

# **Questions by the members Van Nispen and Ulenbelt (both SP) to the Ministers of Security and Justice and Social Affairs and Employment on the failure to respect the rights of staff unions (submitted March 2, 2015).**

## **Question 1**

Is it true that a conflict has been taking place for years between the management and a large part of the workforce at the European Patent Office (EPO) in Rijswijk? Is it true that the Director of the EPO does not recognize the staff unions and refuses to engage in dialogue with them, that e-mail traffic is blocked between the unions and members, that the right to strike has been restricted and that employees who express their disagreement are threatened with dismissal? [1](#) What is your reaction to this?

## **Question 2**

What is your reaction to the ruling of the Appeal Court in The Hague that the EPO is violating the fundamental principles of an open and democratic state based on the rule of law and that its failure to respect the rights of trade unions to engage in collective action and collective bargaining is contrary to the European Convention on Human Rights? [2](#) How can this judgment, in which the Court ordered the contested measures to be revoked, be implemented?

## **Question 3**

Why have you ordered that bailiffs cannot execute the judgment because of the immunity that this international organization is purported to have in the contracting states? [3](#) On what grounds exactly? Can you explain your decision in detail?

## **Question 4**

Does this mean that a clear judgment such as that issued by the court last week is to have no consequences? Do you not find this to be an undesirable situation?

## **Question 5**

What procedures exist for the staff and unions to enforce their rights? Are these effective?

## **Question 6**

How far precisely, in your opinion, should the inviolability and immunity of an international organization extend?

## **Question 7**

Do you believe that this immunity can ever extend so far that an organization such as the EPO may violate fundamental rights which are generally recognized in Europe, without parties such as staff unions having access to an effective means of legal recourse against it?

## **Question 8**

Do you agree that the rules regarding inviolability and immunity were never intended to be used to violate rights with impunity and to muzzle staff unions?

## **Question 9**

Are you willing to do something as quickly as possible, but in any case to make use of the Dutch Presidency of the European Union to impel the European Union to limit the immunity to serve the purpose for which it is intended? If not, why not?

## **Question 10**

How can we prevent an international organization that enjoys immunity from doing whatever it wants? How is it ensured that the staff and the unions are not treated as “outlaws”?

## **Explanation:**

These questions are in addition to previous questions from the members Kerstens and Maij- (both PvdA), submitted February 27, 2015 (question number [2015Z03533](#) ).

- 1: Volkskrant, 26 februari 2015: «Opstelten negeert vonnis gerechtshof». <http://www.volkskrant.nl/politiek/opstelten-bureau-mag-vakbond-weren~a3873491/>
- 2: Gerechtshof Den Haag, 17 februari 2015, C/09/453749/KG ZA 13-1239
- 3: Aanzegging ex artikel 3a, tweede lid, van de Gerechtsdeurwaarderswet, 23 februari 2015