

Minister Verhagen
Ministerie van EL&I
Bezuidenhoutseweg 20
2594 AV DEN HAAG

Dear Mr Verhagen,

On 4 July 2012 the European Parliament rejected the Anti-Counterfeiting Trade Agreement (ACTA). We were therefore shocked to find out that only six days later ACTA was yet again centre of debate. A leaked draft of the Canada – EU Trade Agreement (CETA) showed that this treaty includes a number of provisions that are virtually identical to provisions from ACTA.

Amsterdam
1 august 2012

A comparison shows that – amongst others – article 23(1), 27(3) and (4) and 9(1) of ACTA are included in the draft (see **attachment**). These controversial provisions concern respectively criminal enforcement, private enforcement by ISPs, and damages. These provisions are considered particularly problematic and were reason for the European Parliament to reject ACTA.

We are very pleased that the growing resistance against ACTA was reason for the Dutch government to dismiss this treaty: by letter of 25 June 2012 to the Parliament you wrote on behalf of the Dutch government, that it will definitely not sign ACTA. Herewith, the Netherlands took the lead in the fight against ACTA.

With regard to CETA, the Netherlands has a similar role to play. We assume that when CETA is discussed on the European level by the Council of Ministers, the government will maintain its position towards ACTA. This means that it will reject the ACTA-provisions that are part of CETA, as the substance of these provisions is identical.

For that matter, we were somewhat surprised by your letter of 10 July 2012 in response to the request to vote against any new treaties that are comparable to ACTA. You there state “that each draft treaty will be assessed on its own merits”. As pointed out above, part of the provisions of ACTA and

CETA are identical. A substantive assessment of this part of CETA will therefore not lead to a different outcome than in the case of ACTA. We thus assume that your statement does not relate to the ACTA-provisions in CETA.

For this it is irrelevant that the European Commission announced on 11 July 2012 that the articles 27(3) and (4) of ACTA have been removed from CETA. For the resemblance between ACTA and CETA reaches far beyond this one provision.

For the reasons above, we urgently request you to confirm that the Dutch government will vote against CETA in the Council of Ministers, or at least against any provision that is substantively similar to any provision of ACTA. We also request the government to confirm that it will strive to have such provisions removed from CETA. We would like to receive these confirmations in ample time before the next meeting of the Council of Ministers, and in any event within fourteen days after the date of this letter.

Yours sincerely,

Simone Halink

Cc: State Secretary Teeven

