



ACTA: reject and maybe renegotiate, says European Parliament rapporteur

Committees: Committee on International Trade

The European Parliament should reject the Anti-Counterfeiting Trade Agreement (ACTA) because it is not clear enough to protect citizens' rights, said rapporteur David Martin (UK, S&D) in his formal recommendation to the International Trade Committee on Wednesday. However, he acknowledged that an alternative way to protect Europe's intellectual property is needed, and could perhaps be found by renegotiating the agreement.

ACTA's shortcomings - which include failing to define "commercial scale" clearly enough and implicitly requiring internet service providers to act as "internet police" - mean that in practice it could have the unintended consequence of undermining civil liberties, said Mr Martin, proposing that Parliament should therefore reject ACTA as such, "but not the need for the EU to protect its intellectual property".

"Europe can only compete on the basis of innovation and creativity and in order to do that, it has to protect its intellectual property" he continued, adding the hope that the European Commission would come forward with a different proposal in that field.

ACTA Article 42 provides for renegotiation of the text, noted Mr Martin, suggesting that the Commission might be able to "go back to other contracting parties and take forward the modifying procedure". He cited the similar case of the EU/US Passenger Name Record agreement, in which a more acceptable proposal was agreed following Parliament's rejection of the original one.

Kill ACTA or fix it?

In discussion on the committee's draft recommendation, Christofer Fjellner (SE, EPP), stressed that the debate around ACTA had left an impression that ACTA was the problem, even though the real "enemy" was piracy, loss of jobs and fake medicines. "Killing ACTA will not help our fight against piracy, so the focus of my political group will be on how to fix ACTA and not to kill it", he said, suggesting that Parliament should "send ACTA back to people that negotiated it" and ask for legal certainty to be added in areas such as the definition of "commercial scale" and rules on internet service providers.

David Campbell (ECR, UK), said that although the ACTA text was unconvincing, discussion on how to protect intellectual property rights must continue. He suggested that if other ACTA signatories were to enforce ACTA even though the EU rejected it, this could cause to a "creative drain" — people leaving the EU and settling in countries that provide better protection for their intellectual property. "That would be a disaster for our economy", he said.

Niccolò Rinaldi (ALDE, IT), said that his political group would act on the rapporteur's suggestion and vote against ACTA, but he also called on the Commission to withdraw the agreement and seek sector-specific agreements to tackle counterfeiting "with different instruments that are more appropriate".

Press release

Amelia Andersdotter (SE, Greens/EFA), also backed Mr Martin's view that Parliament should reject the agreement, and called for a new one to be negotiated, but said that this time it must clearly define the nature of the protection that it affords, so to avoid any unforeseen interpretations.

Referral to Court of Justice

International Trade Committee Chair Vital Moreira (PT, S&D), reminded MEPs that the Commission had referred ACTA to the European Court of Justice for an opinion on its compatibility with fundamental rights and asked whether it was "legally possible and politically admissible to vote on an agreement that is being considered by the Court". He stressed that Parliament had an obligation at least to clarify this question.

Timetable changes

To allow all the committees consulted in Parliament more time to discuss and draft their opinions, the International Trade Committee decided to postpone the committee vote on ACTA by one month, to June. This means that the plenary vote on it is likely to be taken in July (tbc).

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