



Plenary sitting

A8-0036/2019

28.1.2019

*****I**

REPORT

on the proposal for a regulation of the European Parliament and of the Council
on the action of the Union following its accession to the Geneva Act of the
Lisbon Agreement on Appellations of Origin and Geographical Indications
(COM(2018)0365 – C8-0383/2018 – 2018/0189(COD))

Committee on Legal Affairs

Rapporteur: Virginie Rozière

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ***■*** symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council on the action of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (COM(2018)0365 – C8-0383/2018 – 2018/0189(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0365),
 - having regard to Article 294(2) and Article 207 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0383/2018),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 12 December 2018¹,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Legal Affairs and the opinions of the Committee on International Trade, the Committee on the Environment, Public Health and Food Safety and the Committee on Agriculture and Rural Development (A8-0036/2019),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

Amendment

(1) In order for the Union to be fully

(1) In order for the Union to be fully

¹ Not yet published in the Official Journal.

able to exercise its exclusive competence in relation to its common commercial policy, it will become a contracting party to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications ('the Geneva Act')² pursuant to Council Decision (EU) .../...³ The contracting parties to the Geneva Act are members of a Special Union created by the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration⁴ ('Special Union'). In accordance with Article 3 of Decision (EU).../..., the Union is to be represented by the Commission in the Special Union.

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http://www.wipo.int/edocs/lexdocs/treaties/en/lisbon/trt_lisbon_009en.pdf.

³ OJ L [...], [...], p. [...].

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http://www.wipo.int/export/sites/www/lisbon/en/legal_texts/lisbon_agreement.pdf.

Amendment 2

Proposal for a regulation Recital 1 a (new)

Text proposed by the Commission

able to exercise its exclusive competence in relation to its common commercial policy, ***and to be fully compliant with its commitments under the Agreement on the Trade-Related Aspects of Intellectual Property Rights (TRIPS) of the World Trade Organization***, it will become a contracting party to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications ('the Geneva Act') pursuant to Council Decision (EU) .../...³ The contracting parties to the Geneva Act are members of a Special Union created by the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration ('Special Union'). In accordance with Article 3 of Decision (EU).../..., the Union is to be represented by the Commission in the Special Union.

³ OJ L [...], [...], p. [...].

Amendment

(1a) On 6 October 2015, the European Parliament adopted a resolution on the possible extension of geographical indication protection of the European Union to non-agricultural products, in which it set out its views on this matter.

Amendment 3

Proposal for a regulation
Recital 4

Text proposed by the Commission

(4) Following the accession of the Union to the Geneva Act, the Commission should as a first step file with the International Bureau of the World Intellectual Property Organization ('the International Bureau') an application for registration of a list of geographical indications originating and protected in the territory of the Union in their register ('the International Register'). ***The criteria*** for the ***establishment of*** such a list should, ***as it is the case*** for some of the bilateral and regional agreements of the Union regarding protection of geographical indications, ***take into account*** in particular the production value and export value, protection under other agreements as well as current or potential misuse in the third countries concerned.

Amendment

(4) Following the accession of the Union to the Geneva Act, the Commission should as a first step file with the International Bureau of the World Intellectual Property Organization ('the International Bureau') an application for registration of a list of geographical indications originating and protected in the territory of the Union in their register ('the International Register'), ***in the context of close cooperation with the Member States, trade associations and producers concerned. Accordingly, in order for the Commission to establish*** such a list, ***a Member State, an interested group of producers or a single producer using a geographical indication that is protected and registered in the Union*** should ***notify the Commission of the names of the geographical indications they would like to have included in that list. The Commission should include those geographical indications in that list. However, based on criteria frequently used*** for some of the bilateral and regional agreements of the Union regarding protection of geographical indications, in particular the production value and export value, protection under other agreements as well as current or potential misuse in the third countries concerned, ***the Commission should be able to object to the addition of a specific geographical indication in the list of geographical indications originating and protected in the territory of the Union and should justify its decision in that regard. Moreover, the list should encompass all of the geographical indications that currently benefit from protection under Union law and are registered in the International Register by those Member States who were members of the Special Union before the accession of the Union to the Geneva Act.***

Amendment 4

Proposal for a regulation

Recital 5

Text proposed by the Commission

(5) In order to ensure that additional geographical indications protected and registered in the Union are registered in the International Register, it is appropriate to authorise the Commission, at a later stage, to file applications for the international registration of such additional geographical indications, on its own initiative **or** at the request of a Member State or of an interested group of producers or, in exceptional cases, at the request of a single producer.

Amendment

(5) In order to ensure that additional geographical indications protected and registered in the Union are registered in the International Register, ***including following the possible extension of protection to geographical indications for non-agricultural products***, it is appropriate to authorise the Commission, at a later stage, to file applications for the international registration of such additional geographical indications, on its own initiative, at the request of a Member State, ***of the European Parliament, of relevant trade associations*** or of an interested group of producers or, in exceptional cases, at the request of a single producer. ***Accordingly, the Commission should consult all relevant stakeholders on a regular basis. Moreover, the accession of the Union to the Geneva Act should not jeopardise the current and future protection of geographical indications in bilateral free trade agreements.***

Amendment 5

Proposal for a regulation

Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) The addition of geographical indications to the International Register should serve the purposes of providing quality products, fair competition and consumer protection. While having a significant cultural and economic value, the addition of geographical indications should be assessed with respect to the

value created for local communities, with a view to supporting rural development and promoting new job opportunities in production, processing and other related services.

Amendment 6

Proposal for a regulation Recital 5 b (new)

Text proposed by the Commission

Amendment

(5b) The Commission should use a regular mechanism to consult Member States, trade associations and Union producers in order to establish an ongoing dialogue with relevant stakeholders.

Amendment 7

Proposal for a regulation Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) It is appropriate to provide for a procedure for withdrawal of refusal of protection, especially in the case of further developments in Union law allowing non-agricultural geographical indications to be protected.

Amendment 8

Proposal for a regulation Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) It is possible that the seven Member States which were members of the Special Union would also wish to participate in the Geneva Act in order to protect the geographical indications that

do not benefit from horizontal protection at Union level. In order to allow them to do so, consideration should be given to allowing them to partially participate in the Geneva Act, notwithstanding the competences of the Union where applicable.

