

PRESS RELEASE

Staff Unions initiate summary proceedings against EPO once again

Amsterdam, 29 June 2016 – The Staff Union of the European Patent Office, SUEPO, and its branch in The Hague, VEOB, initiate summary proceedings against the European Patent Organization (EPO) once again. The court hearing will take place on **Friday 15 July 2016 at 9 AM** at the district court of The Hague.

In 2015, the appeals court in The Hague rendered a verdict in which it held that the EPO had violated fundamental union rights. Since then, the EPO has embarked on a campaign against the unions, with the aim of crippling them. It does so by subjecting individual union board members to investigations into alleged misconduct. Seven union board members and one employee have been or are presently the subject of such investigations. That is more than one third of the total number of board members of these unions. The investigations can ultimately lead – and in several cases have already led – to the lowering of wages, the lowering of pension rights, and dismissal.

As a result of these investigations, and the intimidation that comes with them, the unions are no longer able to function. Other board members do not dare to speak out on issues that fall within the scope of their union activities for fear of reprisal. In addition, EPO-employees no longer dare to be active for the unions.

On 16 March 2016 the EPO Member States adopted a resolution in which they called upon the EPO president, Benoît Battistelli, to suspend investigations pending an independent evaluation of their compliance with law and fairness. However, the EPO is continuing its investigations into VEOB and SUEPO board members, in violation of the aforementioned resolution.

The unions request the court to order the EPO to engage a professional, external, independent party to evaluate the investigations into the union board members, this in conformity with the EPO Member States' resolution.

The unions are represented by Liesbeth Zegveld and Christiaan Oberman.

Background

In connection to previous summary proceedings initiated by the unions, both the district court (ECLI:NL:RBDHA:2014:420) and the appeals court (ECLI:NL:GHDHA:2015:255) in The Hague determined that the EPO has no jurisdictional immunity. It was held that immunity from jurisdiction would have resulted in a disproportional restriction of the unions' right to an effective remedy, because the unions have no alternative means to bring proceedings in this case. This case is now pending in cassation before the Supreme Court of the Netherlands. Incidentally the EPO has completely ignored the judgment by the appeals court and has given advance notice that it will do the same with a verdict by the Supreme Court if that verdict is not favorable to the EPO.

Over the past few years, employment conditions within the EPO have progressively degraded. More in particular, there is an increasing conflict between the management of the organization, led by president Benoît Battistelli, and the EPO-employees in Rijswijk, Berlin, Munich and Vienna. The unions, who represent almost half of all EPO-staff, are taking action against abuse within the EPO-management and the deteriorating employment conditions.