

Ms. Ursula VON DER LEYEN  
Rue de la Loi 200  
1040 Bruxelles  
BERL 13/057

Mr. Stéphane SÉJOURNÉ  
Rue de la Loi 200  
1040 Bruxelles  
BERL 12/202

19.02.2025

**Subject: Withdrawal of the proposal for a Regulation on standard essential patents**

Dear President of the European Commission,  
Dear Executive Vice-President,

As the rapporteur, shadow rapporteurs and coordinators of the Committee on Legal Affairs of the European Parliament, with the support of the Chair of the Legal Affairs Committee, we were very surprised to learn of the European Commission's intention to withdraw the proposal for a regulation on standard essential patents (SEPs).

We share the view that this is not only wrong on the merits, but also politically misguided.

Now, more than ever, European companies need our support. The foreseen measures provided for in the SEP Regulation would lead to a greater transparency for both patent holders and patent users, improve the innovative ability of the technology sector in particular and ultimately strengthen the European economy and its competitiveness.

The intention to withdraw the proposed SEP Regulation that has just been announced by the Commission represents a severe setback for the operational predictability and future prospects of many companies – especially SMEs, which would urgently benefit from a reform of the current opaque system characterised by information asymmetries and a lack of transparency.

This intended withdrawal is of particular concern in view of the fact that the European Parliament is in favour of the SEP Regulation. On 28 February 2024, towards the end of last term, it adopted its position at first reading by a large majority, within less than a year from it being put forward by the Commission on 27 April 2023, and it remains fully committed to this institutional position since the beginning of the current legislative period.

Furthermore, the Polish Council Presidency intends to advance the negotiation process in the Council. The Presidency has notably scheduled four full-day Council working party meetings specifically for this dossier, one of them is to take place on 27 February. In this context, the Commission's latest announcement appears all the more incomprehensible, given that both co-legislators have clearly articulated their ambition to make rapid progress. The reasons for withdrawal given by the Commission as to "No foreseeable agreement" cannot be considered as substantiated in this light, either by looking at each of the co-legislators efforts alone or together. And finally, the Commission has not – as it is obliged – consulted on its plans the Parliament and the Council.

Moreover, the Commission's goal is to simplify doing business, especially for SMEs and to reduce legal uncertainty. The SEP Regulation proposal precisely supports these goals. It creates more transparency and improves legal certainty, which are the very aims of this regulation next to the strengthening of the ability to innovate.

Last but not least, the surprising and incomprehensible intention of the Commission to withdraw the proposal is contrary to that of the democratically elected representatives of European citizens.

For all of the above reasons, we would like to object to the intended withdrawal of the Regulation and urge you to reinstate the proposal in order to clear the way for long overdue improvements in the regulatory area of SEPs.

We are at your disposal at any time for further dialogue on this matter.

Yours sincerely,



Marion WALSMANN, rapporteur on the SEP file



Tiedo WÖLKEN, shadow rapporteur on the SEP file



Kosma ZŁOTOWSKI, shadow rapporteur on the SEP file



Mario FURORE, shadow rapporteur on the SEP file



Axel VOSS, EPP group coordinator



Réne REPASI, S&D group coordinator

Tobias BOCHÉNSKI, ECR group coordinator



Sergey LAGODINSKY, Greens/EFA group coordinator



Ilhan KYUCHYUK, Chair of the Committee on Legal Affairs