



Council of the  
European Union

000330/EU XXVI. GP  
Eingelangt am 10/11/17

Brussels, 10 November 2017  
(OR. en)

13363/1/17  
REV 1

UD 230

## NOTE

---

From: General Secretariat of the Council  
To: Delegations  
Subject: EU-China Customs Cooperation: Implementation of the Strategic Framework Signed on 2 June 2017  
- Action Plan Concerning EU-China Customs Cooperation on Intellectual Property Rights (2018-2020)  
- Final Report on EU-China Action Plan on IPR Customs Enforcement (2014-2017)

---

Delegations will find in the Annex the above two documents, transmitted by the Commission services, and amended following the discussion at the meeting of the Working Party on Customs Union on 24 October 2017.

---

**Action Plan Concerning EU-China Customs Cooperation on Intellectual Property Rights  
(2018-2020)**

The European Commission and the General Administration of Customs of the People's Republic of China;

**CONSIDERING**

- The importance of promoting legitimate trade between the EU and China for the mutual benefit of both parties;
- The negative economic and social consequences of violations of intellectual property rights and the need to properly address this problem through the entire supply chain;
- The experience gained from the Action Plans concerning EU-China Customs Cooperation on Intellectual Property Rights (IPR) since 2009 and the positive feedback received from stakeholders.
- The aim set out in the EU-China Strategic Framework for Customs Cooperation 2018-2020 to strengthen IPR enforcement and curtail trade in IPR-infringing goods through the implementation of a new Action Plan concerning EU-China Customs Cooperation on IPR for the period 2018-2020.

## RECOGNIZING

- The key role of customs in preventing the international trade in IPR-infringing goods;
- The close cooperation established under the framework of the Action Plan concerning EU-China Customs Cooperation on IPR since 2009;
- That joint customs enforcement efforts to combat the trade of IPR infringing goods are more effective if cooperation is structured with clear actions.

## RECALLING

The important contribution played by customs cooperation, as stressed by both sides at the 9<sup>th</sup> Meeting of the EU-China Joint Customs Cooperation Committee (JCCC) in June 2017, towards a closer partnership between the EU and China - under the shared values of open and fair trade - to facilitate legitimate trade while acting vigorously against illicit trade, including of goods infringing IPR.

HEREBY endorse this Action Plan for the period until 31 December 2020 with a view to strengthening cooperation in respect of customs enforcement of IPR.

This Action Plan does not intend to create any rights or obligations under international law.

## I. INTRODUCTION

The 1<sup>st</sup> Action Plan concerning EU-China Customs Cooperation on IPR was signed in Brussels on 30 January 2009 with the aim of strengthening customs enforcement to combat counterfeiting and piracy in the trade between both parties. In this context, both sides have taken concrete steps to develop close cooperation, and signed extended Action Plans in December 2012 and May 2014 separately, bringing forward this cooperation until the end of 2017.

At the 5<sup>th</sup> JCCC Steering Group Meeting on 28 February 2017 agreement was reached to continue the cooperation under a new Action Plan. This new Action Plan takes due account of the agreed joint evaluation of the 1<sup>st</sup> and 2<sup>nd</sup> Action Plan. Particular focus is given to:

- Better exploiting the available information on IPR detention and seizure data for trend and risk analysis.
- Enhance targeting of high risk consignments by information exchange on all relevant cases within the network of key airports, seaports and other customs control points and develop special operations between key ports.
- Facilitate cross-border cooperation between Customs and other enforcement authorities, especially on investigations.
- Set up specific activities to enhance the cooperation with right-holders in deterring cross-border IPR infringement.
- Further improve knowledge and experience of each other's IPR enforcement policies and practices.

## **II. GENERAL APPROACH**

Customs oversee international trade and have a direct responsibility to prevent illicit goods from entering or leaving their respective territories. In the case of goods suspected of infringing IPR, this involves the targeting and detention of those goods.

