



**Zentraler Personalausschuss  
Central Staff Committee  
Le Comité central du Personnel**

Munich, 30.10.2013  
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Dear colleagues,

The 137<sup>th</sup> Administrative Council (AC) took place on the 16<sup>th</sup> October. The 40th anniversary celebrations took place on the 17<sup>th</sup> which were marked by a strongly attended strike and demonstration at the ISAR building.

The President has reported his views related to these events in the Communiqué 39. In the following the CSC provides its view on the points most important to staff namely the discussions on the social unrest in (and around) the AC.

### **Administrative Council 137<sup>th</sup> Meeting - 16<sup>th</sup> October**

There was initially no mention of the social unrest in the AC. One of the first items was the President's "Activities report" (CA/88/13). He reported verbally that the office performance is just above that of the last year result due to an increase in efficiency and the reallocation of resources to examination (about 130 new recruitments). The President claimed that - in the framework of the HR roadmap - long overdue improvements have been introduced, e.g. the strike regulations. According to the President the new strike rules had been "successfully" applied, and the LIFER initiative was the demonstration that it was possible to organise a strike under the new rules. He also remarked on the "mood" in the Office without showing signs of concern on his part, or proposing a way out of the current difficulties.

Many delegations took the floor and as usual thanked the President (and the staff) for the results. However, this time there were some important differences to the interventions in previous Council meetings. A number of delegations commented, that they were "*becoming used to positive reports*" (sic).

Most of the delegations made comments about the social conflicts in the EPO. A number of delegations stated that they would like the conflicts resolved and "*wondered what the results [of the Office] would have been, without the conflict*". Many delegations stated that "*both sides of the conflict must take their responsibilities to find solutions*".

The comments of the delegations clearly indicate an increased awareness of the internal conflict. Despite this, the President claimed that there was clear support in the AC to continue with his HR Roadmap. He also claimed that dialogue can only take place without preconditions and that "*a reliable social partner is needed representing all staff*".

The Central Chairman of the Staff Committee made a statement that

- the CSC is always - prepared to enter into discussions with the President, and is representing all staff in the interest of the Office,
- the CSC we would appreciate if the President, could provide for a fair atmosphere for such discussions,
- the CSC has made repeated proposals to achieve consensual solutions, e.g. to defer legal matters to external experts to get an independent assessment. This would have been useful for a number of the main claims of staff (e.g. strike rules; investigation guidelines; unauthorised

absences; etc.) underlying the present unrest and which are also claimed by the LIFER initiative. This until now has been rejected by the President.

- the right negotiation partner would be the staff union of the EPO - SUEPO. The President has until now neither recognised SUEPO nor invited SUEPO at all.

We have been given to understand that the discussions on the social unrest continued during the very long confidential session of the AC, and that requests were made by the delegations to find solutions to the conflict. When the main session of the AC resumed, the AC Chairman briefly summarised the discussions stating that solutions must be found and that both parties need to take their responsibilities. The President repeated that he understood that the AC continues to support his HR roadmap. This is in our view a rather surprising interpretation of the comments made by the delegations.

On another matter, the President informed the Council that Mr Thomas Michel (PD4.4) will take care of the new building in The Hague full time. We are curious whether Mr Thomas Michel will be replaced and by whom.

One of the last points on the Council was the proposal by the President to reject the "Review of the Strike Guidelines" (CA/93/13) submitted by the Staff Representation. Although we made clear to the delegations that these regulations would rather not find approval in their own countries and that it was time that they take their responsibility, the Council followed the President's recommendation and the opinion of VP5 and rejected the review. The matter will now have to be followed-up at the ILO-AT. This decision surprised us since we had the impression that the AC has now become aware of the role this issue is playing in the social conflict.

Our overall impression - confirmed by informal discussions with delegations - is that there is a high degree of concern in the AC regarding the social conflict. Many of the Council delegations commented on the high participation rates in the strike ballot and that they would be interested in the participation levels of the strikes themselves. On the content of the disputes we received mixed feedback. There was however, a lot of understanding for some of the claims of staff, and concerns were expressed about the management style of Mr Battistelli. There was also a high degree of interest in the legal cases which are being filed by SUEPO in the national courts of the host states.

#### **40th anniversary celebrations - Strike and Demo 17<sup>th</sup> October**

The EPC 40th anniversary celebrations took place on the 17<sup>th</sup>. They were attended by the Council members as well as many key players from the IP world and dignitaries. The first event was the inauguration of Bob-van-Benthem-Platz which was accompanied by an impressive demonstration of staff on Erhardtstrasse. By the time the dignitaries walked from the ISAR building to the Deutsches Museum staff were on both sides of the street. Demonstrators were careful not to offend local dignitaries unnecessarily and were rather quiet during the speech of the Mayor of Munich and his walk past. When Mr Battistelli walked past the demonstrators were very loud and sent a very clear message.

The demonstration was strong and clear. We estimate that roughly 600 staff took part. The strike on the 17<sup>th</sup> was also well supported with roughly 3000 staff taking part. The figures given by VP4 are again well below the figures gathered by other means.

## **Conclusions**

In conclusion, we feel that the Council members are clearly aware that the EPO is going through a serious social conflict that cannot be ignored. The delegations were impressed by the results of the strike ballot and will certainly show interest in future strike participation rates. We wonder whether this will change Mr Battistelli's views, or whether he will continue to state that the problem lies with finding an appropriate "dialogue partner", and not with his policy. Future will tell.

It is clear that the AC delegations are not only aware of the dispute, but that they are pushing for finding solutions. A number of delegations suggested that the CSC should write to them, setting out our views on the current failure of social dialogue. The CSC is therefore preparing a letter to address the questions raised. The next step in addressing the social conflict has been left to the President but the Council has expressed a clear expectation that progress will be made.

Your Staff Representatives at the AC/137