and ensuring obligations provided for in this Regulation are not circumvented by removing a SEP from the register. When an evaluator finds a claimed SEP non-essential, only the SEP holder can request its removal from the register and only after the annual sampling process has been completed and the proportion of true SEPs from the sample has been established and published.

Title IV and V: Articles 26-33 + relevant recitals 24-29	CA 5
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Replacing all relevant amendments, including AMs 91-95, AM 461- 531, INTA 55-60, IMCO 97-109.

Title IV Evaluators and Conciliators

Article 26

Evaluators and conciliators

1. An evaluator shall conduct essentiality checks.
2. A conciliator shall conduct the following tasks:
 - (a) mediate among parties in establishing an aggregate royalty; **(EPP 470)**
 - (b) provide a non-binding opinion on an aggregate royalty;
 - (c) serve in a FRAND determination.
3. The evaluators and conciliators shall adhere to a code of conduct.
4. The competence centre shall appoint 10 evaluators from the roster of evaluators as peer evaluators for a period of three years.
5. By [OJ: please insert the date = 18 months from entry into force of this Regulation], the Commission shall by means of an implementing act adopted in accordance with the examination procedure referred to in *Article 68 (2)* , lay down the practical and operational arrangements concerning: **(RE 481, EPP 482, INTA 56, IMCO 98)**
 - (a) the requirements for evaluators or conciliators, including a Code of Conduct, *including at least the criteria of Article 27 (2a) of this Regulation;*

- (b) the procedures pursuant to Articles 17, 18, 31 and 32 and Title VI.

Article 27

The selection procedure

1. The competence centre shall conduct a procedure of selecting candidates based on the requirements established in the implementing act referred to in Article 26(5).
2. The competence centre shall establish a roster of suitable candidates for evaluators or conciliators *and make sure that:*

(a) there is no potential conflicts of interest, so that the chosen evaluators and conciliators are impartial and unbiased;

(b) every evaluator and conciliator appointed to the roster has the necessary qualification (RE 492), experience (S&D 493) and skills (EPP 480) to perform the required tasks effectively. In particular, they shall have the necessary qualifications, (S&D 485) substantial experience in the patent industry and dispute resolution, a demonstrated understanding of FRAND terms and conditions or a solid technical background in relevant technology field. (EPP 91, EPP 92, RE 476, EPP 480, S&D 485, RE 492, S&D 493, IMCO 99, IMCO 101)

There ~~may~~ **shall** be different rosters of evaluators and conciliators depending on the technical area of their specialisation or expertise. (RE 492, INTA 58)

- ~~3. — Where the competence centre has not yet established roster of candidates evaluators or conciliators at the moment of the first registrations or FRAND determination, the competence centre shall invite ad hoc renowned experts who satisfy the requirements set out in the implementing act referred to in Article 26(5). (RE 495, EPP 496)~~

4. The competence centre shall regularly review the rosters that a sufficient number of qualified candidates is maintained.

Title V

Essentiality checks of standard essential patents

Article 28

General requirement for essentiality checks

1. The competence centre shall administer a system of essentiality checks, ensuring that they are conducted in ~~an~~ **a transparent**, objective and impartial manner and that confidentiality of the information obtained is safeguarded. (S&D 504, IMCO 100)
2. The essentiality check shall be conducted by an evaluator selected pursuant to Article 27. Evaluators shall conduct essentiality checks of registered SEPs for the standard for which they are registered.
3. Essentiality checks shall not be done on more than one SEP from the respective patent family.
4. The lack of an essentiality check or an ongoing essentiality check shall not preclude licensing negotiations or any court or administrative procedure in relation to a registered SEP.

5. The evaluator shall summarise the result of the essentiality check and the reasons for it in a reasoned opinion, or, in case of peer evaluation, in a final reasoned opinion, which shall not be legally binding.
6. The result of the essentiality check conducted and the reasoned opinion of the evaluator or the final reasoned opinion of the peer evaluator may be used as evidence before stakeholders, patent pools, public authorities, courts or arbitrators.

Article 29

Administration of essentiality checks

1. The competence centre shall select annually a sample of registered SEPs from different patent families from each SEP holder and with regard to each specific standard in the register for essentiality checks. Registered SEPs of micro and small enterprises shall be excluded from the annual sampling process, ***unless they are a patent assertion entity or a subsidiary, affiliate, or owned or directly or indirectly controlled by another natural or legal person that does not qualify as an SME itself.*** The checks shall be conducted based on a methodology that ensures the establishment of a fair and statistically valid selection that can produce sufficiently accurate results about the essentiality rate in all registered SEPs of a SEP holder with regard to each specific standard in the register. By [OJ: please insert the date = 18 months from entry into force of this Regulation] the Commission shall, by means of an implementing act, determine the detailed methodology. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 68(2). **(EPP 93, S&D 510, IMCO 103)**
2. The competence centre shall notify the SEP holders about the SEPs selected for essentiality checks. Within the time limit established by the competence centre, the SEP holders may submit within the same time period a claim chart with a maximum amount of five correspondences between the SEP and the relevant standard, any additional technical information that may facilitate the essentiality check and translations of the patent requested by the competence centre.
3. The competence centre shall publish the list of SEPs selected for essentiality check.
4. If a SEP selected for essentiality check was already the subject of a previous or ongoing essentiality check pursuant to This title or of an essentiality decision or check referred to in Article 8, no additional essentiality check shall be done ***unless paragraph 4a applies.*** The result from the previous essentiality check or decision shall be used for the determination of the percentage of sampled per SEP holder and per specific registered standard that has passed successfully the essentiality check. **(EPP 94)**
 - 4a. ***If an evaluator has sufficient reason to believe that a prior essentiality check conducted under Article 8, point (b), might be inaccurate, the evaluator shall have the authority to review the result of that check. If, after the review, the evaluator concludes that the prior essentiality check result was inaccurate, he/she shall conduct a new essentiality check for the specific SEP in question.*** **(EPP 95)**
5. Each SEP holder may voluntarily propose annually up to 100 registered SEPs from different patent families to be checked for essentiality with regard to each specific standard for which SEP registration was made.

6. Any implementer may voluntarily propose annually up to 100 registered SEPs from different patent families to be checked for essentiality with regard to each specific standard for which SEP registrations have been made.
7. The competence centre shall allocate the SEPs for essentiality check to evaluators based on the roster of evaluators established pursuant to Article 27 and shall provide access to the evaluator access to the complete documentation provided by the SEP holder.
8. The competence centre shall ensure that the identity of the evaluator remain undisclosed to the SEP holders during the examination of the essentiality pursuant to Article 31 or during the peer evaluation pursuant to Article 32. All the communication between the SEP holder and the evaluator shall pass through the competence centre.
9. In case of failure to respect formal requirements pursuant to Article 28, other procedural requirements or the code of conduct, the competence centre may, at the request of any stakeholder submitted within one month from the publication of the reasoned opinion or final reasoned opinion or on its own initiative, review the examination and decide to:
 - (a) maintain, or
 - (b) revoke
 the results of examination of the essentiality of a registered SEP or of the peer evaluation.
10. Where the competence centre revokes the results pursuant to paragraph 9(b), the competence centre shall appoint a new evaluator or peer evaluator to conduct a new examination of the essentiality check pursuant to Article 31 or new peer evaluation pursuant to Article 32.
11. The party that requests the review of the examination of the essentiality check or peer evaluation and re-appointment of the evaluator and considers that the finding of the competence centre is incorrect may apply before the Boards of Appeal of the EUIPO for a decision on the matter. The application shall be made within 2 months from the finding of the competence centre. The Boards of Appeal of the EUIPO shall either reject the application or request the competence centre to appoint a new evaluator and inform the requesting person and, where relevant, the SEP holder

Article 30

Observations by stakeholders

1. Within 90 days following the publication of the list of registered SEPs selected for sampling, any stakeholder may submit to the competence centre written observations ***and evidence*** concerning the essentiality of the selected SEPs. **(S&D 518)**
2. The observations referred to in paragraph (1) shall be communicated to the SEP holder who may comment on them within the time limit established by the competence centre.
3. The competence centre shall provide the observations, ***evidence*** and the responses by the SEP holder to the evaluator following the expiry of the set time limits. **(S&D 519)**

Article 31

Examination of the essentiality of a registered SEP

1. The examination of essentiality shall be conducted following procedure that ensures sufficient time, rigorousness and high-quality.
2. The evaluator may invite the SEP holder concerned to file observations, within a period to be fixed by the evaluator.
3. Where an evaluator has reasons to believe that the SEP may not be essential to the standard, the competence centre shall inform the SEP holder of any such reasons and specify a period within which the SEP holder may submit its observations, or submit an amended claim chart.
4. The evaluator shall duly consider any information provided by the SEP *holder or by stakeholders in accordance with the procedure in Article 30. (S&D 523)*
5. The evaluator shall issue his reasoned opinion to the competence centre within 6 months from its appointment. The reasoned opinion shall include the name of the SEP holder and of the evaluator, the SEP subject to the essentiality check, the relevant standard, a summary of the examination procedure, the result of the essentiality check and the reasons on which that result is based.
6. The competence centre shall notify the reasoned opinion to the SEP holder.

