



The President of the EPO,
Mr Battistelli,
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Ref: JWG/cb

Brussels, 2 March 2015

Dear Mr President,

EPSU, the European Federation of Public Service Trade Unions and a recognised social partner, member of ETUC has been informed of the ongoing dispute in the European Patent Office (EPO) between the unions and management.

EPSU is highly concerned about the evolution of the staff policy at the EPO since 2013:

- the threat of disciplinary measures, mostly against staff or union representatives, has become one of the most frequently used terms of your internal notes;
- with your Circular 347 (June 2013) you have in effect taken away the unalienable right of SUEPO, the EPO's staff union, to strike autonomously;
- you also restricted the right of SUEPO to inform the 7000 EPO staff via e-mail by a limitation to batches of 50 mails;
- you put in force internal "investigation guidelines", the conformity of which with rule of law principles is highly doubtful;
- your action against a member of the internal EPO judiciary raised harsh comments within the interested circles.

The list of highly doubtful initiatives which you label as "HR roadmap" increasingly raises concerns.

EPO is an organisation designed to promote innovation in Europe by examining patents granting applicants protection of their inventions. You have also been entrusted with tasks by the European Union in the frame of the Unitary Patent. Through its institutional set-up as an international organisation, the EPO is entitled to create and apply its own rules, also in terms of social dialogue and workers' rights. The Member States of EPO as well as the general public and EPSU would consider that abiding by general principles of good administration and respect for fundamental social rights, is not an option for the EPO, but an obligation. Nothing in the founding texts of the EPO suggests that the EPO's tasks include the annulment of fundamental social rights.

We are therefore extremely concerned about your questionable decision not to respect the decision of the Dutch Appellate Court of The Hague of 17 February 2015. The Dutch judges focused on the obligations of the Member States and the EPO under the European Rights Convention (all EPO member states signed the ECHR).

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EPSU is a member federation of the ETUC  EPSU represents PSI in Europe 

Your communiqué 69 however objects to the alleged application of Dutch law to the EPO. We understand your claim to imply that EPO is an exception in Europe, the only place where the ECHR would not apply. Your decision and the support you received from a very conservative interpretation of the situation by the Dutch Minister Van Opstelten have been criticised in the media and including by experts in international law. Questions have been asked in the European Parliament.

You must be aware that by not engaging in social dialogue and treating the staff union in an adversarial manner you are seriously damaging the reputation of the EPO as a whole. You shed a negative light on public administration in Europe at a moment in which the European Commission has made promoting the social dialogue one of the corner stones of its policies.

We urge you to reconsider your decision. It is important to abide by the Dutch appellate court ruling, respect the European legal order applying to industrial relations and open up negotiations with SUEPO.

We will continue to monitor the situation and will inform European and other bodies if no improvements are made. Please be assured that EPSU can not accept that an organisation places itself outside of the European framework of the ECHR and the global frame of the ILO Conventions, a view supported by the Dutch Court. I look forward to your answer.

Yours sincerely,



Jan Willem Goudriaan
EPSU General Secretary

EPSU, the European Federation of Public Service Trade Unions, is a recognised social partner and member of ETUC. EPSU represents 8 million public service workers organised in their 265 trade unions in all European countries such as the Netherlands and Germany. EPSU works together with Public Service International, the global trade union federation for public service workers