

WRITTEN QUESTION E-1512/09
by Riccardo Ventre (PPE-DE)
to the Council

Subject: Punishments under the criminal law for violating intellectual property rights

The proliferation of counterfeiting not only reduces the tax revenue of the Member States but also has a very serious impact on European businesses, while endangering consumer safety and damaging enterprise, thus, ultimately, jeopardising employment.

In order to fight this growing phenomenon, the European Union has taken many measures to combat violations of intellectual property rights and protect its own citizens against risks arising from the distribution of counterfeit products.

Directive 2004/48/EC¹ of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights provides for measures, procedures and remedies of a civil and administrative nature. However, bearing in mind inter alia the transnational and relocation capacities of crime within the internal market, a European strategy to combat counterfeiting would not be effective without an approximation of the criminal law of the Member States. To this end the Commission on 24 April 2006, following the judgment given by the Court of Justice on 13 September 2005 in Case C-176/03, submitted a proposal for a directive on criminal measures aimed at ensuring the enforcement of intellectual property rights (COM(2006)168), which the European Parliament approved on 25 April 2007 but which the Council has inexplicably failed to approve.

Can the Council indicate what progress is being made on this legislative proposal which Parliament has already approved?

¹ OJ L 157, 30.4.2004, p. 45.