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NOTE

From:	General Secretariat of the Council
To:	Delegations
N° Cion doc.:	11515/18 + COR1
Subject:	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. - 4 column table after the final trilogue

Delegations will find attached the 4-column table on the above mentioned proposal containing in the fourth column and in the Annex of the table the result of the final trilogue that took place on 13 March 2019.

**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
COM (2018)0365, 2018/0189(COD)**

Cell in green: The text can be deemed as already agreed

Cell in yellow: The issue needs further discussion at technical level

Cell in red: The issue needs further discussion in depth at the trilogue meetings

Note:

Differences between the EP's position and the Commission's proposal are highlighted in ***bold/italic***. Deletions are marked with ~~strikethrough~~.

Differences between the Council's position and the Commission's proposal are highlighted in **bold/underlined**. Deletions are marked with ~~strikethrough~~.

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT 6879/19	COMPROMISE TEXT
1.	2018/0189 (COD)	2018/0189 (COD)	2018/0189 (COD)	2018/0189 (COD)
2.	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT 6879/19	COMPROMISE TEXT
	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	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	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	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
3.	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
4.	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207 thereof,
5.	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission
6.	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,
7.	Having regard to the opinion of the European Economic and Social Committee ¹ ,	Having regard to the opinion of the European Economic and Social Committee ² ,	Having regard to the opinion of the European Economic and Social Committee ³ ,	Having regard to the opinion of the European Economic and Social Committee ⁴ ,

¹ OJ C [...], [...], p. [...].

² http://www.wipo.int/edocs/treaties/en/lisbon/trt_lisbon_009en.pdf

³ OJ C [...], [...], p. [...].

⁴ OJ C [...], [...], p. [...].

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8.	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure
9.	Whereas:	Whereas:	Whereas:	Whereas:
10.	(1) In order for the Union to be fully able to exercise its exclusive competence in relation to its common commercial policy, it will become a contracting party to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications ('the Geneva Act') ⁵ pursuant to Council Decision (EU) .../... ⁶ The contracting parties to the Geneva Act are members of a Special Union created by the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration ⁷ ('Special Union'). In accordance with Article 3 of Decision (EU).../..., the Union	(1) In order for the Union to be fully able to exercise its exclusive competence in relation to its common commercial policy, and to be fully compliant with its commitments under the Agreement on the Trade-Related Aspects of Intellectual Property Rights (TRIPS) of the World Trade Organization , it will become a contracting party to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications ('the Geneva Act') pursuant to Council Decision (EU) .../... ³ The contracting parties to the Geneva Act are members of a Special Union created by the Lisbon Agreement for the	(1) In order for the Union to be fully able to exercise its exclusive competence in relation to its common commercial policy, it will become a contracting party to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications ('the Geneva Act') ⁸ pursuant to Council Decision (EU) .../... ⁹ <u>whilst authorising Member States to also ratify or accede in the interest of the Union.</u> The contracting parties to the Geneva Act are members of a Special Union created by the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration ¹⁰ ('Special Union'). In	(1) In order for the Union to be fully able to exercise its exclusive competence in relation to its common commercial policy, and in full compliance with its commitments under the Agreement on the Trade-Related Aspects of Intellectual Property Rights (TRIPS) of the World Trade Organization , it will become a contracting party to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications ('the Geneva Act') ¹¹ pursuant to Council Decision (EU) .../... ¹² <u>whilst authorising Member States to also ratify or accede in the interest of the Union.</u> The contracting parties to the Geneva Act are members of a

⁵ http://www.wipo.int/export/sites/www/lisbon/ennlegal_texts/lisbon_agreement.pdf.

⁶ OJ L [...], [...], p. [...].

⁷ http://www.wipo.int/export/sites/www/lisbon/en/legal_texts/lisbon_agreement.pdf.

⁸ Regulation (EU) No 182/2011 of the European Parliament and of the council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJL 55,28.2.2011, p.13)

⁹ OJ L [...], [...], p. [...].

¹⁰ http://www.wipo.int/export/sites/www/lisbon/en/legal_texts/lisbon_agreement.pdf.

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	is to be represented by the Commission in the Special Union.	Protection of Appellations of Origin and their International Registration ('Special Union'). In accordance with Article 3 of Decision (EU).../..., the Union is to be represented by the Commission in the Special Union.	accordance with Article 3 of Decision (EU).../..., the Union is <u>and those Member States having ratified or acceded are</u> to be represented by the Commission in the Special Union <u>as regards the Geneva Act.</u>	Special Union created by the Lisbon Agreement for the Protection of Appellations of Origin and their International Registration ¹³ ('Special Union'). In accordance with Article 3 of Decision (EU).../..., the Union is <u>and those Member States having ratified or acceded are</u> to be represented by the Commission in the Special Union <u>as regards the Geneva Act.</u>
11.		<i>(1a) On 6 October 2015, the European Parliament adopted a resolution on the possible extension of geographical indication protection of the European Union to non-agricultural products, in which it set out its views on this matter</i>		<i>Not maintained</i>
12.	(2) It is appropriate to establish rules allowing the Union to fully exercise all its rights and obligations following its accession to the Geneva Act.	(2) It is appropriate to establish rules allowing the Union to fully exercise all its rights and obligations following its accession to the Geneva Act.	(2) It is appropriate to establish rules allowing the Union to fully-exercise all its <u>the</u> rights and <u>to fulfil the</u> obligations following its accession to <u>under</u> the Geneva Act <u>of the Union and those Member States which</u>	(2) It is appropriate to establish rules allowing the Union to fully exercise all its <u>the</u> rights and <u>to fulfil the</u> obligations following its accession to <u>under</u> the Geneva Act <u>of the Union and those Member States which ratify or accede.</u>

¹¹ Regulation (EU) No 182/2011 of the European Parliament and of the council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJL 55,28.2.2011, p.13)

¹² OJ L [...], [...], p. [...].

¹³ http://www.wipo.int/export/sites/www/lisbon/en/legal_texts/lisbon_agreement.pdf.

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			<u>ratify or accede.</u>	<i>[grey highlighted part is subject to EP consent on the draft Council Decision authorising all Member States to accede to the Geneva Act alongside the Union]</i>
13.	(3) The Geneva Act protects appellations of origin, including “designations of origin” as defined by Regulation (EU) No 1151/2012 of the European Parliament and of the Council ¹⁴ and Regulation (EU) No 1308/2013 of the European Parliament and of the Council ¹⁵ , and geographical indications, which are henceforth both	3) The Geneva Act protects appellations of origin, including “designations of origin” as defined by Regulation (EU) No 1151/2012 of the European Parliament and of the Council ¹⁶ and Regulation (EU) No 1308/2013 of the European Parliament and of the Council ¹⁷ , and geographical indications, which are henceforth both referred	(3) The Geneva Act protects appellations of origin, including “designations of origin” ¹⁸ , and geographical indications , as defined by Regulation (EC) No 110/2008 ¹⁸ , Regulation (EU) No 1151/2012 of the European Parliament and of the Council ¹⁹ and ²⁰ , Regulation (EU) No 1308/2013 of the European Parliament ²¹ and of the Council ²² ;	(3) The Geneva Act protects appellations of origin, including “designations of origin” ²³ , and geographical indications , as defined by Regulation (EC) No 110/2008 ²⁴ , Regulation (EU) No 1151/2012 of the European Parliament and of the Council ²⁵ and ²⁶ , Regulation (EU) No 1308/2013 of the European Parliament ²⁷ and of the Council ²⁸ ;

¹⁴ Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).

¹⁵ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).

¹⁶ Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).

¹⁷ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).

¹⁸ Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89 (OJ L 39, 13.2.2008, p. 16).

¹⁹ Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).

²⁰ Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).

²¹ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).

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	referred to as 'geographical indications'.	to as 'geographical indications'	and geographical indications Regulation. (EU) No 251/2014²³ , which are henceforth both referred to as 'geographical indications'	and geographical indications Regulation. (EU) No 251/2014²⁹ , which are henceforth both referred to as 'geographical indications'.
14.	(4) Following the accession of the Union to the Geneva Act, the Commission should as a first step file with the International Bureau of the World Intellectual Property Organization ('the International Bureau') an application for registration of a list of geographical indications originating and protected in the	(4) Following the accession of the Union to the Geneva Act, the Commission should as a first step file with the International Bureau of the World Intellectual Property Organization ('the International Bureau') an application for registration of a list of geographical indications originating and protected in the	(4) Following the accession of the Union to the Geneva Act and subsequently, on a regular basis , the Commission should as a first step file with the International Bureau of the World Intellectual Property Organization ('the International Bureau') an application applications for the international registration of a list	(4) Following the accession of the Union to the Geneva Act and subsequently, on a regular basis , the Commission should as a first step file with the International Bureau of the World Intellectual Property Organization ('the International Bureau') an application applications for the international registration of a list of geographical

²² Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).

²⁴ Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89 (OJ L 39, 13.2.2008, p. 16).

²⁵ Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).

²⁶ Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs (OJ L 343, 14.12.2012, p. 1).

²⁷ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).

²⁸ Regulation (EU) No 1308/2013 of the European Parliament and of the Council of 17 December 2013 establishing a common organisation of the markets in agricultural products and repealing Council Regulations (EEC) No 922/72, (EEC) No 234/79, (EC) No 1037/2001 and (EC) No 1234/2007 (OJ L 347, 20.12.2013, p. 671).

²³ Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatized wine products and repealing Council Regulation (EEC) No 1601/91 (OJ L 84, 20.3.2014, p. 14).

²⁹ Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatized wine products and repealing Council Regulation (EEC) No 1601/91 (OJ L 84, 20.3.2014, p. 14).

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	<p>territory of the Union in their register ('the International Register'). The criteria for the establishment of such a list should, as it is the case for some of the bilateral and regional agreements of the Union regarding protection of geographical indications, take into account in particular the production value and export value, protection under other agreements as well as current or potential misuse in the third countries concerned.</p>	<p>territory of the Union in their register ('the International Register'), <i>in the context of close cooperation with the Member States, trade associations and producers concerned.</i> Accordingly, in order for the Commission to establish such a list, <i>a Member State, an interested group of producers or a single producer using a geographical indication that is protected and registered in the Union</i> should <i>notify the Commission of the names of the geographical indications they would like to have included in that list. The Commission should include those geographical indications in that list. However, based on criteria frequently used</i> for some of the bilateral and regional agreements of the Union regarding protection of geographical indications, in particular the production value and export value, protection under other agreements as well as current or potential misuse in the third countries concerned, <i>the Commission should be able to object to the addition of a specific</i></p>	<p>of geographical indications originating and protected in the territory of the Union in their its register ('the International Register'). <u>These applications should be based on notifications from Member States acting on their own initiative or on request by a natural person or legal entity as referred to in paragraph 2(ii) of Article 5 of the Geneva Act or by a beneficiary as defined in paragraph (xvii) of Article 1 of the Geneva Act. When establishing these notifications,</u> The criteria for the establishment of such a list should, as it is the case for some of the bilateral and regional agreements of the Union regarding protection of geographical indications <u>Member States should consider the economic interest in international protection of the geographical indications concerned and</u> take into account in particular the production value and export value, protection under other agreements as well as current or potential misuse in the third countries concerned.</p>	<p>indications originating and protected in the territory of the Union in their its register ('the International Register'). <u>These applications should be based on notifications from Member States acting on their own initiative or on request by a natural person or legal entity as referred to in paragraph 2(ii) of Article 5 of the Geneva Act or by a beneficiary as defined in paragraph (xvii) of Article 1 of the Geneva Act. When establishing these notifications,</u> The criteria for the establishment of such a list should, as it is the case for some of the bilateral and regional agreements of the Union regarding protection of geographical indications <u>Member States should consider the economic interest in international protection of the geographical indications concerned and</u> take into account in particular the production value and export value, protection under other agreements as well as current or potential misuse in the third countries concerned.</p>

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		<p><i>geographical indication in the list of geographical indications originating and protected in the territory of the Union and should justify its decision in that regard. Moreover, the list should encompass all of the geographical indications that currently benefit from protection under Union law and are registered in the International Register by those Member States who were members of the Special Union before the accession of the Union to the Geneva Act.</i></p>		
15.	<p>(5) In order to ensure that additional geographical indications protected and registered in the Union are registered in the International Register, it is appropriate to authorise the Commission, at a later stage, to file applications for the international registration of such additional geographical indications, on its own initiative or at the request of a Member State or of an interested group of producers or, in exceptional cases, at the request of a single producer.</p>	<p>5) In order to ensure that additional geographical indications protected and registered in the Union are registered in the International Register, <i>including following the possible extension of protection to geographical indications for non-agricultural products</i>, it is appropriate to authorise the Commission, at a later stage, to file applications for the international registration of such additional geographical indications, on its own initiative, at the request of a Member State,</p>	<p>(5) <i>(merged into recital 4)</i> In order to ensure that additional geographical indications protected and registered in the Union are registered in the International Register, it is appropriate to authorise the Commission, at a later stage, to file applications for the international registration of such additional geographical indications, on its own initiative or at the request of a Member State or of an interested group of producers or, in exceptional cases, at the request of a single producer.</p>	<p>(5) <i>(merged into recital 4)</i></p>

