

MICHEL BARNIER

Membre de la Commission européenne

16. 05. 2012

Brussels,
A(12)207372 D(12)

Dear Mr de Buck, *Philippe*.

Thank you for your letter of 20 February 2012 in which you raise Business Europe's concerns regarding the crucial issue of violations of trade secrets and the need for policymakers at European level to adopt measures to better protect these. I fully recognise that trade secrets are an essential form of intangible assets that often are at the source of the global competitiveness of European businesses.

I also take the view that we may need European measures to allow for better enforcement across the Union against such violations. That is why the Commission's Communication on a Single Market for Intellectual property rights strategy announced that we would be analysing how best to address this need. The publication, earlier this year, of the study on the existing legal framework of the protection of trade secrets within our Member States was the first indispensable deliverable. It showed clearly the disparate nature of that protection within the EU.

In order to complete the information necessary to evaluate the impacts of any future measure, my services have in the meantime commissioned a study on the economic impact of trade secrets. This seeks to provide a rigorous assessment of just how important their role is in the competitiveness of European businesses. It will include an EU wide survey involving the most concerned industries and my hope is that we will be able to demonstrate that all businesses in our services and knowledge based economy and in particular SMEs rely on trade secrets. In that manner we will demonstrate that the current fragmented legal framework for their protection undermines competitiveness and therefore investment and job creation within the Single Market. I sincerely hope that your organisation will continue to assist us in achieving this objective and am delighted to hear from my services of the excellent cooperation to date.

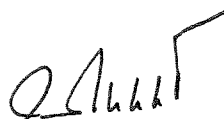
We shall be organising a conference to be held in Brussels on 29 June to address the challenge of protecting European companies from dishonest misappropriation of their know-how and other capital business information. At the conference, the preliminary findings of the study and the methodology to be used in the upcoming survey will be discussed. The conference will naturally offer stakeholders an opportunity to express their concerns and views on this pressing matter. The presence and active participation of Business Europe would, no doubt, be very valuable and therefore highly appreciated.

Mr Philippe DE BUCK
Director General
BUSINESS EUROPE
avenue de Cortenbergh 168
B - 1000 BRUXELLES

I sincerely hope that this preparatory work will allow the Commission to come forward with measures to address this issue. Meanwhile, my colleague Commissioner De Gucht will also be responding to your letter and will inform you of the emphasis he gives to this issue when dealing with our international trading partners. Obviously, if we can develop a European framework for more effective protection against theft of trade secrets it will reinforce the strength of our arguments in future bi-lateral or multi-lateral negotiations with our trading partners.

I hope that this response will reassure you on the importance I give to this issue.

Yours sincerely, *Michel Barnier*

A handwritten signature in black ink, appearing to read 'Michel Barnier', with a stylized flourish at the end.

Michel BARNIER