European Parliament: Written Declaration 12/2010

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Earlier this year four MEPs submitted a Written Declaration on the lack of a transparent process for the Anti-Counterfeiting Trade Agreement (ACTA), also called Written Declaration 12. The declaration urges the Commission to make the documents relating to the negotiation of that Agreement publicly available. Importantly, though, it also draws attention to a number of substantive provisions that might be objectionable: namely, those relating to criminal sanctions, liability of service providers and border measures. Moreover, it stresses that ACTA should not impose indirect harmonisation of intellectual property laws at the European level and that the principle of subsidiarity ought to be respected.

While a Written Declaration has no binding force, it can be an accurate indicator of the European Parliament's stance on a given issue. It is a tool that may be used by up to five MEPs to suggest holding a debate on a certain subject, according to Rule 123 of the Rules of Procedure of the European Parliament. However, if the declaration is signed by a majority of the MEPs, it is forwarded to the President and is included in the agenda of the plenary session, i.e., ultimately the declaration may be adopted by the Parliament. It is also forwarded to all relevant institutions.

In the case of the Written Declaration 12, 387 MEPs signed it before the lapse date (9 September 2010). Accordingly, its adoption by the European Parliament is a necessary consequence, as it is its forwarding to the European Commission. As it stands, Written Declaration 12 represents a clear admonition to the Commission. It hints that the European Parliament will take a strong position on this matter and that it is attentive to possible discrepancies on the part of the Commission. Above all, it is a significant political yellow card.

Written Declaration 12/2010 on the lack of a transparent process for the Anti-Counterfeiting Trade Agreement (ACTA) and potentially objectionable content

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