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From: General Secretariat of the Council
To: Permanent Representatives Committee

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Subject: Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Council Regulation (EC) No 6/2002 on Community designs and repealing Commission Regulation (EC) No 2246/2002

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the legal protection of designs (recast)

- Optional consultation of the Economic and Social Committee and the Committee of the Regions*

1. On 28 November 2022, the Commission presented in a package a proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 6/2002 on Community designs and repealing Commission Regulation (EC) No 2246/2002 and a proposal for a Directive of the European Parliament and of the Council on the legal protection of designs (recast).

* This note does not deal with the substance of the proposals. The sole purpose of this note is to decide on the consultation of another institution/body.

2. The main common objective of these proposals is to promote design excellence, innovation and competitiveness in the Union by ensuring that the overall design protection system is fit for purpose in the digital age and becomes more accessible and efficient for individual designers, SMEs and design intensive industries in terms of lower costs and complexity, increased speed, greater predictability and legal certainty.
3. The above-mentioned proposed Regulation is based on Article 118(1) of the Treaty on the Functioning of the European Union (TFEU), which does not require the opinion of the Economic and Social Committee or the Committee of the Regions. However, in its proposal for the Regulation, the Commission suggests that the Economic and Social Committee and the Committee of the Regions be consulted.
4. The proposal for the above-mentioned recast Directive is based on Article 114(1) TFEU, which requires the opinion of the Economic and Social Committee but does not require the opinion of the Committee of the Regions.
5. In view of the subject matter of the proposal and considering the package character of the proposed Regulation and proposed Directive, it is considered appropriate that the Economic and Social Committee not only be consulted on the proposed Directive (see [CM 5866/22](#)), but also on the proposed Regulation, and that the Committee of the Regions be consulted on both proposals.
6. The Permanent Representatives Committee is therefore invited to decide in accordance with Article 19(7)(h) of the Council's Rules of Procedure:
 - (a) to consult the European Economic and Social Committee on the above-mentioned proposal for a Regulation and to request the Committee to give its opinion as soon as possible; and
 - (b) to consult the Committee of the Regions on the above-mentioned proposal for a Regulation and on the above-mentioned proposal for a recast Directive, and to request the Committee to give its opinion as soon as possible.