

DECISION No 1/2017 OF THE EU-UKRAINE SUB-COMMITTEE ON GEOGRAPHICAL INDICATIONS
of 18 May 2017
adopting its Rules of Procedure [2018/205]

THE EU-UKRAINE SUB-COMMITTEE ON GEOGRAPHICAL INDICATIONS,

Having regard to the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part ⁽¹⁾, and in particular Article 211 thereof,

Whereas:

- (1) In accordance with Article 486 of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part ('the Agreement'), parts of the Agreement, including subsection 3 (Geographical indications) of Section 2 of Chapter 9 (Intellectual property) of Title IV (Trade and trade-related matters), are applied provisionally as of 1 January 2016.
- (2) Article 211 of the Agreement provides that the Sub-Committee on Geographical Indications ('GI Sub-Committee') is to monitor the development of the Agreement in the field of geographical indications and to serve as a forum for cooperation and dialogue on geographical indications.
- (3) Article 211(2) of the Agreement provides that the GI Sub-Committee is to adopt its rules of procedure,

HAS ADOPTED THIS DECISION:

Article 1

The Rules of Procedure of the GI Sub-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 Kiev, 18 May 2017.

For the EU-Ukraine Sub-Committee on Geographical Indications

The Chair

Secretaries

B. PADUCHAK

N. NIKOLAICHUK

C.F. RASMUSSEN

⁽¹⁾ OJ L 161, 29.5.2014, p. 3.

ANNEX

RULES OF PROCEDURE OF THE EU-UKRAINE SUB-COMMITTEE ON GEOGRAPHICAL INDICATIONS*Article 1***General provisions**

1. The Sub-Committee on Geographical Indications ('GI Sub-Committee'), established pursuant to Article 211 of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part ⁽¹⁾ ('the Agreement'), shall assist the Association Committee in its Trade configuration, as referred to in Article 465(4) of the Agreement, in the performance of its functions.
2. The GI Sub-Committee shall perform the functions set out in Article 211 of the Agreement.
3. The GI Sub-Committee shall be composed of officials of the European Commission and of Ukraine responsible for matters relating to geographical indications.
4. Each Party shall appoint a Head of Delegation who shall be the contact person for all matters relating to the Sub-Committee.
5. The Heads of Delegation shall act as Chair in accordance with Article 2.
6. Each Head of Delegation may delegate any or all of his functions to a nominated deputy, in which case all references hereafter to the Head of Delegation apply equally to the nominated deputy.
7. For the purposes of these Rules of Procedure, the definition of the term 'Parties' set out in Article 482 of the Agreement applies.

*Article 2***Chairmanship**

The chairmanship of the GI Sub-Committee shall alternate between the Parties every 12 months. The first period of 12 months shall begin on the date of the first Association Council meeting and end on 31 December of the same year.

*Article 3***Meetings**

1. Save as otherwise agreed by the Parties, the GI Sub-Committee shall meet alternately in the Union and in Ukraine upon the request of either Party, no later than 90 days from the request.
2. Each meeting of the GI Sub-Committee shall be convened by the Chair on a date and in a place agreed by the Parties. The notice regarding the convening of the meeting shall be issued by the Chair no later than 28 calendar days prior to the start of the meeting, unless the Parties agree otherwise.
3. Whenever possible, regular meetings of the GI Sub-Committee shall be convened in due time in advance of the regular meeting of the Association Committee in its Trade configuration.
4. By way of exception, the meetings of the GI Sub-Committee may be held by any technological means agreed by the Parties, including video-conference.

*Article 4***Delegations**

Before each meeting, each Party shall inform the other, through the Secretariat of the GI Sub-Committee, provided for in Article 5, of the intended composition of its delegation.

⁽¹⁾ OJ L 161, 29.5.2014, p. 3.

*Article 5***Secretariat**

A representative of the European Commission and a representative of Ukraine shall be appointed by the respective Head of Delegation to act jointly as Secretaries of the GI Sub-Committee and shall execute secretarial tasks in a joint manner and in a spirit of mutual trust and cooperation.

*Article 6***Correspondence**

1. Correspondence addressed to the GI Sub-Committee shall be directed to the Secretary of either of the Parties, who in turn shall inform the other Secretary.
2. The Secretariat shall ensure that correspondence addressed to the GI Sub-Committee is forwarded to the Chair and circulated, where appropriate, in accordance with Article 7.
3. Correspondence from the Chair shall be sent to the Parties by the Secretariat of the GI Sub-Committee on behalf of the Chair. Such correspondence shall be circulated, where appropriate, in accordance with Article 7.

*Article 7***Documents**

1. Documents shall be circulated through the Secretariat of the GI Sub-Committee.
2. A Party shall transmit its documents to its Secretary. The Secretary shall transmit those documents to the Secretary of the other Party.
3. The Secretary of the Union shall circulate the documents to the relevant representatives of the Union and shall systematically copy the Secretary of Ukraine and the Secretaries of the Association Committee in its Trade configuration into such correspondence.
4. The Secretary of Ukraine shall circulate the documents to the relevant representatives of Ukraine and shall systematically copy the Secretary of the Union and the Secretaries of the Association Committee in its Trade configuration into such correspondence.

*Article 8***Confidentiality**

Unless otherwise decided by the Parties, the meetings of the GI Sub-Committee shall not be public.

When a Party submits to the GI Sub-Committee information designated as confidential, the other Party shall treat that information as such.

