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Staff Union

of the European Patent Office

"Vakbond van het Europees Octrooibureau" (VEOB)
Afdeling Den Haag

SUEPO – IGEPA – USOEB – VEOB

ANNUAL REPORT – 2023

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1. The composition of the Committees

At the end of 2023, the composition of the committees was as indicated below.

a. SUEPO The Hague Committee

Chairperson	Isabelle Brandt	Examiner
Vice-Chairperson	Teresa Juárez	Examiner
Secretary	Fausto Ciotta	Examiner
Treasurer	Lutz Müller-Kirsch	Examiner
Members	Dirk Dobbelaere Rhiannon Mitchell-Thomas Philippe Couckuyt	Examiner Examiner – assisting treasurer Examiner
Deputy members	Alexandre Bouffier Iñaki Larrañeta Reclusa Florence Olsder	Examiner – assisting secretary Examiner – assisting secretary Formalities Officer

SUEPO's administrator Marc Sartor and EPO pensioner and former long standing SUEPO committee member Roberto Righetti are observers.

b. Staff committees

From January to June 2023, the composition of the committees was as indicated below.

i. Local Staff Committee The Hague

Chairperson	Jorge Raposo	Examiner
Secretary	Isabelle Brandt	Examiner
Vice-Chairperson	Rhiannon Mitchell-Thomas	Examiner
Members:	Alexandra Forjaz Christian Klemps Cláudia Lopes Dirk Dobbelaere Fausto Ciotta Florence Olsder Joël Bastié Kinga Villanyi Kelemen until 03/2023, subsequently replaced by Roger Feldhoff Lutz Müller-Kirsch Philippe Couckuyt Roberto Righetti	Examiner Examiner Examiner Examiner Examiner Formalities Officer Formalities Officer Examiner Examiner Examiner Examiner

	Teresa Juárez Tiago Pinheiro Yoann Salé	Examiner IT admin Examiner
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ii. Central Staff Committee members in The Hague

Full Members	Cláudia Lopes Dirk Dobbelaere Fausto Ciotta Teresa Juárez	Examiner – Vice Chair Examiner Examiner Examiner
Alternate members	Florence Olsder Alexandra Forjaz Rhiannon Mitchell-Thomas Roberto Righetti	Formalities Officer Examiner Examiner Examiner

In June 2023 elections took place to determine the new staff committees from July 2023:

iii. Local Staff Committee The Hague

Chairperson	Isabelle Brandt	Examiner
Secretary	Alexandre Bouffier	Examiner
Vice-Chairperson	Lutz Müller-Kirsch	Examiner
Members	Alexandra Forjaz Cláudia Lopes Dirk Dobbelaere Fausto Ciotta Florence Olsder Iñaki Larrañeta Reclusa Joël Bastié Jorge Raposo Philippe Couckuyt Rhiannon Mitchell-Thomas Teresa Juárez Tiago Pinheiro Yoann Salé	Examiner Examiner Examiner Examiner Formalities Officer Examiner Formalities Officer Examiner Examiner Examiner Examiner IT admin Examiner

iv. Central Staff Committee members in The Hague

Full Members	Rhiannon Mitchell-Thomas Florence Olsder Fausto Ciotta Teresa Juárez	Examiner – CSC Vice-Chair Formalities Officer – CSC secretary Examiner Examiner
Alternate members	Joël Bastié Philippe Couckuyt Tiago Pinheiro Lutz Müller-Kirsch	Formalities Officer Examiner Examiner Examiner

2. Announcements

Annual General Meeting

The AGM will take place on Monday 07 October 2024 from 5pm

AGENDA

1. Approval of the agenda
2. Approval of the minutes AGM 2022 (November 2023)
3. Annual Report
4. Financial Report 2023
5. Auditors Report 2023
6. Acceptance of the accounts 2023
7. Number of full members of the Bureau (Art. 15.2 Statute) – proposal: no change: 7 full members and remaining candidates elected as alternates
8. Approval of 2025 membership fees: indexation according to the SAP 2023 results of all membership fees¹, i.e. increase of 4.6%
9. Amendments to the [statutes](#) & [election rules](#): no amendments
10. Discharging of the Committee
11. Election of the Auditors for the 2024 accounts
12. Election of the Electoral Committee for the elections in November 2024

