



2024/1277

3.5.2024

COUNCIL DECISION (EU) 2024/1277

of 29 April 2024

authorising the opening of negotiations, on behalf of the European Union, in the context of the World Intellectual Property Organization for an international legal instrument relating to intellectual property, genetic resources and traditional knowledge associated with genetic resources

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114, in conjunction with Article 218(3) and (4) thereof,

Having regard to the recommendation from the European Commission,

Whereas:

- (1) In their 2002 Communication to the Trade-Related aspects of Intellectual Property Rights Council (TRIPS Council), the Union and its Member States agreed to discuss the introduction of a self-standing disclosure requirement allowing Member States to keep track of patent applications with regard to genetic resources.
- (2) In 2004, the World Intellectual Property Organisation (WIPO) general assembly agreed, at the suggestion of the Conference of the Parties to the Convention on Biological Diversity, to consider the relationship between access to genetic resources and disclosure requirements in intellectual property rights applications.
- (3) Since 2004, WIPO has held discussions on the disclosure of the origin or source of genetic resources and associated traditional knowledge in patent applications.
- (4) The WIPO general assembly decided to convene a diplomatic conference to conclude an international legal instrument relating to intellectual property, genetic resources and traditional knowledge associated with genetic resources to be held no later than 2024.
- (5) The Union should participate in the negotiations on such international legal instrument, for matters falling within its competence and in respect of which the Union has adopted common rules that may be affected or the scope of which may be altered by that international instrument. The Member States retain their competence insofar as the international legal instrument does not affect common rules or alter the scope thereof, including their foreseeable future development.
- (6) This Decision should be without prejudice to the division of competence between the Union and its Member States, as defined by the Treaties,

HAS ADOPTED THIS DECISION:

Article 1

1. The Commission is hereby authorised to open negotiations, on behalf of the Union, as regards matters falling within its competence and in respect of which the Union has adopted common rules that may be affected or the scope of which may be altered by the international instrument, for an international legal instrument relating to intellectual property, genetic resources and traditional knowledge associated with genetic resources in the context of the World Intellectual Property Organization.
2. The negotiations shall be conducted on the basis of the negotiating directives of the Council set out in the addendum, which may be revised and further developed as appropriate depending on the evolution of the negotiations.
3. To the extent that the subject matter of the negotiations falls within the competences of both the Union and its Member States, the Commission and the Member States should cooperate closely during the negotiating process, with a view to ensuring unity in the international representation of the Union and its Member States.

Article 2

The negotiations shall be conducted in consultation with the Working Party on Intellectual Property, which is hereby designated as the special committee within the meaning of Article 218(4) of the Treaty on the Functioning of the European Union.

The Commission shall regularly report to the special committee referred to in the first paragraph on the steps undertaken pursuant to this Decision and consult it on a regular basis.

Whenever so requested by the Council, the Commission shall report to it on the conduct and the outcome of the negotiations, including in writing.

Article 3

This Decision is addressed to the Commission.

Done at Luxembourg, 29 April 2024.

For the Council

The President

D. CLARINVAL
