



**Mr Waldemar Pawlak**  
Minister for Economy  
Ministry of Economy of Poland  
Pl. Trzech Krzyży 15/17,  
PL - Warsaw  
POLAND

25 November 2011

Dear Minister,

In these turbulent economic times, the role of the Competitiveness Council in promoting a competitive European economy is more important than ever.

To turn its mandate into reality, the Competitiveness Council must first and foremost ensure that the EU agenda is focussed on a limited number of deliverable initiatives that make a real difference to companies competitiveness.

Secondly, the Competitiveness Council must keep the Commission to its commitment to carry out rigorous competitiveness checks on all new EU proposals. Failing that, the EU could end up adopting measures which undermine European growth and jobs. This is a risk we simply can no longer afford.

Thirdly, concerning your discussions on the unitary patent, digital Europe and standardisation on 5-6 December, BUSINESSEUROPE would like to draw your attention to some key points for European companies:

## **1. Unitary patent protection**

We appreciate the efforts of the Polish presidency to progress on the patent dossier because an efficient and cost-effective patent system meeting the needs of all European companies is key to boost Europe's innovation and competitiveness.

We urge the Competitiveness Council to proceed to a rapid adoption of the regulations setting up unitary patent protection and the necessary translation arrangements under enhanced cooperation<sup>[1]</sup> to provide companies with a quality, cost-effective and legally certain unitary patent system.

We invite Member States to further work with industry in order to improve the current proposal on jurisdictional arrangements and ensure that the system fully meets the needs of companies. As already mentioned, we believe that for the system to fully meet its

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<sup>[1]</sup> CEOE (Confederation of Employers and Industries of Spain) does not share this position. However CEOE is in favour of creating a truly EU Patent based on (i) a single language for filling and prosecuting, (ii) a balanced legal framework in which companies operate with the same competitive advantages, (iii) a non-discriminatory system to promote a harmonious growth of innovation.

objectives, articles 6-8 of the regulation on the unitary patent should be moved to the court agreement.

We would also like to stress that we have always considered the regulations on the unitary patent and the patent court agreement a package.

## **2. Digital Europe**

A fully developed digital single market will drive up productivity and innovation and benefit society as a whole. The EU could gain 4% of GDP by fully developing the digital single market by 2020. This corresponds to a € 500 billion gain, representing an impact similar to the 1992 Internal Market Programme. But this huge potential will only be unleashed if Europe acts swiftly to remove remaining obstacles to this digital single market and e-commerce. Developing a real EU roadmap in this field, as requested by the Council, is indispensable if the EU is to make progress.

Excessive fragmentation of applicable rules in particular, makes companies reluctant to operate across borders, deprives consumers of a wide range of goods and services and drastically reduces competition in the single market. It must therefore be tackled without delay.

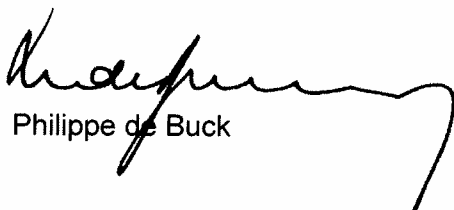
## **3. Standardisation**

Standardisation has been a central element in the delivery of the single market. It is also essential for securing EU competitiveness and a key tool for interoperability and the facilitation of international trade. The overall goal of business is to achieve global market access on the basis of 'one standard, one test, accepted everywhere'.

In this context, it is essential to continue to promote the enhanced convergence on international standards and the use of voluntary standards in regulation.

BUSINESSEUROPE and its 41 member federations represent more than 20 million small, medium and large companies employing some 120 million people in 35 European countries. They make considerable efforts every day to remain competitive and generate growth and employment. They need concrete signals from the Competitiveness Council showing that the framework conditions in which they operate are being improved.

Yours sincerely,



Philippe de Buck