

27 September 2021 – Germany ratifies the Provisional Application Protocol of the UPC

After the decision of the German Constitutional Court, dated 23 June 2021, which rejected the last complaints filed against ratification of the UPC, the President of the Federal Republic of Germany officially signed the ratification law on 7 August 2021. The law was promulgated on 12 August.

On 27 September, a further step was taken when Germany filed its instruments of ratification of the Provisional Application Protocol (PAP).

France and seventeen other EU Member States have already ratified the UPC Agreement so that it could theoretically already now enter into force.

However, there are still a few essential adjustments to be made, such as the appointment of judges, the establishment of the registry, the development of the computer system or the finalization of the rules of procedure by the administrative committee. All this will take some time before the court is fully operational. The PAP has the purpose of allowing sufficient time for preparing the administration of the court during a transitional period. In addition, the consequences of Brexit will have to be taken into account before the UPC Agreement can effectively enter into force.

In the meantime, the Protocol will enter into force once thirteen States have signed it or have indicated that they accept the provisional application of some provisions of the UPC Agreement. Only two States are still missing. Ratification by Austria and Slovenia, however, is expected soon.

We will let you know as soon as the Provisional Application Protocol will enter into force.



Contact us:

For any question you may have, please do not hesitate to contact our team.



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