

Health Action International Criticises JURI Support for EU Trade Secrets Directive Report

AMSTERDAM—Health Action International is disappointed that the European Parliament Committee on Legal Affairs (JURI) failed to protect the health of European citizens today by voting to adopt the rapporteur’s report on the European Union Trade Secrets Directive.

“Despite some minor improvements to the European Commission’s original proposal, the Trade Secrets Directive is still bad news for access to information,” said Tessel Mellema, policy advisor with Health Action International. “Researchers, journalists and whistle-blowers will still not be properly protected when using information to protect the public interest from dangerous corporate products or practices.”

From a health perspective, Health Action International fears that pharmaceutical companies will use the Trade Secrets Directive as justification to withhold the release of clinical trial and other medicines safety and efficacy data. Release of this data is now required under the European Union Clinical Trials Regulation.

“Regulators, healthcare providers and researchers need access to clinical data for further analysis to determine the true safety and efficacy of medicines,” said Mellema. “Without this information, we simply don’t know if a medicine is any better than existing treatments, works at all, or does more harm than good. Enhanced trade secret protection also risks clinical trials being unnecessarily and unethically repeated on patients.”

Mellema also cautioned that the push to harmonise the protection of ‘commercially confidential’ information across the EU under the proposed Directive would work against the current worldwide shift towards open research models and actually slow pharmaceutical research and development.

“The Commission wrongly believes that enhanced trade secret protection is the magic bullet to keep Europe in the innovation game,” said Mellema. “But fully open research projects, like the Human Genome Project, demonstrate the benefits of open research and innovation. Giving companies another way to shroud the results of pharmaceutical research in secrecy seems more likely to delay innovation.”

Health Action International and a coalition of about 50 trade unions and other NGOs had urged JURI to demand the Directive be amended to restrict the overly-broad definition of a ‘trade secret’ and the excessive legal rights of companies to sue others for trade secret infringement.

The European Parliament will vote on the Trade Secrets Directive in plenary later this year.

If passed, trade secret protection will be included in the Transatlantic Trade and Investment Partnership (TTIP). Unforeseen negative consequences of trade secret protection will then be virtually impossible for governments to repeal through democratic processes.

Health Action International (HAI) is an independent, global network committed to increasing affordable access to needed medicines and improving their rational use through research and advocacy.

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