Council of the European Union

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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	7723/23, CM 2406/23
No. Cion doc.:	6086/23
Subject:	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

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. Pursuant to 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. In its judgment of 22 November 2022 in case C-24/20, the Court of Justice of the European Union annulled parts of Council Decision (EU) 2019/1754, namely those concerning the authorisation of the Member States to accede, in the interest of the Union, to the Geneva Act (Article 3 and parts of Article 4 of this Decision).

4. The Court however maintained the effects of these annulled parts of Council Decision (EU) 2019/1754 insofar as they relate to Member States which have availed themselves of the authorisation granted under Article 3 before the delivery of the judgment. Nevertheless, these effects are only maintained until the entry into force of a new Council Decision addressing the preservation of the seniority and continuity of the protection of appellations of origin registered under the Lisbon Agreement in the seven Member States which were already parties to that agreement.

5. In order to comply with the Court ruling and in accordance with Article 266 TFEU, the Council needs to adopt, pursuant to a proposal by the Commission, such a new Council Decision within 'a reasonable period which should not exceed six months' from the date of delivery of the judgment, hence by 22 May 2023.

6. In view of the above, on 6 February 2023, the Commission submitted a proposal with a view to amending Council Decision (EU) 2019/1754 (doc. 6086/23).

7. Pursuant to Article 218(6)(a) TFEU, the proposed Council Decision requires for its adoption the consent of the European Parliament.

8. Council decided on 4 April 2023 to transmit the compromise text, as finalised by the legal-linguistic experts and as set out in document 7423/23, to the European Parliament for its consent. The European Parliament gave its consent to that text on 9 May 2023[3].

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

[3] P9_TA(2023)0128.

10. The Permanent Representatives Committee is therefore 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 7423/23;
- decide that the statement(s) set out in addendum 1 to this note be entered in the minutes of that meeting of the Council.