



Vital Moreira on ACTA: "what was allowed will be allowed"

In the wake of last week's signature of the ACTA Anti-Counterfeiting Trade Agreement by 22 EU countries and EU representatives, public interest has turned to the role of the European Parliament. The EP cannot change the text of the agreement, Chair of the International Trade Committee Vital Moreira explains, it can say yes or no, withhold agreement or ask the Court of Justice to check it.

What is ACTA?

It's an agreement meant to enforce the means and mechanisms to protect intellectual property rights such as copyrights, patents, geographic indications, brands, industrial design rights - it is not aimed at redefining the scope of that protection. There is a World Trade Organisation (WTO) convention called TRIPS (Agreement on Trade-Related Aspects of Intellectual Property Rights) that the EU and all its member states have signed up to establishing the scope and content of those rights, which foresees enforcement rules.

ACTA simply involves an update of the means, mechanisms and remedies to protect intellectual property rights. That's also the purpose of the existing EU directive, comprising a minimum set of means to protect intellectual property rights. ACTA is a multilateral agreement between some developed economies including the EU, the US and Japan, but also less-developed economies such as Mexico and Morocco, aimed at reinforcing, between those states, the enforcement of intellectual property rights. It does not change the content, everything that was allowed continues to be allowed, everything that was forbidden keeps on being forbidden. It is about being more effective when it comes to infringements of intellectual property rights.

Why is it so controversial?

The sensitiveness of the issue concerns a small part of the agreement, regarding copyright on the internet, the download of music, literature, theatre and music shows, as well as other works protected by copyright. Many of the arguments used are not foreseen in ACTA. For example, download for private use was not forbidden and is not forbidden, what is forbidden is the infringement of copyright for commercial purposes.

Can the EP change the content of ACTA?

This is an international agreement and so the consent of the EP is necessary, but it cannot change the text of the agreement, it can only say "yes" or "no" to it. As this agreement has raised legal problems, the EP can ask the EU's Court of Justice to decide on its compatibility with EU law if a committee votes to do so. A political group or number of MEP's can also make that request. If it is referred to the Court, the parliamentary procedure will be suspended until the Court rules. Other committees will also have a say, including the Civil Liberties, Legal Affairs, Development and Industry committees.

What happens if the agreement is rejected?

If we say yes, the Council is authorised to conclude the agreement and make it binding between the EU and the other member countries. If we say no, the process is over and the treaty is dead. It can be renegotiated, but this one is dead. For a new agreement it

would be necessary to start a new procedure, from the Commission proposal to the mandate of the Council, negotiations, signature, etc. In the past the Parliament said no to two agreements: SWIFT and the fisheries agreement with Morocco.

How can citizens express their opinion on the agreement?

The proposal for the text is already available on our website and an assessment on ACTA prepared for the parliament is also online.

Our debates are streamed and can be followed live online. On 1 March, there will be a workshop in which everyone can take part. Trade Commissioner Karel De Gucht will be there. Some of the political groups, particularly those against ACTA, are promoting debates on their websites. Citizens have already started flooding MEPs with hundreds if not thousands of emails. All the problems raised concerning the agreement will be debated, not only in the trade committee but also in plenary.

Committee calendar

- 1st debate - 29 February -1 March
- workshop - 1 March
- 2nd debate - 26-27 March
- Presentation of draft report - 25-26 April
- Vote in committee - 29-30 May
- Vote in plenary - June