

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

CHAPTER III

ACTION BY THE CUSTOMS AUTHORITIES

SECTION 2

Destruction of goods, initiation of proceedings and early release of goods

Article 26

Procedure for the destruction of goods in small consignments

- 1 This Article shall apply to goods where all of the following conditions are fulfilled:
 - a the goods are suspected of being counterfeit or pirated goods;
 - b the goods are not perishable goods;
 - c the goods are covered by a decision granting an application;
 - d the holder of the decision has requested the use of the procedure set out in this Article in the application;
 - e the goods are transported in small consignments.
- 2 When the procedure set out in this Article is applied, Article 17(3) and (4) and Article 19(2) and (3) shall not apply.
- 3 The customs authorities shall notify the declarant or the holder of the goods of the suspension of the release of the goods or their detention within one working day of the suspension of the release or of the detention of the goods. The notification of the suspension of the release or the detention of the goods shall include the following information:
 - a that the customs authorities intend to destroy the goods;
 - b the rights of the declarant or the holder of the goods under paragraphs 4, 5 and 6.
- 4 The declarant or the holder of the goods shall be given the opportunity to express his point of view within 10 working days of notification of the suspension of the release or the detention of the goods.
- 5 The goods concerned may be destroyed where, within 10 working days of notification of the suspension of the release or the detention of the goods, the declarant or the holder of the goods has confirmed to the customs authorities his agreement to the destruction of the goods.
- 6 Where the declarant or the holder of the goods has not confirmed his agreement to the destruction of the goods nor notified his opposition thereto to the customs authorities, within the period referred to in paragraph 5, the customs authorities may deem the declarant or the holder of the goods to have confirmed his agreement to the destruction of the goods.

Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 608/2013 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

7 The destruction shall be carried out under customs control. The customs authorities shall, upon request and as appropriate, provide the holder of the decision with information about the actual or estimated quantity of destroyed goods and their nature.

8 Where the declarant or the holder of the goods has not confirmed his agreement to the destruction of the goods and where the declarant or the holder of the goods has not been deemed to have confirmed such agreement, in accordance with paragraph 6, the customs authorities shall immediately notify the holder of the decision thereof and of the quantity of goods and their nature, including images thereof, where appropriate. The customs authorities shall also, upon request and where available to them, inform the holder of the decision of the names and addresses of the consignee, the consignor and the declarant or the holder of the goods, of the customs procedure and of the origin, provenance and destination of the goods whose release has been suspended or which have been detained.

9 The customs authorities shall grant the release of the goods or put an end to their detention immediately after completion of all customs formalities where they have not received information from the holder of the decision on the initiation of proceedings to determine whether an intellectual property right has been infringed within 10 working days of the notification referred to in paragraph 8.

10 The Commission shall be empowered to adopt delegated acts in accordance with Article 35 concerning the amendment of quantities in the definition of small consignments in the event that the definition is found to be impractical in the light of the need to ensure the effective operation of the procedure set out in this Article, or where necessary in order to avoid any circumvention of this procedure as regards the composition of consignments.

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Changes and effects yet to be applied to :

- Regulation applied (with modifications) by S.I. 2023/959 reg. 4(a)Sch. 1
- Art. 26(10) omitted by S.I. 2019/514 reg. 19

Changes and effects yet to be applied to the whole legislation item and associated provisions

- Signature words omitted by S.I. 2019/514 reg. 27
- Art. 1(1)(b) words substituted by S.I. 2019/514 reg. 3(a)(ii)
- Art. 2(A1) inserted by S.I. 2019/514 reg. 4(2)
- Art. 2(1)(c) words omitted by S.I. 2019/514 reg. 4(3)(a)
- Art. 2(1)(e) words omitted by S.I. 2019/514 reg. 4(3)(b)
- Art. 2(1)(f) words substituted by S.I. 2019/514 reg. 4(3)(c)
- Art. 2(1)(g) words substituted by S.I. 2019/514 reg. 4(3)(d)
- Art. 2(1)(h) omitted by S.I. 2019/514 reg. 4(3)(e)
- Art. 2(1)(i) words substituted by S.I. 2019/514 reg. 4(3)(g)
- Art. 2(1)(j) words omitted by S.I. 2019/514 reg. 4(3)(h)
- Art. 2(1)(k) omitted by S.I. 2019/514 reg. 4(3)(f)
- Art. 2(1)(l) words omitted by S.I. 2019/514 reg. 4(3)(h)
- Art. 2(2)(3) substituted by S.I. 2019/514 reg. 4(4)
- Art. 2(4) substituted by S.I. 2019/514 reg. 4(5)
- Art. 2(5)(a) words substituted by S.I. 2019/514 reg. 4(6)
- Art. 2(5)(b) words substituted by S.I. 2019/514 reg. 4(6)
- Art. 2(6) words substituted by S.I. 2019/514 reg. 4(7)
- Art. 2(7) words substituted by S.I. 2019/514 reg. 4(8)(a)
- Art. 2(7)(a) words omitted by S.I. 2019/514 reg. 4(8)(b)
- Art. 2(7)(b) words omitted by S.I. 2019/514 reg. 4(8)(b)
- Art. 2(7)(c) words omitted by S.I. 2019/514 reg. 4(8)(b)
- Art. 2(10) words substituted by S.I. 2019/514 reg. 4(9)
- Art. 2(11) omitted by S.I. 2019/514 reg. 4(10)
- Art. 2(15) words substituted by S.I. 2019/514 reg. 4(11)
- Art. 2(17) omitted by S.I. 2019/514 reg. 4(12)
- Art. 2(18) words substituted by S.I. 2019/514 reg. 4(13)
- Art. 2(19) words substituted by S.I. 2019/514 reg. 4(14)(a)
- Art. 2(19) words substituted by S.I. 2019/514 reg. 4(14)(b)
- Art. 3(1)-(3) substituted by S.I. 2019/514 reg. 5(b)
- Art. 5(3)(b) omitted by S.I. 2019/514 reg. 7(b)
- Art. 6(3)(d) words substituted by S.I. 2019/514 reg. 8(c)(ii)
- Art. 6(3)(f) omitted by S.I. 2019/514 reg. 8(c)(iii)
- Art. 6(3)(j) words omitted by S.I. 2019/514 reg. 8(c)(iv)
- Art. 6(3)(p) words substituted by S.I. 2019/514 reg. 8(c)(v)
- Art. 16(1)(a) word substituted by S.I. 2019/514 reg. 13(a)(ii)
- Art. 16(1)(b) omitted by S.I. 2019/514 reg. 13(a)(iii)
- Art. 21(b) words substituted by S.I. 2019/514 reg. 14
- Art. 25(1)(b) words substituted by S.I. 2019/514 reg. 18