Article 32

Peer evaluation

1. Where the competence centre has informed the SEP holder pursuant to Article 31(3), the SEP holder may request peer evaluation before the expiry of the period to submit its observations pursuant to Article 31(3).
2. If the SEP holder requests a peer evaluation, the competence centre shall appoint a peer evaluator.
3. The peer evaluator shall duly consider all the information submitted by the SEP holder *or stakeholders which have provided observations or evidence in accordance with the procedure in Article 30*, the reasons of the initial evaluator why the SEP may not be essential to the standard and any amended claim chart or additional observations provided by the SEP holder. **(S&D 527)**
4. In case the peer evaluation confirmed the preliminary conclusions of the evaluator that the evaluated SEP may not be essential to the standard for which it was registered, the peer evaluator shall inform the competence centre and provide the reasons for this opinion. The competence centre shall inform the SEP holder and invite the SEP holder to submit its observations.
5. The peer evaluator shall duly consider the observations of the SEP holder *or the observations or evidence provided by other stakeholders in accordance with Article 30* and issue a final reasoned opinion to the competence centre within 3 months from its appointment. The final reasoned opinion shall include the name of the SEP holder, of the evaluator and of the peer evaluator, the SEP subject to the essentiality check, the relevant standard, a summary of the examination and peer evaluation procedure, the preliminary conclusion of the evaluator, the result of the peer evaluation and the reasons on which that result is based. **(S&D 529)**
6. The competence centre shall notify the final reasoned opinion to the SEP holder.
7. The results of the peer evaluation shall serve to improve the essentiality check process and ensure consistency.

Publication of the results of the essentiality checks

1. The competence centre shall enter the result of the essentiality check or of the peer evaluation in the register and the reasoned opinion and final reasoned opinion in the database. The result of the essentiality check under this Regulation shall be valid for all SEPs from the same patent family.
2. The competence centre shall publish in the register the percentage of sampled SEPs per SEP holder and per specific registered standard that passed successfully the essentiality test.
3. Where the publication of the results contains an error attributable to the competence centre, the competence centre shall of its own motion or at the request of the SEP holder registrant correct the error and publish the correction.

Recitals:

- (24) To further ensure the quality of the register and avoid over-registration, essentiality checks should also be conducted randomly by independent *and impartial* evaluators selected according to objective criteria to be determined by the Commission. Only one SEP from the same patent family should be checked for essentiality. (*S&D 170, IMCO 12*)
- (25) These essentiality checks should be conducted on a sampling from SEP portfolios to ensure that the sample is capable of producing statistically valid results. The results of the sampled essentiality checks should determine the ratio of positively checked SEPs from all the SEPs registered by each SEP holder. The essentiality rate should be updated annually.
- (26) SEP holders *may voluntarily submit their SEPs for essentiality checks to the competence centre prior to registering their patents. After the registration, SEP holders* or implementers may also designate annually up to 100 registered SEPs for essentiality checks. If the pre-selected SEPs are confirmed essential, the SEP holders may use this information in negotiations and as evidence in courts, without prejudicing the right of an implementer to challenge the essentiality of a registered SEP in court. The selected SEPs would have no bearing on the sampling process as the sample should be selected from all registered SEPs of each SEP holder. If a preselected SEP and a SEP selected for the sample set are the same, only one essentiality check should be done. Essentiality checks should not be repeated on SEPs from the same patent family.
- (27) Assessments of essentiality of SEPs conducted by an independent entity prior to the entry into force of the Regulation, for example through patent pools, as well as essentiality determinations by judicial authorities should be indicated in the register. Those SEPs should not be re-checked for essentiality after the relevant evidence supporting the information in the register is provided to the competence centre, *unless the evaluator has objective reasons to believe, based on sufficient evidence, that the prior essentiality check was inaccurate. SEP holders or patent pools should also be able to conduct an assessment of essentiality of SEPs after the entry onto force of the Regulation. (EPP 14, S&D 179)*
- (28) The evaluators should work independently in accordance with the rules of procedure and Code of Conduct to be determined by the Commission. The SEP holder would be

able request a peer evaluation before the issuance of a reasoned opinion. Unless a SEP is the subject of a peer review, there would be no further review of the essentiality check results. The results of the peer evaluation should serve to improve the essentiality check process, to identify and remedy shortcomings and improve consistency.

- (29) The competence centre would publish the results of the essentiality checks, whether positive or negative, in the register and the database. The results of the essentiality checks would not be legally binding. Thus, *it should be possible to address* any subsequent disputes with *regard* to essentiality *before the competent court*. The results from the essentiality checks, whether requested by a SEP holder or based on a sample, may, however, be used for the purpose of demonstrating essentiality of those SEPs *or other relevant criteria* in negotiations, in patent pools and in court. (EPP 15)
- ~~(30) It is necessary to ensure that the registration and ensuing obligations provided for in this Regulation are not circumvented by removing a SEP from the register. When an evaluator finds a claimed SEP non-essential, only the SEP holder can request its removal from the register and only after the annual sampling process has been completed and the proportion of true SEPs from the sample has been established and published.~~

Title VI: Articles 34-58 + relevant recitals 31-44	CA 6
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Replacing all relevant amendments, including AM 96- 109, AM 532- 725, INTA 61-95, IMCO 110-137.

Title VI FRAND determination

Article 34

Initiation of the FRAND determination

1. The FRAND determination in respect of a standard and implementation for which an entry in the register has been created, shall be initiated by any of the following persons:
 - (a) SEP holder, prior to any initiation of a SEP infringement claim before a competent court of a Member State;
 - (b) an implementer of a SEP prior to any request for the determination or assessment of FRAND terms and conditions of a SEP licence before a competent court of a Member State.

The FRAND determination shall not apply to existing licensing agreements during their term. (EPP 535)

2. The party requesting the FRAND determination shall be referred to as the ‘requesting party’, any party responding to the request as the ‘responding party’, and both shall be referred to as the ‘parties’ for the purposes of FRAND determination.
3. The FRAND determination may be initiated by a party or entered into by the parties to resolve disputes related to FRAND terms and conditions voluntarily.

4. The obligation to initiate FRAND determination pursuant to paragraph 1 ~~prior to the court proceedings~~ is without prejudice to the possibility for either party to request, pending the FRAND determination, the competent court of a Member State to issue a provisional injunction of a financial nature against the alleged infringer. The provisional injunction shall exclude the seizure of property of the alleged infringer and the seizure or delivery up of the products suspected of infringing a SEP. Where national law provides that the provisional injunction of a financial nature can only be requested where a case is pending on the merits, either party may bring a case on the merits before the competent court of a Member State for that purpose. However, the parties shall request the competent court of a Member State to suspend the proceedings on the merits for the duration of the FRAND determination. In deciding whether to grant the provisional injunction, the competent court of a Member ~~States~~ State shall consider that a procedure for FRAND determination is ongoing. (EPP 540, S&D 541)
5. Once the FRAND determination is terminated, the whole range of measures, including provisional, precautionary and corrective measures, shall be available to ~~the~~ parties. (S&D 545)

Article 35

Rules of procedure

The FRAND determination shall be governed by Article 34 to Article 58, as further implemented pursuant to Article 26(5).

Article 36

Content of the request to initiate a FRAND determination

1. The FRAND determination shall be initiated by a written request to the competence centre that shall contain the following information:
 - (a) the name and contact information of the requesting party;
 - (b) the name and address of the responding party;
 - (c) the registration numbers of the relevant SEPs in the register;
 - (d) the commercial name of the standard and the name of the *relevant* standard developing organisation. (INTA 61)
 - (e) a summary of the licensing negotiations to date, if applicable;
 - (f) references to any other *related* FRAND determination, if applicable. (INTA 62)
2. Where the request to initiate a FRAND determination is made by a SEP holder, *it shall contain*, in addition to the information listed in paragraph (1), ~~it shall contain~~ the following information: (The Left 546)
 - (a) claim charts mapping patent claims to the standard of selected registered SEPs;
 - (b) proof of essentiality checks, if available.
3. The request to initiate a FRAND determination may include a proposal for a FRAND determination.

Article 37

Duration of the FRAND determination

1. Unless otherwise agreed by the parties, the period from the date of the submission of the request to continue the FRAND determination in accordance with Article 38~~(5)~~ (3) ~~(b)~~ or Article 38(3)(c) or Article 38(4)(a), second sentence, or Article 38(4)(c), as applicable, until the date of the termination of the procedure shall not exceed 9 months. **(IMCO 112)**
2. The period for the time barring of claims before a competent court of a Member State shall be suspended for the duration of the FRAND determination.

