

To all Members of the Council of the European
Patent Office

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Brussels, 28 November 2016

Dear Members of the European Patent Office Council,

EPSU has no choice but to address a large audience at highest level in the host states of the EPO and at European level. The labour relation problems continue and have reached a new peak with dismissals and sanctions against a union representative in the EPO office in Munich. We ask you to re-establish the rule of law at the European Patent Office (EPO, approximately 7000 employees, headquarters in Munich).

EPSU already addressed the Prime Minister of the Netherlands, the Dutch Ministry for economy and the Ambassadors of the EU Member States in a joint letter with the Dutch Trade Union Confederation FNV dated November 4th, 2015.

The issues addressed in that letter are still unresolved: continuous threats to union representatives by the EPO President Mr Battistelli, violation of workers' rights, ignorance of a Dutch court ruling.

The situation has now further deteriorated with two dismissals and one sanction of union representatives at the EPO in Munich in January 2016. Despite the harsh comments internally and externally in the media, the EPO President systematically rejects the proposal of an external re-examination of the alleged misbehaviour. The EPO President also rejects the request of suspending all disciplinary procedures until new internal rules are in place which would be in conformity with European rule-of-law standards.

Workers and trade union representatives feel threatened now a union representative has been dismissed in The Hague on the 4th November 2016. This to us is evidence that management is determined to destroy the union. This kind of behaviour is unacceptable for any administration on the territory of European Union Member states. Many more EPO conflicts remain unsolved to date. They have been reported upon since 2013 and brought to the attention of governments and members of parliaments in complaint letters - the whole situation is degenerating into a general crisis at the EPO. The Dutch national Parliament decided to debate the issue around the scandals at the EPO. Such an action is unheard of not only for the EPO, but for any international organisation in Europe.

Time has come for the Member states of the EPO to act - the credibility of Europe as a whole is at stake, if fundamental rights and values expected from EU Member states (and accession candidates) are repeatedly and systematically breached right in the heart of Europe, at the EPO.



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