Question for written answer E-004211/2014

to the Commission

Rule 117

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Subject: Trade secrets

In November 2013 the Commission adopted a proposal for a directive introducing a common definition of trade secrets and offering means through which victims of trade secret misappropriation can obtain redress. We, as members of Parliament’s EPP Group, regard this future legislation as a major step towards the achievement of the Innovation Union and a powerful tool to help European small and medium-sized enterprises (SMEs) compete in global markets. We call for the expedited approval of the proposed directive by the next Parliament in order to enhance the favourability of the business climate and foster investment in knowledge, research, development and innovation in line with the targets of the Europe 2020 strategy. We believe that answers to the questions below will help the next Parliament in assessing the Commission’s proposal.

1. In the title of the Commission proposal the term ‘undisclosed’ has been used rather than ‘confidential’. Could the Commission clarify whether or not this term could exclude from protection confidential information that is disclosed for purposes of regulatory transparency?

2. Could the Commission provide Parliament with clear data on the national differences that exist in economic and legal structures and in terms of languages, in particular as regards the concepts of ‘legal representatives’, ‘trivial information’, ‘reasonable steps’ and ‘easily accessible’?

3. How can the legislator ensure that the limitations provided for under Article 4(2) do not endanger the objectives of the directive by providing an unfair competitive advantage to claimants?

4. How could the legislator further simplify the rules concerning the taking of evidence for secret holders so as to ensure more effective legal protection for companies, in particular SMEs?