



Council of the  
European Union

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**"I/A" ITEM NOTE**

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

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**EU - Hong Kong Customs Cooperation Action Plan: Draft Council Statement**

The Council notes the statement made by the Commission, in which it

- expresses its opinion that endorsement by the Council of the Action Plan on Cooperation in the Customs Enforcement of Intellectual Property Rights in the European Union and Hong Kong, China, is not legally required,
- expresses its opinion that the Commission is empowered by Article 17 TEU to sign the Action Plan on behalf of the European Union, and
- states its intention not to accept the changes to the text of the Action Plan proposed by the Council.

The Council recalls that Article 13(2) TEU requires each institution to act within the limits of the powers conferred on it in the Treaties. Article 16(1) TEU requires the Council to carry out policy-making and coordinating functions as laid down in the Treaties. The Commission cannot autonomously ensure the external representation of the European Union on the basis of Article 17(1) TEU alone without respecting the policy-making role of the Council concerning the content of instruments containing policy commitments on behalf of the Union. The representation of the Union and the determination of the policy content of positions to be adopted on behalf of the Union are two separate functions. The determination of the Union's position regarding policy questions dealt with in the Action Plan forms part of the Council's policy-making functions.

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