

Lisboa, 25 de Abril de 2013

Excelentíssimo Sr. Eurodeputado Vital Moreira,

A Associação Nacional para o Software Livre trabalha desde a sua formação no contexto dos direitos dos utilizadores de software e do direito de autor onde os mesmos se enquadram, e a Associação ProBlender trabalha na promoção de multimédia 3D (filmes, jogos, etc) realizados com o software livre Blender, cujos sócios são também muito dependentes do direito de autor.

Escrevemos-lhe porque nos preocupa que o conteúdo do acordo TAFTA se venha a tornar num novo ACTA, já antes rejeitado pelo Parlamento Europeu devido à elevada toxicidade e carências democráticas.

É curiosamente neste dia nacional onde se celebra a libertação de um regime ditatorial onde imperava a censura que vai votar sobre um acordo que contém provisões que necessitam ser corrigidos.

Identificamos problemas sérios que necessitam da sua mais elevada atenção para impedir que um desastre já anteriormente rejeitado, o ACTA, tenha algumas das suas provisões introduzidas através de outro acordo comercial.

Para remediar estes problemas, recomendamos-lhe o seguinte:

- que vote pela adoção de emendas que excluem do TAFTA as provisões relacionadas com a assim denominada "propriedade intelectual", bem como aquelas que apelam a uma aproximação mais sensata face à proteção jurídica do direito de autor e a mais transparência nas negociações que se avizinham, **por favor vote por adotar as emendas 1², 67³, 114⁴ e 121⁵**
- que vote pela rejeição de emendas que apelam à inclusão de proteção jurídica mais forte para o direito de autor no TAFTA, em particular **por favor vote para rejeitar as emendas 115⁶ e 119⁷**

Subscrevemos integralmente as recomendações de voto da La Quadrature du Net, que anexamos aqui para maior conveniência, e que se encontram igualmente disponíveis em http://www.laquadrature.net/wiki/TAFTA_INTA_20140425

Respeitosamente,

Rui Seabra - rui.seabra@ansol.org - Associação Nacional para o Software Livre <https://ansol.org/>

Ricardo Pereira – rpereira@problender.pt - Associação ProBlender <http://problender.pt/>

ANSOL



Voting recommendations

How to read an amendment: **added to the initial text** / ~~deleted from the initial text~~

Amendment 1 +++

Marietje Schaake

Citation 5

– **having regard to its earlier resolutions, in particular the resolution of 23 October 2012 on trade and economic relations with the United States;** and of 15 November 2012 on a digital freedom strategy in EU Foreign Policy,

How to read an amendment: **added to the initial text** / ~~deleted from the initial text~~

Amendment 3 +

Helmut Scholz

Citation 7 a (new)

– **having regard to its resolution of 25 November 2010 on human rights and social and environmental standards in international trade agreements,**

How to read an amendment: **added to the initial text** / ~~deleted from the initial text~~

Amendment 4 +

Tokia Saïfi

Citation 7 a (new)

– **having regard to the 2005 Unesco Convention on the Protection and Promotion of the Diversity of Cultural Expressions,**

How to read an amendment: **added to the initial text** / ~~deleted from the initial text~~

Amendment 20 +

Henri Weber

Recital D a (new) Da. whereas the 2005 Unesco Convention on the Protection and Promotion of the Diversity of Cultural Expressions enshrines the sovereign right of the States Party, including the EU, to establish and implement cultural policies and measures for the protection and promotion of cultural diversity, and whereas, unlike

other EU partner countries, the United States is not a signatory to this text;

DÉFINITIONS Aux fins de la présente Convention, il est entendu que : 1. Diversité culturelle
« Diversité culturelle » renvoie à la multiplicité des formes par lesquelles les cultures des groupes et

des sociétés trouvent leur expression. Ces expressions se transmettent au sein des groupes et des sociétés et entre eux. La diversité culturelle se manifeste non seulement dans les formes variées à travers lesquelles le patrimoine culturel de l'humanité est exprimé, enrichi et transmis grâce à la variété des expressions culturelles, mais aussi à travers divers modes de création artistique, de production, de diffusion, de distribution et de jouissance des expressions culturelles, quels que soient les moyens et les technologies utilisés.

