

Mr António Campinos
President of the EPO

By email

European Patent Office
80298 Munich
Germany

Local Staff Committees
Comités locaux du personnel
Lokale Personalaussschüsse

centralSTCOM@epo.org

Reference: sc23001bp

Date: 27.01.2023

OPEN LETTER

Resolution supported by General Assemblies at all Places of Employment

Dear Mr President,

All EPO staff was invited to gather in General Assemblies in all four places of employment. The attached resolutions were adopted and found the support of 998 members of EPO staff in respective assemblies as follows:

On 19.01.2023 in Munich City, Haar and Brussels supported by 97% (420 votes in favour).

On 24.01.2023 in The Hague supported by 97% (485 votes in favour).

On 17.01.2023 in Berlin supported by 98% (58 votes in favour).

On 23.01.2023 in Vienna supported by 97% (35 votes in favour).

Thereby EPO staff urges you

- to quash Article 35(7) ServRegs so as not to prevent re-election of staff committee members,
- to restore freedom of communication in the Office by executing Judgment [4551 on mass-emails](#),
- to restore secretarial support to staff committees.

We urge you to take into account the requests from staff and to proceed to the relevant amendments to EPO service regulations.

Sincerely yours,



Thomas Czogalla
Chairman LSC Berlin



Michael Kemény
Chairman LSC Munich City,
Haar and Brussels



Martin Schaller
Chairman LSC Vienna



Jorge Raposo
Chairman LSC The Hague

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Annex: The four resolutions

RESOLUTION

Staff of the EPO in Munich, gathered in a General Assembly,

Noting that:

- Since 2012, the EPO has been consistently testing the limits of employment law.
- The Tribunal already sanctioned the EPO for its illegal strike regulations (Judgments [4430](#) to [4435](#)), for its "Social Democracy" interference into staff representation elections (Judgment [4482](#)), for prohibiting nominations in the Appeals Committee among all staff (Judgment [4550](#)) and for its unlawful ban on mass-emails (Judgment [4551](#)).

Further **noting** that:

- The EPO arbitrarily limits the term of office of staff committee members to three consecutive (re-)elections (Article 35(7) ServRegs) thus unduly limiting the right of staff to freely choose their representatives.
- The EPO has not honoured its obligations to restore freedom of communication and hence not executed Judgment [4551 on mass-emails since July 2022](#).
- The President has disbanded any secretarial support to staff committees.

Express their deep disappointment that the President of the Office has not settled any of his predecessor's breaches of the fundamental right to freedom of association on his own motion and merely waited for the Tribunal's judgments.

Urge the President:

- to quash Article 35(7) ServRegs so as not to prevent re-election of staff committee members,
- to restore freedom of communication in the Office by executing Judgment [4551 on mass-emails](#),
- to restore secretarial support to staff committees.

Request the Administrative Council and the President to put an end to breaches of the right to freedom of association and of the right to freedom of communication at the EPO.

Munich, 19.01.2023

DRAFT RESOLUTION

Staff of the EPO in Den Haag (Rijswijk), gathered in a General Assembly,

Noting that:

- Since 2012, the EPO has been consistently testing the limits of employment law.
- The Tribunal already sanctioned the EPO for its illegal strike regulations (Judgments [4430](#) to [4435](#)), for its "Social Democracy" interference into staff representation elections (Judgment [4482](#)), for prohibiting nominations in the Appeals Committee among all staff (Judgment [4550](#)) and for its unlawful ban on mass-emails (Judgment [4551](#)).

Further **noting** that:

- The EPO arbitrarily limits the term of office of staff committee members to three consecutive (re-)elections (Article 35(7) ServRegs) thus unduly limiting the right of staff to freely choose their representatives.
- The EPO has not honoured its obligations to restore freedom of communication and hence not executed Judgment 4551 on mass-emails since July 2022.
- The President has disbanded any secretarial support to staff committees.

Express their deep disappointment that the President of the Office has not settled any of his predecessor's breaches of the fundamental right to freedom of association on his own motion and merely waited for the Tribunal's judgments.

Urge the President:

- to quash Article 35(7) ServRegs so as not to prevent re-election of staff committee members,
- to restore freedom of communication in the Office by executing Judgment [4551 on mass-emails](#),
- to restore secretarial support to staff committees.

Request the Administrative Council and the President to put an end to breaches of the right to freedom of association and of the right to freedom of communication at the EPO.

Rijswijk, 24 January 2023

RESOLUTION

Staff of the EPO in Berlin, gathered in a General Meeting,

Noting that:

- Since 2012, the EPO has been consistently testing the limits of employment law.
- The Tribunal already sanctioned the EPO for its illegal strike regulations (Judgments [4430](#) to [4435](#)), for its "Social Democracy" interference into staff representation elections (Judgment [4482](#)), for prohibiting nominations in the Appeals Committee among all staff (Judgment [4550](#)) and for its unlawful ban on mass-emails (Judgment [4551](#)).

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- to restore secretarial support to staff committees.

Request the Administrative Council and the President to put an end to breaches of the right to freedom of association and of the right to freedom of communication at the EPO.

Berlin, 17.01.2023

RESOLUTION

Staff of the EPO in Vienna, gathered in a General Assembly,

Noting that:

- Since 2012, the EPO has been consistently testing the limits of employment law.
- The Tribunal already sanctioned the EPO for its illegal strike regulations (Judgments [4430](#) to [4435](#)), for its "Social Democracy" interference into staff representation elections (Judgment [4482](#)), for prohibiting nominations in the Appeals Committee among all staff (Judgment [4550](#)) and for its unlawful ban on mass-emails (Judgment [4551](#)).

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- to restore freedom of communication in the Office by executing Judgment [4551 on mass-emails](#),
- to restore secretarial support to staff committees.

Request the Administrative Council and the President to put an end to breaches of the right to freedom of association and of the right to freedom of communication at the EPO.

Vienna, 23.01.2023