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Committee on Development

2011/0167(NLE)

25.4.2012

DRAFT OPINION

of the Committee on Development

for the Committee on International Trade

on the proposal for a Council decision on the conclusion of the Anti-Counterfeiting Trade Agreement between the European Union and its Member States, Australia, Canada, Japan, the Republic of Korea, the United Mexican States, the Kingdom of Morocco, New Zealand, the Republic of Singapore, the Swiss Confederation and the United States of America
(COM(2011)0380 – C7-0027/2012 – 2011/0167(NLE))

Rapporteur: Jan Zahradil

PA_Leg_Consent

SHORT JUSTIFICATION

The defence of intellectual property rights and active combating of counterfeiting are essential for development, as protection of intellectual property safeguards and encourages creation, innovation and entrepreneurship, makes it possible for a business to grow and creates wealth.

The conclusion of negotiations on the Anti-Counterfeiting Trade Agreement (ACTA) provides a WTO-plus legal framework in addition to the TRIPS Agreement, against counterfeiting, piracy and a broad range of IPR infringements by establishing common rules on civil and criminal enforcement and on customs procedures for ACTA Parties[1].

Furthermore ACTA membership is not exclusive and additional Parties, including developing and emerging countries, may join, thus promoting widespread IPR protection and enhancing the fight against counterfeiting and piracy worldwide. In the future, ACTA could potentially attain a multilateral level as part of the WTO or WIPO (World Intellectual Property Organization).

Furthermore the Commission made a public commitment not to impose ACTA provisions on third countries through their incorporation in free trade agreements and Economic Partnership Agreements.

The Commission has ensured that ACTA provisions comply with the Union *acquis* and that nothing in ACTA contradicts the obligations between parties under existing agreements, including the TRIPS Agreement[2].

Legitimate trade in generic medicines is essential to the development of public health worldwide, and especially in developing countries. The Committee appreciates the unequivocal language of ACTA provisions which safeguard access to public health and recognises the principles enshrined in the Doha Declaration on the TRIPS Agreement and Public Health[3].

The Commission in its written answer on ACTA and access to medicine[4], stated that ACTA will not serve as a basis to interfere with access to medicine and, in particular with trade in generic medicines, and that there will be no obligation to apply border controls and criminal enforcement provisions to suspected patent infringements on medicines for countries dependent on imported pharmaceuticals.

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The Committee on Development calls on the Committee on International Trade, as the

[1] ACTA negotiations were concluded on 15 November 2010 and the initialling took place on 25 November 2010 after 11 rounds of negotiations between Australia, Canada, the EU, Japan, South-Korea, Mexico, Morocco, New Zealand, Singapore, Switzerland and the USA.
[2] See also Article 1in Section 1 of Chapter I of ACTA.
[3] The Doha Declaration on the TRIPS Agreement and Public Health was adopted on 14 November 2001 at the Fourth WTO Ministerial Conference;
[4] Commissioner De Gucht, written answer to the European Parliament, P-9346/10 EN, (14.12.2010)

committee responsible, to propose that Parliament give its consent.