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Amendment 21 +

Helmut Scholz

Recital D a (new)

Da. whereas there is a great amount of regulatory divergence between the EU and the US especially concerning different approaches towards social policy, state subsidy rules, environmental, consumer and data protection, agricultural production and rules of origin; whereas the European Parliament throughout its years of existence has made clear its position on those controversial issues while remaining committed to the deepening of political and economic relations with the US;

How to read an amendment: **added to the initial text** / ~~deleted from the initial text~~

Amendment 34 ++

Yannick Jadot

Recital G a (new)

Ga. whereas Parliament in its resolution of 23 October 2012 commends the Interim Report of the HLWG, but reiterates the necessity of "taking into historical account transatlantic divergence on issues such as the planting of genetically modified organisms and certain questions regarding animal welfare" (Paragraph 10); emphasises "that an alignment of EU and US regulatory standards should aim at reaching the highest common standard and, thereby, also improve the product safety for consumers" (Paragraph 11); "takes the view that given the increasing importance of e-commerce, data protection standards play an essential role in protecting customers both in the EU and US" (Paragraph 16); "underlines that the EU and the US maintain highly different definitions of public services and services of general economic interest, and recommends precise definitions of these terms" (Paragraph 19);

How to read an amendment: **added to the initial text** / ~~deleted from the initial text~~

Amendment 49 +

Yannick Jadot

Paragraph 1 a (new)

1a. Stresses the need to accompany the TTIP by the formulation of an ambitious common European industrial policy informing the Union's position on industrial tariff elimination, raw material and energy policy, competition and IP policy, localization and performance requirements, the role of public procurement for the switch to a greeneconomy, and regulatory cooperation on future technologies;

How to read an amendment: **added to the initial text** / ~~deleted from the initial text~~

Amendment 67 +++

Helmut Scholz

Paragraph 4

4. Notes the release of the HLWG Final Report; **recommends to postpone the decision** to launch negotiations for a comprehensive trade and investment agreement **until a high quality impact assessment has been prepared, and a transparent, informative and comprehensive consultations with all economic stakeholders and the civil society have been conducted, including among others trade unions, organisations from the agricultural sector, environmental organisations, organisations working on civil liberties, internet freedom and data protection, health costs, financial market regulations, and cultural diversity issues;**

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Amendment 78 +

Henri Weber

Paragraph 6 b (new)

6b. Highlights, in a similar vein, the fact that the protection of personal data is one of the values of the European Union to which the European Parliament has demonstrated its commitment through its work, debates and votes on the SWIFT (bank details) PNR (passenger name records) and ACTA (the fight against counterfeiting and piracy) agreements;

How to read an amendment: **added to the initial text** / ~~deleted from the initial text~~

Amendment 80 +

Françoise Castex

Paragraph 6 c (new) 6c. Considers that, in view of developments in the exchange of information over the internet, the storage

and processing of data is becoming a major strategic issue concerning the privacy of all citizens; points out that the EU is in the process of drawing up new rules in this field; stresses that the negotiations with the United States must not interfere with EU legislation in this field;

How to read an amendment: **added to the initial text** / ~~deleted from the initial text~~

Amendment 86 +

Marietje Schaake, Metin Kazak

Paragraph 8

8. Reiterates its support for a comprehensive trade and investment agreement with the US, **based on common values, including the protection and promotion of human rights, fundamental freedoms and international security**, that would support the creation of high-quality jobs for European workers, would **directly benefit European** consumers, would open new opportunities for EU companies to sell goods and services in the US and **would improve opportunities for EU investments in the US;;**

How to read an amendment: **added to the initial text** / ~~deleted from the initial text~~

Amendment 93++

Helmut
Paragraph 9

Scholz

9. Calls on the Council to **follow up on the recommendations contained in the HLWG Final Report and** to authorise **without delay** the Commission to start negotiations for a Transatlantic Trade and Investment Partnership (TTIP) agreement with the US;

9. Calls on the Council **not** to authorise the Commission to start negotiations for a Transatlantic Trade and Investment Partnership (TTIP) agreement with the U.S., **as long as a decent impact assessment is lacking and comprehensive and transparent consultations with civil society and all stakeholders are still to behold;**

How to read an amendment: **added to the initial text** / ~~deleted from the initial text~~

Amendment 96 +

Yannick
Paragraph 10

Jadot

10. Underlines that **such an agreement must be ambitious and binding on all levels of government, on all regulators and other competent authorities of both sides; stresses that the agreement must lead to genuine market openness and trade facilitation on the ground, and should pay particular attention to ways of achieving greater transatlantic regulatory convergence; considers that the agreement should not risk prejudicing the Union's cultural and linguistic diversity;**

