

**Question for written answer E-012147/2013
to the Commission**
Rule 117
Marietje Schaake (ALDE)

Subject: ACTA provisions in the EU-Singapore trade agreement text

MEPs were assured by the Commissioner for trade, Karel De Gucht, that future EU free trade agreements would not include certain controversial provisions from the Anti-Counterfeiting Trade Agreement (ACTA), which was rejected by Parliament. Given the strong support shown by the US for ACTA, questions were raised at the start of the negotiations between the US and EU on a Transatlantic Trade and Investment Partnership (TTIP) as to whether ACTA-like provisions would be included. Despite the Commissioner's assurances that the TTIP would not see a repetition of ACTA, there are provisions in the final text of the EU-Singapore trade agreement that are identical to provisions in the ACTA.

Article 11.44 (2) states: 'In determining the amount of damages for infringement of intellectual property rights, a Party's judicial authorities shall have the authority to consider, inter alia, any legitimate measure of value the right holder submits, which may include lost profits, the value of the infringing goods or services measured by the market price, or the suggested retail price'.

This passage is identical to Article 9 (1) of the ACTA. Several other paragraphs are also copies.

1. Does the Commission agree that it is undesirable to include text that is identical to parts of the ACTA in the EU-Singapore trade agreement?
2. Why is the Commission including, in new international agreements, provisions that have already been rejected by Parliament, recalling in particular that this could jeopardise Parliament's (mandatory) consent on such an agreement?
3. Can the Commission confirm the following (or if not, explain why not):
 - (a) that there are and will be no criminal penalties for IPR infringements, either in goods or services, included in the EU-Singapore FTA;
 - (b) that it still does not seek private enforcement of IPR rights outside the rule of law;
 - (c) that it still does not seek to include requirements for internet intermediaries to disclose the personal information of alleged infringers of these rights to right holders;
 - (d) that it will duly consider the concerns raised by the people and Parliament when it comes to respecting the protection of digital freedoms in international (free trade) agreements concluded by the EU?