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Delegations will find attached document COM(2021) 747 final.

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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

**on the main findings of the participation of the Union in the Geneva Act, established in
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Report from the Commission to the European Parliament and the Council on the main findings of the participation of the Union in the Geneva Act, established in accordance with Article 16 of Regulation (EU) 2019/1753

On 26 November 2019 the EU deposited the instrument of accession to the Geneva Act of the Lisbon Agreement on Appellations of Origin and Geographical Indications.

On 26 February 2020 the EU became party to the Geneva Act. On the same day, in accordance with its Article 29(2), the Geneva Act entered into force, as the EU was the fifth eligible party to deposit the act of accession.

(a) EU Geographical indication applications

By the adoption of 4 Commission Implementing Decisions¹, on the basis of the requests made by the Member States, the Commission established a list of 119 EU Geographical indications (intended as Protected Designations of Origin, Protected Geographical Indications and Geographical Indications) to be made the subject of an international registration under the Geneva Act.

On 22 June 2021 the Commission filed with the International Bureau of the World Intellectual Property Organization ('the International Bureau') 119 applications for the international registration of the 119 Geographical Indications registered and protected under Union law which had been included in the lists established in the above mentioned Decisions.

The procedures for the registration of the 119 EU Geographical Indications in the Register of the Geneva Act are still ongoing at the date this report is established. Therefore, it is not possible to report on the possible refusal of protection by a third country party of the Geneva Act.

(b) Contracting parties to the Geneva Act

¹ Commission Implementing Decision of 2 June 2021 establishing a list of geographical indications protected under Regulation (EU) No 1308/2013 of the European Parliament and of the Council to be filed as applications for international registration pursuant to Article 2 of Regulation (EU) 2019/1753 of the European Parliament and of the Council (2021/C 215 I/04). It was published in the OJ C 215 I/17 of 7.6.2021.

Commission Implementing Decision of 3 June 2021 establishing a list of geographical indications protected under Regulation (EU) 2019/787 of the European Parliament and of the Council to be filed as applications for international registration pursuant to Article 2 of Regulation (EU) 2019/1753 of the European Parliament and of the Council (2021/C 215 I/02). It was published in the OJ C 215 I/3 of 7.6.2021.

Commission Implementing Decision of 3 June 2021 establishing a list of geographical indications protected under Regulation (EU) No 1151/2012 of the European Parliament and of the Council to be filed as applications for international registration pursuant to Article 2 of Regulation (EU) 2019/1753 of the European Parliament and of the Council (2021/C 219 I/02). It was published in the OJ C 219 I/3 of 9.6.2021.

Commission Implementing Decision of 8 June 2021 establishing a list of geographical indications protected under Regulation (EU) No 251/2014 of the European Parliament and of the Council to be filed as applications for international registration pursuant to Article 2 of Regulation (EU) 2019/1753 of the European Parliament and of the Council (2021/C 219 I/04). It was published in the OJ C 219 I/9 of 9.6.2021.

The following countries and international organisations are parties to the Geneva Act to date:

Albania,

Cambodia,

Democratic People's Republic of Korea,

European Union,

France,

Hungary,

Lao People's Democratic Republic,

Oman,

Samoa.

The list contains six non-EU countries. This number is expected to increase in the near future, notably with the addition of Switzerland, which deposited its instrument of accession on 31 August 2021.

EU Delegations, and in particular the Delegation of the European Union to the UN and other international organisations in Geneva, are engaged in communicating the advantages of joining the Geneva Act to non-EU countries.

The Commission, in negotiating bilateral agreements with third countries, constantly refers to the Geneva Act as the best context for mutual protection of geographical indications. It also repeatedly encourages, in all relevant contexts, Member States to promote the Geneva Act in third countries.

When taking part in conferences and meetings the Commission regularly indicates the Geneva Act as the best instrument to cover international protection of GI illustrating the advantages for third countries.

The Geneva Act offers new members a modern multilateral instrument, which will enable them to take advantage of the significant benefits stemming from the unique features of the producers' territory and assist them in valorising these features in the form of marketable products. Appellations of origin and geographical indications can turn producers of commodities into exporters of high-quality agro-business and handicraft products. This has the potential to provide a significant incentive for growth and employment.

The establishment of an international registration and protection system for appellations of origin and geographical indications will have positive effects for – particularly small and medium sized and rural – producers worldwide in obtaining protection for their designations abroad at affordable costs. Moreover, it can be a boost for private and public investment, with positive

effects for the economy, sustainable development, increased competitiveness, export diversification and job creation.

Geographical indications are powerful instruments for retaining added value in local communities. By increasing jobs and growth, they contribute to avoiding rural exodus. The Geneva Act provides sufficient flexibility for Contracting Parties, notably through adequate safeguards and the continuing possibility of refusal of protection, as under the current Lisbon Agreement, to accommodate their specific domestic legislative choice of implementing protection of geographical indications. There is adequate scope for accommodating the needs of countries that have not opted for a *sui generis* protection of appellations of origin or geographical indications.

As regards the upcoming legislative initiative concerning EU level protection for geographical indications for handicraft and industrial products, the normative project is included in the IP Action Plan published on 25 November 2020. The Commission launched its roadmap for the legislative initiative on 30 November 2020 and in general, feedback showed support from producers and most MS authorities. The Public Consultation was open for 12 weeks between 29 April 2021 and 22 July 2021 via the EU Survey online system in 24 EU languages, and received 182 responses from 28 countries, including from 18 EU Member States. A vast majority of respondents (92.3%) see the need for an EU-wide initiative to improve the protection of geographical names or indications for non-agricultural products. Commission adoption is foreseen for first half 2022.

(c) Non EU geographical indication applications rejected by the Union

No applications for non-EU countries have been rejected.

To date, only one name of Geographical Indication from a third country party, related to an agricultural product, was registered under the Geneva Act: "ក្រូចកំពត" / "Kampot Pepper", from Cambodia. The Commission is assessing that registration in the light of the criteria set out in Article 5 and 6 of Regulation (EU) 2019/1753 in order to take a decision on the protection of that name within the EU under the Geneva Act.