Press release | 04.10.2011

ACTA anti-counterfeiting agreement

New study underlines rights concerns with ACTA, strengthens calls for deal to be scrapped

A new study on the compatibility of the Anti-Counterfeiting Trade Agreement (ACTA) with the European Convention on Human Rights and the EU Charter of Fundamental Rights, commissioned by the Greens/EFA group, was presented in the European Parliament today. The study underlines concerns that the ACTA agreement violates fundamental rights, strengthening the arguments of the Greens and others that are calling for the agreement to be scrapped. Speaking at the launch, Green MEP **Jan Philipp Albrecht** said:

"This study shows clearer than ever that the ACTA agreement violates binding fundamental rights. As such, the EU and its member states cannot ratify the agreement and have a duty to scrap the ACTA agreement as it stands.

"As the study points out, encouraging the 'cooperation' between internet providers and the content industry amounts to privatised policing, violating the rule of law and the right to fair judicial process. ACTA also allows for the monitoring of internet users without initial suspicion, the handing over of their personal data to rights holders on the basis of mere claims and the transfer of this data even to countries without adequate data protection, all of which is in clear conflict with legal guarantees of fundamental rights in the EU. The agreement does not contain 'fair use' clauses or exceptions for trivial or minimal infringements. It therefore tilts the balance - both in terms of substance and of process - unfairly in favour of rights holders and against users and citizens.

"Given the clear fundamental rights concerns with this agreement, the European Parliament should not consent to its ratification. As a first step to this end, the EP should refer ACTA to the European Court of Justice for a final legal opinion (2), before it proceeds with any consent vote, and the Greens will push for this referral to take place later this year."

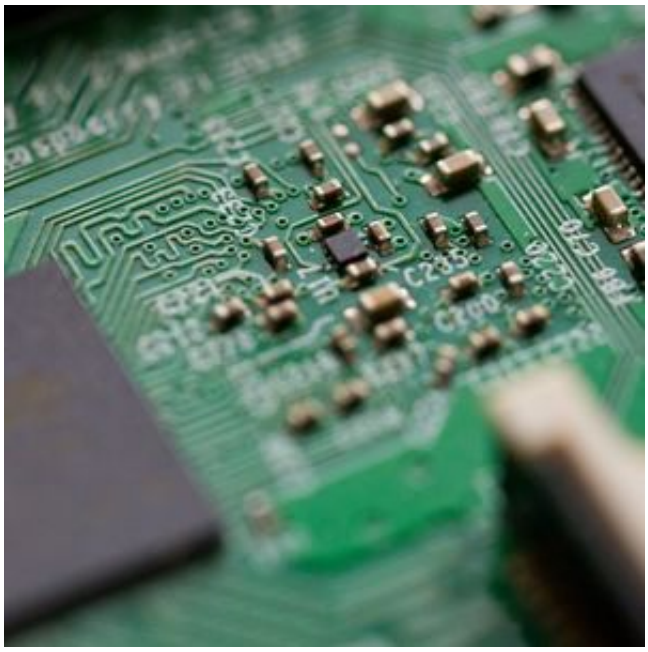
(1) The Anti-Counterfeiting Trade Agreement is an international agreement on intellectual property enforcement that was concluded earlier this year. The agreement has not yet been ratified by the EU and its member states, and the Greens are seeking to have the deal scrapped, highlighting concerns that it undermines basic fundamental rights.

(2) The European Parliament has the power to refer international agreements to the European Court of Justice. This new power, acquired under the Lisbon Treaty, has yet to be exercised.

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Jan Philipp Albrecht

Member

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