

(English version)

Question for written answer E-000400/25
to the Commission
Dimitris Tsiodras (PPE)
(29 January 2025)

Subject: Ensuring a level playing field for European businesses by tackling imports of counterfeit goods

In 2023, 152 million counterfeit items were seized at the EU's external borders and in the internal market ⁽¹⁾, with an estimated value of EUR 3.4 billion. They range from widely-used consumer goods, such as machinery, chemicals, cosmetics and pharmaceutical products, to items of high commercial value. Many are of low quality and pose a significant threat to health and safety, while creating conditions of unfair competition for European producers, as their importers do not adhere to the applicable legislative framework. According to the European Commission itself, the practice of shipping packaging material separately from the actual unbranded item and assembling them within the EU has been observed, in an attempt to avoid detection by the competent authorities.

In light of the above,

1. How does the Commission intend to tackle these imports of counterfeit goods while ensuring a level playing field for European businesses?
2. What have been the outcomes of implementing the memorandum of understanding (MoU) on the sale of counterfeit goods on the Internet and how does the Commission intend to enforce existing legislation on the protection of intellectual property rights?

Submitted: 29.1.2025

Answer given by Executive Vice-President Séjourné on behalf of the European Commission
(23 April 2025)

1. The Commission published a communication on e-commerce ⁽¹⁾ highlighting the need for joint enforcement actions to combat counterfeiting, including in the next European Multidisciplinary Platform Against Criminal Threats cycle 2026-2029 ⁽²⁾.

The Commission adopted a recommendation to combat counterfeiting ⁽³⁾ and is working with the EU Intellectual Property (IP) Office Observatory ⁽⁴⁾ on monitoring its effects before assessing it by March 2027.

The small and medium-sized enterprises (SMEs) fund offers the 'IP scan' enforcement service which provides general IP advice to EU-based SMEs on how to enforce their IP in case of infringements and how to avoid infringing the IP rights of others ⁽⁵⁾.

2. A positive impact has been observed in the reduction of counterfeit listings, collaboration and information sharing with law enforcement authorities, and the development of proactive measures among the memorandum of understanding (MoU) signatories ⁽⁶⁾, who are currently considering a modernisation of the MoU with the aim of updating and adapting it to the changes in legislative framework (Digital Services Act, DSA ⁽⁷⁾) and new counterfeiting practices.

The Commission is conducting a study on the implementation and application of certain aspects of Directive 2004/48/EC ⁽⁸⁾ to provide evidence on potential new challenges and discrepancies in implementation. The Commission has launched a full evaluation of the functioning of Regulation (EU) No 608/2013 ⁽⁹⁾ to assess if the measures in place are still fit for purpose.

¹ ¹European Commission-EUIPO, EU enforcement of intellectual property rights: results at the EU border and in the EU internal market 2023

⁽¹⁾ <https://digital-strategy.ec.europa.eu/en/library/e-commerce-communication-comprehensive-eu-toolbox-safe-and-sustainable-e-commerce>

⁽²⁾ https://home-affairs.ec.europa.eu/policies/law-enforcement-cooperation/empact-fighting-crime-together_en

⁽³⁾ https://single-market-economy.ec.europa.eu/publications/commission-recommendation-measures-combat-counterfeiting-and-enhance-enforcement-intellectual_en

⁽⁴⁾ <https://www.euipo.europa.eu/en/observatory>

⁽⁵⁾ Further information available at https://single-market-economy.ec.europa.eu/news/launch-2025-sme-fund-help-smes-protect-intellectual-property-2025-02-03_en

⁽⁶⁾ <https://ec.europa.eu/docsroom/documents/42701>

⁽⁷⁾ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC (Digital Services Act), available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022R2065>

⁽⁸⁾ Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights, available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32004L0048R%2801%29>

⁽⁹⁾ Regulation (EU) No 608/2013 of the European Parliament and of the Council of 12 June 2013 concerning customs enforcement of intellectual property rights and repealing Council Regulation (EC) No 1383/2003, available at <https://eur-lex.europa.eu/eli/reg/2013/608/oj/eng>

Additionally, the Commission is enforcing the DSA ⁽¹⁰⁾, together with national competent authorities and has launched several investigations against some of the very large online platforms to assess whether they may have breached the DSA obligations.

⁽¹⁰⁾ <https://digital-strategy.ec.europa.eu/en/policies/dsa-enforcement>