Basic information

2023/0022(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 Amending Decision 2019/1754 2018/0214(NLE) **Subject** 3.50.15 Intellectual property, copyright	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs	WALSMANN Marion (EPP)	28/02/2023

Committee for opinion	Rapporteur for opinion	Appointed
INTA International Trade	The committee decided not to give an opinion.	
ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
AGRI Agriculture and Rural Development	The committee decided not to give an opinion.	

Council of the European Union

Key events

Date	Event	Reference	Summary
06/02/2023	Preparatory document	COM(2023)0054	Summary
04/04/2023	Legislative proposal published	07423/2023	Summary
17/04/2023	Committee referral announced in Parliament		
25/04/2023	Vote in committee		
26/04/2023	Committee report tabled for plenary, 1st reading/single reading	A9-0157/2023	
09/05/2023	Decision by Parliament	T9-0128/2023	Summary

09/05/2023	Results of vote in Parliament		
31/05/2023	Final act published in Official Journal		
09/10/2023	Act adopted by Council after consultation of Parliament		

Technical information

Procedure reference	2023/0022(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Amendments and repeals	Amending Decision 2019/1754 2018/0214(NLE)
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/9/11249

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE746.740	17/04/2023	
Committee report tabled for plenary, 1st reading/single reading		A9-0157/2023	26/04/2023	
Text adopted by Parliament, 1st reading/single reading		T9-0128/2023	09/05/2023	Summary

Council of the EU

Document type	Reference	Date	Summary
Legislative proposal	07423/2023	04/04/2023	Summary

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2023)0054	06/02/2023	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act
Decision 2023/1051 OJ OJ L 31.05.2023

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

2023/0022(NLE) - 09/05/2023 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 610 votes to 11, with 5 abstentions, a legislative resolution on the draft Council decision amending 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.

The European Parliament **gave its consent** to the draft Council decision.

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 Organisation (WIPO).

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, on 20 May 2015 the WIPO Diplomatic Conference adopted the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications.

The draft Council decision aims to authorise, in full respect of the exclusive competence of the Union, the seven Member States which were party to the Lisbon Agreement prior to the entry into force of the Geneva Act (namely Bulgaria, Czech Republic, France, Italy, Hungary, Portugal and Slovakia), to ratify or accede to the Geneva Act.

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

2023/0022(NLE) - 04/04/2023 - Legislative proposal

PURPOSE: 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.

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. Its contracting parties are to protect on their territories the appellations of origin of products of the other parties recognised and protected as such in the country of origin and registered at the International Bureau of WIPO.

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, on 20 May 2015 the WIPO Diplomatic Conference adopted the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications.

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.

In a statement entered in the Council minutes relating to the adoption of Decision (EU) 2019/1754, the Commission objected to the possibility for all Member States which wish to do so to be authorised to ratify or accede to the Geneva Act alongside the Union. However, the Commission also stated

that it would have been ready to agree that the seven Member States which are already parties to the Lisbon Agreement and which have extensive intellectual property rights registered under that Agreement could be authorised to accede to the Geneva Act in the interest of the Union.

On 17 January 2020, the Commission brought an action under Article 263 TFEU seeking the partial annulment of Decision (EU) 2019/1754. The Commission asked the Court to annul Decision (EU) 2019/1754, insofar as that Decision authorises all Member States to accede to the Geneva Act. However, the Commission also asked the Court to maintain the effects of the parts of that Decision which it sought to have annulled, in particular any use of the authorisation granted to accede to the Geneva Act, implemented before the date of delivery of the judgment by the seven Member States that are already parties to the Lisbon Agreement.

In its judgment of 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. In its judgment, the Court also acknowledged the necessity of preserving the seniority and continuity of the protection of appellations of origin registered under the Lisbon Agreement in the seven Member States that were already parties to that Agreement, in particular, in accordance with the principle of sincere cooperation between the Union and the Member States, in order to protect acquired rights derived from those national registrations.

Article 11 of Regulation (EU) 2019/1753 of the European Parliament and of the Council provides for transitional provisions for appellations of origin originating in Member States already registered under the Lisbon Agreement. On the basis of those provisions, the seven Member States that are parties to the Lisbon Agreement notified the Commission by 14 November 2022 that they had chosen to request the international registration under the Geneva Act of appellations of origin already registered under the Lisbon Agreement.

CONTENT: the draft Council Decision aims at amending Decision (EU) 2019/1754 in order to authorise, in full respect of the exclusive competence of the Union, the Member States that were party to the Lisbon Agreement on 26 February 2020, namely **Bulgaria, the Czech Republic, France, Italy, Hungary, Portugal and Slovakia**, to ratify or accede to the Geneva Act, alongside the Union, to the strict extent that their accession is necessary to preserve, in the interest of the Union, the seniority and continuity of protection of designations of origin already registered by these Member States under the Lisbon Agreement, as well as to comply with the obligations laid down in Article 11 of Regulation (EU) 2019/1753 of the European Parliament and of the Council.

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.