



PRESS RELEASE CIVIL SOCIETY AGAINST TRADE SECRETS

The transposition into French law of the European directive protecting trade secrets in July 2018 threatened our fundamental freedoms and provoked an outcry from civil society.

While those who defended this text had assured the public that it would not infringe freedom of the press and the right to information, four months after the transposition, the newspaper Le Monde had its investigative capacity hampered. As part of the “Implant Files” investigation, which revealed that medical devices such as defibrillators, insulin pumps and hip prostheses killed hundreds of thousands of patients around the world, the newspaper was denied access to the list of devices that had received a certificate of conformity, which means marketing authorization.

This refusal is based on trade secrets.

In an illegitimate decision, the Commission on the Access to Administrative Documents (CADA in French) considered that secrecy weighs more heavily than the right to health, information and the protection of citizens, thereby confirming the legitimate fears of civil society at the time of the adoption of this text.

However, the directive itself provides that trade secrets cannot be used to prevent the media, whistleblowers and unions from performing their essential roles in a well-functioning democracy.

Le Monde challenged this refusal before the Paris Administrative Court.

On June 27th 2019, 36 associations and the media decided to intervene in this dispute to ask the courts to protect the freedom of the press, especially when investigating a subject of great importance to public interest, such as health.

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