

Internet Freedom: European MPs don 'Anonymous' Masks in Protest of ACTA

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ACTA's future in doubt

The chances of the Anti-Counterfeiting Trade Agreement becoming law in Europe dwindled suddenly on Friday, after Polish prime minister Donald Tusk said he was suspending ACTA's ratification in his country.



Polish MPs Protest ACTA in Parliament

According to reports, Tusk said on Friday that his government had made insufficient consultations before signing the agreement in late January, and it was necessary to ensure it was entirely safe for Polish citizens.

Although it is technically a trade agreement, ACTA is effectively an international treaty aimed at criminalising copyright infringement and associated activities.

Tusk's backtracking could spell the end of ACTA for the entire European Union. If Poland or any other EU member state, or the European Parliament itself, fails to ratify the document, it becomes null and void across the union. As it stands, there are already five member countries that have not even signed ACTA.

"I share the opinions of those who from the beginning said that consultations were not complete," Tusk said, according to a report in *Wirtualna Polska*. The 54-year-old prime minister added that a Polish rejection of ACTA is now on the table, and admitted that he had previously approached the agreement from a "20th century" perspective, due to his age.

All this represents a major about-turn, as Tusk strongly defended the agreement just three days ago.

Poland has seen the biggest protests against ACTA, with thousands demonstrating on the streets last week. Hackers believed to be associated with Anonymous attacked Tusk's website, as well as the European Parliament site, after the signing.

Critics of ACTA say it has insufficient safeguards for online liberties, particularly in signing countries that do not already have strong principles of freedom of speech and expression. In addition, the

agreement negotiations, which took place without the contributions of civic groups or elected representatives, have been widely described as undemocratic.

Mixed agreement

Because ACTA deals in part with criminal law, the application of which is entirely up to national governments, it qualifies in the EU as a 'mixed agreement'. This is why it was signed in January by a European Commission representative as well as by ambassadors from EU member states, including Poland and the UK.

The rules around mixed agreements say the legislatures of every EU member state, as well as the European Parliament, all have to provide ratification. The European Commission confirmed to ZDNet UK that if just one member state does not ratify ACTA, the deal will not enter into force anywhere within the EU.

As yet, none of ACTA's 31 signatories has ratified it, and seven countries, including EU member states Cyprus, Estonia, Germany, the Netherlands and Slovakia, have so far declined to sign the document at all.

However, in a letter (PDF) sent this week to the European Parliament trade committee, trade commissioner Karel De Gucht insisted those five EU member states will sign "in the coming weeks".

"They were not in a position to do so last week either because of the minimum time required for completing their internal procedures, or because they did not currently have an ambassador in Tokyo and will therefore need to send an envoy," De Gucht said.

One of the EU member states that did sign ACTA last week was Slovenia. On Tuesday, the Slovenian ambassador who signed the document in Tokyo on her country's behalf apologised for doing so, saying she had made a mistake.

"I signed ACTA out of civic carelessness, because I did not pay enough attention," Helena Drnovšek Zorko wrote. "Quite simply, I did not clearly connect the agreement I had been instructed to sign with the agreement that, according to my own civic conviction, limits and withholds the freedom of engagement on the largest and most significant network in human history, and thus limits particularly the future of our children."

If the EU steers clear of ACTA, it is still possible for the agreement to enter into force elsewhere. However, for this to happen, at least six of the negotiating parties will have to ratify the deal.

Non-EU signatories include Australia, Canada, Japan, South Korea, Morocco, New Zealand, Singapore and the US. Non-EU countries that have so far refrained from signing include Mexico and Switzerland.

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