In order to increase the efficiency and effectiveness of IPR enforcement, European and Chinese customs authorities systematically share information on detentions, seizures, trends and other risk information. Additionally, a network of ports in the EU and China has been established for direct and easy interaction and cooperation on IPR enforcement. These ports include different transportation modes of goods, be it maritime cargo, air cargo or rail cargo.

The prevention of trade in IPR infringing goods requires not only action from customs but also calls for enhanced collaboration with other enforcement authorities both at national and international level. Adequate information must be forwarded to these authorities to allow them to disrupt distribution networks, sales channels and stop production. Additionally, cross-border cooperation between customs and other law enforcement agencies in the EU and China also needs to be strengthened.

The involvement of right holders in these actions is equally important. It serves firstly to enable right holders to understand how to best protect their rights. Secondly, right holders are able to offer support, via training and provision of information, to assist customs to target controls to maximum effect.

### **III. KEY ACTIONS**

#### ***Key Action 1 – Joint analysis of seizure statistics to detect general trends and risks***

Both sides should send each other at least on a half-yearly basis seizure statistics on shipments suspected of violating IPR. Every year, a group of risk management experts of both sides, specialised in IPR, should carry out an analysis of these statistics and of any other relevant information with a view to detect and exchange general trends and risk information, and to compare for potential anomalies.

This should lead to better targeting of high risk consignments and an optimal allocation of resources to those ports and routes with the highest incidence of IPR-related detentions. It could also contribute to the optimal selection of ports participating in Key Action 2. The results of this joint analysis should give input to the organisation of future operational activities with the aim to tackle the identified risks.

#### ***Evaluation criteria:***

- Statistics of detentions exchanged in time and according to agreed parameters
- Analyses carried on an annual basis and comparison made
- Number of detected general trends and risks

#### ***Key Action 2 –A. Target high risk consignments in key ports via direct exchange of case-specific information on detentions***

#### ***B. Develop special joint operations targeting particular routes and/or categories***

- A. The European and Chinese customs participating in the network should send each other 'real time' information on significant detentions via a secured IT system to ensure successful targeting in the risk assessment system. Both sides intend to cooperate to develop a sustainable IT solution taking into account the IT developments under the EU – China Strategic Framework for Customs Cooperation.

B. Moreover, the IPR Working Group will select key ports based on general trends and risks detected under KA1 and KA2 to recommend and support special port to port operations. These port to port joint operations should focus on high risk routes and/or categories within a specific period. Once agreed upon, the selected key ports will designate contact points to ensure:

- The communication and exchange of info during the special operation;
- The feedback on the conducted special operation;
- Reporting the results of the special operation to the IPR Working Group.

***Evaluation criteria:***

- Quantity and quality of the exchange of case-specific information (cross-border and internal).
- Feedback on follow-up of detentions;
- Number of special operations conducted and feedback on these operations.

***Key Action 3 - Promote cooperation between customs and other law enforcement agencies and authorities in order to stop production and wind up distribution networks***

Stopping goods at borders does not in itself provide a long-term solution to address the problem of international trade in IPR infringing goods. Customs controls need to be combined with activities to stop and disrupt the production and distribution of goods infringing IPR. Customs must therefore pass on useful, agreed and well defined information to other authorities and agencies responsible for enforcing IPR, in order to enable those authorities and agencies to take the necessary action to stop production and to disrupt distribution networks.

Therefore, both sides intend to share experiences, discuss working arrangements and practices relating to the strengthening of cooperation between customs and other relevant authorities and agencies in charge of the enforcement of IPR - such as the police and the judiciary - within their respective jurisdiction and cross border. The referrals exchanged under Key Action 2 could serve as input for further analysis and investigation purposes.

***Evaluation criteria:***

- Effective sharing of experiences, working arrangements and practices
- Number of cases for which European and Chinese customs authorities exchanged operational information and those cases that result in investigations.

***Key Action 4 - Joint development of partnerships with the business communities in the EU and China***

Strengthening cooperation between the EU and China to combat infringements of IPR requires adequate cooperation between administrations and right-holders. The aim is to strengthen existing cooperation between the public and private sector, both in the EU and China.

