

European Patent Office | 80298 MUNICH | GERMANY

Mr B. Battistelli
President of the EPO

R. 1081 Isar

European Patent Office
80298 Munich
Germany

Zentraler Personalausschuss
Central Staff Committee
Le Comité Central du Personnel

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mnstcom@epo.org

Reference:sc14219cl - 0.3.1

Date:08.10.2014

Ms Bergot hinders the functioning of the CSC

Dear Mr Battistelli,

In the past two weeks, Ms Bergot has made it very difficult - if not impossible – for the members of the Central Staff Committee (CSC) to meet in person. She has acted inconsistently by cancelling already granted duty travel requests and has created several new limitations.

The facts substantiating these statements can be found in the Annexes.

With all due respect, it is not the role of Ms Bergot, Head of the HR Department, to define:

- who can attend an internal meeting of the Central Staff Committee (CSC) (e.g. no alternates, no experts, no local members),
- how long the meeting should last (e.g. only 1 day),
- how we should organize the meeting (e.g. video-conference, lists by email)

Hindering the work of the CSC is not going to help fostering social dialogue. In the past, the CSC was able to meet in person around 10 times per year for about 2.5 days. Video conferences and emails are already used very frequently by the CSC but are no proper substitute to live meetings. Contrary to a structure with a more centralized and hierarchical approach, staff representatives are elected and based at different sites. They do need to meet in person and discuss central staff issues, in order to express more coherently the interests of staff (Article 34(1) and (3) of the Service Regulations). It is all the more necessary, at a time you want to introduce complex and far reaching changes, for example on the career system, the partial compensation scheme or the invalidity scheme.

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Grassersrt. 9
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Germany

Finally, in her email of 1 October (**Annex 8**), Ms. Bergot complains about the alleged use of *“aggressive level of language and a tone not befitting* www.epo.org

the standards of communication expected from international civil servants” by a few GCC (or CSC?) members without documenting it. We fail to understand what Ms Bergot is referring to and hope that disagreeing with the EPO HR policies and/or HR managers is still allowed since the entry into force of “social democracy”.

Regardless of whether Ms Bergot is acting on your behalf, we kindly request that you instruct her to stop such interferences. In the mean time we have the duty to inform staff by making this letter open.

Sincerely yours,

The Central Staff Committee

Annexes

16 September	The CSC informs Ms Bergot that its members will meet in person in The Hague for 2,5 days from 30 September to 2 October (Annex 1)
19 September	Duty Travel Requests (DTRs) to The Hague are authorised (Annex 2)
24 September	Ms Bergot schedules Working Group (WG) meetings on 1 October in the middle of the CSC meeting, thereby preventing the CSC members part of the WGs to attend (Annex 3)
25 September	Ms Bergot restricts the Duty Travel Requests to 1 day on 2 October (Annex 4)
26 September	The CSC insists that 2,5 days are needed and requests the authorization of adequate DTRs by the end of the day (Annex 5). Ms Bergot does not answer.
29 September	Following the absence of reply of Ms Bergot, the originally granted Duty Travel Requests (DTRs) are cancelled (Annex 6).
30 September	The CSC informs Ms Bergot that its members will meet in Munich for 2,5 days from 6 October to 8 October (Annex 7). This meeting would precede a GCC preparation meeting.
1 October	Ms Bergot does not authorise the CSC meeting (Annex 8).

As a result, two meetings of the CSC were blocked by Ms Bergot

ANNEX 1

From: Joachim Michels
Sent: 16 September 2014 17:42
To: Elodie Bergot
Cc: Yasmine Weiß; Nadja Lefèvre; Mohammad Rajabi; Carmen Schuhmann; Florent Béraud; François Brévier; Iordanes Thanos; Loïg Plouzennec; Mathieu Guillaume; Michael Kemény; Philippe Couckuyt; Thomas Franchitti; Ursula Post; Alain Dumont; Alain Rose; Ion Brumme; Jesus Areso y Salinas; Joachim Michels; Jose Ramon Ambroa; Laurent Prunier; Malika Weaver; Michael Sampels; Thierry Nigon
Subject: CSC meeting in person from 30 Sept to 2 October in The Hague

Dear Ms Bergot,

The next CSC meeting in person is planned from 30 Sept 13h30 to 2 October 16h in The Hague. All CSC full and alternate members are invited.