Article 38

Notification of the FRAND determination request and response

1. The competence centre shall notify the request to the responding party within 7 days, *including the information submitted pursuant to Article 36*, and shall inform the requesting party thereof. **(S&D 550)**
2. The responding party shall notify the competence centre within 15 days from the receipt of the notification of the request for FRAND determination from the competence centre in accordance with paragraph (1). The response shall indicate whether the responding party agrees to the FRAND determination ~~and whether it commits to comply with its outcome in case of disagreement, include the reasons for declining to participate.~~ **(EPP 96, S&D 551, RE 552, EPP 553, EPP 554, Greens 555, IMCO 113, INTA 64)**
3. Where the responding party does not reply within the time limit laid down in paragraph (2) or informs the competence centre of its decision not to participate in the FRAND determination, ~~or not to commit to comply with the outcome,~~ the following shall apply: **(EPP 97, S&D 556, RE 558, INTA 65, IMCO 114)**
 - (a) the competence centre shall notify the requesting party thereof and invite it to indicate within seven days whether it requests the continuation of the FRAND determination ~~and whether it commits to comply with the outcome of the FRAND determination;~~ **(EPP 98, EPP 559, RE 560, S&D 561, Greens 562, INTA 66, IMCO 115)**
 - (b) where the requesting party requests the continuation of the FRAND determination ~~and commits to its outcome,~~ the FRAND determination shall continue, but Article 34(1) shall not apply to the court proceedings for the requesting party in relation to the same subject matter. **(EPP 99, EPP 564, RE 565, EPP 566, S&D 567, INTA 67, IMCO 116)**
 - (c) where the requesting party fails to request, within the time limit referred to in subparagraph (a), the continuation of the FRAND determination, the competence centre shall terminate the FRAND determination.
4. Where the responding party agrees to the FRAND determination ~~and commits to comply with its outcome pursuant to paragraph (2), including where such commitment is contingent upon the commitment of the requesting party to comply with the outcome of the FRAND determination, the following shall apply:~~ **(EPP 100, Greens 571, S&D 572, INTA 68, IMCO 117)**
 - ~~(a) the competence centre shall notify the requesting party thereof and request to inform the competence centre within seven days whether it also commits to comply with the outcome of the FRAND determination. In case of acceptance of the commitment by the requesting party, the FRAND determination shall~~

~~continue and the outcome shall be binding for both parties; (EPP 101, RE 575, Greens 577, S&D 578, INTA 69, IMCO 118)~~

~~(b) where the requesting party does not reply within the time limit referred to in subparagraph (a) or informs the competence centre of its decision not to commit to comply with outcome of the FRAND determination, the competence centre shall notify the responding party and invite it to indicate within seven days whether it requests the continuation of the FRAND determination. (EPP 102, EPP 579, RE 580, Greens 581, S&D 582, INTA 70, IMCO 119)~~

~~(c) where the responding party requests the continuation of the FRAND determination, the FRAND determination shall continue, but Article 34(1) shall not apply to the court proceedings for by the responding party in relation to the same subject matter;~~

~~(d) where the responding party fails to request, within the time limit referred to in subparagraph (b), the continuation of the FRAND determination, the competence centre shall terminate the FRAND determination. (EPP 585, RE 586)~~

4 a. Each party may, at any time during the FRAND determination process, declare to commit to comply with its outcome. The declaring party may make its commitment to comply subject to the other party's commitment to the outcome. This shall not terminate the FRAND determination process. (S&D 587, IMCO 121, INTA 71)

5. ~~Where either party commits to comply with the outcome of the FRAND determination, while the other party fails to do so within the applicable time limits, the competence centre shall adopt a notice of commitment to the FRAND determination and notify the parties within 5 days from the expiry of the time limit to provide the commitment. The notice of commitment shall include the names of the parties, the subject matter of the FRAND determination, a summary of the procedure and information on the commitment provided or on the failure to provide commitment for each party. (EPP 103, EPP 588, RE 589, Greens 590)~~

6. The FRAND determination shall concern a global SEP licence, unless otherwise specified by the parties in case both parties agree to the FRAND determination or by the party that requested the continuation of the FRAND determination. SMEs *and start-ups* (IMCO 123) that are parties to the FRAND determination may request to limit the territorial scope of the FRAND determination. (Greens 594, IMCO 123)

Article 39

Selection of a panel of conciliators (S&D 596, INTA 73)

1. Following the reply to the FRAND determination by the responding party in accordance with Article 38(2), ~~the requesting and responding parties shall each appoint one conciliator or the request to continue in accordance with Article 38(5), the competence centre shall propose at least 3 candidates for the FRAND determination~~ from the roster of conciliators referred to Article 27(2) ~~to the panel of conciliators. (S&D 599) The parties or party shall select one of the proposed candidates as a conciliator for the FRAND determination. The third conciliator shall be appointed by the competence centre from the roster of conciliators referred to in Article 27(2). (S&D 599, INTA 73, IMCO 124)~~

2. ~~If the parties do not agree on a conciliator, the competence centre shall select one candidate from the roster of conciliators referred to in Article 27(2).~~

Article 40

Appointment of conciliators (The Left 603)

1. The selected ~~candidate~~ *candidates* shall communicate to the competence centre the acceptance to take up the task of a conciliator for the FRAND determination, which shall notify the communication of acceptance to the parties. **(Greens 604)**
2. The day following the notification of the acceptance to the parties, the *panel of ~~conciliator~~ conciliators* is appointed, and the competence centre shall refer the case to ~~him/her~~ *the panel of conciliators*. **(Greens 605)**

Article 41

Preparation of the proceedings

If during the FRAND determination a conciliator is unable to participate, withdraws or needs to be replaced because he or she does not comply with the requirements as provided for in Article 26, the procedure provided for in Article 39 shall apply. The time period referred to in Article 37 shall be extended for the time necessary for the appointment of the new conciliator for the FRAND determination.

Article 42

Preparation of the proceedings

1. After the case is referred to the *panel of conciliators ~~conciliator~~* in accordance with Article 40(2), ~~he/she~~ *it* shall examine whether the request contains the information required under Article 36 in accordance with the Rules of procedure. **(Greens 607, S&D 608, INTA 74)**
2. ~~He/she~~ *The panel of conciliators* shall communicate to the parties or the party requesting the continuation of the FRAND determination the conduct as well as the schedule of procedure. **(S&D 610, Greens 611, INTA 75)**

Article 43

Written procedure

The ~~conciliator~~ *panel of conciliators* shall invite each party to file written submissions setting out its arguments concerning the determination of the applicable FRAND terms and conditions, including supporting documentation and evidence, and set appropriate time limits. **(Greens 613)**

Article 44

Objection to the FRAND determination

1. A party may submit an objection stating that the *panel of conciliators (Greens 613, S&D 615, INTA 76) ~~conciliator~~* is unable to make a FRAND determination on legal grounds, such as a previous binding FRAND determination or agreement between the parties, ~~no later than in the first written submission at any time. (Greens 613, EPP 616, IMCO 126, INTA 76)~~ The other party shall be given opportunity to submit its observations. **(Greens 614, S&D 615, EPP 616, IMCO 126, INTA 76)**
2. The ~~conciliator~~ *panel of conciliators* shall decide on the objection and either reject it as unfounded before considering the merits of the case or join it to the examination of the merits of the FRAND determination. If the ~~conciliator~~ *panel of conciliators*

overrules the objection or joins it to the examination of the merits of the determination of FRAND terms and conditions, it shall resume consideration of the determination of FRAND terms and conditions. (S&D 617, Greens 618, INTA 77)

3. If the ~~conciliator~~ *panel of conciliators* decides that the objection is founded, it shall terminate the FRAND determination and shall draw up a report stating the reasons of the decision. (EPP 104, Greens 619, S&D 620, INTA 78)

Article 45

Conduct of the FRAND determination

1. The ~~conciliator~~ *panel of conciliators* shall assist the parties in an independent and impartial manner in their endeavour to reach a determination of FRAND terms and conditions. (Greens 621, S&D 622, INTA 79)
2. The ~~conciliator~~ *panel of conciliators* may invite the parties or the party requesting the continuation of the FRAND determination to meet with ~~him/her~~ *it* or may communicate with ~~him/her~~ *it* orally or in writing. (Green 625, S&D 626, INTA 80)
3. The parties or the party requesting the continuation of the FRAND determination shall cooperate in good faith with the ~~conciliator~~ *panel of conciliators* and, in particular, shall attend the meetings, comply with ~~his/her~~ *its* requests to submit all relevant documents, information and explanations as well as use the means at their disposal to enable the ~~conciliator~~ *panel of conciliators* to hear witnesses and experts whom the conciliator might call. (S&D 629, Greens 630, INTA 81)
4. The responding party may join the FRAND determination at any moment before its termination.
5. At any stage of the procedure upon request by both parties, or the party requesting the continuation of the FRAND determination, as applicable, the ~~conciliator~~ *panel of conciliators* shall terminate the FRAND determination. (S&D 635, INTA 82)