Customs should give right-holders all relevant information on applicable legislation and initiatives; right holders should inform customs on their initiatives and provide customs with all relevant information to improve their ability to effectively enforce IPR. In this light, a Joint Customs-Industry Meeting could be held together with the Working Group meeting, preferably once per year. Specific attention should be given to communicating the results of this meeting to all relevant stakeholders in the EU and China in particular Small and Medium Sized companies (SME's).

Cooperation with the IPR Helpdesk or other organisations should be continued so as to ensure right-holders are properly informed about their rights and obligations. Both sides shall encourage the right-holders to actively apply for customs detention and provide customs with their IPR information.

***Evaluation criteria:***

- Communication activities carried out
- Improvement and increase of right-holders' application

***Key Action 5 – Exchange of knowledge and experience of each other's IPR enforcement policies and practices.***

Customs experts on IPR enforcement of the EU and China should be given the possibility to understand better each other's practices and approaches and the enforcement challenges customs faces at a practical level. For this purpose, working visits and 'on-the-job' exchanges to each other's ports and other relevant offices should be organised.

***Evaluation criteria:***

- Number of visits carried out
- Feedback from participants and hosting administrations

**IV. IMPLEMENTATION, FINANCING AND EVALUATION**

This Action Plan should be carried out by the European Commission (EC) and customs administrations of the EU Member States and the General Administration of Customs of the People's Republic of China (GACC).

The IPR Working Group set up in the Strategic Framework should oversee the implementation of this Action Plan. Each side should appoint a co-chair and inform the other side of the name, job title, department and contact information. The composition of the Working Group can differ according to the topics to be discussed. It should hold at least one meeting per year alternately in the EU and in China.

The Working Group should draft an annual Working Plan and should report to the JCCC via the EU-China JCCC Steering Group as appropriate.

Other law enforcement agencies in the EU and China or international organisations relevant to the implementation of this Action Plan, in particular in relation to Key Action 3, can be invited to participate in the activities of this Action Plan.

Both sides will finance the expenses that they incur because of their participation in the implementation of this Action Plan. However, other financing might be sought where possible from the 'IP Key Project' or any other relevant programmes.

The Working Group may make recommendations for improvements resulting from experience gained during the implementation.

A final evaluation report will be prepared by the Working Group to the JCCC at an appropriate time.

***EU-China Action Plan on IPR Customs Enforcement***  
***(2014-2017)***

***Final Report***

***Introduction***

The 'Action Plan concerning EU-China customs cooperation on IPR' (2014-2017) was signed on 16 May 2014. The Action Plan defined that a final evaluation report will be prepared by the EC and the GACC to the JCCC at appropriate time.

The findings of the Mid-Term Review, also foreseen in the AP, were taken into consideration for the preparation of the final evaluation.

***Meetings***

During the period under consideration the EU-China Working Group on IPR customs enforcement met 6 times to discuss all Key Actions: 5-9 May 2014 in Ningbo (China), 25-27 November 2014 in Rome (Italy), 9-11 June 2015 in Brussels (Belgium), 24-26 May 2016 in Ningbo (China), 20-21 March 2017 in Florence (Italy), and 17-18 July 2017 in Beijing (China). In the context of Key Action 3 a meeting combined with a High Level Conference on cross-agency cooperation in IPR enforcement was held in Alicante (Spain) on 24-25 February 2016 with the participation of other European and Chinese law enforcement agencies.

The meetings were financed by the IP Key Project.

***Key Action 1 - Joint analysis of seizure statistics to detect general trends and risks***

*The overall aim of this Key Action is to exchange on a quarterly basis seizure statistics on shipments suspected of violating IPR and to analyse these statistics and any other relevant information with a view to detecting general trends and risk information.*

*This should lead to better targeting of high risk consignments and an optimal allocation of resources to those ports and routes with the highest incidence of IPR related detentions. It should also contribute to the optimal selection of ports participating in Key Action 2. The results of the analysis should be implemented via operational activities to tackle the identified risks.*

## Activities

### Quarterly exchange of statistics

The arrangements to systematically exchange seizure statistics were generally respected by both parties. In 2014, the format of the template used for the data exchange was changed and agreement was reached to extend the scope to all types of IP rights. Nominal description of the goods where available are still included. The provenance criteria replaced the origin criteria when collecting the data.

