European Commission: Possible Referral of the Anti-Counterfeiting Trade Agreement (ACTA) to the Court of Justice of the European Union

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On 22 February 2012, the European Commissioner for Trade, Karel De Gucht, announced that the European Commission would refer the Anti-Counterfeiting Trade Agreement (ACTA) to the Court of Justice of the European Union.

The European Commission has already passed ACTA to national governments for ratification and to the European Parliament for debate and vote. Moreover, the Council has adopted ACTA unanimously and has authorized member states to sign it (see IRIS 2011-8/7).

The opinions on ACTA are however far from unanimous. While at the institutional level the ratification process seemed to be going forward slowly, the decision to refer the Agreement to the Court follows the protests and debates that took place throughout Europe regarding the ratification of ACTA.

The main arguments put forth against the Agreement concerned the lack of transparency of negotiations, its compatibility with the EU acquis and its implications for fundamental rights and freedoms.

The Commissioner has stated that the referral will focus on the compatibility of ACTA with the EU's fundamental rights and freedoms. At stake are such rights as the freedom of expression and information, but also the right to property (which includes intellectual property).

Statement by Commissionner Karel De Gucht on ACTA (Anti-Counterfeiting Trade Agreement), 22 February 2012

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