

Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications: accession of the European Union

2023/0022(NLE) - 06/02/2023 - Preparatory document

PURPOSE: to amend Council 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.

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: the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration of 31 October 1958 is a treaty administered by the World Intellectual Property Organization ('WIPO'). The Lisbon Agreement creates a special union within the framework of the Union for the Protection of Industrial Property.

Seven Member States are parties to the Lisbon Agreement, namely Bulgaria, Czechia, France, Italy, Hungary, Portugal and Slovakia. The Union itself is not a party to the Lisbon Agreement as only countries can accede to that Agreement.

Following a review of the Lisbon Agreement, the WIPO Diplomatic Conference adopted the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications on 20 May 2015. The Geneva Act extends the protection of appellations of origin to all geographical indications and allows intergovernmental organisations to become contracting parties to it.

On 7 October 2019, the Council unanimously adopted [Decision \(EU\) 2019/1754](#) on the accession of the European Union to the Geneva Act in accordance with Article 293(1) TFEU. Article 3 of that Decision provides that Member States which wish to do so are authorised to ratify or accede to the Geneva Act alongside the Union. Article 4 of the Decision provides that, in the Special Union, the Union and any Member State which ratifies or accedes to the Geneva Act is represented by the Commission in accordance with Article 17(1) of the Treaty of the Union (TEU). Article 4 further provides that the Union is responsible for ensuring the exercise of the rights and fulfilment of the obligations of the Union and of the Member States which ratify or accede to the Geneva Act.

On 17 January 2020, the Commission brought an action under Article 263 TFEU seeking the partial annulment of Decision (EU) 2019/1754. While the Commission asked the Court of Justice to annul Decision (EU) 2019/1754, in so far that it authorises all Member States to accede to the Geneva Act, it also asked the Court to maintain the effects of the decision for the seven Member States that are already members of the Lisbon Agreement.

The Court of Justice delivered its judgment on 22 November 2022. The Court annulled Article 3, and to the extent that it contains references to the Member States, Article 4 of Decision (EU) 2019/1754. However, the Court judgement also acknowledges the necessity to preserve the seniority and continuity of the protection of appellations of origin registered under the Lisbon Agreement in the seven Member States that are already parties to that agreement.

CONTENT: the Commission is proposing to amend Decision (EU) 2019/1754 in order to authorise, in full respect of the exclusive competence of the Union, the seven Member States that are members of the Lisbon Agreement prior to the Geneva Act to also ratify or accede to the Geneva Act, to the strict extent that this is necessary to preserve, in the interest of the Union, the priority rights linked to the appellations of origin already registered by these Member States under the Lisbon Agreement.