

**Question for written answer E-002748/2012
to the Commission**

Rule 117

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Subject: Ratification of ACTA in the signatory Member States ahead of the discussion in the competent committees of the European Parliament and a subsequent decision

The Anti-Counterfeiting Trade Agreement (ACTA) was signed by 22 Member States and the Commission on 26 January 2012 and that, being a mixed legal agreement, its various sections will require both the consent of the European Parliament and ratification by national parliaments in order for the agreement to come into force.

In the light of widespread public protests that were supported by experts, civil society and international non-governmental sectors, a number of Member States are inclined not to proceed with ratification, or to suspend it (e.g. Slovenia, Poland, the Czech Republic, Bulgaria and Latvia).

The internal briefing by Parliament's DG COMM states that ACTA cannot enter into force if a number of Member States fail to ratify the agreement.

No clear indication has been given at EU level as to what will happen if a number of Member States do not ratify the agreement or if they suspend its ratification.

Given the importance of such implications for the role of the European Parliament in holding discussions on, and consenting to, ACTA at EU level,

1. Can the Commission confirm that non-ratification or suspension will legally hamper the effectiveness of ACTA, at least as far as criminal enforcement of intellectual property rights (IPR) is concerned?
2. Can the Commission provide an official position regarding the legal issues and impacts of ratification or non-ratification of ACTA by individual Member States?
3. If some Member States suspend ratification of ACTA, or fail to ratify it, does the Commission intend to present a revised EU legislative proposal on IPR enforcement in order to define a coherent EU legal framework with the necessary guarantees for freedom of expression, individual use and protection of personal data and privacy, as requested by Parliament in its resolutions P7_TA(2010)0432 and P7_TA(2010)0317?