10. Underlines that **it expects the negotiating mandate to contain a firm stance that the Union acquires with regard to the protection of health, product safety, animal welfare and environment is non negotiable, as well as the confirmation of principles underlying the existing Union regulatory activity, such as the precautionary principle, the right of data protection, the respect of collective preferences, the multi-functionality of agricultural activity, and subsidiarity; stresses that a possible agreement must not risk prejudicing the Union's cultural and linguistic diversity as well as the functioning of public services;**

How to read an amendment: **added to the initial text** / ~~deleted from the initial text~~

Amendment 107 +

Henri Weber
Paragraph 10 a (new)

10a. Considers it essential for the EU and its Member States to maintain the possibility of preserving and developing their cultural and audiovisual policies, and to do so in the context of their existing laws, standards and agreements; calls, therefore, for the exclusion of cultural and audiovisual services, including those provided online, to be clearly stated in the negotiating mandate;

How to read an amendment: **added to the initial text** / ~~deleted from the initial text~~

Amendment 108 +

Nora Berra, Marielle de Sarnez, Marie-Thérèse Sanchez-Schmid
Paragraph 10 a (new)

10a. Considers nevertheless that such an agreement, like any other EU trade agreement, should in no way jeopardise the Union's cultural and linguistic diversity and accordingly urges that the audiovisual sector be excluded from the scope of the negotiations;

How to read an amendment: **added to the initial text** / ~~deleted from the initial text~~

Amendment 114 +++

Françoise Castex

Paragraph 11

~~11. Stresses that the agreement must include strong protection of intellectual property rights (IPR), including geographical indications; believes that other areas of divergence in IPR should be solved in line with international standards of protection;~~

How to read an amendment: **added to the initial text** / ~~deleted from the initial text~~

Amendment 115 ---

Henri Weber Paragraph 11

| | |
|---|--|
| <p>11. Stresses that the agreement must include strong protection of intellectual property rights (IPR), including geographical indications; believes that other areas of divergence in IPR should be solved in line with international standards of protection;</p> | <p>11. Stresses that it is essential for this agreement to guarantee maximum protection levels and the effective implementation of provisions concerning personal data and intellectual and industrial property rights, including geographical indications;</p> |
|---|--|

How to read an amendment: **added to the initial text** / ~~deleted from the initial text~~

Amendment 116 +

Yannick

Jadot,

Amelia

Andersdotter

Paragraph 11

11. Stresses that the **agreement must include strong protection of intellectual property rights (IPR), including geographical indications; believes that other areas of divergence in IPR should be solved in line with international standards of protection;**

11. Stresses that the protection of intellectual property rights (IPR) **is an area of deep transatlantic divergences which requires prior agreement on exceptions to rights, limitations on remedies, and proportionate enforcement, and therefore should be left to a later stage of negotiations; recommends the Council to make US agricultural market access conditional to an agreement on geographical indications;**

How to read an amendment: **added to the initial text** / ~~deleted from the initial text~~

Amendment 117 +

Marietje

Schaake,

Metin

Kazak

Paragraph 11

11. Stresses that the agreement must include **strong** protection of

11. Stresses that the agreement must include **relevant** protection of **precisely and clearly defined areas of** intellectual property

intellectual property rights (IPR), ~~including geographical indications;~~ **rights (IPR) such as geographical indications;** believes that other areas of divergence in IPR should be solved in line with international standards; **emphasizes that the agreement should be future proof and should capitalize on the vast potential of the digital economy and e-commerce without limiting the EU protection;** ~~in line with international standards of protection;~~ **in its need to reform and harmonize its IPR mechanisms;**

How to read an amendment: **added to the initial text** / ~~deleted from the initial text~~

Amendment 119 --

Christofer Fjellner

Paragraph 11

11. Stresses that the agreement must include strong protection of intellectual property rights (IPR); ~~including geographical indications;~~ believes that other areas of divergence in IPR should be solved in line with international standards of protection;

How to read an amendment: **added to the initial text** / ~~deleted from the initial text~~

