

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2015 OF THE EU-REPUBLIC OF MOLDOVA GEOGRAPHICAL INDICATIONS SUB-COMMITTEE

of 15 December 2015

adopting its Rules of Procedure [2016/43]

THE EU-REPUBLIC OF MOLDOVA GEOGRAPHICAL INDICATIONS SUB-COMMITTEE,

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 the Republic of Moldova, of the other part ⁽¹⁾ ('the Agreement'), and in particular Article 306 thereof,

Whereas:

- (1) In accordance with Article 464 of the Agreement, parts of the Agreement have been applied provisionally as of 1 September 2014.
- (2) Pursuant to Article 306 of the Agreement, the Geographical Indications Sub-Committee ('GI Sub-Committee') is to monitor the development of the Agreement in the field of geographical indications and is to serve as a forum for cooperation and dialogue on geographical indications.
- (3) Pursuant to Article 306(3) of the Agreement, the GI Sub-Committee is to determine its own rules of procedure,

HAS ADOPTED THIS DECISION:

Article 1

The Rules of Procedure for the GI Sub-Committee, as set out in the Annex, are hereby adopted.

Article 2

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

Done at Chişinău, 15 December 2015.

For the GI Sub-Committee

The Chair

Octavian APOSTOL

Secretaries

Liliana VIERU

Bruno de BONI

⁽¹⁾ OJ L 260, 30.8.2014, p. 4.

ANNEX

RULES OF PROCEDURE OF THE EU-REPUBLIC OF MOLDOVA GEOGRAPHICAL INDICATIONS SUB-COMMITTEE*Article 1***General provisions**

1. The Geographical Indications Sub-Committee ('GI Sub-Committee'), established in accordance with Article 306 of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part ('the Agreement'), shall assist the Association Committee in Trade configuration, as set out in Article 438(4) of the Agreement ('the Association Committee in Trade configuration'), in the performance of its functions.
2. The GI Sub-Committee shall perform its functions set out in Article 306 of the Agreement.
3. The GI Sub-Committee shall be composed of representatives of the European Commission and of the Republic of Moldova, responsible for matters relating to geographical indications.
4. The Parties shall each appoint a Head of Delegation who shall be the contact person for all matters relating to the GI Sub-Committee.
5. The Heads of Delegation shall act as Chair of the GI Sub-Committee in accordance with Article 2.
6. Each Head of Delegation may delegate all or any of the functions of Head of Delegation to a nominated deputy, in which case all references hereafter to the Head of Delegation apply equally to the nominated deputy.
7. The Parties in these Rules of Procedure shall be defined as provided for in Article 461 of the Agreement.

*Article 2***Chairmanship**

The Parties shall hold the chairmanship of the GI Sub-Committee, alternately, for a period of 12 months. The first period 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 at the request of either Party, alternately in the Union and in the Republic of Moldova, and in any case no later than 90 calendar days from the request.
2. Each meeting of the GI Sub-Committee shall be convened by its Chair at a place and on a date agreed by the Parties. The notice of convening the meeting shall be issued by the Chair of the GI Sub-Committee no later than 28 calendar days prior to the start of the meeting, unless the Parties agree otherwise.
3. Whenever possible, the regular meeting of the GI Sub-Committee shall be convened in due time in advance of the regular meeting of the Association Committee in 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, the Parties shall be informed, by the Secretariat of the GI Sub-Committee, of the intended composition of the delegation of each Party attending the meeting.

*Article 5***Secretariat**

1. An official of the European Commission and an official of the Republic of Moldova shall act jointly as Secretaries of the GI Sub-Committee, as appointed by the Heads of Delegations, and shall execute secretarial tasks in a joint manner, in a spirit of mutual trust and cooperation.
2. The Secretariat of the Association Committee in Trade configuration shall be informed of any decisions, reports and other agreed actions of the GI Sub-Committee.

