

# Should you be concerned about ACTA?

## Written Declaration 12/2010

by MEPs Castex (S&D), Alvaro (ALDE), Lambrinidis (S&D), Roithova (EPP)

### Privacy and data protection

*"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), issued a report on the Anti-Counterfeiting Trade Agreement (ACTA), claiming that it could prove unworkable under current European Union data protection laws.

### Democracy and transparency

*"ACTA is legislation laundering on an international level of what would be very difficult to get through most Parliaments"*

**Stravros Lambrinidis**, Member of European Parliament, S and D, Greece

*"The European Parliament has had no representation in ACTA negotiations. Just accepting or rejecting an agreement is not an exercise of democracy as under the Lisbon Treaty."*

**Zuzana Roithova**, Member of European Parliament, EPP, Czech Republic

### Freedom of expression

*"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

### Internet service providers liability

*"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)

*"ACTA, by putting pressure on Internet service providers opens the door to private 'three strikes' approaches and generalized surveillance of the Net."*

**Françoise Castex**, Member of European Parliament, S and D, France.

*"Third party liability for Internet Server Providers is like making the post office responsible for what is inside the letters they send."*

**Alexander Alvaro**, Member of European Parliament, ALDE, Germany.

### Access to medicine

*"We can only assume that the final text could do great harm in developing countries and undermine the balance between the protection of intellectual property and the need to provide affordable medicines for poor people."*

**Rohit Malpani**, OXFAM, from a press release criticising possible impact of ACTA.

*"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, has issued a very critical statement on ACTA.

*Please sign the written declaration 12/2010*

**0012/2010**

**Written declaration on the lack of a transparent process for the Anti-Counterfeiting Trade Agreement (ACTA) and potentially objectionable content**

*The European Parliament,*

- having regard to Rule 123 of its Rules of Procedure,

A. whereas negotiations concerning the Anti-Counterfeiting Trade Agreement (ACTA) are ongoing,

B. whereas Parliament's co-decision role in commercial matters and its access to negotiation documents are guaranteed by the Lisbon Treaty,

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;

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;

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;

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;

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.