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		<p><i>of the European Parliament, of relevant trade associations or of an interested group of producers or, in exceptional cases, at the request of a single producer. Accordingly, the Commission should consult all relevant stakeholders on a regular basis. Moreover, the accession of the Union to the Geneva Act should not jeopardise the current and future protection of geographical indications in bilateral free trade agreements.</i></p>		
16.		<p><i>(5a) The addition of geographical indications to the International Register should serve the purposes of providing quality products, fair competition and consumer protection. While having a significant cultural and economic value, the addition of geographical indications should be assessed with respect to the value created for local communities, with a view to supporting rural development and promoting new job opportunities in production, processing and other related services.</i></p>		<p><i>(5a) The addition of geographical indications to the International Register should serve the purposes of providing quality products, fair competition and consumer protection. While having a significant cultural and economic value, the addition of geographical indications should be assessed with respect to the value created for local communities, with a view to supporting rural development and promoting new job opportunities in production, processing and other related services.</i></p>

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17.		<i>(5b) The Commission should use a regular mechanism to consult Member States, trade associations and Union producers in order to establish an ongoing dialogue with relevant stakeholders.</i>		<i>(5b) The Commission should use existing regular mechanisms to consult Member States, trade associations and Union producers in order to establish an ongoing dialogue with relevant stakeholders.</i>
18.	(6) Appropriate procedures should be established in order for the Commission to assess geographical indications originating in the contracting parties to the Geneva Act which are not Member States ('third Contracting Parties') and registered in the International Register, in order to provide for a procedure to decide on protection in the Union and to cancel such protection, where relevant.	(6) Appropriate procedures should be established in order for the Commission to assess geographical indications originating in the contracting parties to the Geneva Act which are not Member States ('third Contracting Parties') and registered in the International Register, in order to provide for a procedure to decide on protection in the Union and to cancel such protection, where relevant.	(6) Appropriate procedures should be established in order for the Commission to assess geographical indications originating in the contracting parties to the Geneva Act which are not Member States ('third Contracting Parties') and registered in the International Register, in order to provide for a procedure to decide on protection in the Union and to cancel invalidate such protection, where relevant.	(6) Appropriate procedures should be established in order for the Commission to assess geographical indications originating in the contracting parties to the Geneva Act which are not Member States ('third Contracting Parties') and registered in the International Register, in order to provide for a procedure to decide on protection in the Union and to cancel invalidate such protection, where relevant.
19.		<i>(6a) It is appropriate to provide for a procedure for withdrawal of refusal of protection, especially in the case of further developments in Union law allowing non-agricultural geographical indications to be</i>		<i>Deleted / covered by recital 11, row 28</i>

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		<i>protected.</i>		
20.	(7) Enforcement by the Union of the protection of geographical indications originating in third Contracting Parties and registered in the International Register should be done in accordance with Chapter III of the Geneva Act, in particular with Article 14 of the Geneva Act, which requires each Contracting Party to make available effective legal remedies for the protection of registered geographical indications and provide that legal proceedings for ensuring their protection may be brought by a public authority or by any interested party, whether a natural person or a legal entity and whether public or private, depending on its legal system and practice. With a view to ensuring the protection of trade marks alongside geographical indications, having regard to the safeguard in respect of prior trade mark rights as set out in Article 13(1) of the Geneva Act, coexistence of prior trademarks	(7) Enforcement by the Union of the protection of geographical indications originating in third Contracting Parties and registered in the International Register should be done in accordance with Chapter III of the Geneva Act, in particular with Article 14 of the Geneva Act, which requires each Contracting Party to make available effective legal remedies for the protection of registered geographical indications and provide that legal proceedings for ensuring their protection may be brought by a public authority or by any interested party, whether a natural person or a legal entity and whether public or private, depending on its legal system and practice. With a view to ensuring the protection of trade marks alongside geographical indications, having regard to the safeguard in respect of prior trade mark rights as set out in Article 13(1) of the Geneva Act, coexistence of prior trademarks and geographical indications registered in the International	(7) Enforcement by the Union of the protection of geographical indications originating in third Contracting Parties and registered in the International Register should be done in accordance with Chapter III of the Geneva Act, in particular with Article 14 of the Geneva Act, which requires each Contracting Party to make available effective legal remedies for the protection of registered geographical indications and provide that legal proceedings for ensuring their protection may be brought by a public authority or by any interested party, whether a natural person or a legal entity and whether public or private, depending on its legal system and practice. With a view to ensuring the protection of <u>national, regional and Union</u> trade marks alongside geographical indications, having regard to the safeguard in respect of prior trade mark rights as set out in Article 13(1) of the Geneva Act, coexistence of prior trademarks <u>trade marks</u> and geographical	(7) Enforcement by the Union of the protection of geographical indications originating in third Contracting Parties and registered in the International Register should be done in accordance with Chapter III of the Geneva Act, in particular with Article 14 of the Geneva Act, which requires each Contracting Party to make available effective legal remedies for the protection of registered geographical indications and provide that legal proceedings for ensuring their protection may be brought by a public authority or by any interested party, whether a natural person or a legal entity and whether public or private, depending on its legal system and practice. With a view to ensuring the protection of <u>national, regional and Union</u> trade marks alongside geographical indications, having regard to the safeguard in respect of prior trade mark rights as set out in Article 13(1) of the Geneva Act, coexistence of prior trademarks <u>trade marks</u> and geographical indications registered in the International Register which are

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	and geographical indications registered in the International Register which are granted protection or used in the Union should be safeguarded.	Register which are granted protection or used in the Union should be safeguarded.	indications registered in the International Register which are granted protection or used in the Union should be safeguarded.	granted protection or used in the Union should be safeguarded.
21.			<u>(7a) Given the exclusive competence of the Union, Member States which are not already contracting parties to the Lisbon Agreement of 1958 as revised at Stockholm on July 14, 1967 and amended on September 28, 1979 (“the Lisbon Agreement”), should not ratify or accede to that Agreement.</u>	<u>(7a) Given the exclusive competence of the Union, Member States which are not already contracting parties to the Lisbon Agreement of 1958 as revised at Stockholm on July 14, 1967 and amended on September 28, 1979 (“the Lisbon Agreement”), should not ratify or accede to that Agreement.</u>
22.			<u>(7b) 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. Those Member States should therefore exercise their rights and obligations under the Lisbon Agreement in</u>	<u>(7b) 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. Those Member States should therefore exercise their rights and obligations under the Lisbon Agreement in full compliance</u>

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			<p><u>full compliance with the authorisation granted by the Union pursuant to the rules provided for in this Regulation. 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, they 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.</u></p>	<p><u>with the authorisation granted by the Union pursuant to the rules provided for in this Regulation. 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, they 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.</u></p>
23.			<p><u>(7c) 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 <i>acquis</i>.</u></p>	<p><u>(7c) 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 <i>acquis</i>.</u></p>

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24.	(8) Seven Member States are members of the Special Union and as such have accepted the protection of the geographical indications of third Contracting parties. In order to provide for them the means to fulfil their international obligations assumed before the accession of the Union to the Geneva Act, a transitional arrangement should be provided which should produce effects at national level only, and have no effect on intra-Union or international trade.	(8) Seven Member States are members of the Special Union and as such have accepted the protection of the geographical indications of third Contracting parties. In order to provide for them the means to fulfil their international obligations assumed before the accession of the Union to the Geneva Act, a transitional arrangement should be provided which should produce effects at national level only, and have no effect on intra-Union or international trade.	(8) Seven <u>Those</u> Member States are members of the Special Union and as such have accepted the protection of the geographical indications <u>appellations of origin</u> of third Contracting parties. In order to provide for them the means to fulfil their international obligations assumed before the accession of the Union to the Geneva Act, a transitional arrangement should be provided which should produce effects at national level only, and have no effect on intra-Union or international trade.	(8) Seven <u>Those</u> Member States are members of the Special Union and as such have accepted the protection of the geographical indications <u>appellations of origin</u> of third Contracting parties. In order to provide for them the means to fulfil their international obligations assumed before the accession of the Union to the Geneva Act, a transitional arrangement should be provided which should produce effects at national level only, and have no effect on intra-Union or international trade.
25.		<i>(8a) It is possible that the seven Member States which were members of the Special Union would also wish to participate in the Geneva Act in order to protect the geographical indications that do not benefit from horizontal protection at Union level. In order to allow them to do so, consideration should be given to allowing them to partially participate in the Geneva Act, notwithstanding the competences of the Union where applicable.</i>		<i>Deleted / covered by recital (8), see row 24, and by the authorisation of all MSs to accede (see draft Council Decision)</i>

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT 6879/19	COMPROMISE TEXT
26.	<p>(9) It appears equitable that the fees to be paid under the Geneva Act and the Common Regulations under the Lisbon Agreement and the Geneva Act for filing an application with the International Bureau for the international registration of a geographical indication as well as the fees to be paid in respect of other entries in the International Register and for the supply of extracts, attestations, or other information concerning the contents of that international registration should be borne by the Member State in which the geographical indication originates. This should be without prejudice to any decision by the Member State to seek reimbursement of those fees from the group of producers or single producer using the geographical indication for which international registration is sought.</p>	<p>(9) It appears equitable that the fees to be paid under the Geneva Act and the Common Regulations under the Lisbon Agreement and the Geneva Act for filing an application with the International Bureau for the international registration of a geographical indication as well as the fees to be paid in respect of other entries in the International Register and for the supply of extracts, attestations, or other information concerning the contents of that international registration should be borne by the Member State in which the geographical indication originates. This should be without prejudice to any decision by the Member State to seek reimbursement of those fees from the group of producers or single producer using the geographical indication for which international registration is sought.</p>	<p>(9) It appears equitable that the fees to be paid under the Geneva Act and the Common Regulations under the Lisbon Agreement and the Geneva Act for filing an application with the International Bureau for the international registration of -a geographical indication as well as the fees to be paid in respect of other entries in the International Register and for the supply of extracts, attestations, or other information concerning the contents of that international registration should be borne by the Member State in which the geographical indication originates, <u>by a natural person or legal entity as referred to in paragraph 2(ii) of Article 5 of the Geneva Act or by a beneficiary as defined in paragraph (xvii) of Article 1 of the Geneva Act.</u> This should be without prejudice to any decision by the Member State to seek reimbursement of those fees from the group of producers or single producer using the geographical indication for which international registration is sought. <u>Member</u></p>	<p>(9) It appears equitable that the fees to be paid under the Geneva Act and the Common Regulations under the Lisbon Agreement and the Geneva Act for filing an application with the International Bureau for the international registration of -a geographical indication as well as the fees to be paid in respect of other entries in the International Register and for the supply of extracts, attestations, or other information concerning the contents of that international registration should be borne by the Member State in which the geographical indication originates, <u>by a natural person or legal entity as referred to in paragraph 2(ii) of Article 5 of the Geneva Act or by a beneficiary as defined in paragraph (xvii) of Article 1 of the Geneva Act.</u> This should be without prejudice to any decision by the Member State to seek reimbursement of those fees from the group of producers or single producer using the geographical indication for which international registration is sought. <u>Member States should have the option to require that natural person, legal</u></p>

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT 6879/19	COMPROMISE TEXT
			<u>States should have the option to require that natural person, legal entity or beneficiary to pay some or all of the fees.</u>	<u>entity or beneficiary to pay some or all of the fees.</u>
27.	(10) In order to defray any shortfall in relation to the operating budget of the Special Union, the Union should be able to provide for a special contribution within the means available for this purpose in the annual budget of the Union.	(10) In order to defray any shortfall in relation to the operating budget of the Special Union, the Union should be able to provide for a special contribution within the means available for this purpose in the annual budget of the Union, <i>given the economic and cultural value of geographical indications protection.</i>	(10) In order to defray any shortfall in relation to the operating budget of the Special Union, the Union should be able to provide for a special contribution, within the means available for this purpose in the annual budget of the Union, <u>for a special contribution as decided by the Assembly of the Special Union pursuant to Article 24(4) of the Geneva Act.</u>	(10) In order to defray any shortfall in relation to the operating budget of the Special Union, the Union should be able to provide for a special contribution, within the means available for this purpose in the annual budget of the Union, <u>for a special contribution as decided by the Assembly of the Special Union pursuant to Article 24(4) of the Geneva Act, given the economic and cultural value of geographical indications protection.</u>
28.	(11) In order to ensure uniform conditions for the implementation of the Union membership in the Special Union, implementing powers should be conferred on the Commission to establish a list of geographical indications for the filing of an application for their international registration with the International Bureau upon accession to the Geneva Act, for the subsequent filing of an	(11) In order to ensure uniform conditions for the implementation of the Union membership in the Special Union, implementing powers should be conferred on the Commission to establish a list of geographical indications for the filing of an application for their international registration with the International Bureau upon accession to the Geneva Act, for the subsequent filing of an application for international	(11) In order to ensure uniform conditions for the implementation of the Union membership in the Special Union, implementing powers should be conferred on the Commission to establish a list of geographical indications for the filing of an application for their international registration with the International Bureau upon accession to the Geneva Act, for the subsequent filing of an application for international	(11) In order to ensure uniform conditions for the implementation of the Union membership in the Special Union, implementing powers should be conferred on the Commission to establish a list of geographical indications for the filing of an application for their international registration with the International Bureau upon accession to the Geneva Act, for the subsequent filing of an application for international registration of a

