



Council of the
European Union

Brussels, 16 May 2023
(OR. en)

Interinstitutional File:
2023/0022(NLE)

9092/23
ADD 1

PI 66
AGRI 248

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
No. prev. doc.:	7723/23, CM 2406/23
No. Cion doc.:	6086/23
Subject:	COUNCIL DECISION amending Decision (EU) 2019/1754 on the accession of the European Union to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications - Adoption = Statements

Statement of the Republic of Croatia

The Republic of Croatia wishes to record its concerns regarding the effective representation of the interests of the EU and its Member States within the World Intellectual Property Organization (WIPO) as a specialized international organization within the United Nations (UN) system whose full members are sovereign states.

The Republic of Croatia reiterates its position that the Proposal for a Council Decision on Amendments to Council Decision (EU) 2019/1754 on the Accession of the European Union to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications, weakens the position of the EU within the WIPO Union and at the same time creates unequal treatment of Member States by allowing the accession to the Geneva Act of the Lisbon Agreement only to the seven Member States.

The Republic of Croatia fully respects the Union's exclusive competence in the area of the common commercial policy in particular with regard to the commercial aspects of intellectual property, and at the same time stays committed to cooperate loyally and contribute to a stronger voice of the EU at the international level.

Commission declaration concerning recitals 13 and 15

The Commission recalls that the Union has exclusive external competence on geographical indications and acceded to the Geneva Act of the Lisbon Agreement as a Party in its own right, as already noted in the Commission statement made in relation to the adoption of Decision (EU) 2019/1754 (2019/C 360/02)¹ and confirmed by the Court in Case C-389/15². However, the Commission has, in the light of the exceptional circumstances pertaining to the seven Member States that are Parties to the Lisbon Agreement, agreed that those Member States should be authorised to accede to the Geneva Act, but only for as long as such participation is duly justified and remains functionally limited. The Commission has therefore proposed that those seven Member States should be authorised to accede to the Geneva Act to the strict extent that this is necessary to preserve, in the interest of the Union, the seniority and continuity of the protection of the appellations of origin that they have already registered under the Lisbon Agreement. This does in no way affect the Union's exclusive external competence in the context of the Geneva Act.

On this understanding, the Commission can agree to the compromise text (doc. 7423/23) to the Commission proposal for amendments to Council Decision (EU) 2019/1754.

¹ OJ C/360 of 24.10.2019, p. 23.

² Judgment of 25 October 2017 in Case Commission v Council, C-389/15, ECLI:EU:C:2017:798.