



Brussels, 2 July 2018
(OR. en)

10643/18

PI 84

NOTE

| | |
|-----------------|--|
| From: | Presidency |
| To: | Permanent Representatives Committee |
| No. prev. doc.: | 10518/18 |
| Subject: | Appointment of the Executive Director of the European Union Intellectual Property Office - Examination of the proposed candidatures |

A. INTRODUCTION

1. By a letter dated 5 June 2018, the acting Chairperson of the Management Board of the European Union Intellectual Property Office (hereinafter "the Office") submitted to the Council inter alia the list of candidates drawn up by the Management Board for the appointment of the Executive Director of the Office, together with the number of votes obtained by each candidate within the Management Board.¹

¹ These documents were circulated as document 9878/18.

B. PROCEDURE

2. The procedure for the appointment of the Executive Director of the Office is laid down in Article 158(2) of 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").

Under the Regulation, the Council appoints the Executive Director by simple majority from a list of candidates proposed by the Management Board.

3. For the post under consideration, the Management Board has submitted a list of two candidates. The European Parliament's Committee on Legal Affairs (JURI) was informed of the letter mentioned under point 1 above² and heard the selected candidates on 20 June 2018³.
4. It is suggested that the procedure for the selection of the successful candidate be as follows:
 - the Committee will deliberate in restricted session ;
 - the members of the Committee will be given the opportunity to express their views on the candidates if they so wish ;
 - each delegation will receive one ballot paper on which the candidates' names will appear in alphabetical order;
 - the Committee will proceed to an indicative vote, by secret ballot, delegations having the option of either voting for one of the two candidates or abstaining;
 - the Legal Service of the Council will proceed to the counting of the votes;
 - if there is a simple majority in favour of one of the candidates, the Committee will recommend to the Council to appoint that candidate to the post of Executive Director of the Office under the A items of one of its future meetings.

² See 9880/18

³ See 10518/18.

C. TERM OF OFFICE

5. In accordance with established practice, it is suggested that the Council leave it to the Management Board of the Office to set the date on which the term of office of the person appointed by the Council will begin.

D. CONCLUSION

6. The Permanent Representatives Committee is invited to :
- a. approve the arrangements set out in points 4 and 5 of this Note and
 - b. select the candidate whom it wishes to recommend to the Council to appoint to the post of Executive Director of the Office.
-