Article 46

Failure of a party to engage

1. If a party:
 - (a) fails to comply with *Article 45(3)* or any request of the ~~conciliator~~ *panel of conciliators*, ~~the~~ Rules of procedure or schedule of procedure referred to in Article 42(2), or (EPP 105, S&D 636, Greens 637, INTA 83)
 - ~~(b) withdraws its commitment to comply with the outcome of the FRAND determination as set out in Art. 38, or~~ (EPP 106, RE 638, EPP 639, S&D 640, INTA 84, IMCO 131)
 - (c) in any other way fails to comply with a requirement relating to the FRAND determination,the ~~conciliator~~ *panel of conciliators* shall inform both parties thereof. (S&D 641, Greens 642, INTA 85)
2. Having received the notification of the ~~conciliator~~ *panel of conciliators*, the complying party may ask the ~~conciliator~~ *panel of conciliators* to take one of the following actions: (S&D 644, INTA 86)

- (a) make a proposal for a FRAND determination in accordance with Article 55 based on the information available to it, attaching such weight as it considers fit to any evidence submitted to it,
 - (b) terminate the procedure.
3. If the party requesting the continuation of the FRAND determination fails to comply with any request of the **~~conciliator~~ panel of conciliators** or in any other way fails to comply with a requirement relating to the FRAND determination, the **~~conciliator~~ panel of conciliators** shall terminate the procedure. (S&D 648, Greens 649)

Article 47

Parallel proceedings in a third country

1. For the purposes of this article a parallel proceeding means a proceeding that satisfies the following conditions:
 - (a) any procedure before a court, tribunal, an administrative or state authority of a third country taking legally binding and enforceable decisions on patent assertion, injunction, infringement, abuse of a dominant market position or a determination of FRAND terms and conditions;
 - (b) concerning a licensing dispute regarding the same standard and implementation and a patent which in substance has the same claims as the SEPs that is subject to the FRAND determination;
 - (c) involving one or more of the parties to the FRAND determination as a party.
2. Where a parallel proceeding has been initiated before or during the FRAND determination by a party, the **~~conciliator~~ panel of conciliators**, or where ~~he/she~~ it has not been appointed, the competence centre, shall terminate the FRAND determination upon the request of ~~any~~ the other party. (EPP 107, Greens 651, S&D 652, INTA 87, IMCO 133)

Article 48

Evidence

1. Without prejudice to the protection of confidentiality in accordance with Article 54(3) at any time during the FRAND determination, at the request of a party or on its own motion, the **~~conciliator~~ panel of conciliators** may request the production of documents or other evidence. (S&D 654, Greens 655)
2. The **~~conciliator~~ panel of conciliators** may examine publicly available information and the competence centre's register, **database** and confidential and non-confidential reports of other FRAND determinations, **aggregate royalty determinations and results of essentiality checks**, as well as **other** non-confidential documents and information produced by or submitted to the competence centre. (EPP 108, S&D 656, Greens 657, IMCO 134)

Article 49

Witnesses and experts

The ~~conciliator~~ *panel of conciliators* may hear witnesses and experts requested by either party provided that the evidence is necessary for the FRAND determination and that there is time to consider such evidence. (Greens 658, S&D 659)

Article 50

Proposal for a determination of FRAND terms and conditions

1. At any time during the FRAND determination, the ~~conciliator~~ *panel of conciliators* or a party on its own motion or by invitation of the ~~conciliator~~ *panel of conciliators* may submit proposals for a determination of FRAND terms and conditions (S&D 660, Greens 661, INTA 88)
2. If the requesting party has submitted a written proposal for FRAND terms and conditions in its written submission, the responding party shall be given opportunity to comment on it and/or submit a written counter-proposal in its reply.
3. When submitting suggestions for FRAND terms and conditions, the ~~conciliator~~ *panel of conciliators* shall take into account the impact of the determination FRAND terms and conditions on the value chain and on the incentives to innovation of both the SEP holder and the stakeholders in the relevant value chain. To that end, the ~~conciliator~~ *panel of conciliators* may rely on the expert opinion referred to in Article 18 or, in case of absence of such an opinion request additional information and hear experts or stakeholders. (Greens 665, INTA 89)

Article 51

Recommendation of a determination of FRAND terms and conditions by the conciliator *panel of conciliators* (S&D 667, Greens 668)

The ~~conciliator~~ *panel of conciliators* shall notify the parties a written recommendation of a determination of FRAND terms and conditions at the latest 5 months before the time limit referred to in Article 37. (Greens 669, S&D 670)

Article 52

Submission of reasoned proposals for determination of FRAND terms and conditions by the parties

Following the notification of the written recommendation of FRAND terms and conditions by the ~~conciliator~~ *panel of conciliators*, either party shall submit a detailed and reasoned proposal for a determination of FRAND terms and conditions. If a party has already submitted a proposal for the determination of FRAND terms and conditions, revised versions shall be submitted, if necessary, taking into account the recommendation of the ~~conciliator~~ *panel of conciliators*. (S&D 671, Greens 672)

Article 53

Oral procedure

If the ~~conciliator~~ *panel of conciliators* considers it necessary or if a party so requests, an oral hearing shall be held within 20 days after the submission of reasoned proposals for determination of FRAND terms and conditions. (Greens 673, S&D 674)

Article 54

Disclosure of information

1. When the ~~conciliator~~ **panel of conciliators** receives information for the purposes of FRAND determination from a party, it shall disclose it to the other party so that the other party has the opportunity to present any explanation. (S&D 675, Greens 676, Greens 677)
2. A party may request the ~~conciliator~~ **panel of conciliators** that specific information in a submitted document is kept confidential. (Greens 678, S&D 679)
3. When a party requests the information in a document it had submitted to be kept confidential, the ~~conciliator~~ **panel of conciliators** shall not disclose that information to the other party. The party invoking confidentiality shall also provide a non-confidential version of the information submitted in confidence in sufficient detail to permit a reasonable understanding of the substance of the information submitted in confidence. This non-confidential version shall be disclosed to the other party. (Greens 680, S&D 681)

Article 55

Reasoned proposal for a determination of FRAND terms and conditions by the *panel of conciliators* (Greens 682, S&D 683)

1. At the latest 45 days before the end of the time limit referred to in Article 37, the ~~conciliator~~ **panel of conciliators** shall submit a reasoned proposal for a determination of FRAND terms and conditions to the parties or, as applicable, the party requesting the continuation of the FRAND determination. (S&D 686, Greens 687, INTA 90)
2. Either party may submit observations to the proposal and suggest amendments *within a deadline set to the proposal* by the ~~conciliator~~ **panel of conciliators**, who may reformulate its proposal to take into account the observations submitted by the parties and shall *promptly* inform the parties or the party requesting the continuation of the FRAND determination, as applicable, of such reformulation. (Greens 690, S&D 691, The Left 692, Greens 693, INTA 91)

Article 56

Termination of the FRAND determination and notice of termination

1. In addition to the termination of the FRAND determination for reasons provided for Article 38(4), Article 44(3), Article 45(5), Article 46(2), point (b), Article 46(3) and Article 47(2), the FRAND determination shall be terminated in any of the following ways:
 - (a) a settlement agreement is signed by the parties;
 - (b) a written declaration is signed by the parties accepting the reasoned proposal for a determination of FRAND terms and conditions by the ~~conciliator~~ **panel of conciliators** referred to in Article 55; (S&D 697, Greens 698, INTA 92)
 - (c) a written declaration is made by a party not to accept the reasoned proposal of a determination of FRAND terms and conditions by the ~~conciliator~~ **panel of conciliators** referred to in Article 55; (Greens 700, S&D 701, INTA 93)

- (d) a party has not submitted a reply to the reasoned proposal of a determination of FRAND terms and conditions by the ~~*conciliator*~~ *panel of conciliators* referred to in Article 55. (S&D 703, Greens 704, INTA 94)
- 2. In case of termination of the FRAND determination, the competence centre shall adopt a notice of termination of the FRAND determination and notify the parties within 5 days from termination. The notice of termination shall include the names of the parties and the conciliator, the subject-matter of the FRAND determination, a summary of the procedure and the reasons for its termination.
- 3. The notice of termination notified to the SEP owner shall be considered to constitute a document within the meaning of Article 6(3) point (c) of Regulation (EU) No 608/2013 with regard to any request for a customs action against goods suspected to infringing its SEP.
- 4. A competent court of a Member State, asked to decide on determination of FRAND terms and conditions, including in abuse of dominance cases among private parties, or SEP infringement claim concerning a SEP in force in one or more Member States subject to the FRAND determination shall not proceed with the examination of the merits of that claim, unless it has been served with a notice of termination of the FRAND determination, ~~or, in the cases foreseen in Article 38(3)(b) and Article 38(4)(c), with a notice of commitment pursuant to Article 38(5).~~ (EPP 109, S&D 709, IMCO 137)
- 5. In the cases foreseen in Article 38(3)(b) and in Article 38(4)(c), Article 34(5) shall apply mutatis mutandis in the proceedings before a competent court of a Member State.