*Article 9***Agendas for the meetings**

1. A provisional agenda for each meeting, as well as draft operational conclusions as provided for in Article 10, shall be drawn up by the Secretariat of the GI Sub-Committee on the basis of proposals made by the Parties. The provisional agenda shall include items in respect of which the Secretariat of the GI Sub-Committee has received a request for inclusion in the agenda by a Party, supported by relevant documents, no later than 21 calendar days before the meeting date.
2. The provisional agenda, together with the relevant documents, shall be circulated in accordance with Article 7 no later than 15 calendar days before the beginning of the meeting.
3. The agenda shall be adopted by the Chair and the other Head of Delegation at the beginning of each meeting. Items other than those appearing on the provisional agenda may be placed on the agenda if the Parties so agree.

4. The Chair may, on an ad-hoc basis and with the agreement of the other Party, invite representatives of other bodies of the Parties or independent experts to attend meetings of the GI Sub-Committee as observers in order to provide information on specific subjects. The Parties shall ensure that those observers respect any confidentiality requirements.

5. The Chair may, in consultation with the Parties, reduce the time periods specified in paragraphs 1 and 2 in order to take account of special circumstances.

Article 10

Minutes and operational conclusions

1. Draft minutes of each meeting shall be drawn up jointly by the two Secretaries.
2. The minutes shall, as a general rule, include in respect of each item on the agenda:
 - (a) the participants in the meeting, the officials accompanying them and any observer who attended the meeting;
 - (b) the documents submitted to the GI Sub-Committee;
 - (c) the statements that the GI Sub-Committee has requested be entered; and
 - (d) if necessary, the operational conclusions of the meeting, as referred to in paragraph 4.
3. The draft minutes shall be submitted to the GI Sub-Committee for approval. They shall be approved within 28 calendar days after each GI Sub-Committee meeting. A copy of the approved minutes shall be sent to each of the addressees referred to in Article 7.
4. Draft operational conclusions of each meeting shall be drawn up by the Secretary of the GI Sub-Committee of the Party holding the chairmanship and circulated to the Parties together with the agenda, as a rule no later than 15 calendar days before the beginning of the meeting. The draft operational conclusions shall be updated as the meeting proceeds, so that at the end of the meeting, unless otherwise agreed, the GI Sub-Committee adopts the operational conclusions, reflecting the follow-up actions agreed by the Parties. Once agreed, the operational conclusions shall be attached to the minutes, and their implementation shall be reviewed during subsequent meetings of the GI Sub-Committee. To that end, the GI Sub-Committee shall adopt a template, allowing for each action point to be tracked against a specific deadline.

Article 11

Decisions

1. The GI Sub-Committee shall have the power to adopt decisions in the cases provided for in Article 211(3) of the Agreement. Those decisions shall be adopted by consensus between the Parties after the completion of the respective internal procedures for their adoption. They shall be binding upon the Parties, which shall take appropriate measures to implement them.
2. Each decision shall be signed by a representative of each Party. Without prejudice to paragraph 3, the representatives shall sign those documents during the meeting in which the relevant decision is adopted.
3. If the Parties so agree, the GI Sub-Committee may adopt decisions by written procedure, after the completion of the respective internal procedures. The written procedure shall consist of an exchange of notes between the two Secretaries, acting in agreement with the Parties. For that purpose, the text of the proposal shall be circulated in accordance with Article 7, with a time limit of at least 21 calendar days within which any reservations or amendments must be made known. The Chair may, in consultation with the Parties, reduce the time periods specified in this paragraph in order to take account of special circumstances. Once the text is agreed, the decision shall be signed by a representative of each Party.
4. The acts of the GI Sub-Committee shall be entitled 'Decision'. Each decision shall enter into force on the date of its adoption unless the decision provides otherwise.
5. The decisions of the GI Sub-Committee shall be authenticated by the two Secretaries.

6. The decisions shall be circulated to both Parties.
7. The Secretariat of the Association Committee in its Trade configuration shall be informed of any decisions, reports or other agreed actions of the GI Sub-Committee.
8. Each Party may decide whether to publish the decisions of the GI Sub-Committee in its respective official journal.

Article 12

Reports

1. The GI Sub-Committee shall report to the Association Committee in its Trade configuration on its activities at each regular meeting of the latter.
2. The reports shall be adopted by consensus between the Parties and shall be entitled 'Report'. The reports shall be circulated to both Parties.
3. The procedure for adoption of decisions set out in Article 11(2) and (3) shall apply *mutatis mutandis* to reports.

Article 13

Languages

1. The working languages of the GI Sub-Committee shall be English and Ukrainian.
2. Unless otherwise decided, the GI Sub-Committee shall base its deliberations on documentation prepared in those languages.

Article 14

Expenses

1. Each Party shall meet any expenses it incurs as a result of participating in the meetings of the GI Sub-Committee, both with regard to staff, travel and subsistence expenditure and with regard to postal and telecommunications expenditure.
2. Expenditure in connection with the organisation of meetings and the reproduction of documents shall be borne by the Party hosting the meeting.
3. Expenditure in connection with interpreting at meetings and the translation of documents into or from English and Ukrainian to comply with Article 13(1) shall be borne by the Party hosting the meeting.

Expenditure in connection with interpreting and translation into or from other languages shall be borne directly by the requesting Party.

Article 15

Amendment

These Rules of Procedure may be amended by a decision of the GI Sub-Committee in accordance with Article 211(2) of the Agreement.
