



Council of the
European Union

Brussels, 8 June 2018
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'I' ITEM NOTE

From:	Presidency
To:	Permanent Representatives Committee (Part 1)
No. prev. doc.:	9878/18
Subject:	Appointment of the Executive Director of the European Union Intellectual Property Office - Approval of a letter addressed to the European Parliament

According to the EU trade mark Regulation, as last codified by Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark (hereafter referred to as "the Regulation") , the Council appoints the Executive Director of the EU Intellectual Property Office (EUIPO) in accordance with the procedure set out in Article 158(2) of the Regulation.

Article 158(2) provides inter alia that the Council chooses from a list of candidates proposed by the Management Board of the EUIPO and that before being appointed, the candidate selected by the Management Board "may be invited to make a statement before any competent European Parliament committee and to answer questions put by its members."

On 8 June 2018, the Council received from the Management Board of the EUIPO a list of two candidates proposed for the post of the Executive Director of the EUIPO (see 9878/18). Before the Council deliberates on this issue, the European Parliament will be offered the opportunity to invite the selected candidates to make a statement and answer questions.

The Permanent Representatives Committee is therefore invited to approve the letter to the European Parliament contained in the annex to this Note.

Brussels, 13 June 2018

Mr. Pavel SVOBODA

Chairperson, European Parliament Committee on Legal Affairs

STRASBOURG

Subject: Appointment of the Executive Director of the European Union Intellectual Property Office (EUIPO)

Dear Mr. Svoboda,

According to the EU trade mark Regulation, as last codified by Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark (hereafter referred to as "the Regulation"), the Council appoints the Executive Director of the EU Intellectual Property Office (EUIPO) in accordance with the procedure set out in Article 158(2) of the Regulation.

The latter provides inter alia that the Council decides from a list of candidates proposed by the Management Board of the EUIPO and that before being appointed, the candidate selected by the Management Board "may be invited to make a statement before any competent European Parliament committee and to answer questions put by its members."

On 8 June 2018, the Council has received from the Management Board of the EUIPO a list of two candidates proposed for the post of the Executive Director of the EUIPO (see letter attached).

With a view to launching the internal deliberations within the Council leading to the appointment of the successful candidate, I would be grateful if the Legal Affairs Committee could kindly inform the Council whether it intends to avail itself of the possibility to invite the selected candidates for the purposes provided for in the Regulation. Should that be the case, I would also be grateful if the Legal Affairs Committee could kindly inform the Council as soon as the relevant procedure has been completed.

Yours faithfully,

Maria KOLEVA

Chairperson

Permanent Representatives Committee (Part 1)

Annex

IM 06034 2018
08.06.2018



Alicante, 5 June 2018
ICLAD/JN/KB/lg/19-18-en

Mr Jeppe Tranholm-Mikkelsen
Secretary-General
Council of the European Union
Rue de la Loi 175
B - 1048 Brussels

Dear Secretary-General

At its 5th meeting on 5 June 2018, the Management Board of the EUIPO drew up, in accordance with the provisions of Article 158(2) of Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark, a list of candidates for the following post, ref. vacancy notice VEXT/17/256/AD 15/Executive Director as published in the Official Journal of the European Union on 30 November 2017:

- Executive Director of the EUIPO;

I should therefore be grateful if you would include as soon as possible on the agenda of the Council an item concerning the appointment of the Executive Director of the EUIPO.

Please find enclosed a copy of the summary of decisions taken during the 5th meeting of the Management Board, the list containing the names of the candidates for the post indicating the number of votes obtained, together with a copy of the application form of each candidate on the list, as well as the summary of decisions taken during the 4th meeting of the Management Board concerning the launch of the selection procedure, and the composition and the mandate of the Preparatory Subcommittee (MB-17-11, MB-17-12 and MB17-13, respectively).

Yours sincerely

Lex Kaufhold
Acting Chairperson of the Management Board

- Enc.:
1. Summary of decisions taken during the 5th meeting of the Management Board
 2. List of candidates for the post of an Executive Director
 3. Application forms
 4. Summary of decisions taken during the 4th meeting of the Management Board

Copy: L. KARAMOUNTZOS, Council of the European Union

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**5th Meeting of the Management Board
of the European Union Intellectual Property Office
Alicante, 5 June 2018**

**List of candidates for the post of Executive Director
(Reference VEXT/17/256/AD 15/ED)**

List of candidates (Article 158(2) EUTMR):

- Mr Christian L.L.G. ARCHAMBEAU (12 votes)
- Ms Kai HÄRMAND (7 votes)

The decision was taken by a majority of two thirds of the Members with 29 votes in favour, no votes against and 2 abstentions (Decision MB 18-11)¹.



¹ According to Article 156(5) of the Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark, a majority of two-thirds of its members shall be required for the decisions which the Management Board is empowered to take under Article 153(1)(a) and (b), Article 155(1) and Article 158(2) and (4).