Amendment 9

Proposal for a regulation

Recital 10

Text proposed by the Commission

(10) In order to defray any shortfall in relation to the operating budget of the Special Union, the Union should be able to provide for a special contribution within the means available for this purpose in the annual budget of the Union.

Amendment

(10) In order to defray any shortfall in relation to the operating budget of the Special Union, the Union should be able to provide for a special contribution within the means available for this purpose in the annual budget of the Union, ***given the economic and cultural value of geographical indications protection.***

Amendment 10

Proposal for a regulation

Recital 11

Text proposed by the Commission

(11) In order to ensure uniform conditions for the implementation of the Union membership in the Special Union, implementing powers should be conferred on the Commission to establish a list of geographical indications for the filing of an application for their international registration with the International Bureau upon accession to the Geneva Act, for the subsequent filing of an application for international registration of a geographical indication with the International Bureau, for rejecting an opposition, for a decision on whether or not to grant protection of a geographical indication registered in the International Register, ***and*** for cancelling

Amendment

(11) In order to ensure uniform conditions for the implementation of the Union membership in the Special Union, implementing powers should be conferred on the Commission to establish a list of geographical indications for the filing of an application for their international registration with the International Bureau upon accession to the Geneva Act, for the subsequent filing of an application for international registration of a geographical indication with the International Bureau, for rejecting an opposition, for a decision on whether or not to grant protection of a geographical indication registered in the International Register, for cancelling the

the protection in the Union of a geographical indication registered in the International Register. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁷,

⁷ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

protection in the Union of a geographical indication registered in the International Register, ***and for the withdrawal of refusal of the effects of an international registration***. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁷. ***The list of the committees within the meaning of Regulation (EU) No 182/2011 should be updated in the event that further developments in Union law allow non-agricultural products to be protected.***

⁷ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Amendment 11

Proposal for a regulation Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) In order for the Union to fully participate in the Geneva Act, it is necessary to put in place a system to protect non-agricultural geographical indications, established through horizontal legislation at Union level. To this end, it would be desirable that the Commission submit, as soon as possible, a legislative proposal extending the protection granted to geographical indications under Union law to non-agricultural products. Non-agricultural geographical indications protected in Member States should not be affected by this Regulation until such a system is in place.

Amendment 12

Proposal for a regulation Recital 11 b (new)

Text proposed by the Commission

Amendment

(11b) In view of the still limited participation of third country Contracting parties in the Geneva Act, it is important to ensure that the Commission monitors and evaluates the participation of the Union in that Act over time. In order to conduct such an evaluation, the Commission should, inter alia, take into account the number of geographical indications protected under Union law that have been notified, those which have been rejected by third parties, the evolution of the number of third countries participating in the Geneva act, the action taken by the Commission to increase that number, and the number of non-agricultural geographical indications originating from Contracting Parties of third countries and which have been rejected by the Commission.

Amendment 13

Proposal for a regulation Article 1 – paragraph 2

Text proposed by the Commission

Amendment

For the purpose of this Regulation, appellations of origin, including “designations of origin” as defined by Regulation (EU) No 1151/2012 and Regulation (EU) No 1308/2013, and geographical indications, are henceforth both referred to as 'geographical indications'.

For the purpose of this Regulation, appellations of origin, including “designations of origin” as defined by Regulation (EU) No 1151/2012 and Regulation (EU) No 1308/2013, and geographical indications, are henceforth both referred to as 'geographical indications, ***agricultural and non-agricultural ones***'.

Amendment 14

Proposal for a regulation

Article 2

Text proposed by the Commission

Article 2

International registration of geographical indications upon accession

Upon the accession of the Union to the Geneva Act, the Commission shall file with the International Bureau of the World Intellectual Property Organization ('the International Bureau') applications for the international registration of geographical indications protected and registered under Union law and pertaining to products originating in the Union pursuant to Article 5(1) and (2) of the Geneva Act.

In order to assess whether or not to file an application for international registration, the Commission shall take into account the criteria set out in the third paragraph of Article 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13(2).

The Commission shall adopt an implementing act establishing the list of geographical indications referred to in the first paragraph, in accordance with the examination procedure referred to in Article 13(2).

Amendment

Article 2

International registration of geographical indications upon accession

1. Upon the accession of the Union to the Geneva Act, the Commission shall file with the International Bureau of the World Intellectual Property Organization ('the International Bureau') applications for the international registration of geographical indications protected and registered under Union law and pertaining to products originating in the Union pursuant to Article 5(1) and (2) of the Geneva Act.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13(2).

2. The Commission shall adopt an implementing act establishing the list of geographical indications referred to in paragraph 1 of this Article, in accordance with the examination procedure referred to in Article 13(2). ***That list shall contain all of the European geographical indications, which have already been registered in the International Register by those Member States who were contracting parties of the Special Union before the accession of the Union to the Geneva Act.***

3. By ... [six months from the entry into force of this Regulation], an authority of a Member State, or an interested group of producers or a single producer using a geographical indication protected and registered in the Union, shall notify the Commission of the names of the

In order to establish the list referred to in the second paragraph, the Commission shall take into account, in particular, the following:

- (a) the production value of the geographical indication;*
- (b) the export value of the geographical indication;*
- (c) the protection of the geographical indication under other international agreements;*
- (d) the current or potential misuse of the geographical indication in other members of the Special Union;*
- (e) the overall number of geographical indications originating in the territories of the other members of the Special Union and registered in the register of the International Bureau ('the International Register').*

Amendment 15

Proposal for a regulation Article 3

Text proposed by the Commission

Article 3

Subsequent international registration of

geographical indications they wish to have included in the list of geographical indications referred to in paragraph 2.

In order to establish the list referred to in the paragraph 2, the Commission shall *include all the geographical indications it was notified of in accordance with the first subparagraph of this paragraph.*

However, the Commission may refuse, in close cooperation with the Member States, trade associations and producers concerned, to include a specific geographical indication in that list and shall justify its decision, taking into account, in particular, the following:

- (b) the export value of the geographical indication or its export potential or both;*
- (ba) the special economic and regional importance of the geographical indication;*

Amendment

Article 3

Subsequent international registration of

geographical indications of the Union

Following the accession of the Union to the Geneva Act, the Commission may on its own initiative or at the request of a **Member State** or of an interested group of producers **or** of the single producer using a geographical indication protected and registered in the Union, adopt implementing acts in order to file an application for international registration of a geographical indication protected and registered under Union law and pertaining to a product originating in the Union with the International Bureau.

