

Irish MEP wants commission oversight of EUIPO race

Rory O'Neill June 05 2023



Seán Kelly asked the European Commission how it intends to ensure the EUIPO executive director vote, due tomorrow, will be fair and transparent

An Irish member of the European Parliament has pressed the European Commission on its oversight of the EUIPO leadership race.

In a [parliamentary question](#) tabled on May 25, Seán Kelly MEP also asked whether the Council of the EU should be given more than one candidate to choose from.

Kelly cited a 2020 opinion from the parliament's legal service that found the EUIPO management board's ability to propose a single candidate raised legal concerns.

That opinion related to the appointment of João Negrão – now a candidate for EUIPO executive director – as president of the EUIPO Boards of Appeal in 2020.

Negrão was the only candidate nominated for that post by the management board.

The 2020 opinion stated that the nomination of a single candidate was not a violation of EU law and could be justified in certain circumstances. But it said rules that allow the management board to only nominate a single candidate raised legal concerns insofar as it limited the council's decision-making power.

The management board's [rules of procedure](#), adopted in 2016, state that a single candidate can be proposed if they receive two-thirds of the vote.

António Campinos, appointed as executive director of the EUIPO in 2010 and now president of the EPO, was also the only candidate nominated by the board in [that election](#).

The same was true of Paul Maier when he was appointed as president of the Boards of Appeal, also in 2010.

Article 158(2) of the [2017 Trademark Regulation](#) says a list of candidates should be sent to the council.

However, the same provision also refers to “the candidate selected by the management board”.

The procedure adopted by the management board last December for the selection of the next executive director says it will send a maximum of three candidates to the council.

Kelly also asked the commission how it intends to supervise the ongoing selection procedure and ensure it is open, transparent, and fair.

The commission does not have any direct supervisory role over the EUIPO, but it is generally responsible for ensuring EU law is applied correctly and is known as a “guardian of the treaties”.

The commission has two votes on the management board, including for the leadership vote, compared to one for each member state.

The management board will meet in Alicante tomorrow, June 6, to vote on the list of candidates to be sent to the council.

The council will have the final say, though the board will advise it on how many votes each candidate got.

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