



Committee on Legal Affairs
The Chairman

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Mr Karel De Gucht
Commissioner for Trade
European Commission
Rue de la Loi, 200
B-1049 BRUXELLES

Dear Mr De Gucht,

As the parliamentary committee responsible for intellectual property law, the Committee on Legal Affairs is preparing to adopt an opinion for the Committee on International Trade whose task it is to recommend to the Plenary whether or not to consent to the conclusion of the Anti-Counterfeiting Trade Agreement between the European Union and its Member States, Australia, Canada, the Republic of Korea, the United States of America, Japan, the Kingdom of Morocco, the United Mexican States, New Zealand, the Republic of Singapore and the Swiss Confederation (ACTA).

As you know, on 22 February 2012 the Commission announced that the College of Commissioners had decided to refer a question to the Court of Justice on the compatibility of ACTA with the Treaties and with the Charter of Fundamental Rights. After this, nothing more was forthcoming until 4 April 2012 when the College agreed on the wording of the question. To date, as far as we know, no question has been referred. The Commission has not informed the Parliament of the reasons for such delay or when we can expect the question to be transmitted to the Court.

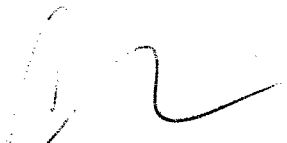
The Committee on Legal Affairs cannot but manifest its profound dissatisfaction about the way in which the Commission has handled this matter. To be able to reach a fully informed decision the Committee on Legal Affairs would urge you to answer the following questions:

- Why after so many years of negotiations has the Commission decided only now to refer a question to the Court of Justice? Why not before?
- When the College of Commissioners took the decision to refer the matter to the Court you received a mandate to "explore the possibility of joint action with the other institutions in this area". Why have you not formally asked the Parliament about this possibility?
- The European Data Protection Supervisor issued an opinion on 24 April 2012 which raises specific and very worrying concerns about several provisions of ACTA. Could we please have your reaction to these concerns as summarised in points 67 to 71 of the opinion?

I would like to stress that the Committee on Legal Affairs will be voting about this matter at the end of May. In order to be able to fully take into account your answers to the questions above, it is essential that the Committee receives your answers as soon as possible.

I thank you for your cooperation and look forward to hear from you well in advance of the Committee meeting at the end of May.

Yours sincerely,



Klaus-Heiner Lehne