Article 57

Report

- 1. The ~~*conciliator*~~ *panel of conciliators* shall provide the parties with a written report following the termination of the FRAND determination in cases listed in Article 56(1), point (c) and Article 56(1), point (d). (S&D 714, Greens 715)
- 2. The report shall include the following:
 - (a) the names of the parties;
 - (b) a confidential assessment of the FRAND determination;
 - (c) confidential summary of the main issues of disagreement;
 - (d) a non-confidential methodology and the assessment of the determination of FRAND terms and conditions by the ~~*conciliator*~~ *panel of conciliators*. (Greens 721)
- 3. The confidential report shall be available only to the parties and to the competence centre. The competence centre shall publish the non-confidential report in the database.
- 4. Either party to the FRAND determination may file the report in any proceedings before a competent court of a Member State against the other party to the FRAND determination, notwithstanding any procedural bar.

Article 58

Confidentiality

1. Except the methodology and the assessment of the FRAND determination by the ~~conciliator~~ **panel of conciliators** referred to in Article 57(2), point (d), the competence centre shall keep confidential the determination of FRAND terms and conditions, any proposals for determination of FRAND terms and conditions submitted during the procedure and any documentary or other evidence disclosed during the FRAND determination which is not publicly available, unless otherwise provided by the parties. **(S&D 724)**
2. Notwithstanding paragraph (1), the competence centre may include information concerning the FRAND determination in any aggregate statistical data that it publishes concerning its activities, provided that such information does not allow identification the parties or the particular circumstances of the dispute to be identified.

Recitals:

- (31) The purpose of the FRAND commitment is to facilitate adoption and use of the standard by making SEPs available to implementers on fair, ~~and~~—reasonable **and non-discriminatory** terms and to provide the SEP holder a fair and reasonable return for its innovation. Thus, the ultimate goal of enforcement actions by SEP holders or actions brought by implementers based on a SEP holder's refusal to license should be to conclude a FRAND licence agreement. The main objective of the Regulation in this regard is to facilitate the negotiations and out of court dispute resolution that can benefit both parties. Ensuring access to swift, fair and cost-efficient ways of resolving disputes on FRAND terms and conditions should benefit SEP holders and implementers alike. As such, a properly functioning out-of-court dispute resolution mechanism to determine FRAND terms (FRAND determination) may offer significant benefits for all parties. A party may request a FRAND determination in order to demonstrate that its offer is FRAND or to provide a security, when they engage in good faith. **(S&D 193, IMCO 14)**
- (32) The FRAND determination should simplify and speed up negotiations concerning FRAND terms **and conditions** and reduce **transaction** costs **for all stakeholders (EPP 16)**. The EUIPO should administer the procedure. The competence centre should create a roster of conciliators that satisfy established competence and independence criteria, as well as a repository of non-confidential reports (the confidential version of the reports will be accessible only by the parties and the conciliators). The conciliators should be neutral **and impartial** persons with extensive experience in dispute resolution and substantial understanding of the economics of licensing on FRAND terms and conditions. **There should be rules and procedures defining conflicts of interests and mechanisms for addressing any such conflicts that might arise. (EPP 16, S&D 194, IMCO 15)**
- (33) **In case one or more parties initiate a** The FRAND determination, ~~it would~~ **should** be a mandatory step before a SEP holder would be able to initiate patent infringement proceedings or an implementer could request a determination or assessment of FRAND terms and conditions concerning a SEP before a competent court of a Member State. However, the obligation to initiate FRAND determination before the relevant court proceedings should not be required for SEPs covering those ~~use cases~~ **implementations** of standards for which the Commission establishes that there are no significant difficulties or inefficiencies in licensing on FRAND terms. **(S&D 197, IMCO 16)**

- (34) ~~*Each party may choose whether it wishes to engage in the procedure and commit to comply with its outcome.*~~ Where a party does not reply to the FRAND determination request ~~*or does not commit to comply with the outcome of the FRAND determination,*~~ the other party should be able to request either the termination or the unilateral continuation of the FRAND determination. Such a party should not be exposed to litigation during the time of the FRAND determination. At the same time, the FRAND determination should be an effective procedure for the parties to *meet on a neutral level, such as before a panel of conciliators* and reach agreement before litigation or to obtain a determination to be used in further proceedings. Therefore, the party or parties that ~~*commit to complying with the outcome of the FRAND determination and*~~ duly engage in the procedure should be able to benefit from its completion. (*EPP 17, EPP 197, 198, S&D 200*)
- (35) The obligation to initiate FRAND determination should not be detrimental to the effective protection of the parties' rights. ~~In that respect, the party that commits to comply with the outcome of the FRAND determination while the other party fails to do so should be entitled to initiate proceedings before the competent national court pending the FRAND determination. In addition, either~~ *The parties* should be able to request a provisional *injunction of* a financial nature before the competent court. In a situation where a FRAND commitment has been given by the relevant SEP holder, provisional injunctions of an adequate and proportionate financial nature should provide the necessary judicial protection to the SEP holder who has agreed to license its SEP on FRAND terms, while the implementer should be able to contest the level of FRAND royalties or raise a defence of lack of essentiality or of invalidity of the SEP. In those national systems that require the initiation of the proceedings on the merits of the case as a condition to request the interim measures of a financial nature, it should be possible to initiate such proceedings, but the parties should request that the case be suspended during the FRAND determination. When determining what level of the provisional injunction of financial nature is to be deemed adequate in a given case, account should be taken, inter alia, of the economic capacity of the applicant and the potential effects for the effectiveness of the measures applied for, in particular for SMEs, also in order to prevent the abusive use of such measures. It should also be clarified that once the FRAND determination is terminated, the whole range of measures, including provisional, precautionary and corrective measures, should be available to parties. (*EPP 18, S&D 204, INTA 15, IMCO 18*)
- (36) When the parties enter into the FRAND determination, they should select a *panel of* conciliators for the FRAND determination from the roster. In case of disagreement, the competence centre would select *the members of the panel of* conciliators. The FRAND determination should be concluded within 9 months. This time would be necessary for a procedure that ensures that the rights of the parties are respected and at the same time is sufficiently swift to avoid delays in concluding licences. Parties may settle at any time during the process, which results in the termination of the FRAND determination. (*S&D 205, Greens 206, INTA 16*)
- (37) Upon appointment, the conciliation centre should refer the FRAND determination to the *panel of* conciliators, who should examine whether the request contains the necessary information, and communicate the schedule of procedure to the parties or the party requesting the continuations of the FRAND determination. (*S&D 208*)
- (38) The *panel of* conciliators should examine the parties' submissions and suggestions for the determination of FRAND terms and conditions, and consider the relevant negotiation steps, among other relevant circumstances. The *panel of* conciliators, upon its own initiative or the request of a party, should be able to require the parties to submit

evidence it deems necessary for the fulfilment of its task. It should also be able to examine publicly available information and the competence centre's register and reports of other FRAND determinations, as well as non-confidential documents and information produced by or submitted to the competence centre. (*S&D 209, Greens 210*)