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT 6879/19	COMPROMISE TEXT
	<p>application for international registration of a geographical indication with the International Bureau, for rejecting an opposition, for a decision on whether or not to grant protection of a geographical indication registered in the International Register, and for cancelling the protection in the Union of a geographical indication registered in the International Register. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council³⁰,</p>	<p>registration of a geographical indication with the International Bureau, for rejecting an opposition, for a decision on whether or not to grant protection of a geographical indication registered in the International Register, for cancelling the protection in the Union of a geographical indication registered in the International Register, <i>and for the withdrawal of refusal of the effects of an international registration.</i> Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁷. <i>The list of the committees within the meaning of Regulation (EU) No 182/2011 should be updated in the event that further developments in Union law allow non-agricultural products to be protected.</i></p>	<p>registration of a geographical indication with the International Bureau, for rejecting an opposition, for a decision on whether or not to grant protection of a geographical indication registered in the International Register, and for cancelling <u>requesting the cancellation of an international registration, for notifying the invalidation of the</u> protection in the Union of a geographical indication registered in the International Register, <u>and for authorising the Member State to provide for any necessary modifications and notify the International Bureau in respect of the appellation of origin for a product which is protected under one of the Regulations referred to in Article 1 of this Regulation.</u> Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council³¹,</p>	<p>geographical indication with the International Bureau, for rejecting an opposition, for a decision on whether or not to grant protection of a geographical indication registered in the International Register, and for the withdrawal of refusal of the effects of an international registration, for cancelling <u>requesting the cancellation of an international registration, for notifying the invalidation of the</u> protection in the Union of a geographical indication registered in the International Register, <u>and for authorising the Member State to provide for any necessary modifications and notify the International Bureau in respect of the appellation of origin for a product which is protected under one of the Regulations referred to in Article 1 of this Regulation.</u> Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council³²,</p>

³⁰ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

³¹ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT 6879/19	COMPROMISE TEXT
29.		<i>(11a) In order for the Union to fully participate in the Geneva Act, it is necessary to put in place a system to protect non-agricultural geographical indications, established through horizontal legislation at Union level. To this end, it would be desirable that the Commission submit, as soon as possible, a legislative proposal extending the protection granted to geographical indications under Union law to non-agricultural products. Non-agricultural geographical indications protected in Member States should not be affected by this Regulation until such a system is in place.</i>		Deleted
30.		<i>(11b) In view of the still limited participation of third country Contracting parties in the Geneva Act, it is important to ensure that the Commission monitors and evaluates the participation of the Union in that Act over time. In order to conduct such an</i>		<i>(11b) It is important to ensure that the Commission monitors and evaluates the participation of the Union in that Act over time. In order to conduct such an evaluation, the Commission should, inter alia, take into account: the number of</i>

³² Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT 6879/19	COMPROMISE TEXT
		<p><i>evaluation, the Commission should, inter alia, take into account the number of geographical indications protected under Union law that have been notified, those which have been rejected by third parties, the evolution of the number of third countries participating in the Geneva act, the action taken by the Commission to increase that number, and the number of non-agricultural geographical indications originating from Contracting Parties of third countries and which have been rejected by the Commission.</i></p>		<p><i>geographical indications protected and registered under Union law for which applications for international registration have been submitted,, and cases where protection has been rejected by third contracting parties, the evolution of the number of third countries participating in the Geneva Act, the action taken by the Commission to increase that number, as well as the impact of the current state of the EU 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 Contracting Parties of third countries and which have been rejected by the Union.</i></p> <p><i>[as part of the agreement on the above compromise text, COM accepted to make a declaration along the lines set out in the Annex of the 4 column table]</i></p>

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT 6879/19	COMPROMISE TEXT
31.	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION	HAVE ADOPTED THIS REGULATION:
32.	<i>Article 1 Subject matter</i>	<i>Article 1 Subject matter</i>	<i>Article 1 Subject matter</i>	<i>Article 1 Subject matter</i>
33.	This Regulation establishes rules concerning the implementation of the rights and obligations of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications ('the Geneva Act').	This Regulation establishes rules concerning the implementation of the rights and obligations of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications ('the Geneva Act').	This Regulation establishes rules and procedures concerning the implementation of the rights and obligations actions of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications ('the Geneva Act').	This Regulation establishes rules and procedures concerning the implementation of the rights and obligations actions of the Union following its accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications ('the Geneva Act').
34.	For the purpose of this Regulation, appellations of origin, including "designations of origin" as defined by Regulation (EU) No 1151/2012 and Regulation (EU) No 1308/2013, and geographical indications, are henceforth both referred to as 'geographical indications'.	For the purpose of this Regulation, appellations of origin, including "designations of origin" as defined by Regulation (EU) No 1151/2012 and Regulation (EU) No 1308/2013, and geographical indications, are henceforth both referred to as 'geographical indications, <i>agricultural and non-agricultural ones</i> '.	For the purpose of this Regulation, appellations of origin, including "designations of origin", and "geographical indications" , as defined by in Regulation (EC) No 110/2008 , Regulation (EU) No 1151/2012 and , Regulation (EU) No 1308/2013; and geographical indications Regulation (EU) No 251/2014 , are henceforth both referred to as 'geographical indications'.	For the purpose of this Regulation, appellations of origin, including "designations of origin", and "geographical indications" , as defined by in Regulation (EC) No 110/2008 , Regulation (EU) No 1151/2012 and , Regulation (EU) No 1308/2013; and geographical indications Regulation (EU) No 251/2014 , are henceforth both referred to as 'geographical indications'.

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT 6879/19	COMPROMISE TEXT
35.	<i>Article 2 International registration of geographical indications upon accession</i>	<i>Article 2 International registration of geographical indications upon accession</i>	<i>Article 2 International registration of geographical indications upon accession</i>	<i>Article 2 International registration of geographical indications upon accession</i>
36.	Upon the accession of the Union to the Geneva Act, the Commission 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 pursuant to Article 5(1) and (2) of the Geneva Act.	1. Upon the accession of the Union to the Geneva Act, the Commission 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 pursuant to Article 5(1) and (2) of the Geneva Act. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13(2).	1. Upon 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 pursuant to Article 5(1) and (2) of the Geneva Act.	1. Upon 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 pursuant to Article 5(1) and (2) of the Geneva Act.
37.	The Commission shall adopt an implementing act establishing the list of geographical indications referred to in the first paragraph, in accordance with the examination procedure referred to in Article 13(2).	2. The Commission shall adopt an implementing act establishing the list of geographical indications referred to in paragraph 1 of this Article, in accordance with the examination procedure referred to in Article 13(2). <i>That list shall contain all of the European</i>	2. <u>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</u>	2. <u>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</u>

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT 6879/19	COMPROMISE TEXT
		<p><i>geographical indications, which have already been registered in the International Register by those Member States who were contracting parties of the Special Union before the accession of the Union to the Geneva Act.</i></p> <p><i>3. By ... [six months from the entry into force of this Regulation], an authority of a Member State, or an interested group of producers or a single producer using a geographical indication protected and registered in the Union, shall notify the Commission of the names of the geographical indications they wish to have included in the list of geographical indications referred to in paragraph 2.</i></p>	<p><u>based on:</u></p> <p><u>(a) a request by a natural person or legal entity as referred to in paragraph 2(ii) of Article 5 of the Geneva Act or by a beneficiary as defined in paragraph (xvii) of Article 1 of the Geneva Act, or</u></p> <p><u>(b) their own initiative.</u></p> <p><u>3. On the basis of these requests,</u> The the Commission shall adopt an implementing acts <u>listing</u> establishing the list of the geographical indications referred to in paragraph 1, in accordance with the examination procedure referred to in Article 13(2).</p>	<p><u>based on:</u></p> <p><u>(a) a request by a natural person or legal entity as referred to in paragraph 2(ii) of Article 5 of the Geneva Act or by a beneficiary as defined in paragraph (xvii) of Article 1 of the Geneva Act, or</u></p> <p><u>(b) their own initiative.</u></p> <p><u>3. On the basis of these requests,</u> The the Commission shall adopt an implementing acts <u>listing</u> establishing the list of the geographical indications referred to in paragraph 1, in accordance with the examination procedure referred to in Article 13(2).</p>

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT 6879/19	COMPROMISE TEXT
38.	In order to establish the list referred to in the second paragraph, the Commission shall take into account, in particular, the following:	In order to establish the list referred to in the paragraph 2, the Commission shall <i>include all the geographical indications it was notified of in accordance with the first subparagraph of this paragraph.</i> <i>However, the Commission may refuse, in close cooperation with the Member States, trade associations and producers concerned, to include a specific geographical indication in that list and shall justify its decision, taking into account, in particular, the following:</i>	In order to establish the list referred to in the second paragraph, the Commission shall take into account, in particular, the following:	<i>Deleted</i>
39.	(a) the production value of the geographical indication;	(a) the production value of the geographical indication	(a) the production value of the geographical indication	<i>Deleted</i>
40.	(b) the export value of the geographical indication;	(b) the export value of the geographical indication <i>or its export potential or both;</i>	(b) the export value of the geographical indication;	<i>Deleted</i>
41.		<i>(ba) the special economic and regional importance of the geographical indication;</i>		<i>Deleted</i>
42.	(c) the protection of the geographical indication under	(c) the protection of the geographical indication under	(c) the protection of the geographical indication under	<i>Deleted</i>

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT 6879/19	COMPROMISE TEXT
	other international agreements;	other international agreements;	other international agreements;	
43.	(d) the current or potential misuse of the geographical indication in other members of the Special Union;	(d) the current or potential misuse of the geographical indication in other members of the Special Union;	(d) the current or potential misuse of the geographical indication in other members of the Special Union;	<i>Deleted</i>
44.	(e) the overall number of geographical indications originating in the territories of the other members of the Special Union and registered in the register of the International Bureau ('the International Register').	(e) the overall number of geographical indications originating in the territories of the other members of the Special Union and registered in the register of the International Bureau ('the International Register').	(e) the overall number of geographical indications originating in the territories of the other members of the Special Union and registered in the register of the International Bureau ('the International Register').	<i>Deleted</i>
45.	<i>Article 3</i> <i>Subsequent international registration of geographical indications of the Union</i>	<i>Article 3</i> <i>Subsequent international registration of geographical indications of the Union</i>	<i>Article 3</i> <i>Subsequent international registration of geographical indications of the Union</i> <i>[Article 3 was merged into Article 2]</i>	<i>[Article 3 was merged into Article 2]</i>
46.	Following the accession of the Union to the Geneva Act, the Commission may on its own initiative or at the request of a Member State or of an interested group of producers or of the single producer using a geographical indication	Following the accession of the Union to the Geneva Act, the Commission may on its own initiative or shall at the request of a Member State, of the European Parliament , of an interested group of producers or of the single producer using a geographical	Following the accession of the Union to the Geneva Act, the Commission may on its own initiative or at the request of a Member State or of an interested group of producers or of the single producer using a geographical indication protected and registered	<i>[Article 3 was merged into Article 2]</i>

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT 6879/19	COMPROMISE TEXT
	protected and registered in the Union, adopt implementing acts in order to file an application for international registration of a geographical indication protected and registered under Union law and pertaining to a product originating in the Union with the International Bureau.	indication protected and registered in the Union, adopt implementing acts in order to file an application for international registration of a geographical indication protected and registered under Union law and pertaining to a product originating in the Union with the International Bureau. <i>To that end, the Commission shall consult Member States, trade associations and Union producers on a regular basis.</i>	in the Union, adopt implementing acts in order to file an application for international registration of a geographical indication protected and registered under Union law and pertaining to a product originating in the Union with the International Bureau.	
47.	In order to assess whether or not to file an application for international registration, the Commission shall take into account the criteria set out in the third paragraph of Article 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13(2).	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13(2).	In order to assess whether or not to file an application for international registration, the Commission shall take into account the criteria set out in the third paragraph of Article 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13(2).	[Article 3 was merged into Article 2]
48.			<u>Article 3a</u> <u>Cancellation of a geographical indication originating in a Member State of the Union registered in the International Register</u>	<u>Article 3a</u> <u>Cancellation of a geographical indication originating in a Member State of the Union registered in the International Register</u>

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT 6879/19	COMPROMISE TEXT
49.			<u>1. 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:</u>	<u>1. 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:</u>
50.			<u>(a) if that geographical indication is no longer protected in the Union or</u>	<u>(a) if that geographical indication is no longer protected in the Union or</u>
51.			<u>(b) at the request of the Member State in which the geographical indication originates, which may be based on:</u>	<u>(b) at the request of the Member State in which the geographical indication originates, which may be based on:</u>
52.			<u>(i) a request by a natural person or legal entity as referred to in paragraph 2(ii) of Article 5 of the Geneva Act or by a beneficiary as defined in paragraph (xvii) of Article 1 of the Geneva Act, or</u>	<u>(i) a request by a natural person or legal entity as referred to in paragraph 2(ii) of Article 5 of the Geneva Act or by a beneficiary as defined in paragraph (xvii) of Article 1 of the Geneva Act, or</u>
53.			<u>(ii) its own initiative.</u>	<u>(ii) its own initiative.</u>
54.			<u>2. The implementing act referred to in paragraph 1 shall be adopted in accordance with</u>	<u>2. The implementing act referred to in paragraph 1 shall be adopted in accordance with the</u>