In order to assess whether or not to file an application for international registration, the Commission shall take into account the criteria set out in the third paragraph of Article 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13(2).

Amendment 16

Proposal for a regulation Article 4

Text proposed by the Commission

Article 4

Assessment of third country geographical indications registered in the International Register

(1) The Commission shall assess the publication notified by the International Bureau pursuant to Article 6(4) of the Geneva Act concerning the geographical indications registered in the International Register and in respect of which the Contracting Party of Origin, as defined under Article 1(xv) of the Geneva Act, is

geographical indications of the Union

Following the accession of the Union to the Geneva Act, the Commission may on its own initiative or ***shall*** at the request of a Member State, of the ***European Parliament***, of an interested group of producers or of the single producer using a geographical indication protected and registered in the Union, adopt implementing acts in order to file an application for international registration of a geographical indication protected and registered under Union law and pertaining to a product originating in the Union with the International Bureau. ***To that end, the Commission shall consult Member States, trade associations and Union producers on a regular basis.***

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13(2).

Amendment

Article 4

Assessment of third country geographical indications registered in the International Register

1. The Commission shall assess the publication notified by the International Bureau pursuant to Article 6(4) of the Geneva Act concerning the geographical indications registered in the International Register and in respect of which the Contracting Party of Origin, as defined under Article 1(xv) of the Geneva Act, is

not a Member State, in order to determine whether it contains the mandatory elements laid down in Rule 5(2) of the Common Regulations under the Lisbon Agreement and the Geneva Act (the 'Common Regulations')⁸, and the particulars concerning the quality, reputation or characteristics as laid down in Rule 5(3) of those Regulations, as well as to assess whether the publication relates to a product in respect of which protection within the Union of geographical indications is **currently** provided. The period for carrying out such assessment shall not exceed four months and shall not include assessment of other specific Union provisions relating to the placing of products on the market and, in particular, to sanitary and phytosanitary standards, the marketing standards, and to food labelling.

(2) Where, based on the assessment carried out pursuant to paragraph 1, the Commission considers that the conditions laid down in that paragraph are *prima facie* fulfilled, it shall publish the geographical indication proposed for protection in the Union together with the product type and country of origin in the Official Journal of the European Union, C series.

(3) Where, based on the assessment carried out pursuant to paragraph 1, the Commission considers that the conditions laid down in that paragraph are not fulfilled, it shall take a decision to refuse protection of the geographical indication by means of an implementing act adopted in accordance with the examination procedure referred to in Article 13(2). ***In respect of geographical indications covering products not falling within the competence of the Committees provided in Article 13(1) the decision will be adopted by the Commission without application of the examination procedure referred to in Article 13(2).***

In accordance with Article 15(1) of the Geneva Act, the Commission shall notify the International Bureau of the refusal of

not a Member State, in order to determine whether it contains the mandatory elements laid down in Rule 5(2) of the Common Regulations under the Lisbon Agreement and the Geneva Act (the 'Common Regulations')⁸, and the particulars concerning the quality, reputation or characteristics as laid down in Rule 5(3) of those Regulations, as well as to assess whether the publication relates to a product in respect of which protection within the Union of geographical indications is provided. The period for carrying out such assessment shall not exceed four months and shall not include assessment of other specific Union provisions relating to the placing of products on the market and, in particular, to sanitary and phytosanitary standards, the marketing standards, and to food labelling.

2. Where, based on the assessment carried out pursuant to paragraph 1, the Commission considers that the conditions laid down in that paragraph are *prima facie* fulfilled, it shall publish the geographical indication proposed for protection in the Union together with the product type and country of origin in the Official Journal of the European Union, C series.

3. Where, based on the assessment carried out pursuant to paragraph 1, the Commission considers that the conditions laid down in that paragraph are not fulfilled, it shall take a ***reasoned*** decision to refuse protection of the geographical indication by means of an implementing act adopted in accordance with the examination procedure referred to in Article 13(2).

In accordance with Article 15(1) of the Geneva Act, the Commission shall notify the International Bureau of the refusal of

the effects of the international registration concerned in the territory of the Union, within one year from the receipt of the notification of international registration in accordance with Article 6(4) of the Geneva Act.

the effects of the international registration concerned in the territory of the Union, within one year from the receipt of the notification of international registration in accordance with Article 6(4) of the Geneva Act.

3a. Where, after the notification of the refusal of the effects of the international registration concerned in the territory of the Union on account of the absence of protection for a category of products within the Union geographical indications, further developments in Union law allow the category of products concerned by the refusal to be protected, the Commission shall reassess whether the geographical indication previously refused may now be protected within the territory of the Union.

Where, based on the assessment carried out pursuant to this paragraph, the Commission considers that the conditions laid down in paragraph 1 are fulfilled, it shall take a decision to withdraw the refusal, by means of an implementing act adopted in accordance with the examination procedure referred to in Article 13(2).

In accordance with Article 16 of the Geneva Act, the Commission shall notify the International Bureau of the withdrawal of refusal of the effects of the international registration concerned within the territory of the Union.

⁸Common Regulations under the Lisbon Agreement and the Geneva Act of the Lisbon Agreement as adopted by the Assembly of the Lisbon Union on 11 October 2017, http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=376416, Doc. WIPO A/57/11 of 11 October 2017.

⁸Common Regulations under the Lisbon Agreement and the Geneva Act of the Lisbon Agreement as adopted by the Assembly of the Lisbon Union on 11 October 2017. Doc. WIPO A/57/11 of 11 October 2017.

Amendment 17

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

(1) Within **two** months from the date of publication of the name of the geographical indication in the Official Journal of the European Union in accordance with Article 4(2), the authorities of a Member State or of a third country other than the Contracting Party of Origin, or a natural or legal person having a legitimate interest and established in the Union or in a third country other than the Contracting Party of Origin may lodge an opposition with the Commission, in one of the official languages of the Union.

