



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Industry, Research and Energy

2011/0167(NLE)

29.3.2012

DRAFT OPINION

of the Committee on Industry, Research and Energy

for the Committee on International Trade

on the draft 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
(12195/2011 – C7-0027/2012 – 2011/0167(NLE))

Rapporteur: Amelia Andersdotter

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SHORT JUSTIFICATION

1. Welcomes the aims expressed by the Anti-Counterfeiting Trade Agreement (ACTA) negotiating parties to tackle the trade in counterfeited goods;
2. Notes that counterfeiting, copyright and trademark infringements are covered by ACTA thus creating a one-size-fits-all instrument of enforcement which doesn't meet the unique needs of each sector; is concerned by the lack of definition of key terminologies on which the ACTA enforcement mechanisms are based; fears that this creates legal uncertainty for European companies and in particular SMEs, technology users, online platform and internet service providers;
3. Notes that while the ambition of ACTA is to strengthen EU industries, it appears to be contrary to the ambition of the EP in the Digital Agenda to make Europe the scene for cutting edge internet innovation¹, as well as the strong ambition to promote net neutrality and access to the online digital market for SMEs²;
4. Recalls that data concerning the scale of IPR infringements are inconsistent, incomplete, insufficient and dispersed, and that an objective, independent impact assessment is needed for any additional legislative proposal³;
5. Is concerned that the ACTA text does not ensure a fair balance between the right to intellectual property and the freedom to conduct business, the right to protection of personal data and the freedom to receive or impart information, the requirement of which was recently ruled by the European Court of Justice⁴;
6. Therefore, feels compelled to call on the Committee on International Trade to withhold its consent to the agreement.

The Committee on Industry, Research and Energy calls on the Committee on International Trade, as the committee responsible, to propose that Parliament decline to give its consent.

¹ European Parliament resolution of 5 May 2010 on a new Digital Agenda for Europe: 2015.eu (2009/2225(INI))
<http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2010-0133&language=EN&ring=A7-2010-0066>

² European Parliament resolution of 17 November 2011 on the open internet and net neutrality in Europe
<http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2011-0511+0+DOC+XML+V0//EN>

³ European Parliament resolution of 22 September 2010 on enforcement of intellectual property right in the internal market (2009/2178(INI))
<http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2010-340>

⁴ Case C-360/10 of the European Court of Justice, paragraph 47
<http://curia.europa.eu/juris/document/document.jsf?text=&docid=119512&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=291042>