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT 6879/19	COMPROMISE TEXT
			<u>the examination procedure referred to in Article 13(2).</u>	<u>examination procedure referred to in Article 13(2).</u>
55.			<u>3. The Commission shall notify the International Bureau without delay of the request for cancellation.</u>	<u>3. The Commission shall notify the International Bureau without delay of the request for cancellation.</u>
56.			<i>Article 3b</i> <u>Publication of third country geographical indications registered in the International Register</u>	<i>Article 3b</i> <u>Publication of third country geographical indications registered in the International Register</u>
57.			<u>1. The Commission shall publish any international registration notified by the International Bureau pursuant to Article 6(4) of the Geneva Act concerning the geographical indications registered in the International Register and in respect of which the Contracting Party of Origin, as defined under Article 1(xv) of the Geneva Act, 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.</u>	<u>1. The Commission shall publish any international registration notified by the International Bureau pursuant to Article 6(4) of the Geneva Act concerning the geographical indications registered in the International Register and in respect of which the Contracting Party of Origin, as defined under Article 1(xv) of the Geneva Act, 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.</u>

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT 6879/19	COMPROMISE TEXT
58.			<u>2. The publication of the international registration shall be made in the Official Journal of the European Union, C series, and shall include the product type and country of origin.</u>	<u>2. The publication of the international registration shall be made in the Official Journal of the European Union, C series, and shall include the product type and country of origin.</u>
59.	<i>Article 4 Assessment of third country geographical indications registered in the International Register</i>	<i>Article 4 Assessment of third country geographical indications registered in the International Register</i>	<i>Article 4 Assessment of third country geographical indications registered in the International Register</i>	<i>Article 4 Assessment of third country geographical indications registered in the International Register</i>
60.	(1) The Commission shall assess the publication notified by the International Bureau pursuant to Article 6(4) of the Geneva Act concerning the geographical indications registered in the International Register and in respect of which the Contracting Party of Origin, as defined under Article 1(xv) of the Geneva Act, is not a Member State, in order to determine whether it contains the mandatory elements laid down in Rule 5(2) of the	1. The Commission shall assess the publication notified by the International Bureau pursuant to Article 6(4) of the Geneva Act concerning the geographical indications registered in the International Register and in respect of which the Contracting Party of Origin, as defined under Article 1(xv) of the Geneva Act, is not a Member State, in order to determine whether it contains the mandatory elements laid down in Rule 5(2) of the Common Regulations under the Lisbon	(1.) The Commission shall assess the publication <u>publish any international registration</u> notified by the International Bureau pursuant to Article 6(4) of the Geneva Act concerning the geographical indications registered in the International Register and in respect of which the Contracting Party of Origin, as defined under Article 1(xv) of the Geneva Act, is not a Member State, in order to determine whether it contains the mandatory elements laid down in Rule 5(2) of	<u>1. The Commission shall assess the publication publish any international registration notified by the International Bureau pursuant to Article 6(4) of the Geneva Act concerning the geographical indications registered in the International Register and in respect of which the Contracting Party of Origin, as defined under Article 1(xv) of the Geneva Act, is not a Member State, in order to determine whether it contains the mandatory elements laid down in Rule 5(2) of the Common Regulations under the</u>

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT 6879/19	COMPROMISE TEXT
	<p>Common Regulations under the Lisbon Agreement and the Geneva Act (the 'Common Regulations')³³, and the particulars concerning the quality, reputation or characteristics as laid down in Rule 5(3) of those Regulations, as well as to assess whether the publication relates to a product in respect of which protection within the Union of geographical indications is currently provided. The period for carrying out such assessment shall not exceed four months and shall not include assessment of other specific Union provisions relating to the placing of products on the market and, in particular, to sanitary and phytosanitary standards, the marketing standards, and to food</p>	<p>Agreement and the Geneva Act (the 'Common Regulations')⁸, and the particulars concerning the quality, reputation or characteristics as laid down in Rule 5(3) of those Regulations, as well as to assess whether the publication relates to a product in respect of which protection within the Union of geographical indications is provided. The period for carrying out such assessment shall not exceed four months and shall not include assessment of other specific Union provisions relating to the placing of products on the market and, in particular, to sanitary and phytosanitary standards, the marketing standards, and to food labelling.</p>	<p>the Common Regulations under the Lisbon Agreement and the Geneva Act (the 'Common Regulations')³⁴, and the particulars concerning the quality, reputation or characteristics as laid down in Rule 5(3) of those Regulations, as well as to assess whether the publication relates to a product in respect of which protection within the theat Union level of geographical indications is currently provided.</p> <p>2. _____ The period for carrying out such assessment shall not exceed four months <u>from the date of the registration of the geographical indication in the International Register</u> and shall not include assessment of other specific Union provisions relating to the placing of products on the market and, in particular, to sanitary and phytosanitary</p>	<p>Lisbon Agreement and the Geneva Act (the 'Common Regulations')³⁵, and the particulars concerning the quality, reputation or characteristics as laid down in Rule 5(3) of those Regulations, as well as to assess whether the publication relates to a product in respect of which protection within the theat Union level of geographical indications is currently provided.</p> <p>2. _____ The period for carrying out such assessment shall not exceed four months <u>from the date of the registration of the geographical indication in the International Register</u> and shall not include assessment of other specific Union provisions relating to the placing of products on the market and, in particular, to sanitary and phytosanitary standards, the marketing standards, and to food</p>

³³ Common Regulations under the Lisbon Agreement and the Geneva Act of the Lisbon Agreement as adopted by the Assembly of the Lisbon Union on 11 October 2017, http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=376416, Doc. WIPO A/57/11 of 11 October 2017

³⁴ Common Regulations under the Lisbon Agreement and the Geneva Act of the Lisbon Agreement as adopted by the Assembly of the Lisbon Union on 11 October 2017, http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=376416, Doc. WIPO A/57/11 of 11 October 2017

³⁵ Common Regulations under the Lisbon Agreement and the Geneva Act of the Lisbon Agreement as adopted by the Assembly of the Lisbon Union on 11 October 2017, http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=376416, Doc. WIPO A/57/11 of 11 October 2017

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	labelling.		standards, the marketing standards, and to food labelling.	labelling.
61.	(2) Where, based on the assessment carried out pursuant to paragraph 1, the Commission considers that the conditions laid down in that paragraph are prima facie fulfilled, it shall publish the geographical indication proposed for protection in the Union together with the product type and country of origin in the Official Journal of the European Union, C series.	2. Where, based on the assessment carried out pursuant to paragraph 1, the Commission considers that the conditions laid down in that paragraph are prima facie fulfilled, it shall publish the geographical indication proposed for protection in the Union together with the product type and country of origin in the Official Journal of the European Union, C series.	(2) — Where, based on the assessment carried out pursuant to paragraph 1, the Commission considers that the conditions laid down in that paragraph are prima facie fulfilled, it shall publish the geographical indication proposed for protection in the Union together with the product type and country of origin in the Official Journal of the European Union, C series.	<i>Deleted / moved to Article 3b</i>
62.	(3) Where, based on the assessment carried out pursuant to paragraph 1, the Commission considers that the conditions laid down in that paragraph are not fulfilled, it shall take a decision to refuse protection of the geographical indication by means of an implementing act adopted in accordance with the examination procedure referred to in Article 13(2). In respect of geographical indications covering products not falling within the competence of the Committees provided in Article	3. Where, based on the assessment carried out pursuant to paragraph 1, the Commission considers that the conditions laid down in that paragraph are not fulfilled, it shall take a <i>reasoned</i> decision to refuse protection of the geographical indication by means of an implementing act adopted in accordance with the examination procedure referred to in Article 13(2).	(3) — Where, based on the assessment carried out pursuant to paragraph 1, the Commission considers that the conditions laid down in that paragraph are not fulfilled, it shall take a decision to refuse protection of the geographical indication by means of an implementing act adopted in accordance with the examination procedure referred to in Article 13(2). In respect of geographical indications covering products not falling within the competence of the Committees provided in Article 13(1) the decision will be	<i>Deleted / merged into Article 6</i>

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	13(1) the decision will be adopted by the Commission without application of the examination procedure referred to in Article 13(2).		adopted by the Commission without application of the examination procedure referred to in Article 13(2).	
63.	In accordance with Article 15(1) of the Geneva Act, the Commission shall notify the International Bureau of the refusal of the effects of the international registration concerned in the territory of the Union, within one year from the receipt of the notification of international registration in accordance with Article 6(4) of the Geneva Act.	In accordance with Article 15(1) of the Geneva Act, the Commission shall notify the International Bureau of the refusal of the effects of the international registration concerned in the territory of the Union, within one year from the receipt of the notification of international registration in accordance with Article 6(4) of the Geneva Act.	In accordance with Article 15(1) of the Geneva Act, the Commission shall notify the International Bureau of the refusal of the effects of the international registration concerned in the territory of the Union, within one year from the receipt of the notification of international registration in accordance with Article 6(4) of the Geneva Act.	<i>Deleted / merged into Article 6</i>
64.		<i>3a. Where, after the notification of the refusal of the effects of the international registration concerned in the territory of the Union on account of the absence of protection for a category of products within the Union geographical indications, further developments in Union law allow the category of products concerned by the refusal to be protected, the Commission shall reassess whether the geographical indication</i>		<i>Deleted / Covered by text on Article 6(5) in row 82</i>

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	<p>_____</p> <p>⁸Common Regulations under the Lisbon Agreement and the Geneva Act of the Lisbon Agreement as adopted by the Assembly of the Lisbon Union on 11 October 2017, http://www.wipo.int/meetings/en/doc_details.jsp?doc_id=37641</p>	<p><i>previously refused may now be protected within the territory of the Union.</i></p> <p><i>Where, based on the assessment carried out pursuant to this paragraph, the Commission considers that the conditions laid down in paragraph 1 are fulfilled, it shall take a decision to withdraw the refusal, by means of an implementing act adopted in accordance with the examination procedure referred to in Article 13(2).</i></p> <p><i>In accordance with Article 16 of the Geneva Act, the Commission shall notify the International Bureau of the withdrawal of refusal of the effects of the international registration concerned within the territory of the Union.</i></p> <p>_____</p> <p>⁸ Common Regulations under the Lisbon Agreement and the Geneva Act of the Lisbon Agreement as adopted by the Assembly of the Lisbon Union on 11 October 2017. Doc. WIPO A/57/11 of 11 October 2017.</p>		

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	6 , Doc. WIPO A/57/11 of 11 October 2017.			
65.	<i>Article 5</i> <i>Opposition procedure for third country geographical indications registered in the International Register</i>	<i>Article 5</i> <i>Opposition procedure for third country geographical indications registered in the International Register</i>	<i>Article 5</i> <i>Opposition procedure for third country geographical indications registered in the International Register</i>	<i>Article 5</i> <i>Opposition procedure for third country geographical indications registered in the International Register</i>
66.	(1) Within two months from the date of publication of the name of the geographical indication in the Official Journal of the European Union in accordance with Article 4(2), the authorities of a Member State or of a third country other than the Contracting Party of Origin, or a natural or legal person having a legitimate interest and established in the Union or in a third country other than the Contracting Party of Origin may lodge an opposition with the Commission, in one of the official languages of the Union.	(1) Within six months from the date of publication of the name of the geographical indication in the Official Journal of the European Union in accordance with Article 4(2), the authorities of a Member State or of a third country other than the Contracting Party of Origin, or a natural or legal person having a legitimate interest and established in the Union or in a third country other than the Contracting Party of Origin may lodge an opposition with the Commission, in one of the official languages of the Union.	(1). Within two four months from the date of publication of the name of the geographical indication in the Official Journal of the European Union in accordance with Article 4(2), 3b , the authorities of a Member State or of a third country other than the Contracting Party of Origin, or a natural or legal person having a legitimate interest and established in the Union or in a third country other than the Contracting Party of Origin may lodge an opposition with the Commission, in one of the official languages of the Union.	1. Within two four months from the date of publication of the name of the geographical indication in the Official Journal of the European Union in accordance with Article 4(2), 3b , the authorities of a Member State or of a third country other than the Contracting Party of Origin, or a natural or legal person having a legitimate interest and established in the Union or in a third country other than the Contracting Party of Origin may lodge an opposition with the Commission, in one of the official languages of the Union.
67.	(2) Such opposition shall be admissible only if it is lodged within the time limit set out in paragraph 1 and if it contains one or more of the following	(2) Such opposition shall be admissible only if it is lodged within the time limit set out in paragraph 1 and if it contains one	(2). Such opposition, relating to a geographical indication published in the Official Journal of the European Union in accordance with Article 3b , shall	2. Such opposition, relating to a geographical indication published in the Official Journal of the European Union in accordance with Article 3b , shall

