

Portuguese Council Presidency Wishes to Intensify Fight against Counterfeiting



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News

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One of the priorities of the Portuguese Council Presidency in the first half of 2021 was to strengthen the criminal law protection of intellectual property rights. Against the background of growing counterfeiting and product piracy activities during the COVID-19 pandemic, the focus was laid on the connections between counterfeiting and organised crime. At the JHA Council meeting on 7 June 2021, the [Presidency informed about the state of play](#) of the discussions. All EU Member States share the view that counterfeiting and its link to organised crime is a topical matter and a major threat to public health and the economy.

The opinions differ, however, as regards the question of whether approximation of substantive criminal law to fight counterfeiting is necessary. While some Member States support common rules on criminal definitions and sanctions on the basis of Art. 83(2) TFEU, other Member States are more hesitating, arguing that first a thorough analyses on the proportionality and necessity of such measures should be carried out and the implementation of the existing framework assessed. A majority of the Ministers agreed that more efforts should be made to ensure that Member States ratified and implemented the Council of Europe Convention on counterfeiting of medical products and similar crimes involving threats to public health (MEDICRIME Convention → [euclid 2/2016, 84-85](#)).

The Portuguese Council Presidency is of the opinion that the EU should do more besides making counterfeiting and piracy a political priority. It favours the idea of approximation of national legislations to tackle counterfeiting and its links with organised crime at least where related activities endanger the life, health and safety of individuals. The Commission is encouraged to further examine the issue of approximation.

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ISSN: 1862-6947

<https://euclid.eu>



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The project is co-financed by the [Union Anti-Fraud Programme \(UAFB\)](#), managed by the [European Anti-Fraud Office \(OLAF\)](#).



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