In 2016, it was agreed to include an item "date of detention" in the KA1 template. During the Working Group meeting in March 2017 (Florence) the exchange of statistics by both the EU and China were discussed. As a result, it was agreed to include the following new items in the template beginning with the data concerning the second half of the year 2016:

- import and export detentions concerning shipments destined for China or the EU;
- EU detentions with country of provenance China and detentions with country of provenance other than China but with country of origin China;
- place of final destination in the EU;
- right holder

In the future, with the new Chinese export system, it might be needed to add an extra field called "Office of declaration" in case this is not the export/departure office as it will become easier to make the export declaration in the inland customs office. In those cases the office of detention would be different from the port of departure and then the port of departure would need to be registered in the template.

On average the statistics have been exchanged with a time lag of 9-12 months. Both sides however promised during the Working Group meeting in March 2017 making an effort to narrow the gap between the time period of detention and exchange of statistics to 6 months.

### **Analysis of statistics**

A joint group of risk management experts specialized in IPR was established in 2014 to carry out a yearly risk analysis of seizure statistics and make recommendations to improve risk targeting. At the Working Group meeting in Rome, the scope, data, timeframe and methodology for the first risk analysis had been agreed. In the EU, KA1 experts concentrated on data related to detentions at import in participating seaports, transported in sea containers and with provenance China. It consisted of a combination of particulars contained in the Entry Summary Declaration (ENS) declaration and data as declared at export in China, including the container number provided.

On China side, KA1 experts looked at detentions performed at export in participating seaports, intended for transportation in sea containers and with destination EU, and got these data compared against the data embedded in the ENS declaration submitted in the EU regarding those consignments.

In the Brussels WG meeting, the results were presented and compared. The limited number of referrals exchanged could hardly lead to any concrete conclusions from the risk analysis perspective. The methodology had to be reviewed as follows: exchange all IPR detention statistics concerning the year 2014 for analysis and detection of prominent risk trends; the risk analysis should be completed separately for air and sea transport. The outcome of the risk analysis should be a proposal for a selection of categories of goods, means of transport, routings, ports and time window for the purpose of a control operation to be carried out in 2016.

At the 4<sup>th</sup> WG meeting in Ningbo, the experts from the two sides presented their respective analysis relating to the detention statistics for the year 2014, in sea, air, courier and postal modes. While China and EU experts have been working with the same data, it triggered different analysis results. In order to address these reading gaps and reach common analysis standards, a technical meeting took place in March 2017 in Florence (see above).

During the meeting in Florence the experts presented their respective analysis working with the same EU data, which triggered this time similar analysis results. China experts made also an analysis based on CN data and compared that with the EU data analysis which resulted in clarification on gaps in ports of destination in the EU. China also made an analysis on import statistics in China coming from EU. Instead of using provinces in the EU analysis, China used harbors along the Yangtse River Delta (Shanghai, Hangzhou, Nanjing, Ningbo and Xiamen) and the Pearl River Delta (Guangzhou, Huangpu, Shenzhen) as concentrated regions.

## **Assessment**

The inclusion of data elements in the template or their adjustment makes the handling and interpretation of the data much more user-friendly and allows for more efficient analysis. However, improvement should be sought to reach a common approach to the reading of the data as well as to reduce the period between the moment of the actual detention and the moment when the statistics on this detention is exchanged as this period is still too long. This should lead to a more meaningful analysis and should contribute to the design of a joint operation as expected in the Action Plan.

During the WG meeting in March 2017 the templates used for the exchange of statistics by both the EU and China were discussed point by point and clarification was given on each heading text which should allow a more common approach to the reading of the data.