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	claims:	or more of the following claims:	be admissible only if it is lodged within the time limit set out in paragraph 1 and if it contains one or more of the following claims : <u>grounds</u> :	be admissible only if it is lodged within the time limit set out in paragraph 1 and if it contains one or more of the following claims : <u>grounds</u> :
68.	(a) that the geographical indication registered in the International Register conflicts with a name of a plant variety or an animal breed and is likely to mislead the consumer as to the true origin of the product;	(a) that the geographical indication registered in the International Register conflicts with a name of a plant variety or an animal breed and is likely to mislead the consumer as to the true origin of the product;	(a) that the geographical indication registered in the International Register conflicts with a name of a plant variety or an animal breed and is likely to mislead the consumer as to the true origin of the product;	(a) that the geographical indication registered in the International Register conflicts with a name of a plant variety or an animal breed and is likely to mislead the consumer as to the true origin of the product;
69.	(b) that the geographical indication registered in the International Register is wholly or partially homonymous with a geographical indication already protected in the Union and that there is no sufficient distinction in practice between the conditions of local and traditional usage and presentation of the geographical indication proposed for protection and the geographical indication already protected in the Union, taking into account the need to ensure equitable treatment of the producers concerned and not to mislead	(b) that the geographical indication registered in the International Register is wholly or partially homonymous with a geographical indication already protected in the Union and that there is no sufficient distinction in practice between the conditions of local and traditional usage and presentation of the geographical indication proposed for protection and the geographical indication already protected in the Union, taking into account the need to ensure equitable treatment of the producers concerned and not to mislead consumers;	(b) that the geographical indication registered in the International Register is wholly or partially homonymous with a geographical indication -already protected in the Union and that there is no sufficient distinction in practice between the conditions of local and traditional usage and presentation of the geographical indication proposed for protection and the geographical indication already protected in the Union, taking into account the need to ensure equitable treatment of the producers concerned and not to mislead consumers;	(b) that the geographical indication registered in the International Register is wholly or partially homonymous with a geographical indication -already protected in the Union and that there is no sufficient distinction in practice between the conditions of local and traditional usage and presentation of the geographical indication proposed for protection and the geographical indication already protected in the Union, taking into account the need to ensure equitable treatment of the producers concerned and not to mislead consumers

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	consumers;			
70.	(c) that the protection in the Union of the geographical indication registered in the International Register would infringe a prior trade mark right;	(c) that the protection in the Union of the geographical indication registered in the International Register would infringe a prior trade mark right;	(c) that the protection in the Union of the geographical indication registered in the International Register would infringe a prior trade mark right at national, regional, or Union level ;	(c) that the protection in the Union of the geographical indication registered in the International Register would infringe a prior trade mark right at national, regional, or Union level ;
71.	(d) that the protection in the Union of the geographical indication proposed would jeopardise the use of an entirely or partly identical name or the exclusive nature of a trade mark or the economic value of products which have been legally placed on the market for at least five years preceding the date of the publication of the name of the geographical indication in the Official Journal of the European Union in accordance with Article 4(2);	(d) that the protection in the Union of the geographical indication proposed would jeopardise the use of an entirely or partly identical name or the exclusive nature of a trade mark or the economic value of products which have been legally placed on the market for at least five years preceding the date of the publication of the name of the geographical indication in the Official Journal of the European Union in accordance with Article 4(2);	(d) that the protection in the Union of the geographical indication proposed would jeopardise the use of an entirely or partly identical name or the exclusive nature of a trade mark or the economic value at national, regional, or Union level or the existence of products which have been legally placed on the market for at least five years preceding the date of the publication of the name of the geographical indication in the Official Journal of the European Union in accordance with Article 4(2) 3a ;	(d) that the protection in the Union of the geographical indication proposed would jeopardise the use of an entirely or partly identical name or the exclusive nature of a trade mark or the economic value at national, regional, or Union level or the existence of products which have been legally placed on the market for at least five years preceding the date of the publication of the name of the geographical indication in the Official Journal of the European Union in accordance with Article 4(2) 3b ;
72.	(e) that the geographical indication registered in the International Register relates to a product in respect of which protection within the EU of geographical indications is	<i>deleted</i>	(e) that the geographical indication registered in the International Register relates to a product in respect of which protection within the EU at Union level of geographical indications	(e) that the geographical indication registered in the International Register relates to a product in respect of which protection within the EU at Union level of geographical indications is

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	currently not provided;		is currently -not provided;	currently -not provided;
73.	(f) that the name for which registration is requested is a generic term in the territory of the Union.	(f) that the name for which registration is requested is a generic term in the territory of the Union.	(f) that the name for which registration is requested is a generic term in the territory of the Union ;	(f) that the name for which registration is requested is a generic term in the territory of the Union ;
74.			<u>(g) that the conditions referred to in paragraph 1 (i) and (ii) of Article 2 of the Geneva Act are not complied with;</u>	<u>(g) that the conditions referred to in paragraph 1 (i) and (ii) of Article 2 of the Geneva Act are not complied with;</u>
75.			<u>(h) that the geographical indication registered in the International Register is a homonymous name which misleads the consumer into believing that products come from another territory, even if the name is accurate as far as the actual territory, region or place of origin of the products in question is concerned.</u>	<u>(h) that the geographical indication registered in the International Register is a homonymous name which misleads the consumer into believing that products come from another territory, even if the name is accurate as far as the actual territory, region or place of origin of the products in question is concerned.</u>
76.	(3) The grounds for opposition as set out in paragraph 2 shall be assessed by the Commission in relation to the territory of the Union or part thereof.	(3) The grounds for opposition as set out in paragraph 2 shall be assessed by the Commission in relation to the territory of the Union or part thereof.	(3) The grounds for opposition as set out in paragraph 2 shall be assessed by the Commission in relation to the territory of the Union or part thereof.	3 ; The grounds for opposition as set out in paragraph 2 shall be assessed by the Commission in relation to the territory of the Union or part thereof.

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT 6879/19	COMPROMISE TEXT
77.	<i>Article 6 Decision on protection in the Union of third country geographical indications registered in the International Register</i>	<i>Article 6 Decision on protection in the Union of third country geographical indications registered in the International Register</i>	<i>Article 6 Decision on protection in the Union of third country geographical indications registered in the International Register</i>	<i>Article 6 Decision on protection in the Union of third country geographical indications registered in the International Register</i>
78.	(1) Where the Commission receives no opposition or opposition which is inadmissible, it shall, as appropriate, reject the inadmissible oppositions received and take a decision to grant protection of the geographical indication by means of an implementing act adopted in accordance with the examination procedure referred to in Article 13(2).	(1) Where the Commission receives no opposition or opposition which is inadmissible, it shall, as appropriate, reject the inadmissible oppositions received and take a decision to grant protection of the geographical indication by means of an implementing act adopted in accordance with the examination procedure referred to in Article 13(2).	(1). Where the Commission receives, <u>based on the assessment carried out pursuant to Article 4(1), the conditions laid down in that paragraph are fulfilled and</u> no opposition or opposition <u>oppositions</u> which is <u>are</u> inadmissible, it <u>have been received, the Commission</u> shall, as appropriate, reject the inadmissible oppositions received and take a decision to grant protection of the geographical indication by means of an implementing act adopted in accordance with the examination procedure referred to in Article 13(2).	1. Where the Commission receives, <u>based on the assessment carried out pursuant to Article 4(1), the conditions laid down in that paragraph are fulfilled and</u> no opposition or opposition <u>oppositions</u> which is <u>are</u> inadmissible, it <u>have been received, the Commission</u> shall, as appropriate, reject the inadmissible oppositions received and take a decision to grant protection of the geographical indication by means of an implementing act adopted in accordance with the examination procedure referred to in Article 13(2).
79.	(2) Where the Commission receives an admissible opposition as set out in Article 5(2), it shall take a decision on whether or not to grant	(2) Where the Commission receives an admissible opposition as set out in Article 5(2), it shall take a decision on whether or not to grant protection of a	(2). Where the Commission receives, <u>based on the assessment carried out pursuant to Article 4(1), the conditions laid down in that paragraph are</u>	2. Where the Commission receives, <u>based on the assessment carried out pursuant to Article 4(1), the conditions laid down in that paragraph are not fulfilled or</u>

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	protection of a geographical indication registered in the International Register by means of an implementing act which shall be adopted in accordance with the examination procedure referred to in Article 13(2). In respect of geographical indications covering products not falling within the competence of the Committees provided in Article 13(1) the decision will be adopted by the Commission without application of the examination procedure referred to in Article 13(2).	geographical indication registered in the International Register by means of an implementing act which shall be adopted in accordance with the examination procedure referred to in Article 13(2). In respect of geographical indications covering products not falling within the competence of the Committees provided in Article 13(1) the decision will be adopted by the Commission without application of the examination procedure referred to in Article 13(2).	not fulfilled or an admissible opposition as set out in Article 5(2); it has been received, the Commission shall take a decision on whether or not to grant protection of a geographical indication registered in the International Register by means of an implementing act which shall be adopted in accordance with the examination procedure referred to in Article 13(2). In respect of geographical indications covering products not falling within the competence of the Committees provided in Article 13(1) the decision will be adopted by the Commission without application of the examination procedure referred to in Article 13(2).	an admissible opposition as set out in Article 5(2); it has been received, the Commission shall take a decision on whether or not to grant protection of a geographical indication registered in the International Register by means of an implementing act which shall be adopted in accordance with the examination procedure referred to in Article 13(2). In respect of geographical indications covering products not falling within the competence of the Committees provided in Article 13(1) the decision will be adopted by the Commission without application of the examination procedure referred to in Article 13(2).
80.	(3) The decision to grant protection of a geographical indication in accordance with paragraphs 1 or 2 shall set out the scope of protection granted and may include conditions which are compatible with the Geneva Act, and in particular grant a defined transitional period as specified in Article 17 of the Geneva Act and Rule 14	(3) The decision to grant protection of a geographical indication in accordance with paragraphs 1 or 2 shall set out the scope of protection granted and may include conditions which are compatible with the Geneva Act, and in particular grant a defined transitional period as specified in Article 17 of the Geneva Act and Rule 14 of the Common	(3). The decision to grant protection of a geographical indication in accordance with paragraphs 1 or 2 shall set out the scope of protection granted and may include conditions which are compatible with the Geneva Act, and in particular grant a defined transitional period as specified in Article 17 of the Geneva Act and Rule 14 of the Common	3. The decision to grant protection of a geographical indication in accordance with paragraphs 1 or 2 shall set out the scope of protection granted and may include conditions which are compatible with the Geneva Act, and in particular grant a defined transitional period as specified in Article 17 of the Geneva Act and Rule 14 of the Common

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	of the Common Regulations.	Regulations.	Regulations.	Regulations.
81.	(4) In accordance with Article 15(1) of the Geneva Act, the Commission shall notify the International Bureau of the refusal of the effects of the international registration concerned in the territory of the Union, within one year from the receipt of the notification of international registration in accordance with Article 6(4) of the Geneva Act.	(4) In accordance with Article 15(1) of the Geneva Act, the Commission shall notify the International Bureau of the refusal of the effects of the international registration concerned in the territory of the Union, within one year from the receipt of the notification of international registration in accordance with Article 6(4) of the Geneva Act.	(4) In accordance with Article 15(1) of the Geneva Act, the Commission shall notify the International Bureau of the refusal of the effects of the international registration concerned in the territory of the Union, within one year from the receipt of the notification of international registration in accordance with Article 6(4) of the Geneva Act, <u>or within two years in cases referred to in the first paragraph of Article 4 of Council Decision (EU)/....³⁶.</u>	<u>4.</u> In accordance with Article 15(1) of the Geneva Act, the Commission shall notify the International Bureau of the refusal of the effects of the international registration concerned in the territory of the Union, within one year from the receipt of the notification of international registration in accordance with Article 6(4) of the Geneva Act, <u>or within two years in cases referred to in the first paragraph of Article 5 of Council Decision (EU)/....³⁷.</u>
82.			<u>5. The Commission may, on its own initiative or following a duly substantiated request by a Member State, a third country or a natural or legal person having a legitimate interest, adopt in accordance with the examination procedure referred to in Article 13(2) an implementing act withdrawing, in whole or in part, a refusal previously notified to the</u>	<u>5. The Commission may, on its own initiative or following a duly substantiated request by a Member State, a third country or a natural or legal person having a legitimate interest, adopt in accordance with the examination procedure referred to in Article 13(2) an implementing act withdrawing, in whole or in part, a refusal previously notified to the International Bureau. The</u>

³⁶ Council Decision (EU)/.... on the accession of the European Union to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications.

³⁷ Council Decision (EU)/.... on the accession of the European Union to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications.

