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Press release | 16.12.2011

Anti-Counterfeiting Trade Agreement (ACTA)

EU governments wave through ACTA deal, ignoring major legal concerns

EU fisheries ministers gave the go-ahead for the Council Presidency to formally sign the controversial Anti-Counterfeiting Trade Agreement (ACTA). The agreement can now be signed by the Council Presidency on behalf of the EU. The Greens strongly criticised the decision, highlighting persisting concerns about the legality of the deal and its compatibility with EU provisions on fundamental rights. Commenting on the Council, Green legal affairs expert **Jan Philipp Albrecht** said:

"EU ministers today furtively waved through the controversial ACTA deal, despite major outstanding concerns regarding its legality. This sneaky procedure, which will enable the Council Presidency to officially sign the agreement, is nothing short of scandalous.

"Numerous analyses over the past few months have raised serious doubts about the compatibility of ACTA with EU law, particularly provisions on fundamental rights. ACTA encourages its signatory states to step up cooperation with private actors, like internet providers, for intellectual property enforcement in the absence of any minimum standards for legal procedures. This opens the door to undermining the basic rights of individuals with no protection for those affected. Experts have also pointed out that ACTA could undermine access to medicines, particularly in developing countries, which are more dependent on generics, but were not even part of the negotiations.

"Against the background of these serious concerns, the Greens believe the legality of the ACTA deal should be assessed by the European Court of Justice. The group will push for this to take place before the European Parliament is asked to finally ratify the agreement."

Studies on ACTA commissioned by the Greens/EFA:

- ACTA and Access to Medicines, http://rfc.act-on-acta.eu/access-to-medicines
- Compatibility ACTA with the European Convention on Human Rights & the EU Charter of Fundamental Rights, http://rfc.act-on-acta.eu/fundamental-rights
- ACTA text, http://trade.ec.europa.eu/doclib/html/147937.htm
- The European Parliament's Legal Service refuses to publish its opinion on ACTA, http://people.ffii.org/~ante/acta/Legal-service-opinion1.pdf
- European academics' position on ACTA. http://www.iri.uni-hannover.de/tl_files/pdf/ACTA_opinion_200111_2.pdf

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Responsible MEPs

Jan Philipp Albrecht

Member

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