

Anti-Counterfeiting Trade Agreement

Thank you for your email in which you highlight your concerns regarding the ongoing ACTA negotiations.

I have consulted my colleague, Robert Sturdy MEP, Conservative spokesman for the International Trade Committee, who has taken the lead on this issue and is following the situation closely.

If finalised, ACTA will provide a WTO (TRIPS - Agreement on Trade Related Aspects of Intellectual Property Rights) framework against counterfeiting and piracy and harmonised rules on civil and criminal enforcement and on customs procedures, as well as improved co-operation between authorities and stakeholders.

The Resolution will result in a more effective reaction against large scale traffic of counterfeited and pirated goods and in a stronger deterrent against criminal organisations which are often behind these activities. The following links provide further information including a copy of the Resolution and of the Written Declaration.

<http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2010-0058&language=EN>

http://www.europarl.europa.eu/news/public/focus_page/008-80686-195-07-29-901-20100714FCS78876-14-07-2010-2010/default_p001c011_en.htm

<http://www.europarl.europa.eu/sides/getDoc.do?language=EN&type=IM-PRESS&reference=20100312STO70504>

One of the main concerns has been the possible breach of people's privacy and security online, however Commissioner Karel De Gucht recently reassured MEP's that ACTA would not be about checking the content of people's laptops and computers, and would not lead to a limitation of civil liberties or harassment of consumers.

The negotiations have been strongly criticised by many stakeholders who regard the ACTA deal as an attempt to restrict civil liberties and infringe privacy rights. The relative lack of transparency of negotiations has also been questioned and helped the dissemination of (often) unfounded or at least unsubstantiated claims on the agreement under negotiation.

In a recent Plenary Session held in Strasbourg from 6 - 9 September, a large majority of MEP's signed the written declaration calling on the Commission to make documents regarding the negotiations public. Commissioner De Gucht promised that the European Commission would continue to keep the parliament abreast of the negotiations. A written question was presented to the Commission on asking for more transparency during the negotiation period.

The Commission responded by stating that the negotiating text will be made public and on the 6th October 2010, the draft text of the 11th and

final round of negotiations in Tokyo was made available on the Commission website at

<http://ec.europa.eu/trade/creating-opportunities/trade-topics/intellectual-property/anti-counterfeiting/>.

The participants will now aim to resolve any minor outstanding issues, before passing the text onto their relevant competent authorities. The European Parliament, with its increased powers under the Lisbon Treaty, will ask the International Trade Committee to analyze the text and make a recommendation whether or not to grant its final approval.

However, it is understood that a certain level of confidentiality must be maintained in order for the negotiations to take place without compromising the legitimate interests of the parties involved. The problem is that a balance must be struck between negotiating confidentiality and the need for democratic oversight; and this is not an easy task. As a result of this, Commissioner De Gucht has announced a possible withdrawal by the European Union from the deal, but this was simply mentioned during debate and is not yet an official stance.

Please be assured that the Parliament is closely following the developments of the agreement. Thank you for raising your concerns with me, and I hope you will find this information reassuring.

Yours sincerely

Giles Chichester