- (39) If a party fails to engage in the FRAND determination after the **panel of** conciliators has been appointed, the other party may request the termination or may request that the conciliator issues a recommendation for a FRAND determination on the basis of the information it was able to assess. (*S&D 212, Greens 213*)
- (40) If a party initiates a procedure in a jurisdiction outside the Union resulting in legally binding and enforceable decisions regarding the same standard that is subject to FRAND determination and its implementation, or including SEPs from the same patent family as SEPs subject to FRAND determination and involving one or more of the parties to the FRAND determination as a party; before or during of the FRAND determination by a party, the **panel of** conciliators, or where ~~he/she~~ **it** has not been appointed has not been established, the competence centre, should be able to terminate the procedure upon the request of the other party. (*S&D 215, Greens 214, INTA 17*)
- (41) At the conclusion of the procedure, the **panel of** conciliators should make a proposal recommending FRAND terms and conditions. Either party should have the option to accept or reject the proposal. If the parties do not settle and/or do not accept its proposal, the **panel of** conciliators should draft a report of the FRAND determination. The report would have a confidential and a non-confidential version. The non-confidential version of the report should contain the proposal for FRAND terms and conditions and the methodology used and should be provided to the competence centre for publication in order to inform any subsequent FRAND determination between the parties and other stakeholders involved in similar negotiations. The report would thus have a dual purpose to encourage the parties to settle and to provide transparency as to the process and the recommended FRAND terms in cases of disagreement. (*S&D 217, Greens 218*)
- (42) The Regulation respects the intellectual property rights of patent owners, **in line with** (Article 17(2) of EU Charter of Fundamental Rights), although it includes a restriction on the ability to enforce a SEP that has not been registered within a certain time-limit and introduces a requirement to conduct a FRAND determination before enforcing individual SEPs. The limitation on the exercise of intellectual property rights is allowed under the EU Charter, provided that the proportionality principle is respected. According to settled case-law, fundamental rights can be restricted provided that those restrictions correspond to objectives of general interest pursued by the Union and do not constitute, with regard to the aim pursued, a disproportionate and intolerable interference which infringes the very essence of the rights guaranteed⁹. In that respect, this Regulation is in the public interest in that it provides a uniform, open and predictable information and outcome on SEPs for the benefit of SEP holder, implementers and end users, at Union level. It aims at dissemination of technology for the mutual advantage of the SEP holders and implementers. Furthermore, the rules

⁹ Judgment of the Court of Justice of 13 December 1979, *Hauer v. Land Rheinland-Pfalz*, C-44/79, EU:C:1979:290, para. 32; judgment of the Court of Justice of 11 July 1989, *Hermann Schröder HS Kraftfutter GmbH & Co. KG v. Hauptzollamt Gronau*, C-256/87, EU:C:1999:332, para. 15, and judgment of the Court of Justice of 13 July 1989, *Hubert Wachauf v. Bundesamt für Ernährung und Forstwirtschaft*, C-5/88, EU:C:1989:321, paras. 17 and 18.

concerning the FRAND determination are temporary thus limited and aimed at improving and streamlining the process but are not ultimately binding.¹⁰

- (43) The FRAND determination is also consistent with the right to an effective remedy and to access to justice as laid down in Article 47 of the Charter of Fundamental Rights of the European Union as the implementer and the SEP holder fully retain that right. In case of failure to register within the prescribed time limit, the exclusion of the right to effective enforcement is limited and necessary and meets objectives of general interest. As confirmed by the CJEU¹¹, the provision of a mandatory dispute resolution as a precondition to access to competent courts of Member States is deemed to be compatible with the principle of effective judicial protection. The FRAND determination follows the conditions for mandatory dispute resolution outlined in the CJEU judgments, taking into account the particular characteristics of SEP licensing. . ***The FRAND determination procedure allows also a deposit of a bond by the alleged infringer as a provisional injunction of a financial nature, which can be requested in order to avoid seriously restricting the alleged infringer's activity and ensuring that the other party receives the corresponding sum in the event of a claim for damages. Moreover, the FRAND determination does not in any respect impair the SEP holder's ability to recover, in subsequent court proceedings, compensation for an infringement that occurred during the FRAND determination. (EPP 19)***
- (44) When determining the aggregate royalties and making FRAND determinations the conciliators should take into account in particular any Union acquis and judgments of the Court of Justice pertaining to SEPs as well as guidance issued under this Regulation, the Horizontal Guidelines¹² and the Commission's 2017 Communication 'Setting out the EU approach to Standard Essential Patents'.¹³ Furthermore, ***the panel of*** conciliators should consider any expert opinion on the aggregate royalty or in the absence thereof, should request information from the parties before it makes its final proposals well as guidance issued under this Regulation, as well as guidance issued under this Regulation. (***IMCO 18, INTA 18***)

Title VII-X: Articles 59-72 + relevant recitals 45 a -52

CA 7

Replacing all relevant amendments, including AM 110- 118, AM 726- 780, INTA 96-110, IMCO 138-152

¹⁰ The conciliation procedure follows the conditions for mandatory recourse to alternative dispute settlement procedures as a condition for the admissibility of an action before the courts, as outlined in the CJEU judgments; Joint Cases C-317/08 to C-320/08 Alassini and Others of 18 March 2010, and Case C-75/16 Menini and Rampanelli v. Banco Popolare Società Cooperativa of 14 June 2017, taking into account the specificities of SEP licensing.

¹¹ Judgment of the Court of Justice of 18 March 2010, Rosalba Alassini v Telecom Italia SpA (C-317/08), Filomena Califano v Wind SpA (C-318/08), Lucia Anna Giorgia Iacono v Telecom Italia SpA (C-319/08) and Multiservice Srl v Telecom Italia SpA (C-320/08), Joined cases C-317/08, C-318/08, C-319/08 and C-320/08, EU:C:2010:146, and judgement of the Court of Justice of 14 June 2017, Livio Menini and Maria Antonia Rampanelli v Banco Popolare – Società Cooperativa, C-75/16, EU:C:2017:457

¹² Communication from the Commission – Guidelines on the applicability of Article 101 of the Treaty on the Functioning of the European Union to horizontal co-operation agreements, OJ C 11, 14.01.2011, pp. 1 (currently under review)

¹³ Communication on Setting out the EU approach to Standard Essential Patents, COM(2017)712 final, 29.11.2017.

Title VII

Procedural rules

Article 59

Communications to and notifications from the competence centre

1. The communication to and notifications from the competence centre shall be conducted in principle by electronic means.
2. The Executive Director of the EUIPO shall determine to what extent and under which technical conditions communications and notifications referred to in paragraph (1) are to be submitted electronically.

Article 60

Time limits

1. Time limits shall be laid down in terms of full years, months, weeks or days. Calculation shall start on the day following the day on which the relevant event occurred.
 - 1a. The period specified in days ends on the last day, a period marked in weeks ends at the end of the day in the last week, a period specified in months ends on the expiry of the day corresponding to the initial day of the period, and if there was no such day in the last month - then on the last day of that month, a period marked in years ends on the expiry of the day corresponding to the initial day of a given period, and if there was no such day, the end date will be the last day of that month. (ECR 726, IMCO 138)*
2. The Executive Director of the EUIPO shall determine, before the commencement of each calendar year, the days on which the EUIPO is not open for receipt of documents or on which ordinary post is not delivered in the locality in which the EUIPO is located.
3. The Executive Director of the EUIPO shall determine the duration of the period of interruption in the case of a general interruption in the delivery of post in the Member State where the EUIPO is located or, in the case of an actual interruption of the EUIPO's connection to admitted electronic means of communication.
4. In cases of exceptional occurrences making the communication between the parties to the proceedings and the competence centre very cumbersome, the Executive Director of the EUIPO may extend all time limits that would otherwise expire on or after the date of commencement of such an occurrence, as determined by the Executive Director in relation to the following subjects:
 - (a) parties to the proceedings having their residence or registered office in the region concerned;
 - (b) representatives or assistants with a place of business in the region concerned, appointed by the parties.
5. When determining the length of extension referred to in the second subparagraph, the Executive Director of the EUIPO shall take into account the end date of the exceptional occurrence. If the occurrence referred to in the second subparagraph

affects the seat of the EUIPO, the determination of the Executive Director of the EUIPO shall specify that it applies in respect of all parties to the proceedings.

Title VIII

Micro, Small and Medium-size Enterprises

Article 61

~~*Training, advice and support*~~ ***SEP Licensing Assistance Hub for SMEs and start ups (EPP 110, EPP 727, IMCO 139)***

1. The competence centre shall ***set up and manage a SEP Licensing Assistance Hub for SMEs and start-ups, which shall help them with following tasks free of charge: (EPP 111, 727, IMCO 139)***
 - (a) ***identification of which SEPs might be relevant to their product or service, possible licensors and patent pools, in the event that the SME or the start-up is a SEP implementer; (RE 729)***
 - b) ***identification of possible licensees and with the help of the European Observatory on infringements of intellectual property rights advise them on how to best enforce their SEP rights on European and global level, in the event that the SME or the start-up is a SEP holder;***
 - (c) offer training and support on SEP related matters;.

