Basic information

2018/0214(NLE) NLE - Non-legislative enactments Decision	Procedure completed
Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications: accession of the European Union Amended by 2022/0115(COD) Amended by 2022/0372(NLE) Amended by 2023/0022(NLE) See also 2018/0189(COD) **Subject** 3.50.15 Intellectual property, copyright	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs	ROZIÈRE Virginie (S&D)	24/09/2018
	Shadow rapporteur VOSS Axel (PPE) DZHAMBAZKI Angel (ECR)	

Committee for opinion	Rapporteur for opinion	Appointed
INTA International Trade	BEGHIN Tiziana (EFDD)	29/08/2018
ENVI Environment, Public Health and Food Safety	VĂLEAN Adina (PPE)	30/08/2018
AGRI Agriculture and Rural Development	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	3717	2019-10-08

European Commission

Commission DG	Commissioner
Internal Market, Industry, Entrepreneurship and SMEs	BIEŃKOWSKA Elżbieta

Key events

Date	Event	Reference	Summary
27/07/2018	Preparatory document	COM(2018)0350	
14/03/2019	Legislative proposal published	06929/2019	Summary
25/03/2019	Committee referral announced in Parliament		
01/04/2019	Vote in committee		
03/04/2019	Committee report tabled for plenary, 1st reading/single reading	A8-0187/2019	Summary
16/04/2019	Decision by Parliament	T8-0360/2019	Summary
16/04/2019	Results of vote in Parliament		
08/10/2019	Act adopted by Council after consultation of Parliament		
08/10/2019	End of procedure in Parliament		
24/10/2019	Final act published in Official Journal		

Technical information

Procedure reference	2018/0214(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Amendments and repeals	Amended by 2022/0115(COD) Amended by 2022/0372(NLE) Amended by 2023/0022(NLE) See also 2018/0189(COD)
Legal basis	Treaty on the Functioning of the European Union TFEU 207 Treaty on the Functioning of the European Union TFEU 218-p6a
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	JURI/8/14433

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee opinion	ENVI	PE629.689	30/11/2018	
Committee opinion	INTA	PE629.606	17/12/2018	
Committee draft report		PE637.267	22/03/2019	
Committee report tabled for plenary, 1st reading/single reading		A8-0187/2019	03/04/2019	Summary

Text adopted by Parliament, 1st reading/single reading		T8-0360/2019	16/04/2019	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	11510/2018	31/07/2018	Summary
Legislative proposal	06929/2019	14/03/2019	Summary

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2018)0350	27/07/2018	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2019/1754
OJ L 271 24.10.2019, p. 0012 Summary

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

2018/0214(NLE) - 31/07/2018 - Document attached to the procedure

With this proposal for a Council decision, the Commission seeks to obtain the Council's authorisation concerning the accession of the European Union to the Geneva Act of the Lisbon Agreement on designations of origin and geographical indications.

Background

The Lisbon Agreement of 1958 for the Protection of Appellations of Origin and their International Registration is a treaty administered by the World Intellectual Property Organization (WIPO). Seven Member States of the Union are contracting parties to the Lisbon Agreement: Bulgaria (since 1975), Czech Republic (since 1993), Slovakia (since 1993), France (since 1966), Hungary (since 1967), Italy (since 1968) and Portugal (since 1966). On 20 May 2015, the Geneva Act revised the Lisbon Agreement. In particular, the Geneva Act expands the scope of the Special Union in order to extend the protection of appellations of origin of products to all geographical indications within the meaning of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights. The Geneva Act is compatible with this Agreement and with relevant Union legislation on the protection of designations of origin and geographical indications for agricultural products, and allows international organisations (such as the European Union) to become contracting parties.

The revised agreement outlines the terms, conditions and processes by which contracting parties may seek protection for registered appellations of origin and geographical indications, while allowing for appropriate safeguards and transitional periods for certain entities.

In order for the Union to properly exercise its exclusive competence for the Geneva Act of the Lisbon Agreement and its functions in the context of its exhaustive protection systems for agricultural geographical indications, the EU should become a contracting party.

