



EUPHA has concerns on the proposed EU Trade Secrets Directive

Statement, released on 25 March 2015

The European Public Health Association (EUPHA) has read with concern the assessment of the proposed EU Trade Secrets Directive prepared by the Corporate Europe Observatory, Medicines in Europe Forum, and the International Society of Drug Bulletins. This highlights the scope for the proposed Directive to have certain adverse consequences for public health.

Like those organisations, EUPHA remains unconvinced that the Directive is required given that the European Commission estimates that 60% of European Union companies already share their trade secrets through collaborations, protecting them where necessary through nondisclosure agreements and contracts. Moreover, the proposed Directive, by creating a blanket right to corporate secrecy, offers no benefit for society than the vague promise of increased competitiveness, even though history has shown how dissemination of knowledge is a major driver of innovation. Specifically, we share the concern of these organisations that:

- a) The Directive employs an excessively broad definition of “trade secrets”, including scientific data that is in the public interest. In particular, it does not allow for the exclusion of scientific data whose disclosure is in the public interest, such as health-related regulatory data.
- b) It shifts documents that are currently in the public domain to the trade secrets domain, thereby constraining the scope to expose actions that could impact negatively on public health.
- c) It has an impact on the right to freedom of expression and information.

For these reasons, EUPHA calls upon the JURI Committee to make major changes to the proposed directive along the lines proposed by the Corporate Europe Observatory, Medicines in Europe Forum, and the International Society of Drug Bulletins.

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