


# Procedure file

Basic information		
COS - Procedure on a strategy paper (historic)	1999/2179(COS)	Procedure completed
Combating counterfeiting and piracy in the single market. Green paper		
Subject 7.30.30.10 Action against counterfeiting		

Key players				
European Parliament	Committee responsible		Rapporteur	Appointed
	JURI	Legal Affairs and Internal Market		09/11/1999
			PPE-DE <a href="#">FOURTOU Janelly</a>	
	Committee for opinion		Rapporteur for opinion	Appointed
	LIBE	Citizens' Freedoms and Rights, Justice and Home Affairs	The committee decided not to give an opinion.	
	ECON	Economic and Monetary Affairs		30/11/1999
			PSE <a href="#">BERENGUER FUSTER Luis</a>	
	ITRE	Industry, External Trade, Research, Energy		07/12/1999
			UEN <a href="#">MONTFORT Elizabeth</a>	
	ENVI	Environment, Public Health, Consumer Policy		07/12/1999
		PSE <a href="#">WHITEHEAD Phillip</a>		
Council of the European Union				

Key events			
15/10/1998	Non-legislative basic document published	COM(1998)0569	Summary
15/11/1999	Committee referral announced in Parliament		
28/03/2000	Vote in committee		Summary
28/03/2000	Committee report tabled for plenary	<a href="#">A5-0096/2000</a>	
04/05/2000	Debate in Parliament		
04/05/2000	Decision by Parliament	<a href="#">T5-0201/2000</a>	Summary
04/05/2000	End of procedure in Parliament		
07/02/2001	Final act published in Official Journal		

Technical information	
Procedure reference	1999/2179(COS)
Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 142
Stage reached in procedure	Procedure completed
Committee dossier	JURI/4/10495

## Documentation gateway

Non-legislative basic document		COM(1998)0569	15/10/1998	EC	Summary
Economic and Social Committee: opinion, report		<a href="#">CES0569/1999</a> <a href="#">OJ C 116 28.04.1999, p. 0035</a>	24/02/1999	ESC	
Committee report tabled for plenary, single reading		<a href="#">A5-0096/2000</a> <a href="#">OJ C 040 07.02.2001, p. 0006</a>	28/03/2000	EP	
Text adopted by Parliament, single reading		<a href="#">T5-0201/2000</a> <a href="#">OJ C 041 07.02.2001, p. 0028-0056</a>	04/05/2000	EP	Summary
Follow-up document		COM(2000)0789	30/11/2000	EC	Summary
Economic and Social Committee: opinion, report		<a href="#">CES0701/2001</a> <a href="#">OJ C 221 07.08.2001, p. 0020</a>	30/05/2001	ESC	

## Combating counterfeiting and piracy in the single market. Green paper

OBJECTIVE: this Green Paper should allow the economic impact of counterfeiting and piracy on the internal market and the efficiency of the relevant legislation to be evaluated and the need for new initiatives at Community level to be assessed. CONTENT: counterfeiting and piracy have now become an international phenomenon which accounts for between 5 and 7% of world trade. This phenomenon undermines the proper working of the internal market and has serious repercussions both at economic and social level (100,000 jobs a year lost in the Community) and in terms of consumer protection. The European Community already has specific regulations to control counterfeit and pirate goods at the external border. However, action which provides a global response to this phenomenon on the internal market may prove necessary. Such action would come under the Commission's action plan in favour of the single market and the Commission's programme of work to combat fraud. It would therefore comply with the provisions of the Commission's first action plan for innovation. The ideas explored in this Green Paper focus on four areas in which the fight against counterfeiting on the internal market can be improved: 1) private sector monitoring activities: these activities result mainly from private initiatives taken by national, European or international professional associations or organizations, such as associations of manufacturers, associations of trademark holders and collective management companies. The efficiency of existing monitoring systems needs to be evaluated at internal market level and, where a specific sector has no such system, the need to introduce one should be assessed (for example, a CD identification system has been introduced in the CD sector). The collection of available information by organizations should be encouraged, as should exchanges of experience between professional organizations and the services responsible for combating piracy. Cooperation between the public authorities and this type of organization could be set on a formal footing in the form of protocols of agreement; 2) use of technical devices: one way of fighting counterfeiting and piracy is to use technical devices to protect and authenticate products or services (security holograms, optical devices, smart cards, magnetic systems, biometric codes, special inks, microscopic labels etc.). These devices should have legal protection against infringement, manipulation or neutralization, for example under a Community initiative banning certain commercial activities relating to illicit technical devices in the Member States (manufacture, importation into the Community, sale, storage, installation, maintenance, replacement, advertising etc). In addition, Commission R&D programmes could help to resolve the problem of the use of these devices; 3) sanctions and means to ensure that intellectual property rights are protected: the need for and the possible feasibility of Community initiatives in this area should be evaluated. One of the first questions which must be considered is the efficiency of current repressive measures on the internal market and any possible improvements needed. Another important question is whether or not current disparities between Member States affect the localization of counterfeiting activities. Other repressive methods could also be planned and extended to the entire Community, such as total or partial temporary closure of the shop or establishment in which the offence was committed. The efficiency of legal measures and procedures in the Member States also needs to be evaluated and the question of whether there are difficulties in practice in determining the court with jurisdiction or the applicable law in cases of counterfeiting with a transnational dimension needs to be examined; 4) administrative cooperation between the relevant authorities: the Member States should appoint a single correspondent for all questions in connection with the fight against counterfeiting and piracy on the internal market, to act as the contact for the services responsible for repression in these areas in other Member States and for professionals. Creating a network of correspondents at Community level would facilitate the exchange of information. Thought also needs to be given to a Community initiative defining the legal framework of specific administrative cooperation between the authorities in charge of combating counterfeiting and piracy. Attention should also be given to training agents in charge of combating these phenomena, including exchanges of staff under the Karolus programme or a programme yet to be defined.?

