



COUNCIL OF
THE EUROPEAN UNION

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6429/09

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LIMITE

PE-QE 128

**AMENDMENT to Preliminary draft reply to Written Question
E-6636/08 put by Marco Cappato (ALDE)**

No prev. doc.: 5564/09 PE-QE 65

Subject: "ACTA"

Delegation - author: **DELETED**

Place: Third and fourth paragraphs (5564/09)

Amendment:

On 14 April 2008, the Council authorised the Commission to negotiate the agreement. However, matters falling within the competence of Member States, including *inter alia* the ~~criminal enforcement~~ enforcement provisions on the enforcement of intellectual property rights via criminal law, are negotiated by the Presidency on behalf of the Member States, in coordination with the Commission.

Regarding verification by the European Data Protection Supervisor (EDPS), it should be noted that, according to Council information, he is well aware of the ACTA negotiations and intends to issue an opinion on this matter in the first quarter of 2009. With regard to verification by the EU Agency on Fundamental Rights, the Honourable Member is reminded that, according to the Regulation establishing the Agency¹, ~~the negotiation of a multilateral agreement, and the verifications referred to by the Honourable Member~~ do not fall within the remit of this Agency.

¹ Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union Agency for Fundamental Rights (OJ L 53, 22.2.2007, p. 1).

Justification:

The Agreement concerns the combating of product piracy and hence the enforcement of intellectual property rights. The passage should therefore read "enforcement of intellectual property rights via criminal law" and not "criminal enforcement provisions", which is not the subject of the negotiations in these general terms.
