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ACTA – REPORT ON 4TH ROUND OF NEGOTIATIONS, PARIS 15-18 DEC. 2008

OBJECTIVE: For information

REMARKS: As announced in last week's deputies meeting, delegations are find attached the speaking points that summarise discussions in Paris on 15-18 December 2008

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ACTA – Report on 4th Round of negotiations, Paris 15-18 Dec. 2008

Participants:

Australia, Canada, the European Union (COM+PRES+16 MS+Council Sec), Japan, Korea, Mexico, Morocco, New Zealand, Singapore, Switzerland, and the United States.

COM delegation, who chaired the meeting, was led by DG Trade [REDACTED], [REDACTED] and included Markt [REDACTED], JLS [REDACTED] and INFSO [REDACTED].

PRES represented by French Ministry of Economie et Finances [REDACTED] and 3 experts (INPI, Justice).

17 MS attended (DE, IT, UK, FI, CZ, LV, ES, BE, IRL, LIT, PT, SK, SW, HU, NL, RO, PO) the first 6 represented by capital-based experts.

Summary :

1. Very good organisation of the meeting by PRES. Meeting opened by FR **Minister of Commerce Mme. Idrac**, who issued a positive and ambitious opening statement. Good relation with PRES.
2. Detailed first discussion of draft texts on **institutional structure, international cooperation and enforcement practices**. Continuation of discussion on **penal and civil enforcement** measures. First general discussion (not yet based on legal drafting) of **internet enforcement**. With this agenda, all the subjects foreseen for the future agreement have been discussed at least once before the end of 2008 (negotiations started in June 2008)
3. On **penal enforcement**, pursuant to negotiating guidelines, Presidency (FR) presented the EU joint position. EU Chair (COM) managed to secure agreement on formal aspects of the matter (new commonly agreed structure).
4. Good progress on the less sensitive chapters like **institutional chapter** (clear preference around the table for a structure as simplified and light as possible); **international cooperation and enforcement practices**. Also some good progress on the **civil enforcement** chapter, where the main outstanding point is the broad scope vs. narrow scope disagreement between EU [REDACTED] on one side and most of the other ACTA partners on the other.
5. **Internet** discussion remained very general, with countries sharing explanations about their regimes and no real negotiation. Most ACTA

partners want the future chapter to be equally general. [REDACTED]

- [REDACTED]
6. On **consultation of stakeholders / transparency**, EU raised the issue once more. Parties agreed that [REDACTED] will work on a summary that may be made public. All agreed that a final ACTA text would be made public before its formal "signature", to allow for public reactions.
 7. General deadline for written contributions is 16 February 2009. EU to contribute on **enforcement practices, international cooperation** and possibly **Internet**.

Regarding the latter, COM's view is that – without providing detailed replies to the numerous questions made by the US - we may send written comments summarising the EU law, indicating which areas are harmonised and which are not.

For all the above issues, COM is ready to prepare a first draft and submit it for comments to MS within the coming couple of weeks.

8. **Morocco** offered to host the next round, around the second week of March 2009. Japan pushing for 3 rounds before Summer break, but others not very enthusiastic about this perspective.
