

## Written question on the social policy at the European Patent Office

Posted on 27 October 2017 by admin

I submitted a written question to the Minister of the Economy and Finances with regard to the social policy adopted at the European Patent Office.

The reply which I have just received from Bruno Lemaire, given what is at stake and the social context which prevails at the EPO, is **more than deceptive**.

In order, in company with other members of Parliament, to be able to keep track accurately the situation at the EPO, I feel obliged to respond to certain arguments put forward by the Minister.

The EPO has never been in deficit, and has always been self-financing, and the plan for the transformation of the organization adopted in 2013 was therefore never an obligation.

With regard to the social dialogue which the Minister refers to, every observer is well aware that this is reduced to the minimum, and that, on the contrary, **the social malaise is a permanent feature** within this international organization.

I am therefore calling upon the French Government to take note in full of the situation at the EPO, and **to take all steps necessary to put an end to this social conflict**, which, apart from the fact that it is seriously detrimental to the image of France, **is also posing a risk to the health of the staff**.

Read below the reply from the Minister, as well as my question:

### Reply by the Minister of the Economy and Finances:

The European Patent Office (EPO), created by the European Patent Convention (EPC) of 5 October 1973, is an intergovernmental organization which has been in operation since 1977, which employs a staff of close on 7000 people coming from 30 different countries. In order to ensure the financial viability of the EPO in the long term, a plan for the transformation of the organization has been adopted, and in 2013 the Administrative Council introduced changes into the statutes relating to the staff of the EPO, imposed on the whole of the social structure (pensions, remunerations, social services, right to strike), in consultation with the staff representatives. These reforms allowed for the financial situation of the Office to be redressed within a few years, despite some specific organizational constraints which are inherent in respect of the international organization status of the EPO, and an establishment culture which is essentially fragmented, given that it has five establishments in four different countries. The reforms have nevertheless engendered social conflicts, accentuated by the legal status specific to international organizations. Following proceedings initiated before local courts, on 20 January 2017 the Supreme Court of the Netherlands overturned the ruling by the Court of Appeal of The Hague, and confirmed the legal immunity of the EPO. Being aware of these difficulties, France has consistently supported, within the Administrative Council of the EPO, the initiatives aimed at improving the situation and the social dialogue within the

organization, such as the launching of the social audit undertaken in 2016, or the resolution adopted in March 2016, inviting the President of the EPO to present to the Administrative Council a project for reviewing the staff statutes, making provision for disciplinary procedures to be reviewed and amended, as well as the directives relating to enquiries. On 28 and 29 June 2017 the Administrative Council accordingly adopted into the staff statutes new guarantees aimed at ensuring the independence and impartiality of procedures (enquiries, disciplinary measures, internal appeal), as well as the rights of defence (the right to remain silence or to be assisted by an advocate in particular).

**Question by Claudine Lepage:**

Ms. Claudine Lepage draws the attention of the Minister of the Economy and Finances to the situation at the European Patent Office (EPO). This intergovernmental organization and its 7 000 staff members, highly qualified persons recruited from 38 Member States, unquestionably makes a major contribution to innovation, competitiveness, and economic growth in Europe. For a number of years, however, the authoritarian and arbitrary social policy of this Office has been incurring major difficulties, in particular with regard to the respecting of the fundamental rights of the individual and the violation of social law. It must also be emphasised that four suicides in 32 months are a deplorable occurrence among the staff. Moreover, the Court of Appeal of The Hague, to which recourse was made by staff representatives, in February 2015 condemned the social policy pursued by the EPO, ruling it contrary to fundamental rights. The French President of the Office nevertheless refuses to act on this decision, on the pretext that the Office enjoys a status of immunity. This management approach, which is highly open to criticism, is having a direct impact on the reputation of France among international institutions, and she therefore wishes to know whether provisions are going to be adopted in order to remedy this situation, which has gone on too long and which threatens the very future of the institution, at the moment at which, after thirty years of negotiation, agreement has been reached with regard to a Unitary European Patent, the issue of which will be entrusted to the EPO.