



COUNCIL OF
THE EUROPEAN UNION

Brussels, 16 February 2009

6503/09

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PE-QE 133

**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 paragraph of the reply (5564/09)

Amendment:

On 14 April 2008, the Council authorised the Commission to negotiate the agreement. However, for matters falling within the competence of Member States, including *inter alia* the criminal enforcement provisions, ~~are negotiated by the Presidency~~ shall endeavour to conclude a common position. Where this is not possible, Member States shall be free to enter into negotiations on these matters on behalf of the Member States, in coordination with the Commission.

Justification:

The re-draft more accurately reflects the Council outcome. Member States retain competence in matters for which there is no Community acquis. Council authorised the Presidency to develop a common position on such topics. In the event of the Presidency being unable to reach a common position, Member States are then free to present their own position at the negotiations, while bearing in mind the common EU good.