



COUNCIL OF  
THE EUROPEAN UNION

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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.