Amendment

(1) Within **six** months from the date of publication of the name of the geographical indication in the Official Journal of the European Union in accordance with Article 4(2), the authorities of a Member State or of a third country other than the Contracting Party of Origin, or a natural or legal person having a legitimate interest and established in the Union or in a third country other than the Contracting Party of Origin may lodge an opposition with the Commission, in one of the official languages of the Union.

Amendment 18

Proposal for a regulation
Article 5 – paragraph 2 – point e

Text proposed by the Commission

(e) that the geographical indication registered in the International Register relates to a product in respect of which protection within the EU of geographical indications is currently not provided;

Amendment

deleted

Amendment 19

Proposal for a regulation
Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13a

Monitoring and review

1. By ... [two years after the entry into force of this Regulation], the Commission shall assess the participation of the Union in the Geneva Act and submit a report on the main findings to

the European Parliament and to the Council.

The assessment shall be based, inter alia, on the following aspects:

a) the number of geographical indications protected under Union law in relation to which notification has been received, with a justification for the choice of those notified indications, and the geographical indications protected under Union law which have been rejected by third parties;

b) the evolution of the number of third countries participating in the Geneva Act and the action taken by the Commission to increase the number; and

c) the number of non-agricultural geographical indications originating from third countries which have been rejected by the Commission.

2. By ... [two years after the entry into force of this Regulation], the Commission shall, where appropriate, submit a legislative proposal to extend the protection granted to geographical indications under Union law to non-agricultural products in anticipation of the Union's full participation in the Geneva Act.

EXPLANATORY STATEMENT

The Lisbon Agreement for the Protection of Appellations of Origin and their International Registration is a 1958 treaty, which offers means of obtaining protection for appellations of origins in its Contracting Parties. The Agreement has currently twenty-eight Contracting Parties including seven Member States. However, the Union is not a Contracting Party for the Lisbon Agreement only allows for membership of states.

The Lisbon Agreement was updated through the Geneva Act, which allows the international organisations to become Contracting Parties. Thus, the Parliament will be invited to give its consent to the accession of the Union to the Geneva Act in order for the Union to fully exercise its exclusive competence in relation the common commercial policy. This proposal for a Regulation will then allow the effective participation of the Union to Lisbon Union.

In General, the Rapporteur welcomes the proposal that will comfort the position of the Union's GIs on the international stage as well as the leadership of the Union in respect of the protection of its local culture and producers and will help boosting trade for certain European products beyond the bilateral agreements concluded by the Union with its partners.

However, in the Rapporteurs' view, some shortcomings of the proposals should be addressed in order for it to be the most beneficial for the Union's GIs.

1. The Rapporteur would like to suggest that the Commission submit a first list of the GIs based on the inputs from Members States and relevant stakeholders. Indeed as they are in the best position for the identification of relevant GIs to be included in the International Register. Moreover, the Rapporteur is of the opinion that the Commission should include in its list all of the GIs, which currently benefit from the protection under Union law and are registered in the International Register by those Member States who were members of the Special Union before the accession of the Union to the Geneva Act. This list should be updated on a later stage and should aim at including as many as possible of Union's GIs. Moreover, the Parliament should be able to suggest GIs to be registered in the Lisbon Union.
2. While the Lisbon Agreement covers both agricultural and non-agricultural GIs, the Union does not provide for a protection for non-agricultural products. This constitutes a severe shortcoming which, at the moment, prevent the Union to fully participate in the Geneva Act. Moreover, given the exclusive competence of the Union, Member States who protects non-agricultural GIs will not be able to protect them under the Geneva Act. The Rapporteur regrets this situation, especially because it could have been solved before the adoption of this act, as there have been several demands from the Parliament to further develop the protection of this category of products in the past years. In consequence, the Rapporteur proposes that the Commission rapidly introduce an instrument to protect non-agricultural GIs through a horizontal legislation. Based on that suggestion, the Rapporteur made modification to ensure that this Regulation would still be fit for the purpose in case of further developments of Union law as regards to non-agricultural products.
3. Seven Member Sates are members of the Lisbon Union and as such have accepted protection of third country geographical indications. The Rapporteur welcomes the introduction of a transitional period in order for those Member States to be able to fulfil

their international obligations assumed before the accession of the Union to the Geneva Act. The Rapporteur would also like to stress that a solution, such as partial participation of those countries to the Geneva Act, should be explored in order for them to be able to fully continue to protect their non-agricultural GIs.

4. Although the Geneva Act allows international organisation to be member of the Special Union, it does not automatically ground them with a voting right. Indeed, each international organisation shall have a number of votes equal to the number of its member States part to the Act. Given the exclusive competence of the Union, this would deprive the Union from a voting right. The Rapporteur would like to express her worries about this situation and ask the Commission to explore possible solution to this issue, such as ratification of the instrument in the interest of the Union by Member States.

OPINION OF THE COMMITTEE ON INTERNATIONAL TRADE

for the Committee on Legal Affairs

on the proposal for a regulation of the European Parliament and of the Council on the action of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications
(COM(2018)0365 – C8-0383/2018 – 2018/0189(COD))

Rapporteur for opinion: Christophe Hansen

SHORT JUSTIFICATION

The Proposal aims at ensuring the legal framework for effective participation of the EU in the WIPO Lisbon Union, once the EU will become a contracting party to the Geneva Act. The Rapporteur welcomes the current proposal that comes in a trying geopolitical context where the blockages at the multilateral fora unfortunately reduce the perspective of meaningful advances in the protection of Geographic Indications. The proposal focuses on several aspects and, among others, it stresses the following issues:

1. There will be significant advantages linked to the EU membership to the Geneva Act. The Rapporteur welcomes the potential expanded reach for protection that the Geneva Act would offer to European Geographic Indications; moreover, following the accession to the Geneva Act, the Union can continue to seek protection for Geographic Indications through bilateral agreements with trade-partners that are not (yet) party to the Geneva Act.
2. The rapporteur also wishes to insist of the compatibility of the current proposal with the WTO TRIPS agreement, in view of a future potential docking.
3. EU should submit a list of the GIs drawn from the lists of established EU Geographic Indications. This list should be established in a close consultation with the MS and with relevant stakeholders, and can later be adapted to reflect new market imperatives.
4. EU GIs will in principle have rapid, high level, definitive protection in all present and future parties to the Geneva Act, while having an increased reputation of the EU GIs through the multilateral register and due to the wide geographic extent of protection under the Geneva Act.

