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The Supreme Court of the Netherlands upholds the EPO's immunity

Dear SUEPO members, dear colleagues,

We are disappointed to inform you that the Supreme Court of the Netherlands has decided to uphold the EPO's immunity in the case brought by SUEPO to complain about infringement of fundamental rights.

This decision has obvious implications for the about 40 international organisations based in The Netherlands, who are now free to violate fundamental rights in the "City of Justice and Peace" if they so wish.

For our part, we maintain that functional immunity is not the same as absolute immunity, but the consequences of this fine but important distinction are apparently lost on many. While we are disappointed with the Supreme Court's decision, we are also comforted to learn that the issue of immunity of international organization (and abuse thereof) is being taken up by the [Council of Europe](#), a debate in which SUEPO's counsel [participated](#).

One thing is clear: While, according to the judgment, the Dutch judge cannot do anything about the EPO's violations of fundamental rights, the findings that such violations occurred remains on the record - a permanent stain on the CV of Mr Battistelli and his associates.

The judgment raises the issue of liability of member states: can they really sign up to international treaties that abolish fundamental rights for so many of their citizens? With the judgment, the EPO goes scot-free - but what are the consequences for the host state itself? Such questions will likely be a matter of discussion in the upcoming parliamentary discussion on the EPO, planned for 9 February.

Anyway, we will review the judgment in detail and assess what the next steps can be. We will keep you informed. For the moment, we wish to thank wholeheartedly our legal team for the tremendous work done during the past years on what was from inception a very complex legal case, as well as you all for the support provided during the worst social crisis of the EPO since its inception in 1977.

The EPO can continue its story-telling to the public, namely that "its door is always open". The reality is that in 2016 three Union Officials have been dismissed, one severely downgraded. This is anything but social dialogue, and a terrible world-premiere among International Organisations.

Your SUEPO Committee in The Hague