

EUROPEAN PARLIAMENT

2004



2009

Committee on the Internal Market and Consumer Protection

2008/2133(INI)

21.10.2008

OPINION

of the Committee on the Internal Market and Consumer Protection

for the Committee on International Trade

on Impact on Counterfeiting on International Trade
(2008/2133(INI))

Rapporteur: Karin Riis-Jørgensen

PA_NonLeg

SUGGESTIONS

The Committee on the Internal Market and Consumer Protection calls on the Committee on International Trade, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

- having regard to the report of the Commission of 19 May 2008 on community customs activities on counterfeit and piracy,
 - having regard to Regulation (EC) No 450/2008 of the European Parliament and of the Council of 23 April 2008 laying down the Community Customs Code (Modernised Customs Code)¹,
 - having regard to the Communication from the Commission of 1 April 2008 entitled 'Strategy for the evolution of the Customs Union' (COM(2008)0169),
 - having regard to the amended proposal for a directive of the European Parliament and of the Council on criminal measures aimed at ensuring the enforcement of intellectual property rights (COM(2006)0168),
 - having regard to its resolution of 19 June 2008 on the fortieth anniversary of the Customs Union²,
 - having regard to Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights³,
 - having regard to the Communication from the Commission entitled 'An Industrial Property Rights Strategy for Europe' (COM(2008)0465),
 - having regard to Council Regulation (EC) No 1383/2003 of 22 July 2003 concerning customs action against goods suspected of infringing certain intellectual property rights and the measures to be taken against goods found to have infringed such rights⁴,
1. Urges the Member States which have not yet implemented Directive 2004/48/EC to do so without delay; calls on the Member States to allow no exemptions to be made at the EU's borders, either for travellers or for businesses, since most imports of counterfeit goods are harmful;
 2. Draws attention to the need to respect the four fundamental freedoms of the internal market and to improve its operation;
 3. Recognises the gravity and disturbing growth of the phenomenon of counterfeiting and piracy, in particular, in a globalised economy, for the Union's competitiveness and its businesses, manufacturers and consumers, and calls therefore on the Member States to

¹ OJ L 145, 4.6.2008, p. 1.

² Texts Adopted, P6_TA(2008)0305.

³ OJ L 157, 30.4.2004, p. 45.

⁴ OJ L 196, 2.8.2003, p. 7.

ensure sufficient education of consumers about the considerable risks for health and safety of purchasing certain counterfeit products, such as cosmetics, pharmaceuticals, toys, household products and electronics;

4. Calls on the Commission to collect data from the Member States on the damage to consumers' health which has occurred as a result of counterfeit products and on consumer complaints about counterfeit products; calls on the Commission to ensure that these data are accessible to the authorities in all Member States;
5. Calls on the Member States to set up an effective network for cross-border cooperation to facilitate the rapid exchange of information;
6. Underlines the importance attached to protecting intellectual property rights, an element that is essential for the promotion of culture and its diversity and for the exploitation of research and innovation and the creation of European undertakings, particularly small and medium-sized enterprises, in order to support growth and employment in the Union;
7. Insists in this connection on the need to mobilise all operators concerned to strengthen the effectiveness of instruments for combating counterfeiting and piracy in the internal market;
8. Calls on the Member States to strengthen their customs teams on their national territories and put in place a service, identifiable to third parties (including Member States, third countries, Community institutions, businesses and individuals) responsible for combating counterfeiting and providing information on this problem;
9. Urges the Commission to step up the fight against counterfeiting and piracy by international agreements with third countries; welcomes in this respect the initiatives to strengthen cooperation with China;
10. Reminds the Member States of the importance of having a Community patent and a jurisdictional system for patents as a way of ensuring compliance with users' intellectual property rights throughout the Union, thus permitting innovative businesses to protect their inventions as much as possible and to profit from them to a greater extent;
11. Calls on the Member States to step up awareness-raising and information in the fight against counterfeiting and piracy in tourist areas and in trade fairs and exhibitions;
12. Calls on the Member States and the Commission to inform consumers to a greater extent about the applicable rules on counterfeit goods and the consequences of using them, and, so as to encourage a change of perception by the public with regard to the phenomenon of counterfeiting and piracy, calls on the Commission to encourage action to back up legislation, and in particular to introduce a European Day to raise awareness of the dangers of counterfeiting;
13. Calls on the Commission to step up its joint customs action against counterfeiting and piracy with the authorities of the countries manufacturing counterfeit products;

14. Urges the Commission to continue to give high priority to the negotiations for golden standards for the prevention of counterfeiting and piracy under the Anti-Counterfeiting Trade Agreements (ACTA);
15. Recalls that the fragmentation of the sanction systems is harmful to the internal market and weakens the Union on the international scene, and recalls the importance of the above-mentioned amended proposal for a directive on criminal measures aimed at ensuring the enforcement of intellectual property rights;
16. Draws attention to the importance of harmonising intellectual property rights and existing national and Community patents in combating counterfeiting, and calls on the Member States to encourage companies to protect their services and products by registering trademarks, designs, patents and so on in order to be able to better enforce their intellectual property rights;
17. Calls on the Commission to establish a European counterfeiting observatory, supported by its services, responsible for coordinating the fight against counterfeiting and piracy, so as to obtain a regular assessment of the scale of counterfeiting and piracy and a clearer analysis of those phenomena; considers that the creation of such an observatory is required in order to give greater weight to the Union on the international scene;
18. Calls on the Commission to improve coordination in combating counterfeiting and piracy and welcomes the creation of the new unit which specifically deals with the fight against counterfeiting and piracy;
19. Calls on the Commission to develop a scoreboard to measure Member States' customs performance in order to further the fight against counterfeiting, and to put in place a rapid information exchange network on counterfeit products, based on national contact points and modern information exchange tools;
20. Calls on the Member States to step up coordination between their customs services and to apply Community rules on customs duties uniformly throughout the Union;
21. Stresses the need to develop effective measures against counterfeit and pirated goods through agreements between professionals at EU level, while complying with the general principles of Community law such as the protection of personal data and the protection of property rights; is of the opinion that such measures should be addressed particularly to suppliers that increasingly - and often aggressively - use the Internet to offer fake products via 'spamming', Internet shops or auction sites, without compromising citizens' rights to Internet access;
22. Insists on the need to develop suitable and continuing training for the customs staff, judges and professionals concerned, and to encourage Member States to set up special teams to combat counterfeiting;
23. Calls on the Member States to develop, with the Commission, a common approach to the destruction of counterfeit goods.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	7.10.2008
Result of final vote	+: 34 -: 0 0: 0
Members present for the final vote	Cristian Silviu Buşoi, Charlotte Cederschiöld, Gabriela Creţu, Mia De Vits, Janelly Fourtou, Evelyne Gebhardt, H��l��ne Goudin, Małgorzata Handzlik, Christopher Heaton-Harris, Anna Hedh, Iliana Malinova Iotova, Kurt Lechner, Toine Manders, Catuscia Marini, Arlene McCarthy, Nickolay Mladenov, Catherine Neris, Zita Pleřtinsk��, Karin Riis-J��rgensen, Zuzana Roithov��, Heide R��hle, Leopold J��zef Rutowicz, Christel Schaldemose, Andreas Schwab, Marianne Thyssen, Jacques Toubon, Barbara Weiler, Marian Zlotea
Substitute(s) present for the final vote	Emmanouil Angelakas, Wolfgang Bulfon, Colm Burke, Giovanna Corda, Othmar Karas, Jos�� Ribeiro e Castro, Olle Schmidt