Measures concerning the entry into the Community and the export and re-export from the Community of goods infringing certain intellectual property rights

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The Committee unanimously adopted the report by Jaime VALDIVIELSO DE CUE (EPP, E) on measures to prohibit the release for free circulation, export, re-export or entry for a suspensive procedure of counterfeit and pirated goods (consultation procedure). The aim of the EU's current system is to suspend customs operations in cases where the goods concerned are suspected of being counterfeit or pirated goods covered by an intellectual property right (brand or trade mark, design right, copyright, etc.) in respect of which the right holder has requested 'customs protection'. The Commission proposes extending the system to new intellectual property rights (patented inventions) and to new customs statuses (goods in a free zone or warehouse and goods under customs supervision, including those in temporary storage). The committee believes the Commission proposal should be approved, subject to a few amendments. For example, fees charged to right holders to cover the administrative costs incurred in dealing with an application should be similar in all Member States. In addition, customs authorities should only be allowed to suspend release of the goods or detain them when the following conditions are met: (a) the importer or consignee of the goods does not possess a valid marketing authorisation certificate, and (b) the customs authorities possess suitable storage facilities to ensure that the suspect goods are not damaged. Lastly, the committee calls on the Commission to analyse the macroeconomic and sectoral impact of counterfeit goods and put forward suitable proposals.