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Mr Mark Rutte
Prime Minister
The Netherlands

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November, 4, 2015

Abuse of immunity by the European Patent Organisation on the territory of the Kingdom of the Netherlands

Dear Sir,

FNV and the European Federation of Public Service Unions EPSU are increasingly concerned by the serious breaches of the rights of workers on the territory of the Kingdom of the Netherlands.

You will be aware of the situation at the EPO in The Hague through the countless recent reports on the EPO in the media. These reports reveal the EPO's refusal to cooperate with labour inspectors, continuous threats expressed towards union representatives, breaches of data protection rules and many more entirely unacceptable behaviours. You will also be aware of the judgement of The Hague Appellate Court (17.02.15, C/09/453749/KG ZA 13-1239), which contains explicit instructions to the EPO. The EPO decided to ignore these instructions by raising an illicit immunity of execution objection.

FNV and EPSU do understand that the Kingdom of the Netherlands wishes to support international cooperation and contributes to such cooperation. FNV and EPSU also understand that the autonomy of international organisations requires immunity of local jurisdiction when exercising their core activities.

FNV and EPSU fail to understand how a violation of workers' rights can be part of the core activities of such an organisation. In so far as a jurisdiction comes to the conclusion that this organisation acted outside its core tasks, as the EPO did, immunity cannot be invoked anymore. The Netherlands, proud of hosting some of the most significant international courts on its territory and proud of its tradition of upholding rule-of-law principles cannot be in danger of failing at meeting international cooperation requirements as soon as an international organisation fails to meet other (internationally agreed) rule-of-law standards.

FNV and EPSU think that breaches of fundamental workers' rights on the Dutch territory are a first serious embarrassment for the Dutch government and that challenging the respect of these rights side by side with an obviously ill-run international organisation before the highest Court of the Netherlands is an even worse embarrassment.

FNV and EPSU expect the Dutch government to clarify the situation and explain how rule-of-law principles will be respected again soon at the EPO.

We are looking forward to read about your view on the issue and especially about action you are considering, preferably beyond recalling already well-known fundamentals of the legitimate protection of core activities of international organisations. We also trust that the

Ambassadors will inform their respective governments, as the breaches of fundamental workers' rights are also attributable to other Member States of the EPO.

Yours sincerely,



Jan Willem Goudriaan
EPSU General Secretary



Ton Heerts
FNV President

Cc: Dutch foreign office and Ministry for economy, The Ambassadors of the 27 EU Member States in The Hague, Ver.Di (Berlin), USF (Brussels), SUEPO (The Hague)