The competence centre shall not be held liable for any help provided to SMEs and start-ups under this paragraph. (EPP 111). When performing the tasks referred to in this paragraph, the competence centre may work in close cooperation with national patent offices and governmental schemes that support SMEs. (EPP 727, RE 728)

1a (new) The competence centre shall, on a regular basis, proactively seek input from SMEs and start-ups on what training and support would be most helpful. (IMCO 139)

2. The competence centre may commission studies, if it considers it necessary, to assist ~~SMEs micro, small and medium-size enterprises~~ on SEP related matters. ***Such studies may include analysis, based on information provided by SEP holders and implementers regarding licenses entered into, royalties paid or collected, and products sold for IoT applications, and the competence centre may provide estimates of licensing costs for such applications to SMEs. (EPP 730, IMCO 140, INTA 96)***
3. The costs of the services referred to in paragraph (1) and paragraph (2) shall be borne by the ***EUIPO and the EUIPO shall ensure that the services are sufficiently funded and resourced. (EPP 732, IMCO 142, INTA 96)***
- 3a. ***Paragraphs 1 and 2 shall not apply to patent assertion entities or to SMEs, which are a subsidiary, affiliate, or owned or directly or indirectly controlled by another natural or legal person that is not a SME itself. (EPP 112, S&D 731, IMCO 141)***

Article 62

FRAND terms for micro, small and medium-sized enterprises

1. When negotiating a SEP licence with micro, small and medium-sized enterprises, SEP holders shall consider offering to them FRAND terms and conditions that are more

favourable than the FRAND terms and conditions they offer to enterprises that are not micro, small and medium-sized for the same standard and implementations.

2. When a SEP holder ~~offers more favourable FRAND terms and conditions to micro, small and medium-sized enterprises, or~~ concludes a SEP licence that includes more favourable terms and conditions, *than those offered to companies that are not an SME micro, small or medium-sized enterprise* pursuant to paragraph (1), such FRAND terms and conditions shall not be considered in a FRAND determination, unless the FRAND determination is conducted solely with regard to FRAND terms and conditions for another micro, small or medium-sized enterprise. **(S&D 737)**
3. SEP holders shall also consider discounts, *spreading payments into interest-free instalments* or royalty-free licensing for low sales volumes irrespective of the size of the implementer taking the licence. Such discounts or royalty-free licensing shall be fair, reasonable and non-discriminatory and shall be available in the electronic database as set out in Article 5(2), point (b). **(ECR 738, IMCO 144)**

3a. Any benefits granted to SMEs under this Regulation may be withheld or withdrawn in cases of circumvention or misuse. (IMCO 145)

Title IX Fees and Charges

Article 63

Fees and charges

1. The competence centre may charge administrative fees for the services it renders under this Regulation.
2. Fees may be charged at least in respect of the following matters:
 - (a) for the conciliators facilitating agreements on aggregate royalty determinations in accordance with Article 17;
 - (b) for the expert opinion on aggregate royalty in accordance with Article 18;
 - (c) for the essentiality check carried out by the evaluator in accordance with Article 31 and by the peer evaluator in accordance with Article 32;
 - (d) for the conciliators for the FRAND determination in accordance with Title VI.
3. Where the competence centre charges fees in accordance with paragraph 2, the fees shall be borne as follows:
 - (a) the fees referred to in paragraph (2), point (a) by the SEP holders that participated in the process based on their estimated percentage of SEPs from all SEPs for the standard;
 - (b) the fees referred to in paragraph (2), point (b) equally by the parties that participated in the procedure of the expert opinion on aggregate royalty, unless they agree otherwise, or the panel suggests a different apportionment based on the size of the parties determined on the basis of their turnover;
 - (c) the fees referred to in paragraph (2), point (c) by the SEP holder that requested an essentiality check pursuant to Article 29(5) or peer evaluation pursuant to

Article 32(1) and the implementer that requested an essentiality check pursuant to Article 29(6);

- (d) the fees referred to in paragraph (2), point (d) equally by the parties, unless they agree otherwise, or the conciliator suggests a different apportionment based on the level of participation of the parties in the FRAND determination.
- 4. The level of the fees shall be reasonable and ~~shall correspond limited~~ **(EPP 113)** to the costs of the services. It shall take into account the situation of micro, small and medium-sized enterprises. **(EPP 113)**
- 5. By [OJ: please insert the date = 18 months from entry into force of this Regulation], the Commission shall adopt an implementing act determining the amounts of the fees referred to in Article 63, the arrangement concerning the payment methods related to the rules set out in paragraph (3) and paragraph (4) of this Article. The implementing act shall be adopted in accordance with the examination procedure referred to in Article 68(2).

Article 64

Payment of fees

- 1. Fees shall be paid to the EUIPO. All payments shall be made in euro. The Executive Director of the EUIPO may establish which specific payment methods may be used.
- 2. If the amounts requested are not paid in full within 10 days after the date of the request, the competence centre may notify the defaulting party and give it the opportunity to make the required payment within [5] days. It shall submit a copy of the request to the other party, in case of an aggregate royalty or FRAND determination.
- 3. The date on which the payment shall be considered to have been made to the EUIPO shall be the date on which the amount of the payment or of the transfer is actually entered in a bank account held by EUIPO.
- 4. If any part of the required payment remains outstanding after the deadline in paragraph (2), the competence centre may suspend access to the database of the defaulting party, until payment is made.

Article 65

Financial provisions

- 1. The expenses incurred by the EUIPO or the evaluators or conciliators selected by the EUIPO pursuant to Articles 26 and 27 in carrying out the tasks conferred to it in accordance with this Regulation shall be covered by the administrative fees to be paid to the EUIPO by the users of the services of the competence centre.
- 2. Regarding costs incurred by the EUIPO for activities entrusted to it by this Regulation which are not covered by the fees under this Regulation, the EUIPO shall finance those activities from its own budgetary means.

Title X

Final Provisions

Article 65a

Reasoned request to the Commission

1. An SEP holder or an SEP implementer may submit a reasoned request to the Commission to determine whether:

(a) the SEP licensing negotiations on FRAND terms and conditions do not give rise to significant difficulties or inefficiencies affecting the functioning of the internal market as regards identified implementations of certain standards or parts thereof within 1 month of the publication of the standard by the Standard Development Organisation;

(b) the functioning of the internal market is severely distorted due to significant difficulties or inefficiencies in the licensing of SEPs for particular existing implementations of standards or parts thereof within 12 months of the entry into force of this Regulation.

Article 65b

Delegated acts with respect to new standards

1. Within 4 months of the receipt of the request referred to in paragraph 1, the Commission is empowered to adopt a delegated act after an appropriate consultation process including all relevant stakeholders and in accordance with Article 67 to establish a list of implementations, standards or parts thereof, where SEP licensing negotiations on FRAND terms do not give rise to significant difficulties or inefficiencies affecting the functioning of the internal market.

2. The Commission shall review the list referred to in paragraph [2] once a year in order to determine, if it needs to be updated.(EPP 24)

3. The procedure under this Article shall not affect the time limits set out in Articles 17 and 18.

Article 65c

Delegated acts with respect to existing standards

1. The Commission shall conduct appropriate consultations including relevant stakeholders.

2. After considering all evidence and expert opinions, the Commission is empowered to adopt a delegated act pursuant to Article 67 to establish a list determining which of the existing implementations of standards or parts thereof can be notified in accordance with Article 66(1) or (2). By means of that delegated act, the Commission shall also determine which procedures, notification and publication requirements set out in this Regulation apply to those existing standards, parts thereof or relevant implementations. The delegated act shall be adopted by ... [OJ: please insert the date 18 months from entry into force of this Regulation]. The Commission shall check once a year if the list needs to be updated. (EPP 25, S&D 254, RE 255, EPP 256)

Article 66

Opening registration for an existing standard

1. Until [OJ: please insert the date = 28 months from the entry into force of this Regulation] holders of SEPs essential to a standard published before the entry into force of this Regulation ('existing standards'), for which FRAND commitments have **or have not** been made, may notify the competence centre pursuant to Articles 14, 15 and 17 of any of the existing standards or parts thereof that will be determined in the delegated act in accordance with ~~paragraph (4)~~ **Article 65c**). The procedures, notification and publication requirements set out in this Regulation apply *mutatis mutandis*. **(EPP 114)**
2. Until [OJ: please insert the date = 28 months from entry into force of this regulation] implementers of a standard, standard published before the entry into force of this Regulation, for which FRAND commitments have been made may notify pursuant to Article 14(4) the competence centre of any of the existing standards or parts thereof, that will be determined in the delegated act in accordance with paragraph (4). The procedures, notification and publication requirements set out in this Regulation apply *mutatis mutandis*.
3. Until [OJ: please insert the date = 30 months from entry into force of this Regulation] a SEP holder or an implementer may request an expert opinion pursuant to Article 18 regarding SEPs essential to an existing standard or parts thereof, that will be determined in the delegated act in accordance with paragraph (4). The requirements and procedures set out in Article 18 apply *mutatis mutandis*.
- ~~4. ***Where the functioning of the internal market is severely distorted due to inefficiencies in the licensing of SEPs, the Commission shall, after an appropriate consultation process, by means of a delegated act pursuant to Article 67, determine which of the existing standards, parts thereof or relevant use cases can be notified in accordance with paragraph (1) or paragraph (2), or for which an expert opinion can be requested in accordance with paragraph (3). The delegated act shall also determine which procedures, notification and publication requirements set out in this Regulation apply to those existing standards. The delegated act shall be adopted within [OJ: please insert the date = 18 months from entry into force of this regulation].***~~ **(EPP 115)**
5. This article shall apply without prejudice to any acts concluded and rights acquired by [OJ: please insert the date = 28 months from entry into force of this Regulation].

