Counterfeit and pirated goods: measures to prohibit the release for free circulation, export or transit

1993/1024(CNS) - 21/11/1994

The committee adopted the draft report with a series of amendments to the Commission proposal. Several amendments related to the specifications of the Commission's text (2, 3, 17, 18) and clarification of the nature of the penalties that would be introduced by the Member States to combat counterfeiting (12). The committee stressed that, subject to the authorisation of the holder of the right, pirated goods could be used for socially useful purposes rather than being destroyed (9). Through another amendment, the REX Committee aimed to ensure that the Commission coordinated the campaign against counterfeiting (15). The Commission was also called upon to present within one year of the entry into force of the regulation, and on an annual basis, a report on the operation of the system and the economic and social impact of counterfeiting (16). With regard to the legal basis for the consultation with the Council and given the recent decision of the Court of Justice concerning the legal nature of the GATT agreements, the REX Committee agreed that the appropriate legal basis was that laid down in Article 113 of the Treaty, which referred to the common commercial policy. In accordance with this article, consultation of the EP was optional.