

DECISIONS

COUNCIL DECISION (EU) 2022/1677

of 26 September 2022

on the position to be taken on behalf of the European Union within the Joint Committee established by the Agreement between the European Union and the Government of the People's Republic of China on cooperation on, and protection of, geographical indications as regards the adoption of the rules of procedure of the Joint Committee

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 207(4), first subparagraph, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement between the European Union and the Government of the People's Republic of China on cooperation on, and protection of, geographical indications ⁽¹⁾ ('the Agreement') was concluded by Council Decision (EU) 2020/1832 ⁽²⁾ and entered into force on 1 March 2021.
- (2) Pursuant to Article 10 of the Agreement, the Joint Committee is to determine its own rules of procedure.
- (3) It is appropriate to establish the position to be taken on the Union's behalf in the Joint Committee, with regard to its rules of procedure, as those rules will be binding on the Union.
- (4) To ensure the effective implementation of the Agreement, the rules of procedure of the Joint Committee should be adopted.
- (5) The position of the Union within the Joint Committee should therefore be based on the attached draft Decision,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Joint Committee established by the Agreement between the European Union and the Government of the People's Republic of China on cooperation on, and protection of, geographical indications as regards the adoption of its rules of procedure shall be based on the draft Decision of the Joint Committee attached to this Decision.

Article 2

This Decision shall enter into force on the date of its adoption.

⁽¹⁾ OJ L 408 I, 4.12.2020, p. 3.

⁽²⁾ Council Decision (EU) 2020/1832 of 23 November 2020 on the conclusion of the Agreement between the European Union and the Government of the People's Republic of China on cooperation on, and protection of, geographical indications (OJ L 408 I, 4.12.2020, p. 1).

Done at Brussels, 26 September 2022.

For the Council
The President
Z. NEKULA

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DECISION No OF THE JOINT COMMITTEE
of ...
on the adoption of its rules of procedure

THE JOINT COMMITTEE,

Having regard to the Agreement between the European Union and the Government of the People's Republic of China on cooperation on, and protection of, geographical indications ⁽¹⁾, and in particular Article 10 thereof,

Whereas:

- (1) The Agreement between the European Union and the Government of the People's Republic of China on cooperation on, and protection of, geographical indications ('the Agreement') was concluded by the Union by Council Decision (EU) 2020/1832 ⁽²⁾ and entered into force on 1 March 2021.
- (2) Pursuant to Article 10 of the Agreement, the Joint Committee is to determine its own rules of procedure.
- (3) To ensure the effective implementation of the Agreement, the rules of procedure of the Joint Committee should be adopted,

HAS ADOPTED THIS DECISION:

Article 1

The rules of procedure of the Joint Committee, as set out in the Annex to this Decision, are hereby adopted.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at ..., ...

For the Joint Committee
The Co-Chairs

⁽¹⁾ OJ L 408I, 4.12.2020 p. 3.

⁽²⁾ Council Decision (EU) 2020/1832 of 23 November 2020 on the conclusion of the Agreement between the European Union and the Government of the People's Republic of China on cooperation on, and protection of, geographical indications (OJ L 408I, 4.12.2020 p. 1).

*ANNEX***Rules of procedure of the Joint Committee***Article 1***Scope and responsibilities**

The Joint Committee established pursuant to Article 10 of the Agreement between the European Union and the Government of the People's Republic of China on cooperation on, and protection of, geographical indications ('the Agreement') shall perform its duties as provided for in Article 10 of the Agreement. In particular, it shall be responsible for:

- (a) amending Annex I to the Agreement as regards the references to the law applicable in the Parties and amending the other Annexes to the Agreement;
- (b) exchanging information on legislative and policy developments as regards geographical indications and on any other matter of mutual interest in the area of geographical indications;
- (c) exchanging information on geographical indications for the purpose of considering their protection in accordance with the Agreement.