Article 67

Exercise of delegation of power

1. The power to adopt the delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt a delegated act referred to in Articles ~~4(4)~~, 4(5), **65b and 65c** ~~66(4)~~ shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Regulation.
3. The delegation of power referred to in Articles ~~Articles 4(4)~~, 4(5), **65b and 65c** ~~66(4)~~ may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official

Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Articles ~~1(4)~~, 4(5), **65b and 65c** ~~66(4)~~ shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or of the Council.

Article 68

Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 69

Commission guidance

The Commission may issue guidance under this Regulation on matters covered by its scope, excluding matters related to the interpretation of Article 101 and Article 102 TFEU.

Article 70

Evaluation

1. By [OJ: please insert the date = 5 years from entry into force of this **Regulation**], and every **three** years thereafter, the Commission shall evaluate the implementation of this Regulation. The evaluation shall assess the operation of this Regulation, in particular: **((EPP 117, ECR 770, 772, Greens 773, Left 774, IMCO 152))**
 - (a) the impact, effectiveness and efficiency of the competence centre and its working methods;
 - (b) the effectiveness and efficiency of the SEP registration and the essentiality check system; **and**
 - (c) ***the impact that the essentiality check system, the aggregate royalties determination and the FRAND determination system have in particular on the competitiveness of the Union SEP holders on a global level and on innovation in the Union. (EPP 116, ID 771, IMCO 151, INTA 104)***
2. When preparing the evaluation reports referred to in paragraph 1, the Commission shall consult the EUIPO and stakeholders.

3. The Commission shall submit the evaluation reports referred to in paragraph 1, together with its conclusions drawn based on those reports to the European Parliament, to the Council, to the European Economic and Social Committee and to the Management Board of the EUIPO. *The evaluation report referred to in paragraph 1 shall be accompanied, where appropriate, by a legislative proposal. (EPP 118)*

Article 71

Amendments to Regulation (EU) 2017/1001

Regulation (EU) 2017/1001 is amended as follows:

1. Article 151(1) is amended as follows:
 - (a) the following point is inserted:

‘(ba) administration, promotion and support of the tasks conferred on it, performed by a competence centre, under Regulation (EU) No ... of the European Parliament and of the Council+* ;

* Regulation (EU) .../... of the European Parliament and of the Council of ... on standard essential patents (OJ ...).’;
 - (b) paragraph 3 is replaced by the following:

‘3. The Office may provide alternative dispute resolution services, including mediation, conciliation, arbitration, determination of royalties and FRAND determination.’;
2. in Article 157(4), the following point is added:

’(p) exercising the powers conferred on him or her under Regulation (EU) ...++.’;
3. Article 170 is amended as follows:
 - (a) the title is replaced by the following:

‘Alternative Dispute Resolution Centre’;
 - (b) paragraphs 1 and 2 are replaced by the following

‘1. For the purposes of Article 151(3), the Office may establish an Alternative Dispute Resolution Centre (‘the Centre’).

2. Any natural or legal person may use the services of the Centre for settling disputes relating to intellectual property rights’;
 - (c) paragraph 15 is replaced by the following:

‘15. The Office may cooperate with other recognised national or international bodies providing alternative dispute resolution services.’;
 - (d) the following paragraph is added:

‘16. Articles 18, 19 and Articles 34 to 58 of Regulation ...++ shall apply to the Centre in all proceedings relating to standard essential patents.’.

[+ OJ: Please insert in the text the number of this Regulation and insert the number, date and OJ reference of this Regulation in the footnote.]

[++ OJ: Please insert in the text the number of this Regulation.]

Entry into force and application

1. This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.
2. It shall apply from ... [OP: please insert the date = 24 months after the date of entry into force of this Regulation].

Recitals:

- (45a) *In order to avoid a possible negative impact for companies, established in the Union that engage and compete successfully as regards the development of global technologies through standardisation, the Commission should evaluate the impact that the essentiality check system, the aggregate royalties determination and the FRAND determination system have on the competitiveness of Union SEP holders on a global level. Based on the outcome of that evaluation, the Commission should, where necessary, present a legislative proposal in order to adapt the systems. The role of patent pools, including those created by SEP implementers, should be evaluated by the Commission, in order to assess their benefit once this Regulation is in place, notably in terms of their incidence on competitiveness on the market (EPP 20, Greens 181).*
- (46) SMEs may be involved in SEP licensing both as SEP holders and **SEP** implementers. While there are currently a few SME SEP holders, the efficiencies produced with this Regulation *should also ~~are likely to~~* facilitate the licensing of their SEP. Additional conditions are necessary to relieve the cost burden on such SMEs such as reduced administration *burden and administraitve* fees and potentially reduced fees for essentiality checks and conciliation in addition to free support and trainings, *so that they are better positioned to engage in SEP related matters and also standard development*. The SEPs of *start-ups* micro and small enterprises should not be the subject of sampling for essentiality check, but they should be able to propose SEPs for essentiality checks if they wish to. SME *and start-up* implementers should likewise benefit from reduced access fees and free support and trainings. Finally, SEP holders should be encouraged to incentivise licensing by SMEs through low volume discounts or exemptions from FRAND royalties. *In this context, it is important to ensure that SMEs and start-ups benefit from a one-stop shop being set up by the competence centre which identifies relevant licensees and licensors for the SMEs and advises them, free of charge, on SEPs. To that end, the competence centre should set up a SEP Licensing Assistance Hub for SMEs and start-ups which could also provide, under certain conditions, assistance with regard to judicial support, such as a pro bono legal representative during court proceedings. (EPP 21, 226, 734, RE 192, IMCO 20 and 22)*
- (46 a) *While advantages should be granted to SMEs, the advantages made available to these enterprises should not be open for cases of misuses. In this regard, patent assertion entities may be characterised by an “obtain and assert” business model, with the purpose of generating revenues through licensing fees, royalties and damage compensation should not benefit from exemption and the help from the competence centre provided for in this Regulation (EPP 21, IMCO 13)*

- (46b) *The support mechanisms, such as IP vouchers for SMEs, have been effective in assisting SMEs to protect their IP rights. The period of application of those mechanisms should be prolonged beyond 2024. (EPP 22)*
- (47) In order to supplement certain non-essential elements of this Regulation, the power to adopt acts, in accordance with Article 290 of the Treaty on the Functioning of the European Union, should be delegated to the Commission in respect of the items to be entered in the register or in respect of determining the relevant existing standards or to identify ~~use-cases~~ **implementations** of standards or parts thereof for which the Commission establishes that there are no significant difficulties or inefficiencies in licensing on FRAND terms. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making¹⁴. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (48) In order to ensure uniform conditions for the implementation of the relevant provisions of this Regulation, implementing powers should be conferred on the Commission to adopt the detailed requirements for the selection of evaluators and conciliators, as well as adopt the rules of procedure and Code of Conduct for evaluators and conciliators. ***Evaluators and conciliators should be of good repute and possess sufficient knowledge, skills and experience to perform their duties.*** The Commission should also adopt the technical rules for the selection of a sample of SEPs for essentiality checks and the methodology for the conduct of such essentiality checks by evaluators and peer evaluators. The Commission should also determine any administrative fees for its services in relation to the tasks under this Regulation and fees for the services *of* evaluators, experts and conciliators, derogations thereof and payment methods and adapt them as necessary. The Commission should also determine the standards or parts thereof that have been published before the entry into force of this Regulation, for which SEPs can be registered. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.¹⁵ **(IMCO 24).**
- (49) Regulation (EU) 2017/1001 of the European Parliament and of the Council¹⁶ should be amended to empower EUIPO to take on the tasks under this Regulation. The functions of the Executive Director should also be expanded to include the powers conferred on him under this Regulation. Furthermore, the EUIPO's arbitration and mediation centre should be empowered to set up processes such as the aggregate royalty determination and the FRAND determination.
- (50) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council.¹⁷

¹⁴ OJ L 123, 12.5.2016, p. 1.

¹⁵ Regulation (EU) No 182/2011 of the European Parliament and of the Council laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13.)

¹⁶ Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark (OJ L 154, 16.6.2017, p. 1.)

¹⁷ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions,

- (51) As EUIPO, the Commission and stakeholders should be given time to prepare for the implementation and application of this Regulation, its application should be deferred.
- (52) Since the objectives of this Regulation to increase transparency with regard to SEP licensing and to provide an efficient mechanism to resolve disagreements on FRAND terms and conditions cannot be sufficiently achieved by the Member States because of multiplication of costs but can rather, by reason of efficiencies and scale, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39.)