



Council of the
European Union

Brussels, 7 April 2015
(OR. en)

7525/15
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UD 54

"I/A" ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 1)/Council
No. Cion doc.:	7382/15 UD 47
Subject:	Action Plan on Cooperation in the Customs Enforcement of Intellectual Property Rights in the European Union and Hong Kong, China - Approval

Commission's Declaration

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

The Commission takes note that the Council endorses the Commission's intention to sign, on behalf of the European Union, an Action Plan on Cooperation in the Customs Enforcement of Intellectual Property Rights in the European Union and Hong Kong, China.

However, the Commission is of the opinion that such endorsement is not legally required and cannot constitute a precedent since the Action Plan at stake is a non-binding instrument which fully reflects an existing EU position and policy. In that respect, the Commission is of the opinion that it is empowered by the Treaties, namely on the basis of Article 17 TEU, to sign this Action Plan on behalf of the European Union.

The changes proposed by the Council cannot be accepted by the Commission because it would contradict the provisions of Article 17.1 of the Agreement between the European Community and Hong Kong, China on cooperation and mutual administrative assistance in customs matters which stipulates that "Any information communicated in whatsoever form pursuant to this Agreement shall be of a confidential or restricted nature, depending on the rules applicable in each of the Contracting parties."

The Commission also would like to underline that it has shared a text with the Customs Union Working Group before internal Commission procedures have been finalised in order to ensure the timely information of the Council.
