

SCHEDULE

Amendments to Regulations on Supplementary Protection Certificates

PART 1

Amendments to Regulation (EC) 1610/96

Article 5: effects of the certificate

4. In Article 5—

- (a) the existing text is numbered as paragraph 1;
- (b) in paragraph 1, after “Article 4”, insert “and paragraphs 2 and 3”;
- (c) after paragraph 1, insert—

“**2.** The protection conferred by a certificate in accordance with paragraph 1 shall extend only to the territory in respect of which a valid GB or NI authorisation has been issued and the authorisation—

- (a) is the first authorisation for the product in the territory in accordance with Article 3(1)(b) and (d), and
- (b) has been issued before the certificate takes effect in accordance with Article 13(1).

3. Where after the submission of an application for a certificate in accordance with Article 7 and before the certificate takes effect in accordance with Article 13(1), a GB or NI authorisation is granted in respect of the same product and the authorisation would have met the requirements of Article 3(b) and (d) had it been granted on the date of submission of the application, the protection conferred by a certificate in accordance with paragraph 1 shall extend to the territory of England and Wales and Scotland or the territory of Northern Ireland as the case may be.”.