5. Seven Member States are members of the Lisbon Union and as such have accepted protection of third country geographic indications. A transitional period is needed to fulfil international obligations assumed before the accession of the Union to the Geneva Act.

The rapporteur generally agrees with these adjustments with the exception of the following amendments.

AMENDMENTS

The Committee on International Trade calls on the Committee on Legal Affairs, as the committee responsible, to take into account the following amendments:

Amendment 1 Proposal for a regulation Recital 1

Text proposed by the Commission

(1) In order for the Union to be fully able to exercise its exclusive competence in relation to its common commercial policy, it will become a contracting party to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications ('the Geneva Act')² pursuant to Council Decision (EU) .../...³ The contracting parties to the Geneva Act are members of a Special Union created by the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration⁴ ('Special Union'). In accordance with Article 3 of Decision (EU) .../..., the Union is to be represented by the Commission in the Special Union.

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http://www.wipo.int/edocs/lexdocs/treaties/en/lisbon/trt_lisbon_009en.pdf.

Amendment

(1) In order for the Union to be fully able to exercise its exclusive competence in relation to its common commercial policy, **and in full compatibility with its commitments under the Agreement on the Trade-Related Aspects of Intellectual Property Rights (TRIPS) of the World Trade Organization**, it will become a contracting party to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications ('the Geneva Act')² pursuant to Council Decision (EU) .../...³ The contracting parties to the Geneva Act are members of a Special Union created by the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration⁴ ('Special Union'). In accordance with Article 3 of Decision (EU) .../..., the Union is to be represented by the Commission in the Special Union.

2

http://www.wipo.int/edocs/lexdocs/treaties/en/lisbon/trt_lisbon_009en.pdf.

³ OJ L [...], [...], p. [...].

⁴

http://www.wipo.int/export/sites/www/lisbon/en/legal_texts/lisbon_agreement.pdf.

³ OJ L [...], [...], p. [...].

⁴

http://www.wipo.int/export/sites/www/lisbon/en/legal_texts/lisbon_agreement.pdf.

Amendment 2

Proposal for a regulation

Recital 4

Text proposed by the Commission

(4) Following the accession of the Union to the Geneva Act, the Commission should as a first step file with the International Bureau of the World Intellectual Property Organization ('the International Bureau') an application for registration of a list of geographical indications originating and protected in the territory of the Union in their register ('the International Register'). The criteria for the establishment of such a list should, as it is the case for some of the bilateral and regional agreements of the Union regarding protection of geographical indications, take into account in particular the production value and export value, protection under other agreements as well as current or potential misuse in the third countries concerned.

Amendment

(4) Following the accession of the Union to the Geneva Act, the Commission should as a first step file with the International Bureau of the World Intellectual Property Organization ('the International Bureau') an application for registration of a list of geographical indications originating and protected in the territory of the Union in their register ('the International Register'), ***in close cooperation with the Member States, trade associations and producers concerned. That list should include, as far as possible, geographical indications already registered by the Member States that were contracting parties to the Special Union prior to the European Union's accession to the Geneva Act. Moreover,*** the criteria for the establishment of such a list should, as it is the case for some of the bilateral and regional agreements of the Union regarding protection of geographical indications, take into account in particular the production value and export value, protection under other agreements as well as current or potential misuse in the third countries concerned.

Amendment 3

Proposal for a regulation

Recital 5

Text proposed by the Commission

Amendment

(5) In order to ensure that additional geographical indications protected and registered in the Union are registered in the International Register, it is appropriate to authorise the Commission, at a later stage, to file applications for the international registration of such additional geographical indications, on its own initiative or at the request of a Member State or of an interested group of producers or, in exceptional cases, at the request of a single producer.

(5) In order to ensure that additional ***or future*** geographical indications protected and registered in the Union are registered in the International Register, ***including the possible extension of protection to geographical indications for non-agricultural products***, it is appropriate to authorise the Commission, at a later stage, to file applications for the international registration of such additional geographical indications, on its own initiative or, ***in case of non-agricultural geographical indications***, at the request of a Member State or of an interested group of producers or, in exceptional cases, at the request of a single producer. ***The accession of the Union to the Geneva Act does not prejudice the current and future protection of geographical indications in bilateral free trade agreements. In this regard, the Commission should use a regular mechanism to consult Member States, trade associations and European producers in order to establish a fluid dialogue with stakeholders.***

Amendment 4

Proposal for a regulation Recital 9

Text proposed by the Commission

(9) It appears equitable that the fees to be paid under the Geneva Act and the Common Regulations under the Lisbon Agreement and the Geneva Act for filing an application with the International Bureau for the international registration of a geographical indication as well as the fees to be paid in respect of other entries in the International Register and for the supply of extracts, attestations, or other information concerning the contents of that international registration should be borne by the Member State in which the geographical indication originates. ***This should be without prejudice to any***

Amendment

(9) It appears equitable that the fees to be paid under the Geneva Act and the Common Regulations under the Lisbon Agreement and the Geneva Act for filing an application with the International Bureau for the international registration of a geographical indication as well as the fees to be paid in respect of other entries in the International Register and for the supply of extracts, attestations, or other information concerning the contents of that international registration should be borne by the Member State in which the geographical indication originates.

decision by the Member State to seek reimbursement of those fees from the group of producers or single producer using the geographical indication for which international registration is sought.

Amendment 5

Proposal for a regulation Article 1 – paragraph 2

Text proposed by the Commission

For the purpose of this Regulation, appellations of origin, including “designations of origin” as defined by Regulation (EU) No 1151/2012 and Regulation (EU) No 1308/2013, and geographical indications, are henceforth both referred to as 'geographical indications'.

Amendment

For the purpose of this Regulation, appellations of origin, including “designations of origin” as defined by Regulation (EU) No 1151/2012 and Regulation (EU) No 1308/2013, and geographical indications, are henceforth both referred to as 'geographical indications, ***agricultural and non-agricultural ones***'.

Amendment 6

Proposal for a regulation Article 2 – paragraph 1

Text proposed by the Commission

Upon the accession of the Union to the Geneva Act, the Commission shall file with the International Bureau of the World Intellectual Property Organization ('the International Bureau') applications for the international registration of geographical indications protected and registered under Union law and pertaining to products originating in the Union pursuant to Article 5(1) and (2) of the Geneva Act.

