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PROPOSAL

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	18 August 2022
To:	General Secretariat of the Council
No. Cion doc.:	COM(2022) 402 final - ANNEX
Subject:	ANNEX to the Proposal for a COUNCIL DECISION on the position to be taken on behalf of the European Union in the Geographical Indication Joint Committee established by the Agreement on the protection of Geographical Indications between the European Union and the People's Republic of China

Delegations will find attached document COM(2022) 402 final - ANNEX.

Encl.: COM(2022) 402 final - ANNEX

EUROPEAN
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Brussels, 18.8.2022
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ANNEX

ANNEX

to the

Proposal for a COUNCIL DECISION

on the position to be taken on behalf of the European Union in the Geographical Indication Joint Committee established by the Agreement on the protection of Geographical Indications between the European Union and the People's Republic of China

ANNEX

Draft proposal for rules of procedures for the EU-China Joint Committee on Geographical indications

Article 1

Scope and responsibilities

1. The Joint Committee on Geographical Indications ('the Joint Committee') established pursuant to Article 10 of the agreement between the European Union and the government of the People's Republic of China on cooperation on, and protection of, geographical indications ('the Agreement') shall perform its duties as provided for in Article 10 of the Agreement. In particular, it shall be responsible for:

(a) amending Annex I as regards the references to the law applicable in the Parties and amending the other Annexes to this Agreement;

(b) exchanging information on legislative and policy developments as regards geographical indications and on any other matter of mutual interest in the area of geographical indications;

(c) exchanging information on geographical indications for the purpose of considering their protection in accordance with this Agreement.

Article 2

Composition and Chair

1. The Joint Committee shall be composed of representatives of the People's Republic of China ('China') on the one hand, and representatives of the European Union, on the other hand.

2. The Joint Committee shall be co-chaired by representatives of China and the European Union.

3. Each co-chair may delegate all or any of the functions of co-chair to a nominated deputy, in which case all references hereafter to the co-chair shall apply equally to the nominated deputy.

4. Each co-chair shall designate a contact person for all matters relating to the Joint Committee. Those contact persons shall be jointly responsible for the secretarial duties of the Joint Committee.

Article 3

Meetings

Pursuant to Article 10.2 of the Agreement, the location of the meeting shall alternate between the Parties. The Joint Committee shall meet at a time and a place and in a manner which may include by videoconference, mutually agreed by the Parties, but not later than 90 days after the request by either Party.

Article 4

Correspondence

1. Correspondence to the Co-chairs of the Joint Committee shall be forwarded to the contact points for circulation to the members of the Joint Committee.
2. Correspondence to the Co-chairs of the Joint Committee may be by any written means, including electronic mail.

Article 5

Agendas for the meetings

1. A provisional agenda shall be drawn up by the contact persons prior to each meeting. It shall be forwarded, together with the relevant documents, to the members of the Joint Committee including the co-chairs of the Joint Committee no later than 15 days before the meeting. The provisional agenda may include any item covered by Article 10 and 11 of the Agreement.
2. Either Party may request items covered by Article 10 and 11 of the Agreement to be included in the provisional agenda at least 21 days before the meeting. Those items shall be included in the provisional agenda.
3. A final version of the provisional agenda shall be circulated to the co-chairs at least five days before the meeting.
4. The agenda shall be adopted by the co-chairs unanimously at the beginning of each meeting. Any item other than those appearing on the provisional agenda may be placed on the agenda if both co-chairs so agree.

Article 6

Decisions

1. The Joint Committee shall adopt decisions by consensus as provided for in Article 10.2 of the Agreement.
2. The decisions of the Joint Committee within the meaning of Article 10.2 of the Agreement shall bear the signatures of the co-chairs. Each decision shall provide for the date of its entry into force.
3. Decisions adopted by the Joint Committee shall bear the date of adoption and a description of their subject matter.

Article 7

Written procedure

1. A decision of the Joint Committee may be adopted by written procedure where both Parties agree. The written procedure shall consist of an exchange of notes between the co-chairs of the Joint Committee.
2. The co-chair of the Party proposing the use of the written procedure shall submit the draft decision to the co-chair of the other Party, who shall reply, indicating whether he or she accepts or does not accept the draft decision. The co-chair of the other Party may also propose amendments or request further time for reflection. If the draft is agreed, it shall be adopted according to Article 6 of these rules of procedure.

Article 8

Minutes

1. The draft minutes of each meeting shall be drawn up by the contact point of the relevant hosting party within 21 days from the meeting. The draft minutes shall state the recommendations and decisions adopted and note any other conclusions reached.
2. The minutes shall be approved in writing by both Parties within 28 days from the meeting or by any other date agreed by the Parties. Once approved, two original copies shall be signed by the co-chairs. An original copy of the minutes shall be kept by each co-chair.

Article 9

Expenses

1. Each Party shall bear the expenses it incurs in taking part in the meetings of the Joint Committee.
2. Expenditure in connection with the organisation of meetings and reproduction of documents shall be borne by the Party hosting the meeting.

Article 10

Publicity and confidentiality

1. Unless otherwise decided by the co-chairs, the meetings of the Joint Committee shall not be public.
2. When a Party submits information considered as confidential under its laws and regulations to the Joint Committee, the other Party shall treat that information as confidential.
3. Without prejudice to Article 10.2 above each Party may decide on the publication of the decisions and recommendations of the Joint Committee in its respective official publication.