

**Question for written answer E-005551/2021  
to the Commission**

Rule 138

**Patrick Breyer** (Verts/ALE)

Subject: The compatibility of the Unified Patent Court with EU law

Over the last 10 years, the Court of Justice of the EU (CJEU) has developed an established body of case law regarding the compatibility of international courts with EU law<sup>1</sup>.

In its judgment in *Paul Miles and Others v European Schools* (2011), the CJEU stated that: ‘the Complaints Board [at hand] is not such a court common to [...] Member States. Whereas the Benelux Court [...] procedure [...] is a step in the proceedings before the national courts leading to definitive interpretations of common Benelux legal rules [...], the Complaints Board does not have any such links with the judicial systems of the Member States’.

The CJEU’s criterion for a ‘court common to [...] Member States’ is that it should have functional links with the courts of the Member States when it has to apply EU law and cooperate with the CJEU.

1. Does the proposed Unified Patent Court comply with this criterion?
2. If so, what are its links with the courts of the Member States?

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<sup>1</sup> *European and EU Patent Court* (2011), *Miles* (2011), *European Court of Human Rights* (2014), *Oberto* (2015), *Achmea* (2018), *CETA* (2019).