## Combating counterfeiting and piracy in the single market. Green paper

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The committee adopted the report by Janelly FOURTOU (EPP/ED, F) endorsing the Commission's Green Paper, which it felt was of fundamental importance for the future of undertakings and for the health and safety of consumers. Counterfeiting and piracy were criminal activities harmful to the small businesses which created jobs and had innovative ideas. The report also pointed out that such activities resulted in a loss of revenue from customs duties and VAT and that it was necessary to break the increasingly close link between counterfeiting, piracy and organised crime. It called on the Commission to adopt a global and coordinated two-pronged approach involving prevention and law enforcement, and characterised by firmness and uniformity. The first step should be to increase public awareness of the illegal and criminal aspects of counterfeiting and piracy, by focusing, for example, on the risks to health and safety, the detrimental effect on legitimate businesses and the poor working conditions endured by workers in pirated goods firms. The report also emphasised the importance of training for police forces and judicial authorities. Measures should be taken to ensure an exchange of know-how and the adoption of national best practices at Community level. The committee wanted Europol's powers in this field to be increased through appropriate amendments to the Treaty. The report highlighted the importance of harmonising legislation on combating counterfeiting and piracy with a view to eliminating the persistent disparities in intellectual property protection arrangements in the single market, and called for an appropriate framework for mutual assistance among the Member States' competent authorities. A European system of uniform minimum sanctions should also be established. The report called for customs checks at the EU's external borders to be stepped up and urged the Council to consider harmonising Member States' criminal laws on the infringement of customs legislation relating to counterfeiting and piracy. It also recommended that heavier sanctions be imposed under criminal law and that civil measures and procedures (damages and interest) be made more effective. Lastly, it felt that negotiations on the accession of new Member States and any trade negotiations with third countries should emphasise the priority accorded to the protection and effective exercise of intellectual property rights. ?

## Combating counterfeiting and piracy in the single market. Green paper

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In adopting the report drafted by Mrs Janelly FOURTOU (EPP/ED, F), the European Parliament endorses the resolution on the Commission Green Paper 'Combating Counterfeiting and Piracy in the Single Market'. The European Parliament calls on the Commission to adopt a global and coordinated approach comprising a preventative aspect and a law enforcement aspect and characterised by firmness and uniformity. The first step should be to increase public awareness of the illegal and criminal aspects of counterfeiting and piracy, by focusing, for example, on the risks to health safety, the detrimental effect on legitimate businesses and the poor working conditions endured by workers in pirated goods firms. The Parliament emphasised the importance of training for police forces and judicial authorities. Measures should also be taken to ensure an exchange of know-how and the adoption of national best practices at Community level. In addition, the Parliament calls on the Commission to introduce a system for collecting, analysing and comparing data on counterfeiting and piracy and to draw up a biennial report for Parliament and the Council on the trend in this phenomenon in the single market and the accession candidate countries. The Commission is called upon to propose amendments to the Treaty needed to enable Europol to assume new powers in this field. With regard to the Member States, they are called upon to step up customs checks at the European Union's external borders. The Council was urged to consider harmonising Member States' criminal laws on the infringements of customs legislation relating to counterfeiting and piracy. The Parliament recommends that heavier sanctions be imposed under criminal law and that measures and procedures under civil law (damages and interest) be made more effective. Lastly, the European Parliament calls on the Commission to propose an allocation of duties that takes account of disputes relating to intellectual and industrial property. ?

## Combating counterfeiting and piracy in the single market. Green paper

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This presents the follow-up to the Green Paper on combating counterfeiting and piracy in the single market. In 1998, the Commission consulted the interested parties by means of the Green Paper on combating counterfeiting and piracy in the single market, in order to determine the economic impact of this phenomenon on the single market, to assess the effectiveness of the application legislation and to suggest approaches that could be explored with a view to improving the situation. This consultation confirmed that counterfeiting and piracy were major problems in most economic and industrial sectors in the single market and that the Commission, and the European Union in general, should take steps to strengthen and improve the fight against counterfeiting and piracy in the single market at EU level. This communication contains an action plan which sets out actions that should be carried out as a matter of urgency, for which the Commission will submit proposals in the near future, medium-term actions and other initiatives. The actions to be carried out as a matter of urgency are as follows: - the Commission will submit a proposal for a Directive aimed at strengthening the means for enforcing intellectual property rights and defining a general framework for the exchange of information and administrative cooperation; - on the basis of existing programmes, the Commission will develop training activities for officials of law enforcement authorities, including those of the applicant countries, and public information and awareness activities; - the Commission will continue to give priority to combating counterfeiting and piracy in the enlargement negotiations; - the Commission will launch a study for defining a methodology for collecting, analysing and comparing data on counterfeiting and piracy; - the Commission intends to identify a contact point at Commission level. This will provide an interface between the various departments for work on combating counterfeiting and piracy vis-à-vis the outside world. The medium-term actions are as follows: - the Commission will examine the appropriateness of setting up complementary administrative cooperation mechanisms for combating counterfeiting and piracy, particularly between the competent national authorities but also between the authorities of the Commission; - the Commission will examine the need to submit proposals for harmonising the minimum thresholds for criminal sanctions, extending Europol's power to include combating counterfeiting and piracy and establishing a structure permitting access - via an internet site, for example - to judgements by national courts. Other initiatives include the setting out of recommendations aimed at in particular at making better use of existing information between the private and public authorities. ?