Press release | 14.04.2016

Trade secrets

New EU rules open the door to abuses and endanger whistleblowers

The European Parliament today adopted new EU rules on the protection of trade secrets. The Greens have expressed concern with the law, notably the excessive rights to secrecy for businesses and provisions that pose a threat to whistleblowers. After the vote Greens/EFA MEP Julia Reda stated:

“These new rules on 'trade secrets' leave the door open to abuse by unscrupulous businesses across Europe. The unnecessarily broad definition of what constitutes a 'trade secret' will enable corporations to keep information secret with a view to circumventing legislation, even when this information should by rights be in the public domain. This is not a new phenomenon and there are many examples, like German car inspectors being prevented from inspecting software on diesel vehicles because the government insisted on protecting the car manufacturers' trade secrets. But we now have this bad practice established at EU level under EU law.

"The new law also created major uncertainties about the role of whistleblowers and investigative journalists. All information, including information about malpractice, can be protected as a trade secret. As a result, the burden of proof that the public interest outweighs the business interest will now always lie with the whistleblower. Coming just a week after the Panama Papers leaks, which have again underlined the vital role of whistleblowers and investigative journalists in shedding light on crucial information in the public interest, this is a major blow and has been criticised by LuxLeaks whistleblower Antoine Deltour and Edouard Perrin, the journalist who reported on the scandal. We now urge the European Commission to present comprehensive European rules on whistleblower protection without delay and will be presenting a proposal to this end next month (1).

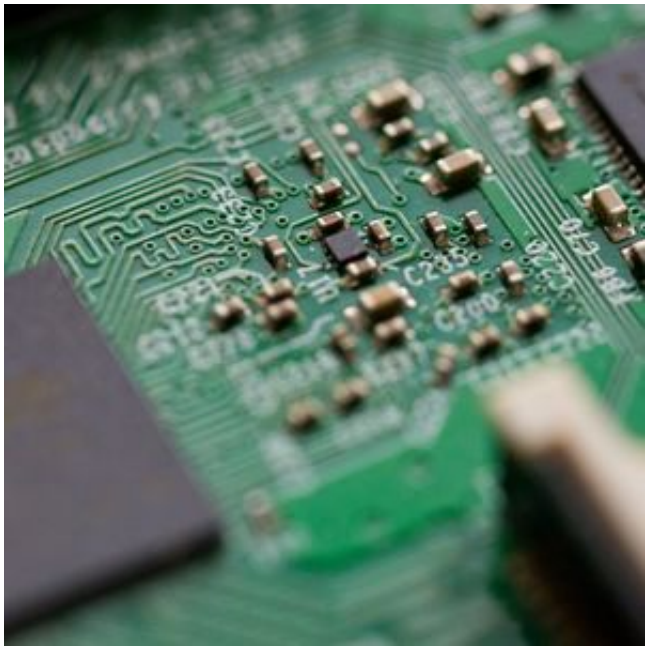
"The new rules also set a worrying precedent for workers' rights by defining skills and know-how gained during employment as a trade secret. This would put workers in a difficult legal position on changing employment and open to prosecution by former employers."

(1) On 4 May, the Greens/EFA group will present its proposals for a directive on the protection of whistleblowers.

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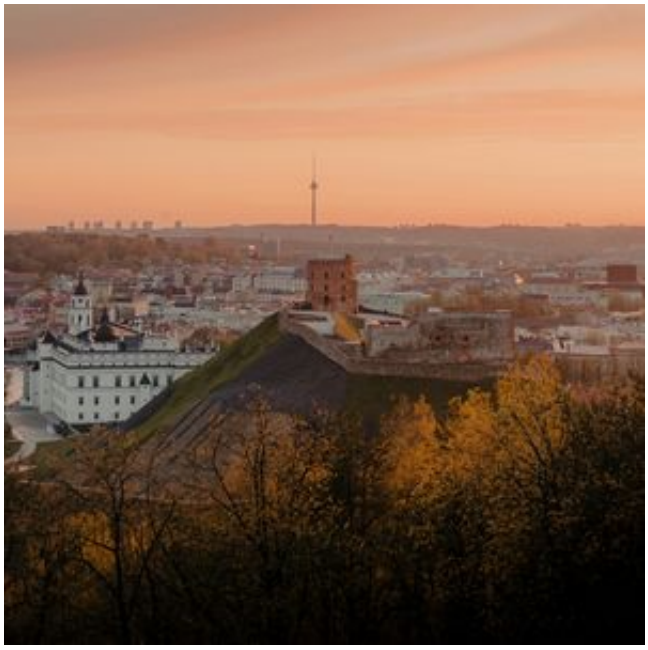
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Felix Reda

Vice-President

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