The attempts made to carry out trends analysis proved useful, entailing a progressive move to the most meaningful approach for analysis and the identification of difficulties to be addressed. It has been acknowledged that Key Action 1 is limited to the detection of risk trends, while risk analysis would require a broader range of data. Key Action 1 is however helpful as a first layer in the risk analysis process and for adjusting the participation of the ports in the Key Action 2 network. Regarding the trend analysis it was decided during the WG of March 2017 that it should be based on cases. Where related to categories or right holders/trademarks, trend analysis should only be based on procedures.

The establishment of a group of experts to deal with the analysis of detention data has been paramount for progressing with this exercise.

Both sides also agreed that quality of data is essential for the analysis.

### **Recommendation for the way forward**

- Increase the speed of information exchange;
- Ensure that trend analyses are systematically carried out by both parties from a specific airport/seaport perspective and the outcome discussed on a periodical basis during the Working Group meetings;
- Ensure that the information and intelligence gathered through this Action is crossed with information and intelligence gathered from other sources for risk targeting control purposes.
- Ensure a better linkage between KA1 and KA2 expert groups, including the participation of the experts in these two groups.

### ***Key Action 2 - Target high risk consignments in key ports***

*The overall aim of Key Action 2 is to exchange 'real time' information on significant detentions with a view to preventing further similar imports and exports. This requires the systematic exchange of all relevant cases by both sides, via a specially developed IT system.*

## Activities

- Further to the signing of the new Action Plan, both sides resumed the exchange of referrals and newsletters. All issues specific to this exchange were discussed in the WG meetings, the outcomes of which are translated into actions in the Annual Roadmaps 2014, 2015, and 2016-2017.
- Both sides agreed to use a simplified template in EXCEL with a pre-defined set of data for the exchange of referrals relating to sea and air cargo.
- Regarding detentions of small consignments, the participating airports exchanged newsletters to report on the most prominent trends and were invited to make a referral on any significant cases. However, it was agreed to stop such a practice considering its limited added-value in terms of risk targeting and the absence of any referral relating to small consignments. Both sides agreed to replace the practice of newsletters with the analysis of statistical data under KA1, while leaving open the possibility to make a referral on any significant case in relation to small consignments.
- Manual: a guidance document (the 'KA2 Manual') has been drafted, in EN and CN to support the exchange of all KA2-related messages. It clarifies and streamlines the practice for exchanging information under KA2.
- Pilots: several pilots have been launched to test new approaches under KA2. In 2014, one pilot positively tested the 'MAB Mail' system as the standard IT tool to exchange KA2-related data. Following on from *inter alia* the findings of a KA5 study visit, a second pilot took place in 2015 between the ports of Ningbo, Constanta and Rotterdam striving to provide critical volume and quality referrals to ensure successful targeting of future shipments.

- Both sides agreed using the 'MAB Mail' system, managed by OLAF (AFIS environment). Trainings were provided to the KA2 experts and a Guidance Notice, available in EN and CN, was circulated. The KA2 experts started to effectively use MABMail as of 1 January 2015.
- In May 2016, OLAF informed the Chinese authorities that 'MAB Mail' would be upgraded and replaced by 'AFIS Mail' as of 30 May 2016. A Chinese (Mandarin) version of the AFIS MS application has been made available to the users as well as relevant documentation.
- Extension of the KA2 network: a first extension phase took place along with the implementation of the new Action Plan, including new seaports and airports. In the first half 2016, discussion have been initiated on the inclusion of more seaports and airports, in the light of the KA1 statistics analysis, the update of the actual trade routes and connections from and to the KA2 participating ports as well as the lessons learned from the KA2 pilot. The network of seaports and airports is constantly growing as also beginning 2017 new members joined the network.

## **Assessment**

Under the Action Plan 2014-2017, many practical decisions have been made to support the exchange of information. It helped to move forward, in particular the use of a secured IT tool, and it solved out a couple of technical issues.

