Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications: action of the Union following its accession to the Act

2018/0189(COD) - 16/04/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 610 votes to 31, with 8 abstentions, a 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.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amended the Commission proposal as follows:

Objective

The Regulation shall establish rules and procedures concerning actions of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications. 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.

International registration of geographical indications

Following the accession of the Union to the Geneva Act and subsequently, on a regular basis , the Commission as Competent Authority 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.

To this end, Member States may request the Commission to register geographical indications originating in their territory, protected and registered under Union law, in the International Register. Such request may be based on a request by a natural person or legal entity as referred to in the Geneva Act or by a beneficiary of the Geneva Act, or their own initiative.

The addition of geographical indications to the International Register should serve the purposes of providing quality products, fair competition and consumer protection.

The Commission shall use existing regular mechanisms to consult Member States, trade associations and Union producers in order to establish an ongoing dialogue with relevant stakeholders.

Cancellation of a geographical indication originating in a Member State of the Union registered in the International Register

The Commission shall adopt an implementing act requesting the cancellation of a registration in the International Register of a geographical indication originating in a Member State of the Union if that

geographical indication is no longer protected in the Union or at the request of the Member State in which the geographical indication originates.

Publication of third country geographical indications registered in the International Register

The Commission shall publish any international registration notified by the International Bureau of the Geneva Act concerning the geographical indications registered in the International Register and in respect of which the Contracting Party of Origin is not a Member State, provided that the publication relates to a product in respect of which protection at Union level of geographical indications is provided.

Transitional provisions

Member States which already are contracting parties to the Lisbon Agreement may remain as such, in particular to ensure the continuity of rights granted and the fulfilment of obligations under that Agreement. However, they should act solely in the interest of the Union and in full respect of the exclusive competence of the Union.

In order to respect the uniform protection system for geographical indications established in the Union as regards agricultural products and in order to further enhance the harmonisation within the Single Market, these Member States should not register under the Lisbon Agreement any new appellations of origin for products falling within the scope of Regulation (EC) No 110/2008, Regulation (EU) No 1151/2012, Regulation (EU) No 1308/2013 or Regulation (EU) No 251/2014.

Those Member States have registered appellations of origin under the Lisbon Agreement. Transitional arrangements should be provided for continued protection subject to the requirements of that Agreement, the Geneva Act and the Union acquis.

The amended text also provides for transitional protection for appellations of origin originating in a third country registered under the Lisbon Agreement.

Fees

Member States may require that natural person or legal entity or a beneficiary to pay some or all of the fees under the Geneva Act.

Monitoring and review

By two years from the date of 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:

- the number of geographical indications protected and registered under Union law for which applications for international registration have been submitted, and cases where the protection has been rejected by third contracting parties;

- the evolution of the number of third countries participating in the Geneva Act and the action taken by the Commission to increase the number as well as the impact of the current state of the Union acquis as regards geographical indications on the attractiveness of the Geneva Act to third countries; and

- the number and type of geographical indications originating from third countries which have been rejected by the Union.

In a statement annexed to the legislative resolution, the Commission took note of the European Parliament's resolution of 6 October 2015 on the possible extension of EU geographical indication protection to non-agricultural products.

On the basis of a study it launched in November 2018 and the report on the Union's participation in the Geneva Act, the Commission will consider possible further steps.