ACTA? Power to the Parliament!

Sign the **Written Declaration 12**
by MEPs Castex (S&D), Alvaro (ALDE), Lambrinidis (S&D), Roithová (EPP)

The overwhelming March 10th vote of the resolution B7-0154 on ACTA was the first step in the European Parliament taking back its power to decide on protecting EU citizens' freedoms, an open innovative Internet and access to medicine.

By signing **Written Declaration 12**, MEPs will go further by defining clear "red lines" to the Commission's negotiators about the process and the actual content of the agreement. The declaration addresses some of its more important aspects: **the right to a fair trial, surveillance of the Internet and liability of its technical intermediaries**.

"Intellectual property must be protected, but it should not be placed above individuals' rights to privacy and data protection."

> **Peter Hustinx**, European Data Protection Supervisor (EDPS), in his report on ACTA, claiming that it could prove unworkable under current European Union data protection laws.

"It is extremely regrettable that democratic debate has been eliminated from talks that could have a major impact on such a fundamental freedom as free expression."

> **Reporters without Borders**, European Parliament Sakharov Prize Winners

"Any measures concerning people's right to go online need to be brought in through the proper democratic channels, not via self-regulation, and made into EU law".

> **Andrea D'Incecco**, public affairs manager from EuroISPA (Business association of European Internet Service Providers)

"We are in danger of ending up with the worst of both worlds, pushing IP rules, which are very effective at stopping access to life-saving drugs but are very bad at stopping or preventing fake drugs."

> **Michelle Childs of Médecins Sans Frontières**, Nobel Peace Prize winners

The European Parliament,

...

1. Takes the view that the proposed agreement should not indirectly impose harmonisation of EU copyright, patent or trademark law, and that the principle of subsidiarity should be respected;

> *Reaffirms the EP's competency on copyright, patent and trademark law*

2. Declares that the Commission should immediately make all documents related to the ongoing negotiations publicly available;

3. Takes the view that the proposed agreement should not force limitations upon judicial due process or weaken fundamental rights such as freedom of expression and the right to privacy;

> *Limitations imposed on Internet access, even through contractual agreements, would restrict fundamental freedom of expression. They should therefore be taken in conditions guaranteeing a due judicial process. Fundamental freedoms should be upheld when enforcing copyright, trademark and patents.*

4. Stresses that economic and innovation risks must be evaluated prior to introducing criminal sanctions where civil measures are already in place;

5. Takes the view that internet service providers should not bear liability for the data they transmit or host through their services to an extent that would necessitate prior surveillance or filtering of such data;

> *Increasing legal liability of the Internet service providers is meant to force them to act as a preventive police and an automatic justice for copyright, patent and trademark laws. This would harm fundamental rights and is inadequate for situations where some alleged infringements and legitimate acts are by nature difficult to distinguish. Defending the existing regime of liability limitations is essential to preserve citizens' freedoms as well as the Internet's innovation and economic growth potential.*

6. Points out that any measure aimed at strengthening powers of cross-border inspection and seizure of goods should not harm global access to legal, affordable and safe medicines;

> *Points 2, 4, 6 are in line with resolution B7-0154 voted on March 10th.*

7. Instructs its President to forward this declaration, together with the names of the signatories, to the Commission, the Council and the parliaments of the Member States.

Please sign

written declaration 12