EU/China Agreement: cooperation on and protection of geographical indications

2020/0089(NLE) - 16/09/2020 - Legislative proposal

PURPOSE: to conclude the Agreement between the European Union and the Government of the People's Republic of China on cooperation on, and protection of, geographical indications.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: on 10 September 2010, the Council authorised the opening of negotiations with China with a view to reaching a broad and ambitious agreement on cooperation on geographical indications and their protection.

The conclusion of the Agreement is part of the EU’s overall strategy to promote the EU’s policy on geographical indications. The initiative aims to provide a high level of protection, at least at the level provided for in Article 23 of the TRIPS+ Agreement, for a range of EU GIs to be protected in the People's Republic of China and Chinese GIs to be protected in the EU. This initiative shall give a competitive advantage to producers of GI products.

CONTENT: the Council's draft aims to approve, on behalf of the Union, the Agreement between the EU and China on cooperation on, and protection of, geographical indications.

The Agreement establishes the conditions for a high level of protection on the Chinese market for the proposed geographical indications.

In line with the objectives set out in the negotiating directives, the Commission secured:

- a TRIPs-plus level of protection to EU geographical indications following the entry into force of the Agreement which provides protection against translation, transcription or transliteration, and against the use of the said geographical indications accompanied by expressions such as ‘kind’, ‘type’, ‘style’, ‘imitation’ or the like in respect of a non-originating product;

- the protection of 175 additional geographical indications within four years of entry into force and a mechanism to add more geographical indications thereafter;

- the coexistence of geographical indications with legitimate earlier trademarks of which the vast majority belong to the legitimate owners of Europe.

The Agreement establishes a Joint Committee to amend the Annexes to the Agreement. The Council shall authorise the Commission to approve, on behalf of the Union, in the Joint Committee, modifications to Annexes I and III to VI to the Agreement.