The information exchange still proves to be useful, as demonstrated with the pilot in the second half 2015. The pre-defined data that are exchanged consist of a sufficient set of elements to enable customs to profile infringing consignee/-or and to stop future similar shipments in sea and air cargo. However, it is still difficult to quantify how this has increased the performance of these risk management systems. Also, several difficulties have been detected in the course of the pilot and will need to be further considered, in particular timely transmission of detention data, proper way to exchange the referral along the lines described in the KA2 manual (e.g. numbering of cases) and smaller ports that fall into the jurisdiction of the KA2 participating ports. Finally, the lack of feedback about the steps taken in the framework of the referrals is considered as an important gap in the risk management system.

On express/courier the added value of the exchange of newsletters has not been demonstrated. For this kind of traffic overall trend analysis under KA1 should be more relevant but at the same time, the exchange of referrals on significant detention cases in postal and courier traffic should be further encouraged as the trend of seizures in these traffic modes (in particular postal) keeps increasing on a year-on-year basis.

The widening of the geographical scope of the KA2 network enabled the two sides to reach a critical mass of data exchanged under this Key Action. However, several problems have caused that a full exploitation of KA2 could not be reached, such as:

- technical problems preventing the access to the secured IT tools;
- the indirect routing of goods leaving China to the EU;
- confusion about the exact destination port in the referrals;
- timely transmission of the referrals.

Nevertheless, the pilot-driven approach to address specific issues has delivered good results.

## **Recommendation for the way forward**

- Both sides contribute to improve the working method of information exchange under KA2
- Enlarging further the network of airports and seaports taking into account the results of the KA1 statistics analysis and the update of the actual trade routes and connections from and to the KA2 participating ports.
- Encouraging experts of both sides to pro-actively require additional information on referrals where data elements might be missing or confusing in order to ensure a useful analysis of the data.
- Addressing the trend in postal and courier traffic, by means of adapted approaches and techniques (e.g. pilot), and possibly worked out by a specific group of customs experts in postal traffic.
- Consider a yearly consolidated analysis of the referrals to detect trends.
- Enhance the feedback on the referrals.

## ***Key Action 3 - Promote cooperation between customs and other domestic authorities in order to stop production and wind up distribution networks***

*The overall aim of this Key Action is to strengthen cooperation between customs and other relevant authorities within their respective jurisdiction and cross border. This includes the exchange of useful, agreed and well defined information to enable the authorities to take the necessary action to stop production and to disrupt distribution networks.*

### **Activities**

In 2014, the two sides conducted a mapping exercise on the scope of competences of the respective authorities involved in the enforcement of IPR in China and in the EU.

In February 2016, a technical meeting relating to KA3 gathered representatives of customs, police and judicial authorities from the EU and China. The participants clarified the architecture of the cross-agency cooperation in IPR, including case studies. Several issues were raised and it was looked at the possibilities to develop the cross-agency cooperation further and on a more practical mode. The participants also joined the IPR High Level Conference on Cooperation between Customs and Other Authorities in the Fight against Infringements of IPR.

In May 2016, both sides agreed to strengthen cooperation under KA3 by means of a one-year pilot to test the communication channel between OLAF and MPS.

### **Assessment**

The cooperation under KA3 has gone one step further during the first part of implementation of the Action Plan. China police has showed strong readiness to start practical cooperation on significant cases provided that the following conditions are met for placing cases on files:

1. the illegal operation revenue exceeds 50.000 RMB or the illegal income exceeds 30,000 Yuan;
2. more than one fake registered trademark is used, and revenues from the illegal business exceeds 30,000 Yuan or the illegal gain exceeds 20,000 Yuan;
3. Other serious circumstances.

On this basis, three significant cases regarding counterfeit goods have been handled.

### **Recommendation for the way forward**

Two levels of co-operation should be envisaged within the context of investigations:

- exchange of information;
- co-operation during the investigation by providing the result to the requiring authority, if appropriate, the requiring authority will be invited to visit the premises of the entity under investigation only at the end of the investigation itself.

It is recommended to extend this action for another time period with a view to gather more experience.

The outcome of the pilot will be paramount to design the future working cooperation mechanisms.