*Article 2***Composition and chair**

1. The Joint Committee shall be composed of representatives of the People's Republic of China ('China') on the one hand, and representatives of the European Union, on the other hand.
2. The Joint Committee shall be co-chaired by representatives of China and the European Union.
3. Each co-chair may delegate all or any of the functions of co-chair to a nominated deputy, in which case all references hereafter to the co-chair shall apply equally to the nominated deputy.
4. Each co-chair shall designate a contact person for all matters relating to the Joint Committee. Those contact persons shall be jointly responsible for the secretarial duties of the Joint Committee.

*Article 3***Meetings**

Pursuant to Article 10(2) of the Agreement, the location of the meeting of the Joint Committee shall alternate between the Parties. The Joint Committee shall meet at a time and place, and in a manner which may include videoconferencing, mutually agreed by the Parties, but not later than 90 days after the request by either Party.

*Article 4***Correspondence**

1. Correspondence to the co-chairs of the Joint Committee shall be forwarded to the contact points for circulation to the members of the Joint Committee.
2. Correspondence to the co-chairs of the Joint Committee may be by any written means, including electronic mail.

*Article 5***Agendas for the meetings**

1. A provisional agenda shall be drawn up by the contact persons prior to each meeting of the Joint Committee. It shall be forwarded, together with the relevant documents, to the members of the Joint Committee including the co-chairs of the Joint Committee no later than 15 days before the meeting. The provisional agenda may include any item covered by Article 10 and 11 of the Agreement.
2. Either Party may, at least 21 days before the meeting, request items covered by Articles 10 and 11 of the Agreement to be included in the provisional agenda. Those items shall be included in the provisional agenda.
3. A final version of the provisional agenda shall be circulated to the co-chairs at least five days before the meeting.
4. The agenda shall be adopted by the co-chairs unanimously at the beginning of each meeting. Any item other than those appearing on the provisional agenda may be placed on the agenda if the co-chairs so agree.

*Article 6***Decisions**

1. The Joint Committee shall adopt its decisions by consensus as provided for in Article 10(2) of the Agreement.
2. The decisions of the Joint Committee shall bear the signatures of the co-chairs. Each decision shall provide for the date of its entry into force.
3. Decisions adopted by the Joint Committee shall bear the date of adoption and a description of their subject matter.

*Article 7***Written procedure**

1. A decision of the Joint Committee may be adopted by written procedure where both Parties agree. The written procedure shall consist of an exchange of notes between the co-chairs of the Joint Committee.
2. The co-chair of the Party proposing the use of the written procedure shall submit the draft decision to the co-chair of the other Party, who shall reply, indicating whether he or she accepts or does not accept the draft decision. The co-chair of the other Party may also propose amendments or request further time for reflection. If the draft decision is agreed, it shall be adopted according to Article 6.

*Article 8***Minutes**

1. The draft minutes of each meeting shall be drawn up by the contact point of the Party hosting the meeting of the Joint Committee within 21 days from the meeting. The draft minutes shall state the recommendations and decisions adopted and note any other conclusions reached.
2. The minutes shall be approved in writing by both Parties within 28 days from the meeting or by any other date agreed by the Parties. Once approved, two original copies shall be signed by the co-chairs. An original copy of the minutes shall be kept by each co-chair.

*Article 9***Expenses**

1. Each Party shall bear the expenses it incurs in taking part in the meetings of the Joint Committee.
2. Expenses in connection with the organisation of meetings and reproduction of documents shall be borne by the Party hosting the meeting.

*Article 10***Publicity and confidentiality**

1. Unless otherwise decided by the co-chairs, the meetings of the Joint Committee shall not be public.
 2. When a Party submits information considered as confidential under its laws and regulations to the Joint Committee, the other Party shall treat that information as confidential.
 3. Without prejudice to paragraph 2 each Party may decide on the publication of the decisions and recommendations of the Joint Committee in its respective official publication.
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