Amendment

Upon the accession of the Union to the Geneva Act, the Commission shall file with the International Bureau of the World Intellectual Property Organization ('the International Bureau') applications for the international registration of geographical indications protected and registered under Union law and pertaining to products originating in the Union, ***or at the request of a Member State or of an interested group of producers, in case of non-agricultural geographical indications*** pursuant to Article 5(1) and (2) of the Geneva Act.

Amendment 7

Proposal for a regulation
Article 2 – paragraph 2

Text proposed by the Commission

The Commission shall adopt an implementing act establishing the list of geographical indications referred to in the first paragraph, in accordance with the examination procedure referred to in Article 13(2).

Amendment

The Commission shall adopt an implementing act establishing the list of geographical indications referred to in the first paragraph, in accordance with the examination procedure referred to in Article 13(2). ***The list shall include, as far as possible, European geographical indications already registered in the International Register by the Member States that were contracting parties to the Special Union prior to the European Union's accession to the Geneva Act.***

Amendment 8

Proposal for a regulation
Article 2 – paragraph 3 – introductory part

Text proposed by the Commission

In order to establish the list referred to in the second paragraph, the Commission shall take into account, ***in particular***, the following:

Amendment

In order to establish the list referred to in the second paragraph, the Commission shall take into account, ***among others***, the following:

Amendment 9

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

Following the accession of the Union to the Geneva Act, the Commission ***may on its own initiative or*** at the request of a Member State or of an interested group of producers or of the single producer using a geographical indication protected and registered in the Union, adopt implementing acts in order to file an application for international registration of a geographical indication protected and

Amendment

Following the accession of the Union to the Geneva Act, the Commission ***shall***, on its own initiative or at the request of a Member State or of an interested group of producers or of the single producer using a geographical indication, ***agricultural and non-agricultural ones***, protected and registered in the Union, adopt implementing acts in order to file an application for international registration of

registered under Union law and pertaining to a product originating in the Union with the International Bureau.

a geographical indication protected and registered under Union law and pertaining to a product originating in the Union with the International Bureau.

To that end, the Commission shall use a regular mechanism to consult Member States, trade associations and European producers.

Amendment 10

Proposal for a regulation Article 3 – paragraph 2

Text proposed by the Commission

In order to assess whether or not to file an application for international registration, the Commission shall take into account the criteria set out in the third paragraph of Article 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13(2).

Amendment

As stipulated in the first paragraph of this article, those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13(2).

Amendment 11

Proposal for a regulation Article 4 – paragraph 1

Text proposed by the Commission

(1) The Commission shall assess the publication notified by the International Bureau pursuant to Article 6(4) of the Geneva Act concerning the geographical indications registered in the International Register and in respect of which the Contracting Party of Origin, as defined under Article 1(xv) of the Geneva Act, is not a Member State, in order to determine whether it contains the mandatory elements laid down in Rule 5(2) of the Common Regulations under the Lisbon Agreement and the Geneva Act (the 'Common Regulations')⁸, and the particulars

Amendment

(1) The Commission shall assess the publication notified by the International Bureau pursuant to Article 6(4) of the Geneva Act concerning the geographical indications registered in the International Register and in respect of which the Contracting Party of Origin, as defined under Article 1(xv) of the Geneva Act, is not a Member State, in order to determine whether it contains the mandatory elements laid down in Rule 5(2) of the Common Regulations under the Lisbon Agreement and the Geneva Act (the 'Common Regulations')⁸, and the particulars

concerning the quality, reputation or characteristics as laid down in Rule 5(3) of those Regulations, as well as to assess whether the publication relates to a product in respect of which protection within the Union of geographical indications is **currently** provided. The period for carrying out such assessment shall not exceed four months and shall not include assessment of other specific Union provisions relating to the placing of products on the market and, in particular, to sanitary and phytosanitary standards, the marketing standards, and to food labelling.

⁸ Common Regulations under the Lisbon Agreement and the Geneva Act of the Lisbon Agreement as adopted by the Assembly of the Lisbon Union on 11 October 2017, http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=376416, Doc. WIPO A/57/11 of 11 October 2017

concerning the quality, reputation or characteristics as laid down in Rule 5(3) of those Regulations, as well as to assess whether the publication relates to a product in respect of which protection within the Union of geographical indications is provided. The period for carrying out such assessment shall not exceed four months and shall not include assessment of other specific Union provisions relating to the placing of products on the market and, in particular, to sanitary and phytosanitary standards, the marketing standards, and to food labelling.

⁸ Common Regulations under the Lisbon Agreement and the Geneva Act of the Lisbon Agreement as adopted by the Assembly of the Lisbon Union on 11 October 2017, http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=376416, Doc. WIPO A/57/11 of 11 October 2017

Justification

The regulation should take into account any future developments in EU legislation, for instance in terms of protection of geographical indications other than agricultural ones.

Amendment 12

Proposal for a regulation

Article 5 – paragraph 2 – point e

Text proposed by the Commission

(e) that the geographical indication registered in the International Register relates to a product in respect of which protection within the EU of geographical indications is **currently** not provided;

Amendment

(e) that the geographical indication registered in the International Register relates to a product in respect of which protection within the EU of geographical indications is not provided **at the moment of opposition**;

Justification

The regulation should take into account any future developments in EU legislation, for instance in terms of protection of geographical indications other than agricultural ones.

