

Campaigners call on EU member states to reject trade secrets directive

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News

New rules were approved by the European Parliament in plenary last week.



National governments are being urged not to adopt the directive on the protection of trade secrets directive and on citizens.

The draft law was passed by MEPs last week and is due to be rubberstamped by EU governments on 17 May.

The directive aims to replace the existing legal patchwork with a single, clear and coherent regime for the EU.

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French EPP deputy Constance le Grip MEP defended the draft law, saying, "This report on trade secrets offers concrete solutions for fighting industrial espionage, while guaranteeing freedom of expression and information - starting with the freedom of the press and the activities of whistleblowers."

"The rules, including measures to protect trade secrets and sanction breaches, which up until now have been very fragmented across national laws, will be harmonised so as to set a common legal basis for all member states."

Even so, the Brussels-based Corporate Europe Observatory, which has strongly criticised the directive, has refused to cede defeat on the issue.

It has called on member states to reject it and for the public to sign an online protest petition.

CEO says the problems with the text that were raised during last week's European Parliament vote "are still intact."

On Wednesday, a spokesperson told this website, "By including in its scope (Articles 2 and 4) people who are not spies but are simply trying to do their job, such as journalists and researchers, or follow their conscience (whistleblowers), this legislation aimed at fighting industrial espionage goes too far and will give companies the legal means to try to sue anyone who would obtain, use or publish a trade secret without their consent.

"Recent exceptions aimed at protecting journalists, whistleblowers and worker mobility improved the original European Commission text but are insufficient.

"The key problem remains the excessively broad definition of what constitutes a trade secret and a definition of unlawful acquisition (Article 4) that is limited to non-authorisation by the owner of the trade secret in question, which opens the door to prosecution.

"It is up to the person being prosecuted to convince the judge that they are not a spy but are covered by the exceptions.

Further comment came from Martin Pigeon, of Corporate Europe Observatory, who added, "This is not acceptable and it is essential that the text be amended so that what is defined as illegal is the acquisition, use or publication of a trade secret by a person acting with an economic interest.

"This is the very least we can expect from a text that is basically about unfair competition."

About the author

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