Advantages of the agreement

According to the Commission, the accession of the European Union would:

- ensure that current and future GIs registered at EU level but not registered by the 7 EU Member States in the Lisbon Union could become eligible for protection in the Lisbon system. EU GIs could in principle gain rapid, high level, indefinite protection in all current and future parties to the Geneva Act. The established multilateral register would increase the reputation of European GIs due to the wide geographic extent of protection under the Geneva Act;

- help rural stakeholders protect at global level what is valuable at local level, thus countervailing the usual globalisation trend toward uniform commodity standards and downward pressure on agricultural product prices;

from an administrative point of view, provide a single set of rules for obtaining protection in all members and therefore a simpler and more efficient mechanism compared to the current EU practice of dealing with a variety of local - - -procedures through bilateral agreements;

- entail no additional adjustment, compliance or transaction costs or administrative burdens other than potential individual examination fees which Lisbon Members may apply but which will be diminished by the savings resulting from the international procedure;

- not create additional costs or burdens on EU operators or EU Member States wanting to have GIs protected in the Lisbon system as compared to the status quo. On the contrary, it is expected to even result in a reduced level of these administrative costs and burdens;

- have positive effects for developing countries which consider joining the Geneva Act as their GIs could gain protection in the EU through the Lisbon system.

Overall, the advantages of EU accession to the Geneva Act of the Lisbon Agreement outweigh the disadvantages.

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

2018/0214(NLE) - 14/03/2019 - Legislative proposal

PURPOSE: to approve 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 created a special union within the framework of the Union for the Protection of Industrial Property which was established by the Convention for the Protection of Industrial Property signed in Paris on 20 March 1883.

The contracting parties undertake to protect on their territories the appellations of origin of products of the other countries within the Special Union which are recognised and protected as such in the country of origin and which are registered at the International Bureau of the World Intellectual Property Organization (WIPO), unless those parties declare, within a period of one year from the receipt of the notification of such a registration, that they cannot ensure such protection.

Seven Member States are parties to the Lisbon Agreement, namely Bulgaria (since 1975), the Czech Republic (since 1993), France (since 1966), Italy (since 1968), Hungary (since 1967), Portugal (since 1966) and Slovakia (since 1993). Three other Member States have signed, but not ratified the Lisbon Agreement, namely Greece, Spain and Romania. The Union itself is not a party to the Lisbon Agreement as it provides that only countries can accede to it.

On 20 May 2015, the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications was adopted which revised the Lisbon Agreement.

In order for the Union to be able to properly exercise its exclusive competence for the areas covered by the Geneva Act and its functions in the context of its comprehensive protection systems for agricultural designations of origin and geographical indications, the Union should accede to the Geneva Act and become a contracting party thereto.

CONTENT: the draft Council Decision concerns the approval, on behalf of the Union, of the accession of the European Union to the Geneva Act of the Lisbon Agreement on designations of origin and geographical indications (Geneva Act).

The Geneva Act expands the scope of the Special Union in order to extend the protection of appellations of origin of products to all geographical indications.

The revised Agreement:

- outlines the terms, conditions and processes by which contracting parties may seek protection for registered appellations of origin and geographical indications, while allowing for appropriate safeguards and transitional periods for certain entities;

- allows contracting parties, with regard to procedures relating to applications and international registration, to request a declaration of intent to use, if necessary, the protection provided by their national legislation of the Geneva Act and the Common Regulations under the Lisbon Agreement and the Geneva Act of the Lisbon Agreement;
- increases the registration fees from 500 CHF to 1000 CHF, future flexibility has been introduced to allow Members to further contribute to the budget as required. An individual fee can be required by Contracting Parties in order to covers the cost of substantive examination of the international registration;
- constitutes the obligation for each Contracting Party to protect registered appellations of origin and geographical indications on its territory, within its own legal system and practice but in accordance with the terms of this Act, subject to any refusal, renunciation, invalidation or cancellation that may become effective with respect to its territory;
- lays down the content of protection: each contracting party is required to provide the legal means to prevent use of the appellation of origin or geographical indication in respect of goods of the same kind but different origin and in respect of goods not of the same kind or services if such use would indicate or suggest a connection between those goods or services and the beneficiaries, and would be likely to damage their interests, or to impair or dilute or take unfair advantage of, the reputation of the AO/GI;
- effectively ensures that protected designations may not subsequently become generic;
- explicitly provides for coexistence of appellations of origin or geographical indications with prior trade mark rights;
- allows contracting parties to provide limited exceptions to the rights conferred by a trademark;
- provides for the option of a phasing out period for prior uses;
- does not refer to invalidity grounds and hence allows any Contracting Party to invoke its domestic rules, in line with EU legislation, which does not have an enumerative list of invalidation grounds, either.

