

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 IV

LIABILITY, COSTS AND PENALTIES

Article 27

Liability of the customs authorities

Without prejudice to national law, the decision granting an application shall not entitle the holder of that decision to compensation in the event that goods suspected of infringing an intellectual property right are not detected by a customs office and are released, or no action is taken to detain them.

Article 28

Liability of the holder of the decision

Where a procedure duly initiated pursuant to this Regulation is discontinued owing to an act or omission on the part of the holder of the decision, where samples taken pursuant to Article 19(2) are either not returned or are damaged and beyond use owing to an act or omission on the part of the holder of the decision, or where the goods in question are subsequently found not to infringe an intellectual property right, the holder of the decision shall be liable towards any holder of the goods or declarant, who has suffered damage in that regard, in accordance with specific applicable legislation.

Article 29

Costs

1 Where requested by the customs authorities, the holder of the decision shall reimburse the costs incurred by the customs authorities, or other parties acting on behalf of customs authorities, from the moment of detention or suspension of the release of the goods, including storage and handling of the goods, in accordance with Article 17(1), Article 18(1) and Article 19(2) and (3), and when using corrective measures such as destruction of goods in accordance with Articles 23 and 26.

The holder of a decision to whom the suspension of release or detention of goods has been notified shall, upon request, be given information by the customs authorities on where and how those goods are being stored and on the estimated costs of storage referred to in this paragraph. The information on estimated costs may be expressed in terms of time, products, volume, weight or service depending on the circumstances of storage and the nature of the goods.

2 This Article shall be without prejudice to the right of the holder of the decision to seek compensation from the infringer or other persons in accordance with the legislation applicable.

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](#)

3 The holder of a decision granting a Union application shall provide and pay for any translation required by the competent customs department or customs authorities which are to take action concerning the goods suspected of infringing an intellectual property right.

Article 30

Penalties

The Member States shall ensure that the holders of decisions comply with the obligations set out in this Regulation, including, where appropriate, by laying down provisions establishing penalties. The penalties provided for shall be effective, proportionate and dissuasive.

The Member States shall notify those provisions and any subsequent amendment affecting them to the Commission without delay.

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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](#)