



XX.

La Quadrature du Net
Voting recommendations

on
 DRAFT OPINION
 Anti-Counterfeiting Trade Agreement

ITRE/7/07705- PA/PE 483.518 - AM/PE 487.983

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29.5.2012

Text	AM	By	Comments	LQDN reco.	Result
Justifications					
Paragraph 1	AM 1	Ulvskog	Put to vote together.	+	
	AM 2	Lepage	<i>(Note: AMs substantively of the same thrust. If all adopted, par 1 would read: "1. Welcomes the aims expressed by the Anti-Counterfeiting Trade Agreement (ACTA) negotiating parties to tackle the trade in counterfeited goods; regrets, however, that the Council and the Commission did not sufficiently associate the European Parliament in the definition of the negotiation mandate; that the agreement was negotiated by the European Commission in secrecy and bypassing the legitimate international bodies, without engaging the European Parliament or providing it with adequate information and without taking into consideration stakeholder opinions, which has resulted in many structural deficiencies in the text which contradict well established practices and principles in the internet space;")</i>	++	
	AM 14	Kalfin		+	

	AM 3=	Imbrasas	Put to vote together		
	AM 4=	Paksas	<i>(Note: Possible addition to AMs 1-2, 14.)</i>	+	
	AM 5	Gierek	<i>(Note: Possible addition to AMs 1-2, 14, 3/4=.)</i>		
	AM 27	Corinne Lepage	Do not put to vote <i>(Note: Covered by AM 3/4=.)</i>	-----	
Paragraph 1 a (new)	AM 7	Ticau		-	
Paragraph 2	CA1	Greens EPP S&D ALDE GUE	Adoption => All AMs to par 2 fall. Go to AM 15.	+	
	AM 8=	Paksas	Put to vote together	+	
	AM 9=	Imbrasas			
	AM 10	Lepage	<i>(Note: AMs 8/9= and 10-13 appear compatible and all possible to adopt.)</i>	+	
	AM 11	Rohde, Caspary		-	
	AM 12	Badia i Cutchet		+	
	AM 13	Gierek			
Paragraph 2 a (new)	AM 15	Ticau	<i>(Note: Linked to AM 29.)</i>		
Paragraph 3	CA2	Greens EPP S&D ALDE ECR GUE	Adoption => All AMs to par 2 and AM 22 fall. Go to AM 23.	+	
	AM 18	Rohde, Caspary	Adoption => AMs 21, 17 and 19/20= fall. Go to AM 16.		
	AM 21	Lepage	Adoption => AMs 17 and 19/20= fall. Go to AM 16.	+	
	AM 17	Gierek	Adoption => AMs 19/20= fall. Go to AM 16.		
	AM 19=	Imbrasas	Put to vote together	+	
	AM 20=	Paksas			
		AM 16	Badia i Cutchet		
Paragraph 4	AM 22	De Angelis		+	

	AM 23	Rohde, Caspary		-	
	AM 6 (moved from par 1a (new))	Rohde, Caspary		-	
Paragraph 4 a/b/c (new)	CA3	Greens S&D GUE	Adoption => AMs 24-25, 28- 29 and 32 fall. Go to AM 26.	+	
	AM 24	De Angelis		++	
	AM 25	Ticau		+	
	AM 28	Ticau		+	
	AM 29	Ticau	<i>(Note: Linked to AM 15.)</i>		
	AM 26	Hökmark, del Castillo Vera		-	
Paragraph 5	CA4	Greens EPP S&D ALDE GUE	Adoption => All AMs to par 5 and AMs 32-38 fall. Go to Par 6.	+	
	AM 31	Rohde, Caspary	Adoption=> AM 30 falls. Go to AM 32.	-	
	AM 30	Lepage		+	
Paragraph 5 a (new)	AM 32	del Castillo Vera	Falls if CA3 adopted. Put to vote if CA3 rejected. Adoption=> The following words of AM 36 falls <i>("...with EU legislation, the EU's fundamental rights...").</i> Go to AM 36.	--	
	AM 36	Lepage	<i>(Note: If AM 32 adopted, AM 36 would read "Is concerned by the compatibility of ACTA with access to legitimate generic medicines;")</i>	+	
	AM 33=	Imbrasas	Put to vote together	+	
	AM 34=	Paksas			
	AM 35	Lepage			
	AM 37	Ticau		+	
	AM 38	Kalfin		++	
Paragraph 6	DO	Andersdotter	Adoption=> AMs 39-40 fall. Go to Recommendation	++	

	AM 39	Chichester		--	
	AM 40	Caspary		--	
Recommendation	DO	Andersdotter	Adoption=> AM 41 falls. Go to final vote	++	
	AM 41	Caspary		--	
Final vote			For:		
			Against:		
			Abstentions:		

COMPROMISE AMENDMENT 1 SIGNED BY EPP, S&D, ALDE, GREENS, GUE

Covers all AMs to paragraph 2

Draft opinion

2. Notes that counterfeiting, copyright and trademark infringements are covered by ACTA thus creating a one-size-fits-all instrument of enforcement which doesn't meet the unique needs of each sector; is concerned by the lack of definition of key terminologies on which the ACTA enforcement mechanisms are based; fears that this creates legal uncertainty for European companies and in particular SMEs, technology users, online platform and internet service providers;

Amendment

2. Recognises the concern that ACTA bundles together many different types of IPR thus creating a one-size-fits-all instrument of enforcement which doesn't meet the unique needs of each sector , treating physical goods and digital services in the same way; is concerned by the lack of definitions of *some* key terminologies on which the ACTA enforcement mechanisms are based; fears that this creates legal uncertainty for European companies and in particular SMEs, technology users, online platform and internet service providers; **also notes that the presumed primary beneficiaries of the agreement, the artistic communities and software creators, seem particularly divided on the potential and possible benefits of this agreement.**

COMPROMISE AMENDMENT 2 SIGNED BY EPP, S&D, ALDE, GREENS, ECR, GUE

Covers all AMs to paragraph 3 and AM 22

Draft opinion

3. Notes that while the ambition of ACTA is to strengthen EU industries, it appears to be contrary to the ambition of the EP in the Digital Agenda to make Europe the scene for cutting edge internet innovation, as well as the strong ambition to promote net neutrality and access to the online digital market for SMEs;

Amendment

3. ***Welcomes the European Commission's ambition to strengthen European industry; notes, however, that ACTA may contradict the ambition of the EP in the Digital Agenda to make Europe the scene for cutting edge innovation, as well as the strong ambition to promote net neutrality and access to the online digital market for all users;***

COMPROMISE AMENDMENT 3 SIGNED BY S&D, GREENS, GUE

Covers AMs 24, 25, 28, 29

New Paragraph 4bis

Draft opinion

Amendment

4bis. Is concerned with the vague definition of terms, particularly the lack of distinction between commercial and non-commercial activities, the lack of sufficient safe-guards for due process and the respect of the presumption of innocence; fears that the agreement will have consequences on the fundamental rights of citizens; notes that the Agreement would remove from the European Parliament the ability to ensure a proportionate and balanced structure of future EU Intellectual Property legislation, while the Intellectual Property Rights Enforcement Directive needs to be reviewed keeping user's rights in high regard;

COMPROMISE AMENDMENT 4 SIGNED BY EPP, S&D, ALDE, GREENS, GUE

Covers all AMs to paragraph 5, and AMs 33, 34, 35, 36, 37, 38

Draft opinion

5. Is concerned that the ACTA text does not ensure a fair balance between the right to intellectual property and the freedom to conduct business, the right to protection of personal data and the freedom to receive or impart information, the requirement of which was recently ruled by the European Court of Justice;

Amendment

5. ***Considers that the obligations in ACTA on the signatories to protect fundamental rights might not be sufficiently emphasised;*** is concerned that the ACTA text does not ensure a fair balance between the right to intellectual property and the freedom to conduct business, the right to protection of personal data and the freedom to receive or impart information, the requirement of which was recently ruled by the European Court of Justice; ***notes the concerns expressed by the European Data Protection Supervisor on the effects of ACTA on data privacy and is, therefore, concerned with the possible effects of implementing ACTA with regards to the European Charter of Fundamental Rights of the European Union;***