



PARLEMENT EUROPÉEN

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*Commission du commerce international*

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**2012/2094(INI)**

19.9.2012

# AVIS

de la commission du commerce international

à l'intention de la commission des affaires étrangères

sur une stratégie pour la liberté numérique dans la politique étrangère de l'UE  
(2012/2094(INI))

Rapporteure pour avis: Amelia Andersdotter

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## SUGGESTIONS

La commission du commerce international invite la commission des affaires étrangères, compétente au fond, à incorporer dans la proposition de résolution qu'elle adoptera les suggestions suivantes:

1. reconnaît que l'internet est devenu une composante du domaine public qui ouvre de nouvelles voies au commerce international et à des tendances innovantes sur les marchés, ainsi qu'à des échanges socioculturels; estime que la liberté numérique et le commerce international doivent aller de pair pour créer et optimiser les opportunités commerciales pour les entreprises européennes dans l'économie numérique mondiale;
2. estime que les nouvelles technologies facilitent le changement et sont potentiellement bénéfiques pour les libertés fondamentales, les droits de l'homme et les débouchés commerciaux; believes that the European Union should include internet and digital freedoms in future trade negotiations as enablers of human rights; calls on the Council and the Commission, in the context of free trade agreements, to consider the possibility of implementing objective and transparent safeguards aimed at preserving unrestricted access to the open internet and ensuring the free flow of information and related services in accordance with existing legislation; calls, further, for a strategy to promote secure, independent software and hardware solutions for the promotion of active democratic participation in society by citizens, in particular internet users engaging in online trading;
3. Is aware that there is concern that some people increasingly hear the word copyright and hate what lies behind it; acknowledges the important role that foreign trade policy has played in shaping copyright enforcement mechanisms;
4. Recognises that the appropriate protection of intellectual property rights (IPR) is a tool for innovation, growth and job creation in the field of information and communications technologies (ICT) and media, and for technical innovation; understands that the Digital Freedom Strategy and the Common Commercial Policy could be used as tools for ensuring that intellectual property rights and obligations are clearly defined and protected in the best possible way; regrets the losses incurred by European entrepreneurs and citizens as a result of the failure to achieve these objectives;
5. Considers that more global cooperation is needed in order to uphold and modernise intellectual property rights in the future, this being vital to ensure innovation, employment and open world trade;
6. Calls on the Member States and the Commission to develop IPR policy in order to continue to allow those who wish to create their own content and share it without acquiring IPR to do so;
7. Calls on the Commission finally to submit a proposal for a directive on the enforcement of copyright in the digital domain that is tailored to present requirements, so that agreements can be reached with our trading partners on the basis of modern European legislation;
8. Calls on the Council, the Commission and the European External Action Service to

provide political backing to European companies operating in third countries where they face requests to remove user-generated content, curtail freedom of services or provide personal information in ways that breach fundamental rights; points out that digital enterprises often operate without borders, and that third-country legislation may negatively affect European users and consumers; calls also, therefore, for the Council and the Commission to ensure that the impact of third-country legislation on natural or legal persons operating in the EU is minimised;

9. Notes that e-commerce has developed outside of traditional and standard trade regulatory frameworks; stresses the importance of increased international cooperation within the World Trade Organisation (WTO) and the World Intellectual Property Organisation (WIPO) in order to protect and ensure the development of the global digital market; calls for a revision and update of the current Information Technology Agreement (ITA) within the WTO, and for the EU to explore the possibility of an International Digital Economy Agreement (IDEA);
10. Notes that increased governmental involvement and regulation hampers the open and unrestricted nature of the internet, thereby limiting the potential for increased e commerce and constraining EU businesses operating in the digital economy; believes a multi-stakeholder approach is the best means of striking a balance between public and private interests on the internet and in the global marketplace; calls for an international effort to build the necessary infrastructure to allow the expansion of the digital economy, including liberal regulatory regimes, and calls on developing countries to increase mutual benefits in line with the trade-for-change principle;
11. Considers that the restriction of EU businesses' access to digital markets and online consumers through, among other things, mass state censorship or restricted market access for European online service providers in third countries constitutes a trade barrier; calls on the Commission and the Council to include a safeguard mechanism in all future trade agreements, especially those which contain provisions affecting online services and online communities of users who share information, in order to ensure that EU ICT companies are not required by third parties to restrict website access, remove user generated content or provide personal information, such as personal IP addresses, in ways that contravene fundamental rights and freedoms; calls, additionally, on the Council and the Commission to develop a strategy for challenging measures by third countries which restrict EU companies' access to global online markets;
12. Underlines the need for more stringent supply-chain controls, along with corporate responsibility schemes and transparency mechanisms, in respect of trading in products (from basic goods and equipment to mobile devices) and services, which can be used to curtail human rights and digital freedom; regards jamming and interception technology products and services as 'single-use' items whose export should be subject to ex-ante approval; urges the Commission to present a new draft regulatory framework on dual-use exports, addressing the potentially harmful export of ICT products and services to third countries and providing for a coordinating and monitoring role for the Commission;
13. Believes companies should design and implement business practices aimed at monitoring the possible impact of new ICT products on human rights, including in the research and

development phase, and ensuring non-complicity in possible human rights violations in third countries; calls on the Commission to provide EU businesses with a wide range of information in order to strike the right balance between business interests and corporate social responsibility.

## RÉSULTAT DU VOTE FINAL EN COMMISSION

<b>Date de l'adoption</b>	18.9.2012
<b>Résultat du vote final</b>	+: 25 -: 4 0: 0
<b>Membres présents au moment du vote final</b>	William (The Earl of) Dartmouth, Nora Berra, David Campbell Bannerman, María Auxiliadora Correa Zamora, Christofer Fjellner, Metin Kazak, Franziska Keller, Bernd Lange, David Martin, Vital Moreira, Paul Murphy, Cristiana Muscardini, Franck Proust, Godelieve Quisthoudt-Rowohl, Niccolò Rinaldi, Helmut Scholz, Peter Šťastný, Robert Sturdy, Gianluca Susta, Henri Weber, Paweł Zalewski
<b>Suppléant(s) présent(s) au moment du vote final</b>	Amelia Andersdotter, George Sabin Cutaş, Syed Kamall, Marietje Schaake, Jarosław Leszek Wałęsa, Pablo Zalba Bidegain
<b>Suppléant(s) (art. 187, par. 2) présent(s) au moment du vote final</b>	Emilio Menéndez del Valle, Raimon Obiols