European Parliament: ACTA Resolution

IRIS 2011-1:1/4

Christina Angelopoulos
Institute for Information Law (IViR), University of Amsterdam

On 15 November 2010 the participants in the Anti-Counterfeiting Trade Agreement (ACTA) negotiations announced that they had resolved the few issues that remained outstanding after the final round of negotiations in Tokyo and had finalised the text of the Agreement. A “legal scrub” of the text is planned for a technical meeting held in Sydney from 30 November to the 3 or 4 December 2010. Following this, the proposed Agreement will be ready for submission to the participants’ respective authorities to undergo the necessary domestic processes.

In the meantime, the European Parliament has reversed its initial course, giving, with a few reservations, in a recent resolution its seal of approval to the draft text of 2 October 2010. The Parliament voted against a resolution that was highly critical of ACTA, instead welcoming the changes made to address its previous concerns (see IRIS 2010-9/5). The Parliament noted that the negotiated Agreement cannot entirely solve the complex problem of counterfeiting, but considered it to be “a step in the right direction”, likely to benefit EU exports and protect rightsholders operating in the global market. The Parliament moreover observed that ACTA will not change the EU’s acquis communautaire as concerns IPR enforcement, as EU law is already considerably advanced by international standards. 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, while any proposed change to ACTA would need to be adopted by Parliament and the Council in accordance with Articles 207 and 218, TFEU. The Parliament called 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.

The EP also made sure to note that, in compliance with the Lisbon Treaty, it will have to give consent to the ACTA text prior to the Agreement’s entry into force in the EU.

The Agreement has been highly controversial primarily because of secrecy surrounding its negotiation, its operation outside of the World Trade Organisation (WTO) and World Intellectual Property Organisation (WIPO) and because earlier drafts reportedly sought to impose measures that could interfere with fundamental rights and freedoms.

© European Audiovisual Observatory (Council of Europe) 2026

Joint statement on the Anti-Counterfeiting Trade Agreement (ACTA) from all the negotiating partners of the agreement, IP/10/1504, Brussels, 15 November 2010

http://europa.eu/rapid/pressReleasesAction.do?reference=IP/10/1504&format=HTML&aged=0&language=EN&guiLanguage=en

European Parliament resolution on the Anti-Counterfeiting Trade Agreement (ACTA)

http://www.europarl.europa.eu/sides/getDoc.do?type=MOTION&reference=B7-2010-0618&language=EN

© European Audiovisual Observatory (Council of Europe) 2026

© European Audiovisual Observatory (Council of Europe) 2026