***Key Action 4 - Joint development of partnerships with the business communities in the EU and China***

*The overall aim of this Key Action is to strengthen the existing cooperation between the public and the private sector, both in the EU and China.*

**Activities**

In order to promote EU-China cooperation on IPR customs enforcement and make the industry aware of the procedures they should follow for the border protection of their IPR, it was agreed to create a specific section in this regard on the websites of GACC, the EC and where possible the EU MS Customs.

A joint Customs-Industry workshop on IPR legislation and practices was held on 8<sup>th</sup> of May 2014. It gathered private sector delegates from QBPC, EUCCC and the EU SME IPR Helpdesk.

Issues such as the scope of IPR protected by Customs in the EU, application procedures, conditions for applying to Customs, conditions for taking ex-officio action, warehousing costs, disposal of infringing goods, simplified procedures, disclosing information to IPR owners, collection of samples and photo by IPR owners, obligation and liability of IPR owners, deposit of security, Customs' cooperation with third parties, e.g. court, administration and IPR owners were addressed.

A second workshop took place in June 2015 where industry representatives and Customs experts discussed the future creation of the web service on TAXUD and GACC websites.

## **Assessment**

The involvement of private sector in the Action Plan has been relatively low. Many initiatives are taken already to address IPR-related concerns of the industry. The Action Plan should make sure it concentrates on the customs-related aspects only of IPR protection. The webservice could be a powerful tool in this regard, if fed with meaningful information and frequently updated.

## **Recommendation for the way forward**

- Revive the possibility for complementing WG meeting with an Industry-Customs forum to ensure adequate and continued involvement of the industry in the Action Plan.
- Ensure the web service is known to and used by the private sector' representatives.
- Ensure proper update and exchange of information to feed the web service.

## ***Key Action 5 - Exchange of knowledge and experience on each other's IPR enforcement policies and practices***

*The objective is to give customs experts on IPR enforcement in China and the EU the possibility to understand better each other's practices and approaches and the enforcement challenges faced at practical level. For this purpose, working visits and 'on-the-job' exchanges to each other's ports and other relevant offices are organised.*

## **Activities**

Two study visits took place in 2015, one in China and one in the EU.

These visits were triggered by the difficulties faced in the implementation of Key Action 1 and Key Action 2, in particular the customs data sets available at import in the EU and at export in China as well as the respective risk management approaches.

## **Assessment**

It definitely helped to better understand not only how IPR are enforced by customs in the field, but also how the overall customs clearance process is carried out. Visits to several local customs offices give a very good insight into field operations.

However, the visit agendas have been too broad to concentrate on very specific issues and a better preparation and exchange of expectations is needed to have more added-value.

## **Recommendations for the way forward**

- Ensure greater flexibility of the visit in terms of format, time and location
- Ensure an early communication on the scope, expectations and programme of the visit and its participants.

## **Overall conclusion**

The Action Plan 2014-2017 has unveiled a new era in the EU-China customs cooperation in IPR enforcement. It turned more practical and benefitted from lessons learned under the previous cooperation scheme. Several practical solutions have been established and working mechanisms have been smoothed considerably.

Both sides have demonstrated strong interest and willingness to cooperate.

Key Action 1 and 2 remain two major pillars of the Action Plan. These Actions have yielded results but there remains a considerable potential for exploiting the AP at its utmost. Efforts to further develop and refine these Key Actions are therefore needed.

Key Action 3 is delivering promising prospects. There is a joint political will to crack down on IPR infringements. There remains the question of the most suitable tool(s) to turn this will into concrete actions and results.

Regarding Key Action 4, reflection is needed to decide if more involvement of the private sector in the AP is necessary or if the information on the websites is sufficient.

Key Action 5 has revealed itself as a powerful mean to clear out issues arising from the implementation of the other key actions. It should be improved though organisation-wise.

Overall, it is recommended to further implement the Action Plan taking into account the recommendations laid down in this document and to consider from now on a reinforced cooperation scheme for the post AP 2014-2017-era.

---