

COMMISSION DECISION

C(2008)4838 of 10/09/2008

Amending Decision C(2007)5394 of 12/11/2007 adopting a Regional programme on Industrial and Intellectual Property Rights in the Western Balkans and Turkey under the IPA-Transition Assistance and Institution Building Component for 2007

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1085/2006 of 17 July 2006 establishing an Instrument for Pre-Accession Assistance (IPA)¹, and in particular Article 14(4) thereof,

Whereas:

- (1) Regulation (EC) N° 1085/2006 lays down the objectives and main principles for pre-accession assistance to candidate and potential candidate countries.
- (2) By Decision C(2007)5394 of 12 November 2007, the Commission adopted a Regional Programme on Industrial and Intellectual Property Rights in the Western Balkans and Turkey under the IPA-Transition Assistance and Institution Building Component for 2007, with a view to continue giving assistance to the beneficiary countries in their efforts to set up a well-functioning industrial and intellectual property rights system.
- (3) The aforementioned Decision foresees that, for the implementation of the Programme, a service contract would be negotiated with the European Patent Office (EPO). However, it seems more appropriate to implement this Programme by means of a grant without a call for proposals to the EPO, on account of its technical competence and its high degree of specialisation to provide technical assistance to the beneficiary countries to enhance their administrative capacity in the field of industrial and intellectual property rights, in accordance with Article 168(1)(f) of Commission Regulation (EC, Euratom) N° 2342/2002² of 23 December 2002 laying down detailed rules for the implementation of Council Regulation N° 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities. Therefore the Decision has to be amended.
- (4) The European Patent Office (EPO) has the task to grant European patents. Turkey is a member of the EPO; all other beneficiaries are observer within the EPO and are in the process of becoming member, or are expected to become member of the EPO in the future.
- (5) The Committee which gave an opinion on the original programme will be informed of this Decision.

¹ OJ L 210, 31.7.2006, p. 82.

² OJ L 357, 31.1.2002, p.1 Regulation as last amended by Regulation (EC, Euratom) N° 478/2007 of 23 April 2007 (OJ L 111, 28.4.2007, p.13)

HAS DECIDED AS FOLLOWS:

Sole article

The Annex to Commission Decision C(2007) 5394 of 12 November 2007 is hereby amended as follows:

1. Point 2.2, last paragraph is replaced by the following :

"A grant without a call for proposals will be awarded to the European Patent Office, in accordance with Article 168(1)(f) of Commission Regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation No 1605/2002 on the Financial Regulation applicable to the general budget of the European Communities. The contractual framework between the Commission and the European Patent Office, which is estimated to be concluded before the end of the third quarter of 2008, will follow the standard Contribution Agreement with international organisations published on the AIDCO website (version of 2007)".

2. Point 4.1, second paragraph is repealed.

Done at Brussels,

For the Commission

Member of the Commission