

Mr. Mars Di Bartolomeo
President of the Chamber of Deputies
Luxembourg

Luxembourg, 3 June 2016

Dear Sir,

I am writing with the intention of posing a parliamentary question to the Minister of the Economy.

For several years already there has been social conflict within the European Patent Office (EPO), pitting part of the EPO personnel and their staff union on the one hand against the EPO management at Rijswijk (Netherlands) on the other (see my parliamentary questions No. 338 of 6 June 2014 and No. 1018 of 25 March 2015).

At the heart of the controversy is the President of the EPO, Mr. Benoît Battistelli, resulting from the various measures which he has decided to adopt against the union. A ruling by the Court of Appeal at The Hague has ordered, *inter alia*, that these measures be withdrawn, on the grounds that they contravene the fundamental rights guaranteed by the European Convention on Human Rights.

The Dutch government, however, has impeded the enforcement of the ruling, invoking the immunity which the EPO enjoys among the Member States in its status as an international organization. Nevertheless, last March the President of the EPO received a reprimand on the part of the Administrative Council, and, in a resolution approved by the majority of the 38 countries represented on the Council, President Battistelli was requested to put an end to the measures against the union members, and to implement a certain number of changes, in particular by recognising the rights of the staff representatives. In the event of his failing to respect this resolution, the President of the EPO would be risking much more serious consequences on the part of the Administrative Council.

However, according to statements by the staff union, Mr. Battistelli had absolutely no intention of respecting the resolution referred to. On the contrary, he was preparing controversial new reforms, among others with regard to health insurance and the procedure for issue of notice of dismissal. In this context, a British Internet site published a letter dated 1 June 2016, in which the Boards of Appeal of the EPO vehemently criticised these reforms. The purpose of these would have been to curtail the autonomy and independence of the legal body which constitutes the Boards of Appeal of the EPO, and they would not respect the internationally recognised principles of independence of judicial authorities.

I call to mind that at the next meeting of the Administrative Council on 30 June, in Munich, Luxembourg is envisaging, in the event of a vote, to express itself in favour of the current President.

In view of the foregoing, I would like to pose the following questions to the Minister:

- Can the Minister confirm these recent developments in the matter of the social conflict within the EPO?
- Can the Minister confirm that Luxembourg, in the event of a vote, will express itself in favour of the President in office, despite the fact that he has adopted measures which, according to the Court of Appeal at The Hague, are contrary to the fundamental rights guaranteed by the European Convention on Human Rights, and despite his refusal to respect the resolution adopted by the Administrative Council in March?
- If the answer is in the affirmative, can the Minister give the reasons for this intention to vote?

I remain, Sir, yours faithfully

Claudia Dall'Agnol

Deputy