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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 1)/Council
No. prev. doc.:	7133/23
No. Cion doc.:	14918/22
Subject:	Proposal for a COUNCIL DECISION amending Decision (EU) 2019/1754 on the accession of the European Union to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications - Adoption

I. INTRODUCTION

1. The Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications, of 20 May 2015 (hereinafter 'the Geneva Act')[1], revised the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration of 31 October 1958, which is a treaty administered by the World Intellectual Property Organization (WIPO).

2. On the basis of the authorisation provided by Council Decision (EU) 2019/1754 on the accession of the European Union to the Geneva Act[2], the Union acceded to the Geneva Act on 26 November 2019.

[1] OJ L 271, 24.10.2019, p. 15.
[2] OJ L 271, 24.10.2019, p. 12.

3. Article 4(1) of Decision (EU) 2019/1754 designated the Commission as the Competent Authority referred to in Article 3 of the Geneva Act, responsible for the administration of the Geneva Act in the territory of the Union and for communications with the International Bureau of the WIPO under the Geneva Act.

II. GEOGRAPHICAL INDICATION PROTECTION FOR CRAFT AND INDUSTRIAL PRODUCTS

4. On 17 November 2022, the Commission submitted a proposal for a Council Decision amending Article 4(1) of Council Decision (EU) 2019/1754 to designate the European Intellectual Property Office (EUIPO) as the Competent Authority under the Geneva Act in respect of geographical indications for craft and industrial products (doc. 14918/22). This proposal for a Council Decision complements the proposal for a Regulation of the European Parliament and of the Council on geographical indication protection for craft and industrial products, which the Commission had submitted on 13 April 2022 (doc. 8205/22).

5. In terms of substance, the proposed Regulation on geographical indication protection for craft and industrial products and the proposed Council Decision amending Decision (EU) 2019/1754 are linked – their provisions build on one another and only their simultaneous application will achieve the objective of establishing the intended comprehensive geographical indication protection for craft and industrial products at EU level and within the system of the Geneva Act. It is therefore important that the respective timing of the entry into force and of the application of both acts be aligned by having the two acts published in the Official Journal on the same day.

6. In terms of procedure, the two proposals are subject to different rules for their adoption: while the proposed Regulation is to be adopted in accordance with the ordinary legislative procedure pursuant to Article 294 of the Treaty on the Functioning of the European Union (TFEU), the proposed Council Decision is to be adopted in accordance with a special legislative procedure pursuant to Article 218(6)(a) TFEU, which requires the consent of the European Parliament.

7. Council decided on 25 April 2023 to transmit the compromise text of the Council Decision, as finalised by the Council's lawyer-linguists and as set out in document 7424/23, to the European Parliament for its consent. The European Parliament gave its consent to that text on 12 September 2023[3]. On the same day the European Parliament also adopted its first-reading position on the draft Regulation[4].

8. The adoption of the draft Council Decision is subject to qualified majority (Article 218(8) TFEU).

III. CONCLUSION

9. In light of the above, the Permanent Representatives Committee is invited to recommend that the Council:

   – adopt, as an 'A' item on the agenda of one of its forthcoming meetings, the Council Decision amending Decision (EU) 2019/1754 on the accession of the European Union to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications, as set out in document 7424/23.

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[3] P9_TA(2023)0300.
[4] 12853/23.