Amendment 121 +++

Marietje Schaake

Paragraph 11

11a. Stresses that given the rejection of the Anti-Counterfeiting Trade Agreement (ACTA), prompted by concerns about restrictions on digital freedoms and the open internet, online copyright enforcement, as well as intermediary liability, these measures should not be included or aimed at in the TTIP agreement, neither by explicitly binding provisions nor by introducing or committing to restrictive interpretation or implementation of relevant EU law;

How to read an amendment: **added to the initial text** / ~~deleted from the initial text~~

Amendment 164 ++

Yannick Jadot

Paragraph 13 c (new)

13c. Considers that the well functioning domestic court systems and robust property rights protections of both partners make special investor protection provisions dispensable; calls on the Council to exclude the faculty of Investor-to-State Dispute Settlement from the negotiating mandate;

How to read an amendment: **added to the initial text** / ~~deleted from the initial text~~

Amendment 174 ++

Yannick Jadot

Paragraph 15

15. ~~Recalls~~ **Calls on the Council to condition the opening of negotiations to an agreement with the US on transparency, which includes the timely publication of draft texts in all stages of the negotiations; recalls** the need for continuous engagement with the stakeholders, including business,

environmental, consumer, labour and other representatives, throughout the negotiation process, in order to ensure fact-based discussions and foster public support;

How to read an amendment: **added to the initial text** / ~~deleted from the initial text~~

Amendment 175 +

Helmut Scholz

Paragraph 15

15. Recalls the need for continuous engagement with the **general public and** stakeholders, including business, environmental, consumer, labour and other representatives, throughout the negotiation process, in order to ensure fact-based discussions and ~~foster public support~~ , **encourage public opinion formation and seriously take into account the concerns being raised; therefore calls for the highest possible degree of transparency for the negotiation documents;**

How to read an amendment: **added to the initial text** / ~~deleted from the initial text~~

Amendment 176 +

Marietje Schaake, Metin Kazak

Paragraph 15

15. Recalls the need for continuous **transparency**, engagement with the stakeholders, including business, environmental, consumer, labour, **civil liberties** and other representatives, throughout the negotiation process, in order to ensure fact-based discussions, **proportionate input from various sides** and to foster public support;

How to read an amendment: **added to the initial text** / ~~deleted from the initial text~~

Amendment 177 +

Robert Sturdy

Paragraph 15

15. Recalls the need for continuous **and transparent** engagement with the stakeholders, including business, environmental, consumer, labour and other representatives, throughout the negotiation process, in order to ensure fact-based discussions and foster public support;

How to read an amendment: **added to the initial text** / ~~deleted from the initial text~~

Amendment 190 +

Marietje

Schaake,

Silvana

Koch-Mehrin

Paragraph 17

17. Looks forward to the launch of negotiations with the US, following them closely and to contributing to their successful outcome; **reminds the Commission of its obligation to keep Parliament immediately and fully informed at all stages of the negotiations (before and after the negotiating rounds); is committed to address the legislative and regulatory**

17. Looks forward to the launch of negotiations with the US, following them closely and to contributing to their successful outcome; **stresses that a maximum level of transparency, and pro- active outreach by the Commission to multiple stakeholders and citizens is indispensable to build trust in**

issues that may arise from the negotiations and the future agreement; | the negotiations and support for its result;

How to read an amendment: **added to the initial text** / ~~deleted from the initial text~~

Amendment 194 +

Marietje Schaake, Silvana Koch-Mehrin

Paragraph 17 a (new)

17a. Reminds the Commission of its obligation to keep Parliament immediately and fully informed at all stages of the negotiations (before and after the negotiating rounds); is committed to address the legislative and regulatory issues that may arise from the negotiations and the future agreement;

How to read an amendment: **added to the initial text** / ~~deleted from the initial text~~

Amendment 197 ++

Marietje Schaake, Metin Kazak

Paragraph 18 a (new)

18a. Welcomes all citizens, business, environmental, consumer, labour, civil society and other representatives to actively participate and put forward initiatives and information relevant to the negotiations; reiterates its basic responsibility to represent the citizens of the European Union and looks forward to facilitate inclusive and open discussions during the negotiating process;

How to read an amendment: **added to the initial text** / ~~deleted from the initial text~~

Amendment 198 +

Maria Badia i Cutchet

Paragraph 20

20. Recalls that Parliament will endeavour to monitor the implementation of the future agreement and will be demanding, ambitious and rigorous in its monitoring task;

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}
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