



Procedure file

Basic information	
RSP - Resolutions on topical subjects	2010/2935(RSP)
Resolution on the Anti-Counterfeiting Trade Agreement (ACTA)	Procedure completed
Subject	
6.20 Common commercial policy in general	
6.20.01 Agreements and relations in the context of the World Trade Organization (WTO)	
7.30.30.10 Action against counterfeiting	

Key players	
European Parliament	

Key events			
20/10/2010	Debate in Parliament		Summary
24/11/2010	Results of vote in Parliament		
24/11/2010	Decision by Parliament	T7-0432/2010	Summary
24/11/2010	End of procedure in Parliament		

Technical information	
Procedure reference	2010/2935(RSP)
Procedure type	RSP - Resolutions on topical subjects
Procedure subtype	Resolution on statement
Legal basis	Rules of Procedure EP 132-p2
Stage reached in procedure	Procedure completed

Documentation gateway					
Motion for a resolution		B7-0617/2010	16/11/2010	EP	
Joint motion for resolution		RC-B7-0617/2010	16/11/2010		
Motion for a resolution		B7-0618/2010	17/11/2010	EP	
Motion for a resolution		B7-0619/2010	17/11/2010	EP	
Motion for a resolution		B7-0620/2010	17/11/2010	EP	
Motion for a resolution		B7-0621/2010	17/11/2010	EP	
Text adopted by Parliament, single reading		T7-0432/2010	24/11/2010	EP	Summary
Commission response to text adopted in plenary		SP(2011)1476	02/05/2011	EC	

The House held a debate, following on the Commission statement, on the Anti-Counterfeiting Trade Agreement (ACTA).

A motion for a resolution closing this debate was due to be put to the vote at the November II part-session in Strasbourg.

Resolution on the Anti-Counterfeiting Trade Agreement (ACTA)

Following the debate which took place during the sitting of 20 October 2010, the European Parliament adopted by 331 votes 294 with 11 abstentions a resolution on the Anti-Counterfeiting Trade Agreement (ACTA) to which Parliament will have to give its consent prior to the Agreement's entry into force in the EU, following the entry into force of the Lisbon Treaty in December 2009.

The resolution had been tabled by the ALDE, Greens/ALE, S&D, EFD, ECR, GUE/NGL, and EPP groups.

Welcoming the release of the 2 October 2010 draft of the Anti-Counterfeiting Trade Agreement following the Tokyo negotiating round, Parliament states that it expects the Commission to release to Parliament and the public the finalised ACTA text following the technical negotiation meeting in Sydney from 30 November to 3 December 2010. It is fully aware that the agreement negotiated will not solve the complex and multi-dimensional problem of counterfeiting, but considers that it is a step in the right direction.

Members welcome the Commission's repeated statements that enforcement of the ACTA provisions – especially those on copyright enforcement procedures in the digital environment – will be fully in line with the *acquis communautaire* and that neither personal searches nor the so-called 'three strikes' procedure will be introduced by this agreement. They point out that no ACTA signatory, and particularly not the EU, may be mandated by the agreement to introduce a 'three strikes' or similar regime.

Parliament calls on the Commission to confirm that ACTA's implementation will have no impact on fundamental rights and data protection, on the ongoing EU efforts to harmonise IPR enforcement measures, or on e-commerce. It emphasises that any decision taken by the Commission as part of the ACTA Committee must lie within the scope of the *acquis* and may not unilaterally change the content of ACTA. Therefore any proposed change to ACTA would need to be adopted by Parliament and the Council in accordance with Article 207 and 218, TFEU.

Members emphasise that ACTA will not change the EU *acquis* in terms of IPR enforcement, because EU law is already considerably more advanced than the current international standards, and that it therefore represents an opportunity to share best practices and guidelines in this area. It considers ACTA as a tool for making the existing standards more effective, thus benefiting EU exports and protecting right-holders when they operate in the global market, where they currently suffer systematic and widespread infringement of their copyrights, trademarks, patents, designs and Geographical indications (GIs).

On the issue of GIs, the resolution stresses the importance, for European companies and employment in the EU, of protecting GIs. It acknowledges the efforts made by the Commission to include the protection of GIs within the scope of ACTA. However, Parliament finds it regrettable that the agreement does not define 'counterfeit geographical indications', as this omission could create confusion or at least complicate the tasks of administrative and judicial authorities in the interpretation and enforcement of ACTA.

Members welcome the fact that the parties agreed, following EU insistence, that the criminalisation of 'camcording' should be merely optional. They also welcome the fact that ACTA membership is not exclusive and that additional developing and emerging countries may join, thus promoting widespread IPR protection and enhancing the fight against counterfeiting worldwide. They consider that, in the future, ACTA could potentially attain a multilateral level.