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#### NOTE

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From:	General Secretariat of the Council
On:	25 March 2015
To:	Working Party on Customs Union
Subject:	Action Plan on Cooperation in the Customs Enforcement of Intellectual Property Rights in the European Union and Hong Kong, China

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Delegations will find in annex the above Action Plan, as amended in the light of the debate held at the Working Party meeting on 25 March 2015. Changes concern the second paragraph under point II on page 4 and are in bold/underline.

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**Action Plan**

**on Cooperation in the Customs Enforcement of Intellectual Property Rights  
in the European Union and Hong Kong, China**

The European Commission on behalf of the European Union (EU) and the Customs and Excise Department, Hong Kong, China (HKC);

**CONSIDERING**

The importance of promoting legitimate trade between the EU and HKC for the mutual benefit of both sides in line with the “*Agreement between Hong Kong, China and the European Community on Cooperation and Mutual Administrative Assistance in Customs Matters*” of 1999 (CCMAAA), in particular its Article 4, and the respective applicable laws of HKC and the EU;

The economic and social significance of intellectual property rights (IPR);

The serious global problem posed by massive violations of IPR and the related damage caused to businesses and creators;

The enormous profits generated by such illicit activities and the risk ensuing for consumers and the environment;

**RECOGNISING**

The need to combat this phenomenon through robust international cooperation;

The key role of customs enforcement in preventing international trade in IPR infringing goods;

## RECALLING

The strong interest in developing cooperation in customs enforcement of IPR in the EU and HKC at the meeting of 15 May 2014 between the EU Commissioner for Taxation and Customs Union, and the Deputy Commissioner of the Customs and Excise Department of HKC;

The need to promote such cooperation by sharing information and analysis of intelligence gathered from trade data on IPR infringing goods between the two sides;

## HEREBY

Endorse the attached Action Plan for further developing customs cooperation in line with the CCMAAAA between the EU and HKC, with a view to tackling international trade in IPR infringing goods throughout the supply chain.

Signed at \_\_\_\_\_, on \_\_\_\_\_, in duplicate in English.

For the Customs and Excise Department of  
Hong Kong, China

For the European Commission on behalf of  
the European Union

## Action Plan

### I. Objectives

The customs cooperation on the enforcement of intellectual property rights (IPR) should:

- seek to improve the targeting of shipments of IPR infringing goods destined for the EU, as well as of subsequent shipments from the same operators;
- contribute to the dismantling of illegal IPR activities on both sides; and
- promote the active involvement of the Customs Authorities<sup>1</sup> of both sides in fighting international trade in goods infringing IPR on the basis of risk analysis and close cooperation with the relevant stakeholders.

### II. Activities

Activities envisaged under the Action Plan should include *inter alia* the sharing of detention statistics on IPR infringing goods, of general risk information and of case-specific information, and the joint analysis of such information to improve customs risk management. Such activities could support the opening of administrative enquiries where appropriate.

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<sup>1</sup> In the EU, the competent services of the European Commission and the customs authorities of the Member States of the EU, and in Hong Kong, China (HKC), the Customs and Excise Department.

Both sides **should** keep any information or documents received under the Action Plan confidential. For the purpose of IPR related investigations concerning criminal offences, the use of information **should** be confined solely to the investigation stage. General risk information exchanged in the context of the Action Plan would be useful in developing and improving enforcement strategies for better tackling IPR infringements on both sides.

### **III. Methodology**

The two sides should develop cooperation on IPR enforcement gradually. In the initial phase relevant mechanisms of cooperation should be developed and tested by means of a pilot project.

The sharing of statistical data would take place, on a voluntary basis, between the European Commission and the Customs and Excise Department of HKC. The exchange of case-specific detention data would take place, on a voluntary basis, between the Customs Authorities of the EU Member States and the Customs and Excise Department of HKC. The two sides exchange details of contact points in the European Commission, the Customs Authorities of the EU Member States and the Customs and Excise Department of HKC for the follow-up of the Action Plan, including the exchange of case-specific detention data. The contact points would meet where necessary to discuss matters arising from the Action Plan.

The Joint Customs Cooperation Committee reviews the progress of the customs cooperation under this Action Plan.

#### **IV. Expenses**

Each side bears its own costs relating to the application of the Action Plan.

#### **V. Miscellaneous**

This Action Plan is not intended to create any binding rights or obligations under international law. The two sides would apply it on a voluntary basis as of its endorsement and may terminate it by notifying the other side in writing.

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