The SUEPO Elections are foreseen in November 2024

¹ As decided during the AGM of November 2023

3. Chair's & Activity Report: end 2023 until September 2024

Authors: Isabelle Brandt & SUEPO TH committee

a. Foreword

Approximately 38% of EPO staff in the Hague are members of SUEPO TH. This unionization rate is high compared to national averages of roughly 15-17% in the Netherlands and Germany. EPO colleagues recognize the importance of being a union member, and SUEPO TH has been running since 1979 with the mission to fulfill this need. We would like to thank all SUEPO members for your faith in the union, your solidarity with our colleagues in difficulty and your contribution to defending our working conditions.

In 2023-2024, the activities of the SUEPO TH committee have focused on litigation, assisting individual colleagues, informing members and recruiting new members.

On the litigation front, challenging the Salary Adjustment Procedure (SAP) introduced in 2020 has taken up a considerable amount of SUEPO's resources over the past few years. The President's surprising [intranet announcement](#) of June 13th 2024 indicates that this was money well spent, as the Internal Appeals Committee (IAC) seems to have opined in favour of staff. This would be a huge legal victory and we are awaiting the publication of ApC opinion and the President's decision.

In that same announcement, the President seemed to blame staff and SUEPO for having challenged the SAP, and for the damaging economic consequences reversing the SAP could have. This is in line with the EPO's pervasive narrative of an imperious need to reduce costs due to dangerously high liabilities. However, this does not fit with the numbers, or even the most recent financial study: the "gap" announced by the 2019 financial study has already been filled, the independent actuaries estimate that the pension liabilities are adequately covered, and the EPO – a public service organisation not supposed to make benefits - has regularly been producing surpluses of nearly €400m².

The EPO is a financially solid organisation which could easily afford to follow the recommendations of its internal justice system, treat its staff with dignity and respect and give staff the resources to fulfil its mission of granting EPC compliant, internationally enforceable patents. Yet time and again we observe that the EPO chooses not to do so.

² See slide 7 of the [January 2024 LSCTH GA presentation on objective setting](#) and SUEPO's [comment](#) on the President's announcement.

From the above announcement on the SAP, it seems that the President might not follow the opinion of the Internal Appeals Committee (IAC), and that staff might need to litigate in Geneva for justice to be served. This happened already with the unanimously positive IAC opinions on the New Pension System contributions of 2018 and 2020.

As to treating staff with dignity and respect, even though the reign of fear of the Battistelli era has receded, a culture of burnout and crushing work pressure has taken over. Exhausted and anxious colleagues regularly contact SUEPO and their staff representatives with complaints of high workloads and “Excel sheet” management styles. Staff is made to feel like nothing more than their “metrics”: cost, objectives, production, liabilities... Especially if their metrics are interpreted by their line management as being “in the red”.

As to granting valid and internationally enforceable patents, this has been an ongoing topic, with the IPQC voicing concerns for a couple of years. The EPO initially did nothing. Then came the “[active search division](#)” and the “[quality action plan](#)” which have delivered no alleviation of work pressure, extra time or revolutionary tools for delivering complete prior art searches and legally sound substantive examination. Now the EPO seems to have [changed tactics](#) and has been re-allocating files from IPQC applicants to seemingly more “friendly” examining divisions.

On the information front, SUEPO remains the only independent source of information for EPO staff. Our investments in IT infrastructure and the SUEPO app have brought information closer to members and colleagues. The republication of all staff representation papers on the SUEPO website ensures that they – as well as SUEPO papers - are always accessible to SUEPO members and colleagues connecting from the EPO VPN. Even when the EPO redesigns its intranet and all past staff committee publications disappear under broken links.