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			<u>International Bureau. The Commission shall notify the International Bureau of such withdrawal without delay.</u>	<u>Commission shall notify the International Bureau of such withdrawal without delay.</u>
83.	<i>Article 7</i> <i>Use of geographical indications</i>	<i>Article 7</i> <i>Use of geographical indications</i>	<i>Article 7</i> <i>Use of geographical indications</i>	<i>Article 7</i> <i>Use of geographical indications</i>
84.	(1) The implementing acts adopted by the Commission on the basis of Article 6 shall apply without prejudice to other specific Union provisions relating to the placing of products on the market and, in particular, to the common organisation of the agricultural markets, sanitary and phytosanitary standards, and to food labelling. The Commission shall inform the International Bureau accordingly of these conditions of use at the moment of accession.	(1) The implementing acts adopted by the Commission on the basis of Article 6 shall apply without prejudice to other specific Union provisions relating to the placing of products on the market and, in particular, to the common organisation of the agricultural markets, sanitary and phytosanitary standards, and to food labelling. The Commission shall inform the International Bureau accordingly of these conditions of use at the moment of accession.	(1). The implementing acts adopted by the Commission on the basis of Article 6 shall apply without prejudice to other specific Union provisions relating to the placing of products on the market and, in particular, to the common organisation of the agricultural markets, sanitary and phytosanitary standards, and to food labelling. The Commission shall inform the International Bureau accordingly of these conditions of use at the moment of accession.	1. The implementing acts adopted by the Commission on the basis of Article 6 shall apply without prejudice to other specific Union provisions relating to the placing of products on the market and, in particular, to the common organisation of the agricultural markets, sanitary and phytosanitary standards, and to food labelling. The Commission shall inform the International Bureau accordingly of these conditions of use at the moment of accession.
85.	(2) Subject to paragraph 1 geographical indications protected under this Regulation may be used by any operator marketing a product in accordance with the	(2) Subject to paragraph 1 geographical indications protected under this Regulation may be used by any operator marketing a product in accordance with the international registration.	(2). Subject to paragraph 1 geographical indications protected under this Regulation may be used by any operator marketing a product in accordance with the international registration.	2. Subject to paragraph 1 geographical indications protected under this Regulation may be used by any operator marketing a product in accordance with the international registration.

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	international registration.			
86.	<i>Article 8 Cancellation of a third country geographical indication registered in the International Register</i>	<i>Article 8 Cancellation of a third country geographical indication registered in the International Register</i>	<i>Article 8 Cancellation<u>Invalidation of effects in the Union</u> of a third country geographical indication registered in the International Register</i>	<i>Article 8 Cancellation<u>Invalidation of effects in the Union</u> of a third country geographical indication registered in the International Register</i>
87.	The Commission may, on its own initiative or following a duly substantiated request by a Member State, a third country or a natural or legal person having a legitimate interest, adopt implementing acts cancelling the protection in the Union of a geographical indication registered in the International Register in one or more of the following circumstances:	The Commission may, on its own initiative or following a duly substantiated request by a Member State, a third country or a natural or legal person having a legitimate interest, adopt implementing acts cancelling the protection in the Union of a geographical indication registered in the International Register in one or more of the following circumstances:	1. The Commission may, on its own initiative or following a duly substantiated request by a Member State, a third country or a natural or legal person having a legitimate interest, adopt implementing acts cancelling the <u>invalidating, in whole or in part, the effects of</u> protection in the Union of a geographical indication registered in the International Register in one or more of the following circumstances:	1. The Commission may, on its own initiative or following a duly substantiated request by a Member State, a third country or a natural or legal person having a legitimate interest, adopt implementing acts cancelling the <u>invalidating, in whole or in part, the effects of</u> protection in the Union of a geographical indication registered in the International Register in one or more of the following circumstances:
88.	(a) the geographical indication, is no longer protected in the Contracting Party of Origin;	(a) the geographical indication, is no longer protected in the Contracting Party of Origin;	(a) the geographical indication, is no longer protected in the Contracting Party of Origin;	(a) the geographical indication, is no longer protected in the Contracting Party of Origin;
89.	(b) the geographical indication is no longer registered in the International Register;	(b) the geographical indication is no longer registered in the International Register;	(b) the geographical indication is no longer registered in the International Register;	(b) the geographical indication is no longer registered in the International Register;

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90.	(c) where compliance with the mandatory elements laid down in Rule 5(2) of the Common Regulations or with the particulars concerning the quality, reputation or characteristics as laid down in Rule 5(3) of those Regulations are no longer ensured.	(c) where compliance with the mandatory elements laid down in Rule 5(2) of the Common Regulations or with the particulars concerning the quality, reputation or characteristics as laid down in Rule 5(3) of those Regulations are no longer ensured.	(c) where compliance with the mandatory elements laid down in Rule 5(2) of the Common Regulations or with the particulars concerning the quality, reputation or characteristics as laid down in Rule 5(3) of those Regulations are no longer ensured.	(c) where compliance with the mandatory elements laid down in Rule 5(2) of the Common Regulations or with the particulars concerning the quality, reputation or characteristics as laid down in Rule 5(3) of those Regulations are no longer ensured.
91.	The Commission shall notify the International Bureau without delay of the invalidation of the effects in the territory of the Union of the international registration of the geographical indication cancelled in accordance with the first paragraph.	The Commission shall notify the International Bureau without delay of the invalidation of the effects in the territory of the Union of the international registration of the geographical indication cancelled in accordance with the first paragraph.	<u>2.</u> The implementing acts referred to in the first paragraph 1 shall be adopted in accordance with the examination procedure referred to in Article 13(2)-, <u>and only after the natural persons or legal entities referred to in paragraph 2(ii) of Article 5 of the Geneva Act or the beneficiaries, as defined in paragraph (xvii) of Article 1 of the Geneva Act have been given an opportunity to defend their rights.</u>	<u>2.</u> The implementing acts referred to in the first paragraph 1 shall be adopted in accordance with the examination procedure referred to in Article 13(2)-, <u>and only after the natural persons or legal entities referred to in paragraph 2(ii) of Article 5 of the Geneva Act or the beneficiaries, as defined in paragraph (xvii) of Article 1 of the Geneva Act have been given an opportunity to defend their rights.</u>
92.	The Commission shall notify the International Bureau without delay of the invalidation of the effects in the territory of the Union of the international registration of the geographical indication cancelled in	The Commission shall notify the International Bureau without delay of the invalidation of the effects in the territory of the Union of the international registration of the geographical indication cancelled in accordance	<u>3.</u> <u>Provided the invalidation is no longer subject to appeal,</u> The the Commission shall notify the International Bureau without delay of the invalidation of the effects in the territory of the Union of the international	<u>3.</u> <u>Provided the invalidation is no longer subject to appeal,</u> The the Commission shall notify the International Bureau without delay of the invalidation of the effects in the territory of the Union of the international registration of the

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	accordance with the first paragraph.	with the first paragraph.	registration of the geographical indication cancelled in accordance with the first <u>point (a) or (c) of paragraph 1.</u>	geographical indication cancelled in accordance with the first <u>point (a) or (c) of paragraph 1.</u>
93.	<i>Article 9 Relation to trade marks</i>	<i>Article 9 Relation to trade marks</i>	<i>Article 9 Relation to trade marks</i>	<i>Article 9 Relation to trade marks</i>
94.	(1) The protection of a geographical indication shall not prejudice the validity of a prior trade mark applied for or registered in good faith, or acquired through use in good faith in the territory of the Union.	(1) The protection of a geographical indication shall not prejudice the validity of a prior trade mark applied for or registered in good faith, or acquired through use in good faith in the territory of the Union.	(1) 2 . The protection of a geographical indication shall not prejudice the validity of a prior trade mark <u>at national, regional, or Union level</u> applied for or registered in good faith, or acquired through use in good faith in the territory of <u>a Member State, regional union of Member States or</u> the Union.	<u>1.</u> The protection of a geographical indication shall not prejudice the validity of a prior trade mark <u>at national, regional, or Union level</u> applied for or registered in good faith, or acquired through use in good faith in the territory of <u>a Member State, regional union of Member States or</u> the Union.
95.	(2) A geographical indication registered in the International Register shall not be protected in the territory of the Union where in the light of a trade mark's reputation and renown and the length of time it has been used, protection of the said geographical indication in the territory of the Union would be liable to mislead the consumer as to the true identity	(2) A geographical indication registered in the International Register shall not be protected in the territory of the Union where in the light of a trade mark's reputation and renown and the length of time it has been used, protection of the said geographical indication in the territory of the Union would be liable to mislead the consumer as to the true identity of the product.	(2) 2 . A geographical indication registered in the International Register shall not be protected in the territory of the Union where in the light of a trade mark's reputation and renown and the length of time it has been used, protection of the said geographical indication in the territory of the Union would be liable to mislead the consumer as to the true identity of the product.	<u>2.</u> A geographical indication registered in the International Register shall not be protected in the territory of the Union where in the light of a trade mark's reputation and renown and the length of time it has been used, protection of the said geographical indication in the territory of the Union would be liable to mislead the consumer as to the true identity of the product.

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	of the product.			
96.	<p>(3) Without prejudice to paragraph 2, a prior trade mark applied for or registered in good faith in the territory of the Union, or acquired through use in good faith the use of which would contravene the protection of a geographical indication, may continue to be used and renewed for the product concerned notwithstanding the protection of a geographical indication provided that no grounds for invalidity or revocation exist under Regulation (EU) 2017/1001 of the European Parliament and of the Council³⁸. In such cases the use of the geographical indication shall be permitted as well as use of the trade mark concerned.</p>	<p>(3) Without prejudice to paragraph 2, a prior trade mark applied for or registered in good faith in the territory of the Union, or acquired through use in good faith the use of which would contravene the protection of a geographical indication, may continue to be used and renewed for the product concerned notwithstanding the protection of a geographical indication provided that no grounds for invalidity or revocation exist under Regulation (EU) 2017/1001 of the European Parliament and of the Council³⁹. In such cases the use of the geographical indication shall be permitted as well as use of the trade mark concerned.</p>	<p>(3). Without prejudice to paragraph 2, a prior trade mark <u>which has been</u> applied for or, registered <u>or established by use, if that possibility is provided for by the legislation concerned,</u> in good faith in <u>within</u> the territory of <u>a Member State, regional union of Member States, or</u> the Union, or acquired through use in good faith <u>before the date on which the International Bureau has notified the Commission of the publication of the International Registration of the geographical indication,</u> the use of which would contravene the protection of a <u>the</u> geographical indication, may continue to be used and renewed for the product concerned notwithstanding the protection of a <u>the</u> geographical indication, provided that no grounds for invalidity or revocation exist under Regulation (EU) 2017/1001 of the European Parliament and of the Council⁴⁰.</p>	<p>3. Without prejudice to paragraph 2, a prior trade mark <u>which has been</u> applied for or, registered <u>or established by use, if that possibility is provided for by the legislation concerned,</u> in good faith in <u>within</u> the territory of <u>a Member State, regional union of Member States, or</u> the Union, or acquired through use in good faith <u>before the date on which the International Bureau has notified the Commission of the publication of the geographical indication,</u> the use of which would contravene the protection of a <u>the</u> geographical indication, may continue to be used and renewed for the product concerned notwithstanding the protection of a <u>the</u> geographical indication, provided that no grounds for invalidity or revocation exist under Regulation (EU) 2017/1001 of the European Parliament and of the Council⁴². <u>or under Directive (EU) 2015/2436 of the European</u></p>

³⁸ Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark (OJ L 154 of 16.07.2017, page 1).

³⁹ Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark (OJ L 154 of 16.07.2017, page 1).

⁴⁰ Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark (OJ L 154 of 16.07.2017, page 1).

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			<u>or under Directive (EU) 2015/2436 of the European Parliament and the Council⁴¹.</u> In such cases the use of the geographical indication shall be permitted as well as use of the trade mark concerned.	<u>Parliament and the Council⁴³.</u> In such cases the use of the geographical indication shall be permitted as well as use of the trade mark concerned.
97.			<u>Article 9a</u> <u>Transitional provisions for appellations of origin originating in EU Member States already registered under the Lisbon Agreement</u>	<u>Article 9a</u> <u>Transitional provisions for appellations of origin originating in EU Member States already registered under the Lisbon Agreement</u>
98.			<u>1. In respect of each appellation of origin for a product, which is protected under one of the Regulations referred to in Article 1 of this Regulation, originating in an EU Member State, which is a contracting party to the Lisbon Agreement the Member State concerned shall choose to:</u>	<u>1. In respect of each appellation of origin for a product, which is protected under one of the Regulations referred to in Article 1 of this Regulation, originating in an EU Member State, which is a contracting party to the Lisbon Agreement the Member State concerned shall choose to:</u>

⁴² Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark (OJ L 154 of 16.07.2017, page 1).

⁴¹ Directive (EU) 2015/2436 of the European Parliament and the Council of 16 December 2015 to approximate the laws of the Member States relating to trade marks (OJ L336 of 23 December 2015).

⁴³ Directive (EU) 2015/2436 of the European Parliament and the Council of 16 December 2015 to approximate the laws of the Member States relating to trade marks (OJ L336 of 23 December 2015).