Amendment 13

Proposal for a regulation Article 11 – paragraph 2

Text proposed by the Commission

Amendment

*This is without prejudice to any decision
by a Member State to seek reimbursement
of the amounts referred to in the first
paragraph from the group of producers or
single producer using the geographical
indication for which international
registration is sought.*

deleted

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Action of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications						
References	COM(2018)0365 – C8-0383/2018 – 2018/0189(COD)						
Committee responsible Date announced in plenary	JURI 10.9.2018						
Opinion by Date announced in plenary	INTA 10.9.2018						
Rapporteur Date appointed	Christophe Hansen 29.8.2018						
Discussed in committee	20.11.2018						
Date adopted	10.12.2018						
Result of final vote	<table> <tr> <td>+: </td><td>39</td></tr> <tr> <td>–: </td><td>0</td></tr> <tr> <td>0: </td><td>0</td></tr> </table>	+:	39	–:	0	0:	0
+:	39						
–:	0						
0:	0						
Members present for the final vote	Maria Arena, Tiziana Beghin, David Borrelli, David Campbell Bannerman, Daniel Caspary, Salvatore Cicu, Karoline Graswander-Hainz, Christophe Hansen, Yannick Jadot, France Jamet, Elsi Katainen, Jude Kirton-Darling, Danilo Oscar Lancini, Bernd Lange, Anne-Marie Mineur, Sorin Moisă, Alessia Maria Mosca, Franck Proust, Inmaculada Rodríguez-Piñero Fernández, Tokia Saïfi, Marietje Schaake, Helmut Scholz, Joachim Schuster, Joachim Starbatty, Adam Szejnfeld, Iuliu Winkler						
Substitutes present for the final vote	Klaus Buchner, Dita Charanzová, Sajjad Karim, Seán Kelly, Gabriel Mato, Georg Mayer, Ralph Packet, Johannes Cornelis van Baalen, Jarosław Wałęsa						
Substitutes under Rule 200(2) present for the final vote	Paloma López Bermejo, Francisco José Millán Mon, Anders Sellström, Miguel Urbán Crespo, Marco Zullo						

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

39	+
ALDE	Johannes Cornelis van Baalen, Dita Charanzová, Elsi Katainen, Marietje Schaake
ECR	Sajjad Karim, Ralph Packet, Joachim Starbatty
EFDD	Tiziana Beghin, Marco Zullo
ENF	France Jamet, Danilo Oscar Lancini, Georg Mayer
GUE/NGL	Paloma López Bermejo, Anne-Marie Mineur, Helmut Scholz, Miguel Urbán Crespo
NI	David Borrelli
PPE	Daniel Caspary, Salvatore Cicu, Christophe Hansen, Seán Kelly, Gabriel Mato, Francisco José Millán Mon, Sorin Moisă, Franck Proust, Tokia Saïfi, Anders Sellström, Adam Szejnfeld, Jarosław Wałęsa, Iuliu Winkler
S&D	Maria Arena, Karoline Graswander-Hainz, Jude Kirton-Darling, Bernd Lange, Alessia Maria Mosca, Inmaculada Rodríguez-Piñero Fernández, Joachim Schuster
VERTS/ALE	Klaus Buchner, Yannick Jadot

0	-

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention

30.11.2018

OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY

for the Committee on Legal Affairs

on the proposal for a regulation of the European Parliament and of the Council on the action of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications
(COM(2018)0365 – C8-0383/2018 – 2018/0189(COD))

Rapporteur for opinion: Adina-Ioana Vălean

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Legal Affairs, as the committee responsible, to propose that Parliament adopts its position at first reading taking over the Commission proposal.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Action of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications						
References	COM(2018)0365 – C8-0383/2018 – 2018/0189(COD)						
Committee responsible Date announced in plenary	JURI 10.9.2018						
Opinion by Date announced in plenary	ENVI 10.9.2018						
Rapporteur Date appointed	Adina-Ioana Vălean 30.8.2018						
Date adopted	27.11.2018						
Result of final vote	<table> <tr> <td>+: </td><td>49</td></tr> <tr> <td>–: </td><td>8</td></tr> <tr> <td>0: </td><td>0</td></tr> </table>	+:	49	–:	8	0:	0
+:	49						
–:	8						
0:	0						
Members present for the final vote	Margrete Auken, Pilar Ayuso, Zoltán Balczó, Ivo Belet, Paul Brannen, Nessa Childers, Birgit Collin-Langen, Miriam Dalli, Seb Dance, Mark Demesmaecker, Stefan Eck, Bas Eickhout, Karl-Heinz Florenz, Elisabetta Gardini, Gerben-Jan Gerbrandy, Jens Gieseke, Julie Girling, Françoise Grossetête, Jytte Guteland, György Hölvényi, Karin Kadenbach, Kateřina Konečná, Urszula Krupa, Giovanni La Via, Jo Leinen, Peter Liese, Jiří Maštálka, Valentinas Mazuronis, Susanne Melior, Rory Palmer, Massimo Paolucci, Piernicola Pedicini, Bolesław G. Piecha, John Procter, Julia Reid, Frédérique Ries, Michèle Rivasi, Annie Schreijer-Pierik, Davor Škrlec, Renate Sommer, Adina-Ioana Vălean, Jadwiga Wiśniewska						
Substitutes present for the final vote	Elena Gentile, Christophe Hansen, Martin Häusling, Anja Hazekamp, Jan Huitema, Ulrike Müller, Alojz Peterle, Keith Taylor, Tiemo Wölken						
Substitutes under Rule 200(2) present for the final vote	Martina Anderson, Edward Czesak, Jens Geier, Jude Kirton-Darling, Vladimír Maňka, Anna Záborská						

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

49	+
ALDE	Gerben-Jan Gerbrandy, Jan Huitema, Valentinas Mazuronis, Ulrike Müller, Frédérique Ries
ECR	Edward Czesak, Mark Demesmaeker, Urszula Krupa, Bolesław G. Piecha, Jadwiga Wiśniewska
EFDD	Piernicola Pedicini
GUE/NGL	Martina Anderson, Stefan Eck, Anja Hazekamp, Kateřina Konečná, Jiří Maštálka
NI	Zoltán Balczó
PPE	Pilar Ayuso, Ivo Belet, Birgit Collin-Langen, Karl-Heinz Florenz, Elisabetta Gardini, Jens Gieseke, Julie Girling, Françoise Grossetête, Christophe Hansen, György Hölvényi, Giovanni La Via, Peter Liese, Alojz Peterle, Annie Schreijer-Pierik, Renate Sommer, Adina-Ioana Vălean, Anna Záborská
S&D	Paul Brannen, Nessa Childers, Miriam Dalli, Seb Dance, Jens Geier, Elena Gentile, Jytte Guteland, Karin Kadenbach, Jude Kirton Darling, Jo Leinen, Vladimír Maňka, Susanne Melior, Rory Palmer, Massimo Paolucci, Tiemo Wölken

8	-
ECR	John Procter
EFDD	Julia Reid
VERTS/ALE	Margrete Auken, Bas Eickhout, Martin Häusling, Michèle Rivasi, Davor Škrlec, Keith Taylor

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention

OPINION OF THE COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT

Letter of 1 October 2018 from Czesław Adam Siekierski, Chair of the Committee on Agriculture and Rural Development, to Pavel Svoboda, Chair of the Committee on Legal Affairs

Translation

Dear Chair,

The proposal for a Regulation of the European Parliament and of the Council on the action of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications (COM(2018)365final - 2018/0189(COD)), for which JURI is the lead committee, was referred to AGRI for opinion.