The Geneva Act will enter into force three months after five parties have ratified it.

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

2018/0214(NLE) - 27/07/2018

PURPOSE: to approve 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 created a special union ('the Special Union') within the framework of the Union for the Protection of Industrial Property which was established by the Paris Convention (1883) for the Protection of Industrial Property.

Under the **terms of the Lisbon Agreement**, the contracting parties undertake to protect on their territories the appellations of origin of products of the other countries within the Special Union which are recognised and protected as such in the country of origin and which are registered at the International Bureau of Intellectual Property of the World Intellectual Property Organization (WIPO), unless those parties declare, within one year from the request for registration, that they cannot ensure such protection.

Seven Member States are parties to the Lisbon Agreement namely Bulgaria, the Czech Republic, France, Italy, Hungary, Portugal and Slovakia. Three other Member States have signed but not ratified the Lisbon Agreement namely, Greece, Spain and Romania. **The Union itself is not a party** to the Lisbon Agreement as the agreement provides that only States can accede to it.
On 20 May 2015, **the Geneva Act revised the Lisbon Agreement.** In particular, the Geneva Act expands the scope of the Special Union in order to extend the protection of appellations of origin of products to all geographical indications within the meaning of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights. The Geneva Act is compatible with this Agreement and with relevant Union legislation on the protection of designations of origin and geographical indications for agricultural products, and **allows international organisations (such as the European Union) to become contracting parties**.
The Union has exclusive competence for the areas covered by the Geneva Act. This was confirmed in a ruling of the European Court of Justice.
Regarding certain agricultural products, the Union has established uniform and comprehensive protection systems for geographical indications for wines (1970), spirits (1989), aromatized wines (1991) and other agricultural products and foodstuffs (1992). However, **without accession, the Union and its Member States could not benefit from the Geneva Act of the Lisbon Agreement**.
Given the exclusive nature of Union legislation on protection of geographical indications for agricultural products, the Member States are not supposed to have protection systems of their own nor themselves to protect agricultural geographical indications of third country members of the Lisbon system. However, as long as the Union is not a contracting party of the Geneva Act, it cannot submit agricultural geographical indications registered at Union level for protection under the Lisbon system, nor protect third country members' geographical indications on the basis of that system.
In order for the Union to properly exercise its exclusive competence for the Geneva Act of the Lisbon Agreement and its functions in the context of its exhaustive protection systems for agricultural geographical indications, the EU should become a contracting party.

IMPACT ASSESSMENT: the Commission has not carried out an impact assessment. It stresses, however, there would be a number of advantages in case of EU membership:

- it would ensure that current and future GIs registered at EU level but not registered by the seven EU Member States in the Lisbon Union could become eligible for protection in the Lisbon system;
- EU GIs could in principle gain rapid, high level, indefinite protection in all current and future parties to the Geneva Act;

- it would help rural stakeholders protect at global level what is valuable at local level, thus countervailing the usual globalisation trend toward uniform commodity standards and downward pressure on agricultural product prices;

- from an administrative point of view, the Geneva Act provides a single set of rules for obtaining protection in all members and therefore a simpler and more efficient mechanism compared to the current EU practice of dealing with a variety of local procedures through bilateral agreements;
- for businesses, EU accession will entail no additional adjustment, compliance or transaction costs or administrative burdens other than potential individual examination fees which Lisbon Members may apply but which will be diminished by the savings resulting from the international procedure.

CONTENT: with this proposal for a Council Decision, the Commission seeks authorization from the Council to **authorise the accession of the European Union to the Geneva Act**.

The Lisbon Agreement is open to parties to the Paris Convention for the Protection of Industrial Property.

All Member States are parties to the Paris Convention. The Commission would represent the EU in the 'Special Union' and make all the necessary notifications under the Geneva Act. Accession instruments should be deposited with the Director General of WIPO.

BUDGETARY IMPLICATION: the fees shall be borne by the Member State in which the appellation of origin or the geographical indication is originating. However, the Union may make a special contribution pursuant to the Geneva Act within the means available for this purpose in the annual budget of the Union. In 2018, an amount of **EUR 1 million** is allocated to budget line 05 06 01 to this purpose.