A preparatory meeting will take place from 10-12h30 on 30 September with one CSC member from each place of employment.

Furthermore, the CSC might consider to invite experts for consultation on special topics.

Respective DTRs will be forwarded soon.

One item on the agenda will be the election of the chairman, vice-chairmen and secretary. As indicated to you before this issue poses a problem to the CSC. However, the problem could be overcome by foreseeing a possible new or re-appointment after a term of 1 year (e.g. on each 1st of July), and the possibility to relinquish duties without being forced to step down from the CSC.

We would appreciate if a concrete guarantee to this effect could reach the CSC before the next meeting in The Hague.

Best regards,

On behalf of the CSC
Joachim Michels

ANNEX 2

From: DUTY TRAVEL
Sent: 19 September 2014 10:50
To: Jeanine Draszcz; Thomas Franchitti
Subject: Funds reservation number for your trip

Dear Mr Franchitti,

Your trip to The Hague from 30.09.2014 was approved.

Please find herewith the information needed by our travel agency to proceed with a proper booking of your flight/train ticket reservation:

Trip Nr. 6000080231
Funds Reservation Nr. 3200207701
AirPlus Card Nr. 122088801948645

For EPO inter-location trips, please make your own flight reservations using the Online Booking Tool via :
<https://e-travelmanagement2.amadeus.com/login/epo-de>

The above information is only relevant for flight tickets booked with our travel agency.
BCD received an email about your travel details when relevant for a flight and/or train booking.

As this is an automated message, please ignore it if it is not applicable in your case.

ANNEX 3

From: Elodie Bergot
Sent: 24 September 2014 17:08
To: Joachim Michels; Carmen Schuhmann; Florent Béraud; François Brévier; Iordanes Thanos; Loïg Plouzenec; Mathieu Guillaume; Michael Kemény; Philippe Couckuyt; Thomas Franchitti; Ursula Post; Alain Dumont; Alain Rose; Ion Brumme; Jesus Areso y Salinas; Jose Ramon Ambroa; Laurent Prunier; Malika Weaver; Michael Sampels; Thierry Nigon
Cc: Nadja Lefèvre; Yasmine Weiß; Fiona Dullenkopf; Heike Wieland; Jean-Pol Robin
Subject: RE: CSC meeting in person from 30 Sept to 2 October in The Hague

Dear colleagues,

Please find below the following information.

1. social agenda:

In view of the social agenda of the last trimester 2014, and in order to prepare the formal sessions of the GCC on 10.10 and 19.11, as announced in the last GCC, some working group preparation sessions are foreseen. You will receive very soon invitations. I can inform you in advance that considering the agenda of the participants of the management, the following dates have been scheduled:

- 29/09 on partial compensation (discussions chaired by H. Wieland) by vico (PM)
- 1/10 on career and invalidity (whole day) live meeting (chaired by E. Bergot)

2. CSC meeting:

Considering circular 319, budget related to duty travels have to be “used with thrift and economy”. Therefore I would kindly ask you to review the duration of the requested meeting and keep it in the limit of 1 day (for the record the CSC was not able to appoint a chairman in the last days granted in September), as well as to limit the participants to CSC members. Coordination on topics related to the social agenda can be done by Vico or by extension of other duty travels (eg it would have been wise to extend the meeting scheduled tomorrow for the budget presentation).

3. Sub-committee of the GCC on salaries:

I would like to inform you that the President proposes to set up a sub-committee of the GCC on salaries. This sub-committee could meet end of October to discuss the salary adjustment to be presented to the AC. I would be grateful if you let me know which members of the GCC (up to 4) will represent the staff in this committee. The sub-committee will be chaired by PD 4.3.