During their meeting of 29 August 2018, however, the AGRI Coordinators, in view of the essentially technical character of this proposal, decided not to issue a formal legislative opinion but to submit instead to the lead committee general considerations on the subject at hand in the form of this letter.

The main message we would like to convey to the rapporteurs, shadows and other JURI Members dealing with this proposal is to underline the fundamental importance of an adequate protection of Appellations of Origin (AOs) and Geographical Indications (GIs) for the EU agricultural and agri-food sectors, since the vast majority of names covered by such appellations or indications relate to food products. As recalled in the Explanatory Memorandum of the proposal, this type of protection is of great value in terms of promoting quality, ensuring consumer confidence, preserving tradition, contributing to the viability of rural areas and, most importantly, providing a significant price premium to producers.

The AGRI Committee has played a decisive role in the development of internal EU legislation in this area (notably through the adoption of Regulations (EU) No 1151/2012 and 1308/2013). On the international front, it has always supported the EU's general policy to promote and enhance protection of AOs and GIs through bilateral, regional and multilateral agreements, despite the obvious reluctance of some of our trading partners. In this respect, the accession of the Union to the Geneva Act of the Lisbon Agreement as well as the related legislative proposal to ensure its effective participation to this multilateral instrument clearly represent a positive development.

As to the content of the proposal, the AGRI Committee would like to make the three following observations:

Obviously, the paramount objective of the Commission, when exercising its competences under the proposed Regulation, should be to get as many EU names as possible protected in the WIPO International Register. When negotiating bilateral agreements (such as the CETA or the agreement currently under negotiation with MercoSur), the EU often has to settle for a very limited list of names, which creates a lot of frustration among those producers whose AOs or GIs are left out of such a list. In a multilateral context, such as that of the Lisbon system, where all participating countries recognise the value and benefits of an adequate protection of AOs

and GIs, by contrast, the Commission should not hesitate to be bold and ambitious in its attempt to get all EU names (or at least those with a genuine international trade value) included in the Register.

The value of the Lisbon system as an instrument for the international protection of our AOs and GIs is somehow reduced by the very limited number of participants to this system. At the last count, only 23 non-EU countries were parties to the Lisbon Agreement, with only one of them ranking among our top ten trading partners (Turkey). For this reason, the EU should not spare any efforts both to encourage other countries to join the Lisbon system and to continue to pursue, through bilateral negotiations with non-participating countries, the protection of its AOs and GIs which cannot be secured through this multilateral instrument.

From an institutional point of view, finally, the AGRI Committee would like to point out that, under the current legislative proposal, all the important decisions to be made by the EU in relation to e.g. the list of GIs to be included in the initial application for protection and registration, the subsequent filing of additional EU applications, the granting or refusal of protection for third country GIs, or the subsequent cancelling of such protection, would be adopted by means of implementing acts - which would leave such decisions almost completely beyond the control of Parliament. The question is raised, therefore, of whether some kind of parliamentary input should not be introduced in the application of this Regulation, including, for example, the possibility for Parliament to approve the initial list of GIs to be drawn up by the Commission under Article 2 or to make requests of its own for the filing of additional applications under Article 3 if necessary.

Needless to say, I remain fully available should your rapporteur or yourself wish to hold further exchanges with us on this issue and I look forward to the inclusion of the above ideas in the legislative report under preparation by JURI.

Yours sincerely,

Czesław Adam SIEKIERSKI

CC: Mr Bernd Lange, Chair of the Committee on International Trade

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Action of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications		
References	COM(2018)0365 – C8-0383/2018 – 2018/0189(COD)		
Date submitted to Parliament	27.7.2018		
Committee responsible Date announced in plenary	JURI 10.9.2018		
Committees asked for opinions Date announced in plenary	INTA 10.9.2018	ENVI 10.9.2018	AGRI 10.9.2018
Rapporteurs Date appointed	Virginie Rozière 24.9.2018		
Discussed in committee	6.12.2018		
Date adopted	23.1.2019		
Result of final vote	+: 21 -: 2 0: 0		
Members present for the final vote	Max Andersson, Marie-Christine Boutonnet, Jean-Marie Cavada, Mady Delvaux, Rosa Estaràs Ferragut, Enrico Gasbarra, Lidia Joanna Geringer de Oedenberg, Sajjad Karim, Sylvia-Yvonne Kaufmann, Gilles Lebreton, António Marinho e Pinto, Julia Reda, Evelyn Regner, Pavel Svoboda, József Szájer, Axel Voss, Francis Zammit Dimech, Tadeusz Zwiefka		
Substitutes present for the final vote	Luis de Grandes Pascual, Pascal Durand, Angelika Niebler, Virginie Rozière, Tiemo Wölken, Kosma Złotowski		
Substitutes under Rule 200(2) present for the final vote	Lola Sánchez Caldentey		
Date tabled	28.1.2019		

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

21	+
ALDE	Jean-Marie Cavada, António Marinho e Pinto
ENF	Marie-Christine Boutonnet, Gilles Lebreton
GUE/NGL	Lola Sánchez Caldentey
PPE	Rosa Estaràs Ferragut, Luis de Grandes Pascual, Pavel Svoboda, József Szájer, Axel Voss, Francis Zammit Dimech, Tadeusz Zwiefka
S&D	Mady Delvaux, Enrico Gasbarra, Lidia Joanna Geringer de Oedenberg, Evelyn Regner, Virginie Rozière, Tiemo Wölken
VERTS/ALE	Max Andersson, Pascal Durand, Julia Reda

2	-
ECR	Sajjad Karim, Kosma Złotowski

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention