



EUROPEAN PARLIAMENT

2009 - 2014

---

*Committee on Development*

---

**2011/0167(NLE)**

6.1.2012

## **DRAFT OPINION**

of the Committee on Development

for the Committee on International Trade

on the proposal for a Council decision on the conclusion of the Anti-Counterfeiting Trade Agreement between the European Union and its Member States, Australia, Canada, Japan, the Republic of Korea, the United Mexican States, the Kingdom of Morocco, New Zealand, the Republic of Singapore, the Swiss Confederation and the United States of America  
(COM(2011)0380 – C7-0000/2011 – 2011/0167(NLE))

Rapporteur: Jan Zahradil

PA\_NonLeg

## SUGGESTIONS

The Committee on Development calls on the Committee on International Trade, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Is convinced that defence of intellectual property rights and active combating of counterfeiting are essential for development, as protection of intellectual property safeguards and encourages creation, innovation and entrepreneurship, makes it possible for a business to grow and creates wealth;
2. Welcomes the conclusion of negotiations on the Anti-Counterfeiting Trade Agreement (ACTA), which provides a WTO-plus legal framework in addition to the TRIPS Agreement, against counterfeiting, piracy and a broad range of IPR infringements by establishing common rules on civil and criminal enforcement and on customs procedures for ACTA Parties<sup>1</sup>;
3. Welcomes the fact that ACTA membership is not exclusive and that additional Parties, including developing and emerging countries, may join, thus promoting widespread IPR protection and enhancing the fight against counterfeiting and piracy worldwide; considers that, in the future, ACTA could potentially attain a multilateral level as part of the WTO or WIPO (World Intellectual Property Organization);
4. Reminds the Commission of its public commitment not to impose ACTA provisions on third countries through their incorporation in free trade agreements and Economic Partnership Agreements;
5. Commends the Commission for having ensured that ACTA provisions comply with the Union *acquis* and that nothing in ACTA contradicts the obligations between parties under existing agreements, including the TRIPS Agreement<sup>2</sup>;
6. Reiterates that legitimate trade in generic medicines is essential to the development of public health worldwide, and especially in developing countries; in this regard, appreciates the unequivocal language of ACTA provisions which safeguard access to public health and recognise the principles enshrined in the Doha Declaration on the TRIPS Agreement and Public Health<sup>3</sup>;
7. Takes note of the Commission's written answer on ACTA and access to medicine<sup>4</sup>, stating that ACTA will not serve as a basis to interfere with access to medicine and, in particular with trade in generic medicines, and that there will be no obligation to apply border controls and criminal enforcement provisions to suspected patent infringements on medicines for countries dependent on imported pharmaceuticals.

---

<sup>1</sup> ACTA negotiations were concluded on 15 November 2010 and the initialling took place on 25 November 2010 after 11 rounds of negotiations between Australia, Canada, the EU, Japan, South-Korea, Mexico, Morocco, New Zealand, Singapore, Switzerland and the USA.

<sup>2</sup> See also Article 1 in Section 1 of Chapter I of ACTA.

<sup>3</sup> The Doha Declaration on the TRIPS Agreement and Public Health was adopted on 14 November 2001 at the Fourth WTO Ministerial Conference;

<sup>4</sup> Commissioner De Gucht, written answer to the European Parliament, P-9346/10 EN, (14.12.2010)

