

My question to the Government regarding the social situation at the European Patent Office

Article put on line on 30 November 2016 at [À l'Assemblée nationale, Blog](#).

This Wednesday, 30 November, at the traditional Government question time, I asked the Secretary of State for Industry, Christophe Sirugue, about the social situation at the European Patent Office.

Here's my contribution and the Minister's reply:

"My question is addressed to Christophe Sirugue, Secretary of State for Industry, and it concerns European patents.

The European Patent Office is sliding a little more into crisis day by day.

The pressure at work, the contempt shown for the most elementary principles of labour law, and the authoritarian stance adopted by the management, have created a social situation which is unparalleled in an international organization.

In the course of this year, 2016, three union members or staff representatives have been dismissed. Another has been downgraded. Other disciplinary procedures are in progress.

Even more serious, five members of staff have committed suicide within the past few years, two of them at their place of work.

I would have preferred to speak to you today about the commitment and the quality of the work of the staff, all of them dedicated to their tasks, in the service of industry and European innovation; such is the essential role of the EPO in the domain of intellectual property.

Regrettably, we can only deplore the actions, perpetuated now for a number of years, of a management body which indulges in methods worthy of an age long past, which chooses to ignore both the decisions of courts and of its own Administrative Council. Is it likewise going to ignore the decision of the administrative tribunal of the ILO, handed down this morning, which, among other things, deplores the internal organization of the Office?

The immunity from jurisdiction which this international organization enjoys cannot be taken to mean impunity!

So, let's not be afraid to say it: The presence of the Frenchman Benoît Battistelli at the head of the Office is now causing serious damage to our country's image.

His actions also risk having disastrous consequences on the quality of European patents.

Never can the competitive environment which exists around patents be used to excuse the excesses being practiced by the management team. Never.

So, Minister, can you tell us what actions are being taken by France and her European partners to put an end to these practices, to reinstate the staff members who have been abusively dismissed, and take such action as to bring the European Patent Office once again to the forefront of service to European industry and growth? I thank you."

Christophe Sirugue, Secretary of State for Industry:

"Mr. Deputy,

I would first like to join you in saluting the commitment of the staff of the European Patent Office in the service of protection of intellectual property in all the Member States of this international organization.

Like you, I am watching with deep concern the social climate which is prevailing within the Office, and which has degenerated hugely in the past two years. In particular, there are a number of extremely disturbing features which have caused us concern.

With regard to the issue of the suicides, procedures are in hand: I will therefore not comment further. This does nothing to diminish our concern at the fact that on a number of occasions the actions of the management of the European Patent Office have been the object of condemnations by the judicial authorities of the Netherlands, by the tribunals of the ILO, and by the Administrative Council of the Office itself, on which France plays an extremely important role. Moreover, a recent decision by the administrative court of the ILO has confirmed the extremely negative nature of the decisions taken by this management.

A number of actions have been set in motion. At the meeting of the Administrative Council in October 2015, an external audit of the social situation was demanded, in particular by France. At the meeting last March we likewise caused a resolution to be adopted which disapproved of the methods used against the union representatives. This same resolution makes provision for a suspension of the disciplinary procedures.

Unfortunately, Mr. Battistelli has chosen not to respect the approach adopted by his Administrative Council. I have spoken to him on the telephone, and I told him of my concern with regard to this situation.

We shall of course continue to apply pressure, with others, so that the causes may be heard of the staff members whom you have mentioned, and which I believe to be just. I must recognise that we do lack allies in this matter, but you may be sure of our determination that the rights of the staff will be respected!"