Best regards / Mit freundlichen Grüßen / Sincères salutations

Elodie Bergot
Principal Director Human Resources | Dir. 4.3
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Tel. +49 (0)89 2399 4300
Mobile +49 151 54404057
ebergot@epo.org
www.epo.org

Please consider the environment before printing this email.

From: Joachim Michels

Sent: Tuesday, September 16, 2014 5:42 PM

To: Elodie Bergot

Cc: Yasmine Weiß; Nadja Lefèvre; Mohammad Rajabi; Carmen Schuhmann; Florent Béraud; François Brévier; Iordanes Thanos; Loïg Plouzennec; Mathieu Guillaume; Michael Kemény; Philippe Couckuyt; Thomas Franchitti; Ursula Post; Alain Dumont; Alain Rose; Ion Brumme; Jesus Areso y Salinas; Joachim Michels; Jose Ramon Ambroa; Laurent Prunier; Malika Weaver; Michael Sampels; Thierry Nigon

Subject: CSC meeting in person from 30 Sept to 2 October in The Hague

Dear Ms Bergot,

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Furthermore, the CSC might consider to invite experts for consultation on special topics.

Respective DTRs will be forwarded soon.

One item on the agenda will be the election of the chairman, vice-chairmen and secretary. As indicated to you before this issue poses a problem to the CSC. However, the problem could be overcome by foreseeing a possible new or re-appointment after a term of 1 year (e.g. on each 1st of July), and the possibility to relinquish duties without being forced to step down from the CSC.

We would appreciate if a concrete guarantee to this effect could reach the CSC before the next meeting in The Hague.

Best regards,

On behalf of the CSC
Joachim Michels

ANNEX 4

From: Yasmine Weiß
Sent: 25 September 2014 15:59
To: Ion Brumme; Malika Weaver; Alain Dumont; Jose Ramon Ambroa; Iordanes Thanos; Michael Kemény; Thomas Franchitti; Mathieu Guillaume; Alain Rose; Jesus Areso y Salinas; Thierry Nigon; Laurent Prunier; Ursula Post; François Brévier; Philippe Couckuyt; Loïg Plouzenec; Michael Sampels; Florent Béraud; Joachim Michels; Carmen Schuhmann
Subject: CSC meeting in person from 30 Sept to 2 October in The Hague

On behalf of Ms Elodie Bergot

Dear Members of CSC,

Following the request of Mr Michels dated 16th September and my reply dated 24th September I hereby authorise one day of duty travel per person on 2nd October.

Please submit your duty travel requests to Ms Weiß accordingly.

Best regards

Elodie Bergot
Principal Director Human Resources | PD. 4.3
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Mobile +49 151 54404057
ebergot@epo.org
www.epo.org

ANNEX 5

From: Florent Béraud
Sent: 26 September 2014 12:03
To: Elodie Bergot
Cc: Nadja Lefèvre; Yasmine Weiß; Fiona Dullenkopf; Heike Wieland; Jean-Pol Robin; Joachim Michels; Carmen Schuhmann; François Brévier; Iordanes Thanos; Loïg Plouzenec; Mathieu Guillaume; Michael Kemény; Philippe Couckuyt; Thomas Franchitti; Ursula Post; Alain Dumont; Alain Rose; Ion Brumme; Jesus Areso y Salinas; Jose Ramon Ambroa; Laurent Prunier; Malika Weaver; Michael Sampels; Thierry Nigon; Wolfgang Manntz; Elizabeth Hardon; Johannes Schaaf
Subject: RE: CSC meeting in person from 30 Sept to 2 October in The Hague
Importance: High

Dear Ms. Bergot,

The CSC has met this morning* to consider your latest decision regarding the planned CSC meeting in DH. The CSC reconsidered the heavy agenda at hand for the planned meeting and has come to the conclusion that your decision to reduce the duration of the meeting to 1 days does not allow for adequate handling of dossier that are both urgent and of paramount importance to the staff the CSC represents.

The CSC has decided**

1. that the CSC needs the 3 days planned and
2. **herewith officially reiterate our request to grant all duty travel at the latest by 17:00 today** so as to allow confirmation of all travel arrangement (BCD travel & hotels).

