



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 24 September 2013**

**12817/13**

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**Interinstitutional File:  
2013/0089 (COD)**

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**PI 112  
CODEC 1848**

**NOTE**

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from: General Secretariat of the Council  
to: Delegations

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Subject: Proposal for a directive of the European Parliament and of the Council to  
approximate the laws of the Member States relating to trade marks  
- Opinion of the Consultative Working Party

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Delegations will find attached the Opinion of the Consultative Working Party on the above mentioned Commission proposal.

GROUPS CONSULTATIF DES  
SERVICES JURIDIQUES

Brussels, 04 06. 2013

**OPINION**

**FOR THE ATTENTION OF      THE EUROPEAN PARLIAMENT THE  
COUNCIL  
THE COMMISSION**

**Proposal for a directive of the European Parliament and of the Council to approximate  
the laws of the Member States relating to trade marks  
COM(2013) 162 final of 27.3.2013 - 2013/0089 (COD)**

Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 23 April 2013 for the purpose of examining, among others, the aforementioned proposal submitted by the Commission.

At that meeting<sup>1</sup>, an examination of the proposal for a directive of the European Parliament and of the Council recasting Directive 2008/95/EC of the European Parliament and of the Council of 22 October 2008 to approximate the laws of the Member States relating to trade marks resulted in the Consultative Working Party's establishing, by common accord, as follows.

- 1) As far as the explanatory memorandum is concerned, in order to be drafted in full compliance with the relevant requirements laid down by the Inter-institutional Agreement such a document should have specified which provisions of the earlier act remain unchanged in the proposal, as is provided for under point 6(a)(iii) of that agreement.

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<sup>1</sup> The Consultative Working Party had at its disposal the English, French and German language versions of the proposal and worked on the basis of the English version, being the master-copy language version of the text under discussion

- 2) In the draft recast text, the following proposed changes should have been identified with the grey-shaded type generally used for marking substantive changes:
  - in Article 14(1)(a), which corresponds to Article 6(1)(a) of Directive 2008/95/EC, the adding of the word "*personal*";
  - in Article 29(2), which corresponds to Article 15(1) of Directive 2008/95/EC, the deletion of the initial wording "*Without prejudice to Article 4.*"
- 3) In Article 29(2), the reference made to Article 3 should be adapted so as to read as a reference made to Article 4.

In consequence, examination of the proposal has enabled the Consultative Working Party to conclude, without dissent, that the proposal does not comprise any substantive amendments other than those identified as such therein or in the present opinion. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal contains a straightforward codification of the existing text, without any change in its substance.

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