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**To the Member States of  
the European Patent Organisation**

**By e-mail**

Amsterdam, 18 March 2015  
Our ref. 20140052.LZ/mo

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Dear Minister,

As legal counsels of the Staff Union of the European Patent Office, we address you with an urgent matter concerning the governance of the European Patent Organisation.

As you will be aware of, the Court of Appeal of The Hague has found that the European Patent Organisation is breaching fundamental rights recognized by all European Countries (**annex 1**).

Following the judgment, the President of the EPO declared that he would not follow it (**annex 2**).


Neither the claimants nor the Dutch authorities have the power to have the judgment enforced through coercive measures, in view of the inviolability of the premises. The responsibility for ensuring that the EPO complies with the law, and with the rule of law, thus lies ultimately with the member states. Our clients have immediately notified your delegation in the Administrative Council of the EPO of your responsibility as a member state (**annex 3**).

However, and much to our surprise and consternation, this urgent topic is not on the agenda of the Administrative Council session of 25 March 2015 (**annex 4**). We wish to draw your attention to this omission, and express our concern

that if the member states fail to exercise the necessary control over the EPO, they may be held liable for its breaches of fundamental rights.

Kind regards,

*l.a.*  
  
c. Samkalden  
Liesbeth Zegveld

*b/a*  
  
A. Vossenbergh  
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*Annexes*

1. Judgment Court of Appeal The Hague VEOB&SUEPO v. EPO (17 February -2015)
2. Communiqué No. 69, Waiving immunity – what is at stake? Judgment TH Court of Appeal of 17-2-2015
3. E-mail: Judgment of Dutch Court of Appeal in SUEPO v EPO: Outcome and Follow-up (26-2-2015)
4. Agenda for the 143<sup>rd</sup> meeting of the Administrative Council, 25 and 26 March 2015