

A new delay for UPC's entry into force

June 2017

A complaint has been filed before the German Constitutional Court with the aim of blocking the last step of Germany's ratification of the UPC Agreement. The complaint argues that the vote taken by the German parliament on the law authorizing ratification of the UPC Agreement should have been made by a qualified majority of more than 50% of the members of Parliament.

Such a qualified majority is required, according to the German constitution, in the case of an abandonment of sovereignty.

Surprisingly, the Constitutional Court did not immediately reject the complaint, but on the contrary, asked the President of Germany to refrain from executing the law despite its having been passed by Parliament. This seems to indicate that the Constitutional Court considers the arguments developed in the complaint as prima facie serious.

Consequently, the final step of the German ratification procedure will probably be delayed until the Constitutional Court issues its decision.

In addition, we are still waiting for the UPC's ratification by the United Kingdom before Brexit.

The entry into force of the Provisional Protocol and of the UPC Agreement itself is therefore now delayed. The initial forecast for an entry into force in December 2017 can no longer be maintained, as officially announced by the Preparatory Committee on the UPC's website.

Contact us:

For any question you may have in connection with the UPC, please do not hesitate to contact our team.



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