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

2018/0214(NLE) - 03/04/2019 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Legal Affairs adopted the report by Virginie ROZIÈRE (S&D, FR) on the draft Council decision on the accession of the European Union to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications.

The committee recommended that the European Parliament give its consent to the accession of the European Union to the Act.

The Lisbon Agreement for the Protection of Appellations of Origin and their International Registration of 31 October 1958 created a 'Special Union' within the framework of the Union for the Protection of Industrial Property established by the 1883 Paris Convention for the Protection of Industrial Property.

On 20 May 2015, the Geneva Act revised the Lisbon Agreement. The Geneva Act expands the scope of the Lisbon system beyond appellations of origin to cover all geographical indications and makes it possible for international organisations, such as the European Union, to become contracting parties.

The Union has exclusive competence for the areas covered by the Geneva Act.

For certain agricultural products, the Union has put in place uniform and comprehensive protection systems for geographical indications for wines (1970), spirits (1989), aromatised wines (1991) and other agricultural products and foodstuffs (1992). However, without accession, the EU and its Member States would not be able to benefit from the Geneva Act of the Lisbon Agreement.

The rapporteur therefore welcomes the Council's decision to approve the Union's accession to the Geneva Act. She also welcomes the possibility for Member States to accede to the said Act in the interest of the Union and with due respect for its exclusive competence, which will guarantee the Union's right to vote while accommodating the particular situation of Member States already contracting parties to the Lisbon Agreement.

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

2018/0214(NLE) - 16/04/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 607 votes to 25, with 15 abstentions, a legislative resolution on the draft Council decision on the accession of the European Union to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications.

The European Parliament has given its consent to the accession of the European Union to the Act.

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

2018/0214(NLE) - 24/10/2019 - Final act

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

NON-LEGISLATIVE ACT: 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.

CONTENT: under this Decision, the accession of the European Union to the Geneva Act of the Lisbon Agreement on appellations of origin and geographical indications is hereby approved on behalf of the Union. The decision is linked to the Regulation laying down the rules under which the EU will exercise its rights and fulfil its obligations under the Geneva Act.

Seven Member States are parties to the Lisbon Agreement, namely Bulgaria (since 1975), the Czech Republic (since 1993), France (since 1966), Italy (since 1968), Hungary (since 1967), Portugal (since 1966) and Slovakia (since 1993). Three other Member States have signed the Lisbon Agreement but have not ratified it, namely Greece, Spain and Romania. The Union itself is not a party to the Lisbon Agreement as it provides that only countries can accede to it.

The Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications is a treaty administered by the World Intellectual Property Organization (WIPO). Adopted on 20 May 2015, the Geneva Act is the revision of the Lisbon Agreement.

In particular, the Geneva Act extends the scope of the Lisbon Agreement to increase the protection of appellations of origin of products to all geographical indications within the meaning of the World Trade Organisation Agreement on Trade-Related Aspects of Intellectual Property Rights. It allows international organisations, such as the EU, to become contracting parties.

Each Contracting Party to the Geneva Act must protect in its territory the designations of origin and geographical indications of products originating in other Contracting Parties.

For certain agricultural products, the Union has put in place uniform and comprehensive protection regimes for geographical indications for wines (1970), spirits (1989), aromatised wines (1991) and other agricultural products and foodstuffs (1992). However, without accession, the Union and its Member States would not be able to benefit from the Geneva Act of the Lisbon Agreement.

The Union's accession to the Geneva Act shall enable it to properly exercise its exclusive competence with regard to the areas covered by the Geneva Act and its functions under its comprehensive protection systems for agricultural designations of origin and geographical indications.

The Union should endeavour to regularise the issue of its voting rights in the Assembly of the Special Union of the Geneva Act in order to ensure its effective participation in the decision-making procedures. It is therefore appropriate that the Member States which wish to do so, should also be authorised to ratify or to accede to, as appropriate, alongside the Union the Geneva Act in the interest of the Union.

The Commission shall make all the necessary notifications under the Geneva Act on behalf of the Union and those Member States. The Commission shall be designated as the Competent Authority of the Geneva Act, responsible for the administration of the Geneva Act in the territory of the Union and for communications with the International Bureau of the WIPO under the Geneva Act and the Common Regulations under the Lisbon Agreement and the Geneva Act of the Lisbon Agreement.

ENTRY INTO FORCE: 13.11.2019.