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NOTE

From:	Presidency
To:	Permanent Representatives Committee
No. prev. doc.:	10136/19, 10764/19, 10883/19, 11929/19
Subject:	Appointment of the Deputy Executive Director of the European Union Intellectual Property Office - Examination of the candidatures

A. INTRODUCTION

1. By a letter dated 4 June 2019, the Chairperson of the Management Board of the European Union Intellectual Property Office (EUIPO) submitted to the Council inter alia the list of candidates drawn up by the Management Board for the appointment of the Deputy Executive Director of the EUIPO, together with the number of votes obtained by each candidate within the Management Board.¹

¹ These documents were circulated by doc. 10136/19.

B. PROCEDURE

2. The Deputy Executive Director of the EUIPO is appointed by the Council pursuant to Article 158(6) of Regulation (EU) 2017/1001 on the European Union trade mark, on the basis of the same arrangements as prescribed for the appointment of the Executive Director of the EUIPO in Article 158(2).

Pursuant to those provisions, the Council appoints the Deputy Executive Director by simple majority from a list of candidates proposed by the Management Board of the EUIPO, after consultation of the Executive Director of the EUIPO and after the European Parliament had the opportunity to invite the candidate(s) selected by the Management Board to make a statement before any competent European Parliament committee and to answer questions put by its members.

3. For the post under consideration, the Management Board of the EUIPO has submitted a list of three candidates (see doc. 10136/19). One of the candidates withdrew his candidature by letter of 21 June 2019 (see doc. 10764/19).
4. The Executive Director of the EUIPO submitted its opinion on the candidates by letter of 28 June 2019 (see doc. 10883/19).
5. The European Parliament's Committee on Legal Affairs (JURI) was informed of the letters mentioned under point 3 above (see doc. 10257/19 and doc. 10764/19). It heard the two remaining candidates on 3 September 2019, and it made its views available by letter dated 4 September 2019 (see doc. 11929/19).

6. It is suggested that the procedure for the selection of the successful candidate be as follows:
- the Permanent Representatives 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, under the A-items of one of its future meetings, that candidate to the post of Deputy Executive Director of the EUIPO.

C. TERM OF OFFICE

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

D. CONCLUSION

8. The Permanent Representatives Committee is invited to:
- (a) approve the arrangements set out in points 6 and 7 of this Note, and
 - (b) select the candidate whom it wishes to recommend to the Council to appoint to the post of Deputy Executive Director of the EUIPO.
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