

(English version)

**Question for written answer E-002543/24
to the Commission
Cristina Maestre (S&D)
(14 November 2024)**

Subject: EUIPO's competences under EU legislation on geographical indications

A declaration by the co-legislators, annexed to Regulation (EU) 1143/2024, clarified both the exclusive responsibility of the Commission — namely the Directorate-General for Agriculture and Rural Development (DG AGRI) — in the new system of geographical indications (GIs) and the strictly administrative support role which the European Union Intellectual Property Office (EUIPO) may play with regard to the tasks assigned to it under the new regulation.

It is surprising to see how the administrative agreement between DG AGRI and the EUIPO, concluded in a complete lack of transparency, attributes a series of competences to the EUIPO that go much further than what was allocated to it under the new GI regime, especially in respect to the registration procedure, amendments to product specifications and cancellation of registration.

In light of the above:

1. Does the Commission consider that full pre-assessment, as set out in Article 7 of the agreement, could be classed as one of the EUIPO's 'administrative tasks'?
2. Does the administrative agreement mean that there will be a division of files between Brussels and Alicante?
3. Is there any scope for the EUIPO to strengthen the protection of GIs discretely, in the context of Article 10?

Submitted: 14.11.2024

**Answer given by Mr Hansen on behalf of the European Commission
(7 January 2025)**

The Commission considers that the new Administrative Agreement (AA) between the Directorate-General for Agriculture and Rural Development (DG AGRI) and the EU Intellectual Property Office (EUIPO) does not go further than what is provided under the new Geographical Indications (GI) regime.

The administrative agreement was concluded in a transparent manner as it has been shared with the co-legislators and stakeholders and will be the object of an annual information point to the European Parliament and Council.

As regards the pre-assessment of applications, it is limited to a non-binding opinion by the EUIPO. The Commission remains fully responsible on the decision in each individual file and on the content of official correspondence with Member States and other interested parties.

At the request of the Commission, the EUIPO does an initial administrative screening identifying possible non-conformities. DG AGRI uses this opinion, along with those from other consulted Commission services, to perform its assessment.

It helps the Commission achieve efficiency gains and respect the deadlines that have been set by the co-legislators. All applications are fully treated by the Commission in Brussels.

Concerning the Honourable Member suggestion for the EUIPO to strengthen the protection of GIs, both the EUIPO and the Commission are strictly bound to respect their competencies.

In this regard, potential conflicts between GIs and prior existing trademarks are to be assessed in light of the applicable legal provisions.

The AA only recalls the existing practice between the EUIPO and the Commission to address the issue early in the assessment phase in case of a potential conflict.
