

# MOTION FOR A RESOLUTION

tabled by Jerzy Buzek, Adam Gierek, Tomas Zatloukal, Jan Marinus Wiersma, Marco Pannella, Zuzana Roithová, Georgs Andrejevs, Janusz Onyszkiewicz, Toomas Hendrik Ilves

pursuant to Rule 55(4) of the Rules of Procedure

on the patentability of computer-implemented inventions  
(0092/2002 – C5 0082/2002 – 2002/0047(COD))

(Request for renewed referral by the Commission)

## EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on (SEE COMMENTS ON COVER PAGE)

*The European Parliament,*

- having regard to the Commission proposal to the European Parliament and the Council (COM (2002) 92)<sup>1</sup>,
  - having regard to Article 251(2) and Article 95 of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C5-0082/2002),
  - having regard to the opinion of the European Economic and Social Committee<sup>2</sup>,
  - having regard to its position in first reading of 24 September 2003<sup>3</sup>,
  - having regard to Rules 51 and 55(4) of its Rules of Procedure,
- A. whereas patent-related risks increasingly have implications for the decisions taken by public administrations and private sector organisations with regards to infrastructures and for their ability to purchase software and services from small and medium-sized undertakings,
- B. whereas elections were held in June 2004 following the conclusion of the first reading,
1. Notes that there have been substantial changes in the nature of the subject to which the proposed directive relates;
  2. Is of the opinion, therefore, that the conditions for a renewed referral have been met;
  3. Calls on the Commission to refer its proposal again to Parliament;
  4. Instructs its President to forward its position to the Council and Commission.

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

<sup>2</sup> OJ C 61, 14.3.2003, p. 154.

<sup>3</sup> OJ C 77 E, 26.3.2004, p. 87, 229.

**EN**