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99.			<u>(a) request the international registration of that appellation of origin under the Geneva Act, if the Member State concerned has ratified or acceded to the Geneva Act pursuant to the authorisation in Article 2a of Council Decision (EU)/....⁴⁴, or</u>	<u>(a) request the international registration of that appellation of origin under the Geneva Act, if the Member State concerned has ratified or acceded to the Geneva Act pursuant to the authorisation in Article 3 of Council Decision (EU)/....⁴⁵, or</u>
100.			<u>(b) request the cancellation of the registration of that appellation of origin in the International Register.</u>	<u>(b) request the cancellation of the registration of that appellation of origin in the International Register.</u>
101.			<u>The Member States concerned shall choose on the basis of:</u>	<u>The Member States concerned shall choose on the basis of:</u>
102.			<u>(a) a request by a natural person or legal entity referred to in paragraph 2(ii) of Article 5 of the Geneva Act or a beneficiary as defined in paragraph (xvii) of Article 1 of the Geneva Act, or</u>	<u>(a) a request by a natural person or legal entity referred to in paragraph 2(ii) of Article 5 of the Geneva Act or a beneficiary as defined in paragraph (xvii) of Article 1 of the Geneva Act, or</u>
103.			<u>(b) their own initiative.</u>	<u>(b) their own initiative.</u>

⁴⁴ See footnote

⁴⁵ See footnote

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104.			<u>The Member States concerned shall notify the Commission of the choice referred to in the first sub-paragraph within 3 years from the date of the entry into force of this Regulation.</u>	<u>The Member States concerned shall notify the Commission of the choice referred to in the first sub-paragraph within 3 years from the date of the entry into force of this Regulation.</u>
105.			<u>In cases referred to in point (a) of the first sub-paragraph of this paragraph, the Member State concerned in coordination with the Commission, shall verify with the International Bureau any modifications to be made under Rule 7 (4) of the Common Regulations for the purpose of registration under the Geneva Act.</u>	<u>In cases referred to in point (a) of the first sub-paragraph of this paragraph, the Member State concerned in coordination with the Commission, shall verify with the International Bureau any modifications to be made under Rule 7 (4) of the Common Regulations for the purpose of registration under the Geneva Act.</u>
106.			<u>The Commission shall authorise the Member State to provide for the necessary modifications and notify the International Bureau by means of an implementing act in accordance with the examination procedure referred to in Article 13(2).</u>	<u>The Commission shall authorise the Member State to provide for the necessary modifications and notify the International Bureau by means of an implementing act in accordance with the examination procedure referred to in Article 13(2).</u>
107.			<u>2. In respect of each appellation of origin for a product, falling within the scope of one of the Regulations</u>	<u>2. In respect of each appellation of origin for a product, falling within the scope of one of the Regulations referred</u>

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			<u>referred to in Article 1 of this Regulation, but not being protected under any of those Regulations, originating in an EU Member State, which is a contracting party to the Lisbon Agreement the Member State concerned shall:</u>	<u>to in Article 1 of this Regulation, but not being protected under any of those Regulations, originating in an EU Member State, which is a contracting party to the Lisbon Agreement the Member State concerned shall:</u>
108.			<u>(a) request registration under the Regulation concerned, or</u>	<u>(a) request registration under the Regulation concerned, or</u>
109.			<u>(b) request the cancellation of the registration of that appellation of origin in the International Register.</u>	<u>(b) request the cancellation of the registration of that appellation of origin in the International Register.</u>
110.			<u>The Member States concerned shall choose on the basis of:</u>	<u>The Member States concerned shall choose on the basis of:</u>
111.			<u>(a) request by a natural person or legal entity referred to in paragraph 2(ii) of Article 5 of the Geneva Act or a beneficiary as defined in paragraph (xvii) of Article 1 of the Geneva Act, or</u>	<u>(a) request by a natural person or legal entity referred to in paragraph 2(ii) of Article 5 of the Geneva Act or a beneficiary as defined in paragraph (xvii) of Article 1 of the Geneva Act, or</u>
112.			<u>(b) their own initiative.</u>	<u>(b) their own initiative.</u>
113.			<u>The Member States concerned shall notify the Commission of</u>	<u>The Member States concerned shall notify the Commission of the</u>

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			<u>the choice referred to in the first sub-paragraph of this paragraph, and make the respective request, within 3 years from the date of the entry into force of this Regulation.</u>	<u>choice referred to in the first sub-paragraph of this paragraph, and make the respective request, within 3 years from the date of the entry into force of this Regulation.</u>
114.			<u>In cases referred to in point (a) of the first sub-paragraph of this paragraph, the Member State concerned shall request the international registration of that appellation of origin under the Geneva Act, if the Member State concerned has ratified or acceded to the Geneva Act pursuant to the authorisation in Article 2a of Council Decision (EU)/....⁴⁶, within 1 year from the date of registration of the geographical indication under the Regulation concerned. The fourth and fifth sub-paragraph of paragraph 1 shall apply.</u>	<u>In cases referred to in point (a) of the first sub-paragraph of this paragraph, the Member State concerned shall request the international registration of that appellation of origin under the Geneva Act, if the Member State concerned has ratified or acceded to the Geneva Act pursuant to the authorisation in Article 3 of Council Decision (EU)/....⁴⁷, within 1 year from the date of registration of the geographical indication under the Regulation concerned. The fourth and fifth sub-paragraph of paragraph 1 shall apply.</u>
115.			<u>If the request for registration under the Regulation concerned is refused and related administrative and judicial</u>	<u>If the request for registration under the Regulation concerned is refused and related administrative and judicial</u>

⁴⁶ Council Decision (EU)/.... on the accession of the European Union to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications.

⁴⁷ Council Decision (EU)/.... on the accession of the European Union to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications.

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			<p><u>remedies have been exhausted , or if the request for registration under the Geneva Act has not been made pursuant to the fourth sub-paragraph of this paragraph, the Member State concerned shall, without delay, request the cancellation of the registration of that geographical indication in the International Register .</u></p>	<p><u>remedies have been exhausted, or if the request for registration under the Geneva Act has not been made pursuant to the fourth sub-paragraph of this paragraph, the Member State concerned shall, without delay, request the cancellation of the registration of that geographical indication in the International Register.</u></p>
116.			<p><u>3. In respect of appellations of origin for products not falling within the scope of one of the Regulations referred to in Article 1 of this Regulation, in respect of which protection at Union level of geographical indications is not provided, Member States may maintain any existing registration and may submit further applications for registration in the International Register.</u></p>	<p><u>3. In respect of appellations of origin for products not falling within the scope of one of the Regulations referred to in Article 1 of this Regulation, in respect of which protection at Union level of geographical indications is not provided, a Member State which already is a contracting party to the Lisbon Agreement may maintain any existing registration in the International Register.</u></p> <p><u>Such a Member State may also submit further applications for registration in the International Register under the Lisbon Agreement of such appellations of origin originating in its territory if the following conditions are met:</u></p>

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				<p><u>(a) the Member State concerned notified the draft application for registration of such appellations of origin to the Commission. Such notification shall include evidence that the application satisfies the requirements for registration under the Lisbon Agreement; and</u></p> <p><u>(b) the Commission has not issued a negative opinion within 2 months of such notification. A negative opinion may only be issued after consultation with the Member State concerned, and in the exceptional and duly justified cases when the evidence required under point (a) does not sufficiently substantiate that the requirements for registration under the Lisbon Agreement are met, or if the registration would have an adverse impact on the Union trade policy.</u></p> <p><u>In the case of a request for further information from the Commission on the notification made under letter (a), the deadline for the Commission to act shall be 1 month from the</u></p>

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				<p><u>receipt of the information requested.</u></p> <p><u>The Commission shall immediately inform the other Member States about any notification made under letter (a).</u></p> <p><i>[as part of the agreement on the above compromise text, COM accepted to make a declaration along the lines set out in the Annex of the 4 column table]</i></p>
117.	Article 10 Transitional protection	Article 10 Transitional protection	Article 10 Transitional protection <u>for appellations of origin originating in a third country registered under the Lisbon Agreement</u>	Article 10 Transitional protection <u>for appellations of origin originating in a third country registered under the Lisbon Agreement</u>
118.	(1) Those Member States which were members of the Special Union before the accession of the Union to the Geneva Act may grant protection to a third country contracting party to the Lisbon Agreement of 1958, or to that Agreement as revised at Stockholm on July 14, 1967 and amended on September 28, 1979 by means of a national	(1) Those Member States which were members of the Special Union before the accession of the Union to the Geneva Act may grant protection to a third country contracting party to the Lisbon Agreement of 1958, or to that Agreement as revised at Stockholm on July 14, 1967 and amended on September 28, 1979 by means of a national protection system, with effect	(1) Those Member States which were members <u>contracting parties</u> of the Special Union <u>Lisbon Agreement</u> before the accession of the Union to the Geneva Act may grant protection <u>continue to protect appellations of origin originating in</u> a third country <u>which is a</u> contracting party to the Lisbon Agreement of 1958, or to that Agreement as revised at Stockholm on July 14,	1. Those Member States which were members <u>contracting parties</u> of the Special Union <u>Lisbon Agreement</u> before the accession of the Union to the Geneva Act may grant protection <u>continue to protect appellations of origin originating in</u> a third country <u>which is a</u> contracting party to the Lisbon Agreement of 1958, or to that Agreement as revised at Stockholm on July 14, 1967 and amended on

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	protection system, with effect from the date on which the Union becomes a contracting party to the Geneva Act, as regards geographical indications registered as at that date under the Special Union, or with effect from the date on which the international registration in the International Register of the geographical indication is notified to the Member State by the Commission.	from the date on which the Union becomes a contracting party to the Geneva Act, as regards geographical indications registered as at that date under the Special Union, or with effect from the date on which the international registration in the International Register of the geographical indication is notified to the Member State by the Commission.	1967 and amended on September 28, 1979 by means of a national protection system, with effect from the date on which the Union becomes a contracting party to the Geneva Act, as regards geographical indications appellations of origin registered as at that date under the Special Union , or with effect from the date on which the international registration in the International Register of the geographical indication is notified to the Member State by the Commission Lisbon Agreement .	September 28, 1979 by means of a national protection system, with effect from the date on which the Union becomes a contracting party to the Geneva Act, as regards geographical indications appellations of origin registered as at that date under the Special Union , or with effect from the date on which the international registration in the International Register of the geographical indication is notified to the Member State by the Commission Lisbon Agreement .
119.	Such national protection systems shall cease either on the day when the decision on protection under this Regulation is taken or the day when the effect of international registration ends.	Such national protection systems shall cease either on the day when the decision on protection under this Regulation is taken or the day when the effect of international registration ends.	1a. Such national protection <u>under a national protection</u> systems shall (a) <u>be superseded by protection under the EU protection system for a particular appellation of origin if protection is provided pursuant to a decision under Article 6 of this Regulation subsequent to the accession of the third country concerned to the Geneva Act, provided that the protection provided pursuant to a decision under</u>	1a. Such national protection <u>under a national protection</u> systems shall (a) <u>be superseded by protection under the EU protection system for a particular appellation of origin if protection is provided pursuant to a decision under Article 6 of this Regulation subsequent to the accession of the third country concerned to the Geneva Act, provided that the protection provided pursuant to a decision under Article 6 of this</u>

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			<p><u>Article 6 of this Regulation preserves the continuity of protection of the respective appellation of origin in the respective Member State;</u></p> <p><u>(b) _____ cease for a particular appellation of origin</u> either on the day when the decision on the protection under this Regulation is taken or or the day when the effect of international registration ends.</p>	<p><u>Regulation preserves the continuity of protection of the respective appellation of origin in the respective Member State;</u></p> <p><u>(b) _____ cease for a particular appellation of origin</u> either on the day when the decision on the protection under this Regulation is taken or or the day when the effect of international registration ends.</p>
120.	(2) Where a third country name is not registered under this Regulation, the consequences of such a national protection system shall be the sole responsibility of the Member State concerned.	(2) Where a third country name is not registered under this Regulation, the consequences of such a national protection system shall be the sole responsibility of the Member State concerned.	<p>(2). Where <u>an appellation of origin originating in</u> a third country name is not registered under this Regulation, <u>or the national protection is not superseded in accordance with point (a) of paragraph 1(a),</u> the consequences of such a national protection system shall be the sole responsibility of the Member State concerned.</p>	<p><u>2.</u> Where <u>an appellation of origin originating in</u> a third country name is not registered under this Regulation, <u>or the national protection is not superseded in accordance with point (a) of paragraph 1(a),</u> the consequences of such a national protection system shall be the sole responsibility of the Member State concerned.</p>
121.	(3) The measures taken by Member States under paragraph 1 shall produce effects at national level only, and they shall have no effect on intra-Union or international trade.	(3) The measures taken by Member States under paragraph 1 shall produce effects at national level only, and they shall have no effect on intra-Union or international trade.	<p>(3). The measures taken by Member States under paragraph 1 shall produce <u>have</u> effects at national level only, and they shall have no effect on intra-Union or international trade.</p>	<p><u>3.</u> The measures taken by Member States under paragraph 1 shall produce <u>have</u> effects at national level only, and they shall have no effect on intra-Union or international trade.</p>

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122.			<u>4. The Member States referred to in paragraph 1 shall transmit to the Commission any notification made by the International Bureau under the Lisbon Agreement, which the Commission shall then transmit to all other Member States.</u>	<u>4. The Member States referred to in paragraph 1 shall transmit to the Commission any notification made by the International Bureau under the Lisbon Agreement, which the Commission shall then transmit to all other Member States.</u>
123.			<u>5. Member States referred to in paragraph 1 shall declare to the International Bureau that they cannot ensure national protection of an appellation of origin for a product, which falls within the scope of one of the Regulations referred to in Article 1 of this Regulation, registered and notified to them under the Lisbon Agreement from the date on which the Union becomes a contracting party to the Geneva Act.</u>	<u>5. Member States referred to in paragraph 1 shall declare to the International Bureau that they cannot ensure national protection of an appellation of origin for a product, which falls within the scope of one of the Regulations referred to in Article 1 of this Regulation, registered and notified to them under the Lisbon Agreement from the date on which the Union becomes a contracting party to the Geneva Act.</u>
124.	<i>Article 11 Fees</i>	<i>Article 11 Fees</i>	<i>Article 11 Fees</i>	<i>Article 11 Fees</i>
125.	The fees to be paid under Article 7 of the Geneva Act, as specified in the Common	The fees to be paid under Article 7 of the Geneva Act, as specified in the Common Regulations, for the	The fees Fees to be paid under Article 7 of the Geneva Act, as specified in the Common	The fees Fees to be paid under Article 7 of the Geneva Act, as specified in the Common

