



EUROPEAN PARLIAMENT

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Committee on Industry, Research and Energy

2011/0167(NLE)

5.6.2012

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 – 2012/0167(NLE))

Rapporteur: Amelia Andersdotter

PA_Leg_Consent

SHORT JUSTIFICATION

1. Welcomes the aims expressed by the Anti-Counterfeiting Trade Agreement (ACTA) negotiating parties to tackle the trade in counterfeited goods;
2. Believes that the EU legislation on copyright in the information society is among the most up-to-date and is fully in line with international copyright agreements;
3. Recognises the concern that ACTA bundles together many different types of IPR thus creating a one-size-fits-all instrument of enforcement which does not meet the unique needs of each sector, treating physical goods and digital services in the same way; is concerned by the lack of definitions of some 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; also notes that the presumed primary beneficiaries of the agreement, the artistic communities and software creators, seem particularly divided on the potential and possible benefits of the agreement;
4. Welcomes the Commission's ambition to strengthen European industry; notes, however, that ACTA may contradict the ambition of the European Parliament in the Digital Agenda to make Europe the scene for cutting edge innovation¹, as well as the strong ambition to promote net neutrality and access to the online digital market for all users²;
5. Recalls that the Commission's yearly customs reports show a consistent increase in seized goods suspected of violating IPR with an increase in cases from 43,500 in 2009 to almost 80,000 in 2010³; however, recognises the concern that data concerning the scale of IPR infringements are incomplete and dispersed; supports objective and independent impact assessments for legislative proposals;
6. Is in favour of international agreements which strengthen the respect for intellectual property rights considering the importance hereof for the EU's economy and job market as recent OECD studies⁴ estimate that international piracy and counterfeit account for approximately 150 billion EUR per year;
7. Highlights the need to defend and safeguard a free and open internet as well as protecting intellectual property rights; underlines that there is no contradiction between property rights and the freedom of information, whether it is on- or offline;

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 http://ec.europa.eu/taxation_customs/resources/documents/customs/customs_controls/counterfeit_piracy/statistics/statistics_2010.pdf.

⁴ OECD study: Magnitude of counterfeiting and piracy of Tangible products: an update, November 2009 <http://www.oecd.org/dataoecd/57/27/44088872.pdf>.

8. Considers that the obligations in ACTA on the signatories to protect fundamental rights might not be sufficiently emphasised; 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 Justice¹; notes the concerns expressed by the European Data Protection Supervisor on the effects of ACTA on data privacy and is, therefore, concerned with the possible effects of implementing ACTA with regards to the Charter of Fundamental Rights of the European Union;
9. 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 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>

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	31.5.2012
Result of final vote	+: 31 -: 25 0: 0
Members present for the final vote	Gabriele Albertini, Amelia Andersdotter, Josefa Andrés Barea, Jean-Pierre Audy, Zigmantas Balčytis, Ivo Belet, Jan Březina, Reinhard Bütikofer, Giles Chichester, Jürgen Creutzmann, Pilar del Castillo Vera, Dimitrios Droutsas, Christian Ehler, Vicky Ford, Gaston Franco, Adam Gierek, Norbert Glante, András Gyürk, Fiona Hall, Kent Johansson, Romana Jordan, Krišjānis Kariņš, Lena Kolarska-Bobińska, Marisa Matias, Angelika Niebler, Jaroslav Paška, Vittorio Prodi, Miloslav Ransdorf, Herbert Reul, Teresa Riera Madurell, Jens Rohde, Paul Rübig, Salvador Sedó i Alabart, Francisco Sosa Wagner, Patrizia Toia, Ioannis A. Tsoukalas, Claude Turmes, Marita Ulvskog, Vladimir Urutchev, Adina-Ioana Vălean, Kathleen Van Brempt, Alejo Vidal-Quadras, Henri Weber
Substitute(s) present for the final vote	Maria Badia i Cutchet, Francesco De Angelis, Ioan Enciu, Françoise Grossetête, Satu Hassi, Roger Helmer, Jolanta Emilia Hibner, Ivailo Kalfin, Seán Kelly, Holger Kraemer, Zofija Mazej Kukovič, Vladimír Remek
Substitute(s) under Rule 187(2) present for the final vote	Franziska Keller