*Article 6***Correspondence**

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

*Article 7***Documents**

1. Documents shall be circulated by the Secretaries 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 the Republic of Moldova and the Secretaries of the Association Committee in Trade configuration in such correspondence.
4. The Secretary of the Republic of Moldova shall circulate the documents to the relevant representatives of the Republic of Moldova and shall systematically copy the Secretary of the Union and the Secretaries of the Association Committee in Trade configuration in 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 information designated as confidential to the GI Sub-Committee, 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 has received a request for inclusion in the agenda by a Party, supported by relevant documents, no later than 21 calendar days before the date of the meeting.
2. The provisional agenda, together with the relevant documents, shall be circulated as provided for in 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 of the GI Sub-Committee may, upon agreement of the other Party, invite representatives of other bodies of the Parties or independent experts in a subject-area on an *ad-hoc* basis to attend its meetings in order to provide information on specific subjects. The Parties shall ensure that those observers or experts respect any confidentiality requirements.
5. The Chair of the GI Sub-Committee may reduce the time limits specified in paragraphs 1 and 2, in consultation with the Parties, 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 Secretaries of the GI Sub-Committee.
2. The minutes shall, as a general rule, include in respect of each item on the agenda:
 - (a) a list of participants in the meeting, a list of officials accompanying them and a list of any observers or experts who attended the meeting;
 - (b) documentation submitted to the GI Sub-Committee;
 - (c) statements which the GI Sub-Committee has asked to be entered in the minutes; and
 - (d) operational conclusions of the meeting, if necessary, as provided for 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 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 of the GI Sub-Committee, and circulated to the Parties together with the agenda, no later than 15 calendar days before the beginning of the meeting. That draft shall be updated as the meeting proceeds so that at the end of the meeting, unless agreed otherwise by the Parties, 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 any subsequent meeting of the GI Sub-Committee. To that end the GI Sub-Committee shall adopt a template, allowing for each action 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 306(4) of the Agreement. Those decisions shall be adopted by consensus between the Parties after 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 the Chair of the GI Sub-Committee and authenticated by the Secretaries of the GI Sub-Committee. Without prejudice to paragraph 4, the Chair shall sign those documents during the meeting in which the relevant decision is adopted.
3. The GI Sub-Committee may take decisions or adopt reports by written procedure, after completion of the respective internal procedures for their adoption, if the Parties so agree. The written procedure shall consist of an exchange of notes between the Secretaries, acting in agreement with the Parties. For that purpose, the text of the proposal shall be circulated pursuant to Article 7, with a time limit of no less than 21 calendar days within which any reservations or amendments shall be made known. The Chair may reduce that time limit, in consultation with the Parties, in order to take account of special circumstances. Once the text is agreed, the decision or the report shall be signed by the Chair and authenticated by the Secretaries.
4. The acts of the GI Sub-Committee shall be entitled 'Decision' or 'Report' respectively. Each decision shall enter into force on the date of its adoption unless the decision provides otherwise.
5. The decisions shall be circulated to the Parties.
6. Each Party may decide on the publication of the decisions of the GI Sub-Committee in its respective official publication.

Article 12

Reports

The GI Sub-Committee shall report to the Association Committee in Trade configuration on its activities at each regular meeting of the latter.

Article 13

Languages

1. The working languages of the GI Sub-Committee shall be English and Romanian.
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 regards to postal and telecommunications expenditure.
2. Expenditure in connection with the organisation of meetings and reproduction of documents shall be borne by the Party hosting the meeting.
3. Expenditure in connection with interpreting at meetings and translation of documents into or from English and Romanian as referred to in Article 13(1) shall be borne by the Party hosting the meeting.

Interpreting and translation into or from other languages shall be borne directly by the requesting Party.

*Article 15***Amendment of Rules of Procedure**

These Rules of Procedure may be amended by a decision of the GI Sub-Committee in accordance with Article 306(3) of the Agreement.