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	Regulations, for the filing of an application with the International Bureau for the international registration of a geographical indication, in the International Register, and for the supply of extracts, attestations, or other information concerning the contents of this register shall be borne by the Member State in which the geographical indication originates.	filing of an application with the International Bureau for the international registration of a geographical indication, in the International Register, and for the supply of extracts, attestations, or other information concerning the contents of this register shall be borne by the Member State in which the geographical indication originates.	Regulations, for the filing of an application with the International Bureau for the international registration of a geographical indication, in the International Register, and for the supply of extracts, attestations, or other information concerning the contents of this register shall be borne by the Member State in which the geographical indication originates- <i>[merged with next sentence - see following row]</i>	Regulations, for the filing of an application with the International Bureau for the international registration of a geographical indication, in the International Register, and for the supply of extracts, attestations, or other information concerning the contents of this register shall be borne by the Member State in which the geographical indication originates- <i>[merged with next sentence - see following row]</i>
126.	This is without prejudice to any decision by a Member State to seek reimbursement of the amounts referred to in the first paragraph from the group of producers or single producer using the geographical indication for which international registration is sought.	This is without prejudice to any decision by a Member State to seek reimbursement of the amounts referred to in the first paragraph from the group of producers or single producer using the geographical indication for which international registration is sought.	This is without prejudice to any decision by a Member State to seek reimbursement of the amounts, <u>or by a natural person or legal entity as</u> referred to in the first paragraph from the group of producers or single producer using the geographical indication for which international registration is sought <u>2(ii) of Article 5 of the Geneva Act or by a beneficiary as defined in paragraph (xvii) of Article 1 of the Geneva Act. Member States may require that natural person or legal entity or a beneficiary to pay some or all of the fees.</u>	This is without prejudice to any decision by a Member State to seek reimbursement of the amounts, <u>or by a natural person or legal entity as</u> referred to in the first paragraph from the group of producers or single producer using the geographical indication for which international registration is sought <u>2(ii) of Article 5 of the Geneva Act or by a beneficiary as defined in paragraph (xvii) of Article 1 of the Geneva Act. Member States may require that natural person or legal entity or a beneficiary to pay some or all of the fees.</u>

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127.	<i>Article 12</i> <i>Special financial contribution</i>	<i>Article 12</i> <i>Special financial contribution</i>	<i>Article 12</i> <i>Special financial contribution</i>	<i>Article 12</i> <i>Special financial contribution</i>
128.	Where the income from the Special Union shall be derived in accordance with Article 24(2)(v) of the Geneva Act, the Union may make a special contribution within the means available for that purpose from the annual budget of the Union.	Where the income from the Special Union shall be derived in accordance with Article 24(2)(v) of the Geneva Act, the Union may make a special contribution within the means available for that purpose from the annual budget of the Union.	Where If the income from the Special Union shall be is derived in accordance with Article 24(2)(v) of the Geneva Act, the Union may make a special contribution within the means available for that purpose from the annual budget of the Union.	Where If the income from the Special Union shall be is derived in accordance with Article 24(2)(v) of the Geneva Act, the Union may make a special contribution within the means available for that purpose from the annual budget of the Union.
129.	<i>Article 13</i> <i>Committees procedure</i>	<i>Article 13</i> <i>Committees procedure</i>	<i>Article 13</i> <i>Committees procedure</i>	<i>Article 13</i> <i>Committees procedure</i>
130.	(1) The Commission shall be assisted by the following Committees within the meaning of Regulation (EU) No 182/2011, in respect of the following products:	(1) The Commission shall be assisted by the following Committees within the meaning of Regulation (EU) No 182/2011, in respect of the following products:	(1) The Commission shall be assisted by the following Committees within the meaning of Regulation (EU) No 182/2011, in respect of the following products:	1. The Commission shall be assisted by the following Committees within the meaning of Regulation (EU) No 182/2011, in respect of the following products:
131.	(a) for wine-sector products falling within the scope of Article 92(1) of Regulation (EU) No 1308/2013 by the Committee for the Common Organisation of the Agricultural Markets established by Article 229 of that Regulation;	(a) for wine-sector products falling within the scope of Article 92(1) of Regulation (EU) No 1308/2013 by the Committee for the Common Organisation of the Agricultural Markets established by Article 229 of that Regulation;	(a) for wine-sector products falling within the scope of Article 92(1) of Regulation (EU) No 1308/2013 by the Committee for the Common Organisation of the Agricultural Markets established by Article 229 of that Regulation;	(a) for wine-sector products falling within the scope of Article 92(1) of Regulation (EU) No 1308/2013 by the Committee for the Common Organisation of the Agricultural Markets established by Article 229 of that Regulation

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT 6879/19	COMPROMISE TEXT
132.	(b) for aromatised wine products as defined in Article 3 of Regulation (EU) No 251/2014 of the European Parliament and of the Council ⁴⁸ by the Committee on aromatised wine products established by Article 34 of that Regulation;	(b) for aromatised wine products as defined in Article 3 of Regulation (EU) No 251/2014 of the European Parliament and of the Council ⁴⁹ by the Committee on aromatised wine products established by Article 34 of that Regulation;	(b) for aromatised wine products as defined in Article 3 of Regulation (EU) No 251/2014 of the European Parliament and of the Council ⁵⁰ by the Committee on aromatised wine products established by Article 34 of that Regulation;	(b) for aromatised wine products as defined in Article 3 of Regulation (EU) No 251/2014 of the European Parliament and of the Council ⁵¹ by the Committee on aromatised wine products established by Article 34 of that Regulation;
133.	(c) for spirit drinks as defined in Article 2 of Regulation (EC) No 110/2008 of the European Parliament and of the Council ⁵² by the Committee for Spirit Drinks established by Article 25 of that Regulation;	(c) for spirit drinks as defined in Article 2 of Regulation (EC) No 110/2008 of the European Parliament and of the Council ⁵³ by the Committee for Spirit Drinks established by Article 25 of that Regulation;	(c) for spirit drinks as defined in Article 2 of Regulation (EC) No 110/2008 of the European Parliament and of the Council ⁵⁴ by the Committee for Spirit Drinks established by Article 25 of that Regulation;	(c) for spirit drinks as defined in Article 2 of Regulation (EC) No 110/2008 of the European Parliament and of the Council ⁵⁵ by the Committee for Spirit Drinks established by Article 25 of that Regulation;

⁴⁸ Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and repealing Council Regulation (EEC) No 1601/91 (OJ L 84, 20.3.2014, p. 14).

⁴⁹ Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and repealing Council Regulation (EEC) No 1601/91 (OJ L 84, 20.3.2014, p. 14).

⁵⁰ Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and repealing Council Regulation (EEC) No 1601/91 (OJ L 84, 20.3.2014, p. 14).

⁵¹ Regulation (EU) No 251/2014 of the European Parliament and of the Council of 26 February 2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products and repealing Council Regulation (EEC) No 1601/91 (OJ L 84, 20.3.2014, p. 14).

⁵² Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89 (OJ L 39, 13.2.2008, p. 16).

⁵³ Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, labelling and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89 (OJ L 39, 13.2.2008, p. 16).

⁵⁴ Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, ~~labelling~~**labeling** and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89 (OJ L 39, 13.2.2008, p. 16).

⁵⁵ Regulation (EC) No 110/2008 of the European Parliament and of the Council of 15 January 2008 on the definition, description, presentation, ~~labelling~~**labeling** and the protection of geographical indications of spirit drinks and repealing Council Regulation (EEC) No 1576/89 (OJ L 39, 13.2.2008, p. 16).

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT 6879/19	COMPROMISE TEXT
134.	(d) for products falling within the scope of the first subparagraph of Article 2(1) of Regulation (EU) No 1151/2012 by the Agricultural Product Quality Policy Committee established by Article 57 of that Regulation;	(d) for products falling within the scope of the first subparagraph of Article 2(1) of Regulation (EU) No 1151/2012 by the Agricultural Product Quality Policy Committee established by Article 57 of that Regulation;	(d) for agricultural and foodstuffs falling within the scope of the first subparagraph of Article 2(1) of Regulation (EU) No 1151/2012 by the Agricultural Product Quality Policy Committee established by Article 57 of that Regulation;	(d) for agricultural and foodstuffs falling within the scope of the first subparagraph of Article 2(1) of Regulation (EU) No 1151/2012 by the Agricultural Product Quality Policy Committee established by Article 57 of that Regulation;
135.	(2) Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	(2) Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	(2) Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.
136.		<p style="text-align: center;"><i>Article 13a</i></p> <p style="text-align: center;"><i>Monitoring and review</i></p> <p><i>1. By ... [two years after 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.</i></p> <p><i>The assessment shall be based, inter alia, on the following aspects:</i></p> <p><i>a) the number of geographical indications protected under Union law in</i></p>		<p style="text-align: center;"><i>Article 13a</i></p> <p style="text-align: center;"><i>Monitoring and review</i></p> <p><i>Within two years 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:</i></p> <p><i>(a) the number of geographical indications protected and registered under Union law for which applications for international registration have been submitted, and cases where</i></p>

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT 6879/19	COMPROMISE TEXT
		<p><i>relation to which notification has been received, with a justification for the choice of those notified indications, and the geographical indications protected under Union law which have been rejected by third parties;</i></p> <p><i>b) the evolution of the number of third countries participating in the Geneva Act and the action taken by the Commission to increase the number; and</i></p> <p><i>c) the number of non-agricultural geographical indications originating from third countries which have been rejected by the Commission.</i></p> <p><i>2. By ... [two years after the entry into force of this Regulation], the Commission shall, where appropriate, submit a legislative proposal to extend the protection granted to geographical indications under Union law to non-agricultural products in anticipation of the Union's full participation in the Geneva Act.</i></p>		<p><i>the protection has been rejected by third contracting parties;</i></p> <p><i>(b) 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 EU acquis as regards geographical indications on the attractiveness of the Geneva Act to third countries; and</i></p> <p><i>(c) the number and type of geographical indications originating from third countries which have been rejected by the Union.</i></p> <p><i>[as part of the agreement on the above compromise text, COM accepted to make a declaration along the lines set out in the Annex of the 4 column table]</i></p>

	COMMISSION PROPOSAL	EP TEXT	COUNCIL TEXT 6879/19	COMPROMISE TEXT
137.	<i>Article 14</i> <i>Entry into force</i>	<i>Article 14</i> <i>Entry into force</i>	<i>Article 14</i> <i>Entry into force</i>	<i>Article 14</i> <i>Entry into force</i>
138.	This Regulation shall enter into force on the 20th day following that of its publication in the <i>Official Journal of the European Union</i> .	This Regulation shall enter into force on the 20th day following that of its publication in the <i>Official Journal of the European Union</i> .	This Regulation shall enter into force on the 20th day following that of its publication in the <i>Official Journal of the European Union</i> .	This Regulation shall enter into force on the 20th day following that of its publication in the <i>Official Journal of the European Union</i> .
139.	It shall be binding in its entirety and directly applicable in all Member States.	It shall be binding in its entirety and directly applicable in all Member States.	It shall be binding in its entirety and directly applicable in all Member States.	It shall be binding in its entirety and directly applicable in all Member States.
140.	Done at Brussels,	Done at Brussels,	Done at Brussels	Done at Brussels

Draft Commission declaration relating to the compromise text of Article 9a(3), row 116:

The Commission notes that whilst the procedure set out in Article 9a(3) of the Regulation is a legal necessity given the exclusive competence of the Union it can nevertheless state that in the context of the current EU *acquis* any such intervention of the Commission would be exceptional and duly justified. During consultations with a Member State, the Commission will make every effort in order to resolve together with the Member State any concerns in order to avoid the issuing of a negative opinion. The Commission notes that any negative opinion would be notified in writing to the Member State concerned and pursuant to Article 296 TFEU would state the reasons on which it was based. The Commission would further note that a negative opinion would not preclude the submission of a further application concerning the same appellation of origin, if the reasons for the negative opinion have been duly addressed thereafter or are no longer applicable.

Draft Commission declaration on the possible extension of EU geographical indication protection to non-agricultural products:

The Commission takes note of the European Parliament resolution of 6 October 2015 on the possible extension of EU geographical indication protection to non-agricultural products.

The Commission launched a study in November 2018 to get further economic and legal evidence on the protection of non-agricultural GIs within the Single Market, as a complement to a study of 2013, and to obtain further data on issues such as competitiveness, unfair competition, counterfeiting, consumer perceptions, costs/benefits as well as on the effectiveness of non-agricultural GI protection models in light of the proportionality principle.

In accordance with the principles of Better Regulation and to the commitments laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making, the Commission will examine the study as well as the report on the participation of the Union in the Geneva Act as referred to in Article [13a] of Regulation [...] and consider any possible next steps.