



ACTA: reasons for committee vote against referral to Court of Justice

Committees: Committee on International Trade

A proposal to recommend that Parliament should refer the Anti-Counterfeiting Trade Agreement (ACTA) to the EU Court of Justice was rejected by the International Trade Committee on Tuesday, with 21 MEPs against, 5 in favour and 2 abstentions.

EPP group coordinator Daniel Caspary (DE, EPP), explained that EPP MEPs had voted against referring ACTA to the EU Court of Justice as "at the moment there is no need to do so, it because the file will anyway go to the court - according to intentions announced by the European Commission".

"We also want to keep the Parliament more flexible in the coming months when it will hold its political discussion and assess whether ACTA is the right tool to solve the problems it was created to solve, without creating new ones. If Parliament refers ACTA to the court, then it can no longer vote on it", added Mr Caspary.

S&D spokesperson on trade, Bernd Lange (DE), said that the S&D wanted Parliament to reject ACTA immediately rather than postponing its decision by referring it to the court. "Today's decision not to ask for legal advice from the Court of Justice is the first sign that this Parliament is ready to reject ACTA. It was a mistake from the beginning to put counterfeit goods and internet content in the same agreement. The European Parliament was not involved in the negotiations and now we are asked to say either yes or no, without the possibility of amending the shortcomings. We cannot support the text as it is. ACTA will probably be buried before the summer", he said.

The European Conservatives and Reformists group also voted against referring ACTA to the court.

For the GUE/NGL group, Helmut Scholz (DE) said after the vote: "Our group is generally very critical of ACTA's contents, but we are in favour of the normal parliamentary procedure to discuss its particularities - international trade aspects, intellectual property rights, freedom of expression and the internet, impact on development etc.". He added that it would have made sense to seek a legal opinion on ACTA at an earlier stage, but now that Parliament has the political responsibility for dealing with it, it should do its exploratory work and not halt the discussion for another 1-2 years, which would be the case if ACTA were referred to the Court.

The committee's decision was also welcomed by the Greens/EFA group, even though the Greens abstained from the vote. They shared the GUE/NGL's view that it would have been better to refer ACTA to the court earlier, and reiterated that the resolutions that they had previously tabled to this end had not been taken up in Parliament's plenary agenda.

"We are politically against referring ACTA to the court, because we think that it should be rejected immediately", said Jan Philipp Albrecht (Greens, DE).

Press release

Shadow rapporteur on ACTA for the Greens Amelia Andersdotter (SE) added: "Referring ACTA to the court is no substitute for the political procedure needed to check this agreement and determine democratically whether its entry into force is in the European interest. Only a democratic ratification process via the European and national parliaments is able to provide such a judgement, and we therefore welcome today's decision to continue with this process". The only political group that voted in favour of referring ACTA to the ECJ was ALDE. Their shadow rapporteur on ACTA Niccolò Rinaldi (IT) said: "I am disappointed at today's decision. While referral to the court would not have answered all the political questions thrown up by ACTA, it would have given Parliament the opportunity to gain legal clarifications where citizens have concerns, particularly regarding ACTA's compatibility with the Charter of Fundamental Rights. I fear we have missed the opportunity to raise our own concerns and will now be left only with the questions tabled by the Commission."

Rapporteur David Martin (S&D, UK), had asked the committee to vote on the referral question due to a perceived lack of support from other political groups within the House. After the vote, Mr Martin said he would adhere to the previously agreed timetable for Parliament's decision on whether to say yes or no to ACTA.

"Some thought that my proposal to refer ACTA to the Court of Justice was a political trick to delay the decision. My intention, on the contrary, was to shed some light that would help members of Parliament make their decision. However, MEPs today showed they are ready to vote. I am glad that the calendar is clear now and things will move faster. We need to stop discussing the procedure and start the political debate on the content", Mr Martin said.

What next?

According to the previously agreed timetable, at the next committee meeting, on 25-26 April Mr Martin will present his recommendation as to whether EP should say yes or no to ACTA.

The final International Trade Committee vote is scheduled for 29-30 May, and Parliament as a whole is to vote on the issue at its June plenary session.

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