As for recruiting new members, the SUEPO committee has been active in organizing floor meetings, “table actions”, presentations on specific topics and contacting newcomers. Colleagues appear to recognize the value of becoming a SUEPO member especially when it comes to the legal assistance provided by the union.

The upcoming SUEPO Committee elections should take place in November 2024. This report covers the activities from late 2023 until September 2024 and will attempt to give SUEPO members an outlook on the committee’s ongoing activities.

b. Social dialogue

Some positive evolutions of the work package have taken place after consultation with the staff representation. The extension of benefits for colleagues in registered [partnerships](#) and the inclusion of [prescribed contraception](#) in the guide to cover could

be seen as the EPO “catching up” with the rest of Europe. Work is also ongoing on [“parenthood leave”](#), which will extend the eligibility of leave for the arrival of a child into a family.

Unfortunately, we still too often observe that EPO management only enters reasoned social dialogue after staff resorts to legal action: some of the above topics have been put up for consultation after having previously been the subject of litigation financed by SUEPO. For this reason, **we thank the colleagues who have stood up for their rights and legally challenged the decisions of the Office**. In doing so, they have not only improved the situation for themselves, but also **pressured the Office into changing their policies for the benefit of all staff**.

Another improvement in the work package comes with the [New Ways of Working](#) (NWOW): the EPO managed to defend it in front of an Administrative Council which seemed to consider it too generous. However here as well, the remaining concerns of staff representatives were not addressed, and the EPO seems to await legal action for these concerns to be clarified. To quote the relevant [GCC opinion](#) of staff representation: (§ 51) ***“We regret that the administration sees litigation as the sole trigger for making improvements and maintain that reasoned social dialogue should be sufficient.”***

c. Litigation

Since Mr. Campinos election for a second mandate at the helm of the EPO there has been no willingness to exchange with SUEPO. The power of the union currently lies in its ability to carry out litigation. The following cases are either financed locally by SUEPO TH or jointly with the local sections of SUEPO Berlin, Munich and Vienna (SUEPO central).

Salary adjustment procedure (SAP)

As mentioned above and in the SUEPO TH 2023 financial report, the SAP litigation has taken up a considerable amount of SUEPO central resources in recent years. This is justified by the potential impact it could have on our salaries and pensions. And the positive IAC opinion announced by the President indicates it was worth the effort. An ILOAT challenge to the SAP implementation of 2021 is likely to follow the publication of the President’s decision, if it indeed does not follow the opinion of the IAC.

Education and childcare allowance reform (ECAR)

Disappointingly, the general case (financed by SUEPO central) on the ECAR has recently been deemed irreceivable by the IAC for most appellants. Thankfully the appeals of at least two staff representatives have not yet been finalized. The appeal against the general decision is consequently still ongoing.

The implementation of the ECAR has caused great distress and feelings of betrayal for affected colleagues. Even colleagues who initially did not think they would be impacted by the reform have ended up bearing negative consequences. For example, colleagues who have their children at local Dutch schools or more recently the German school (DISDH).

This has led to SUEPO TH financing a substantial number of legal cases on the topic. Unless the EPO answers the staff committee the Hague's call for bona fide social dialogue to improve the situation, [more cases are likely to arise](#). **To be on the safe side, all colleagues are advised to file their individual complaint if they are in such a situation – and [contact SUEPO TH](#) for help if needed.**

New career system (NCS)

Last year SUEPO Central financed an application for review on the general case of the career system. In July 2024 it was unfortunately dismissed by the ILO-AT in Geneva. The Tribunal did not deem it necessary to reassess the points made by SUEPO on dismal consultation and the arbitrariness, production-focused winner-take-all and discriminatory aspects of the career system. This means colleagues will continue to [file individual complaints](#) on these facets of the NCS. SUEPO TH financed a number of individual cases on the topic, often with the financial support of SUEPO MU.

As outlined previously, legal cases, whether individual or collective, have the potential to push the administration to enter social dialogue and improve implementation of reforms. This happened for example with the recognition of all PhDs as previous professional experience and in the much-improved statistics of women on maternity leave receiving pensionable rewards. For this reason, SUEPO TH continues to support selected cases on NCS.

NPS / SSP Benefits – New Pension System, Salary Savings Plan

After the EPO departed from the unanimous opinions of the appeals Committee (ApC) on the NPS/SSP benefits, SUEPO members were guided through filing complaints at the ILOAT in October 2023 and [applications for intervention](#) in June 2024.

Abolition invalidity lump sum insurance

SUEPO central financed [applications to intervene](#) on the case of the abolition of the invalidity lump sum insurance in front of the ILO-AT in early 2024. SUEPO Central also recently financed an application for review of the general case in front of the Tribunal.

Mass emails

The application for execution of the Judgment 4551³ on mass emails for the staff representation was unfortunately not successful. The staff representation and SUEPO will be looking for ways forward. In the meantime, we **encourage all colleagues to stay informed via the [SUEPO app](#), by installing the [SUEPO RSS feed in the EPO outlook program](#), and/or [becoming a SUEPO member](#) to receive important SUEPO emails directly in your private mailbox.**

Further legal cases

SUEPO finances further cases on the topics of extended sick leave and incapacity status, harassment, abolition of secretarial support for the staff representation, lack of consultation on the Bringing Teams Together project and the expansion of eligibility of maternity leave.

d. Supporting colleagues

The SUEPO TH committee also assists individual colleagues, and the recurring topics are production pressure, career, specific aspects of the education allowance reform, navigating administrative processes, harassment, health issues and discrimination.

e. SUEPO and EPO pensioners

As the number of EPO pensioners increases, SUEPO has taken note of the importance of representing and serving retired members. The SAP litigation was financially supported by SUEPO central also for pensioners. And our former colleague Roberto Righetti is an observer within the SUEPO TH committee and can act as a link with [EPOPENS](#), the SUEPO pensioners association.

f. Financial sustainability of SUEPO TH

An ongoing topic of discussion and exploration is the financial sustainability of SUEPO TH. Thanks to the solidarity of SUEPO MU, SUEPO TH has been able to follow through with some legal cases which would not have been possible otherwise.

g. SUEPO IT: the SUEPO App, easyVerein© membership database, server upgrade

The SUEPO app is being continuously optimized. It is an efficient means for colleagues from TH and MU to stay informed. The [easyVerein©](#) membership database is also used by SUEPO Munich and allows members to manage their own

³ [Triblex website](#)

membership details. We invite all members to request their login credentials by emailing hague@suepo.org.

Our administrator Marc has also been active with the upgrade of the SUEPO server, which will ensure improved security and reliability.

h. Union Syndicale Fédérale (USF)

The USF is an umbrella organization for unions of international organizations, with 21 member unions, SUEPO TH being one of them. There are many reasons why the SUEPO TH committee chooses to maintain its USF membership, including:

- The USF provides a good platform for putting the spotlight on SUEPO's messages outside of the EPO,
- It acts as a safety net when the union is faced with extreme situations,
- It provides opportunities to improve our knowledge of and personal connections in the world of unions in international organizations,
- The network of staff representatives and union committee members in other international organizations allows us to keep up to date with their policy changes and enables benchmarking,
- The SUEPO committee can rely on the USF for assistance with training, design and other competences outside the expertise of the committee.

Conclusion

The numerous activities in this report would not have been possible without the support of our members, some of whom have been faithful to the union for decades: the **SUEPO committee extends a heartfelt thanks to all of you!** A special thank you goes out to our administrator Marc, previous SUEPO committees, our auditors, the election committees, the committee members of the Berlin, Munich and Vienna SUEPO sections, and the active SUEPO TH committee members. We also wish to extend our thanks to the union members who helped us with software testing, legal assistance, communication and further advice.

Please continue supporting SUEPO as you did in the past. And don't hesitate to invite your colleagues to join the union. An independent union lives only by and for its members.