Kind regards / Mit freundlichem Gruß / Meilleures salutations

In the name of the Central Staff Committee,

Florent Béraud
Elected Staff Representative of the Local and Central Staff Committee

Examiner Directorate 1526 | Dir. 1.5.2.6
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Tel. +49 30 25901 567 | Mob: +49 163 8399 733
fberaud@epo.org
www.epo.org

*the CSC VICO took place Fr. 26.09.15 between 10:00-12:00

Participants: JA, TN, UP, AR, JRA, IB, AD, MG, MK, TF, IT, MW, CS, MS, FB + 5 Proxies
LSC Observers: WM, EH, JS,

** The decision was **unanimous** (20 votes in favour, 0 against, 0 abstention)

From: Elodie Bergot
Sent: Wednesday, September 24, 2014 5:08 PM
To: Joachim Michels; Carmen Schuhmann; Florent Béraud; François Brévier; Iordanes Thanos; Loïg Plouzenec; Mathieu Guillaume; Michael Kemény; Philippe Couckuyt; Thomas Franchitti; Ursula Post; Alain Dumont; Alain Rose; Ion Brumme; Jesus Areso y Salinas; Jose Ramon Ambroa; Laurent Prunier; Malika Weaver; Michael Sampels; Thierry Nigon
Cc: Nadja Lefèvre; Yasmine Weiß; Fiona Dullenkopf; Heike Wieland; Jean-Pol Robin
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Dear colleagues,

Please find below the following information.

1. social agenda:

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Best regards / Mit freundlichen Grüßen / Sincères salutations

Elodie Bergot
Principal Director Human Resources | Dir. 4.3
European Patent Office
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Mobile +49 151 54404057
ebergot@epo.org
www.epo.org

Please consider the environment before printing this email.

From: Joachim Michels

Sent: Tuesday, September 16, 2014 5:42 PM

To: Elodie Bergot

Cc: Yasmine Weiß; Nadja Lefèvre; Mohammad Rajabi; Carmen Schuhmann; Florent Béraud; François Brévier; Iordanes Thanos; Loïg Plouzennec; Mathieu Guillaume; Michael Kemény; Philippe Couckuyt; Thomas Franchitti; Ursula Post; Alain Dumont; Alain Rose; Ion Brumme; Jesus Areso y Salinas; Joachim Michels; Jose Ramon Ambroa; Laurent Prunier; Malika Weaver; Michael Sampels; Thierry Nigon

Subject: CSC meeting in person from 30 Sept to 2 October in The Hague

Dear Ms Bergot,

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Furthermore, the CSC might consider to invite experts for consultation on special topics.

Respective DTRs will be forwarded soon.

One item on the agenda will be the election of the chairman, vice-chairmen and secretary. As indicated to you before this issue poses a problem to the CSC. However, the problem could be overcome by foreseeing a possible new or re-appointment after a term of 1 year (e.g. on each 1st of July), and the possibility to relinquish duties without being forced to step down from the CSC.

We would appreciate if a concrete guarantee to this effect could reach the CSC before the next meeting in The Hague.

Best regards,

On behalf of the CSC
Joachim Michels

ANNEX 6

From: Thomas Franchitti
Sent: 29 September 2014 12:02
To: MNSTCOM
Subject: Cancellation of DTR (RE: CSC meeting in person from 30 Sept to 2 October in The Hague)

Dear Rita,

Following the order of PD4.3 (see below), please cancel my Duty Travel Request (30.09 to 02.10) with flight number 3NMFUF.

Trip Nr. 6000080231
Funds Reservation Nr. 3200207701
AirPlus Card Nr. 122088801948645

Best regards / Mit freundlichen Grüßen / Sincères salutations

Thomas Franchitti
Examiner Directorate 1902 | Dir. 1.9.0.2
European Patent Office
Bayerstr. 34 | 80335 Munich | Germany
Tel. +49 (0)89 2399 4987
tfranchitti@epo.org
www.epo.org

From: Yasmine Weiß
Sent: Thursday, September 25, 2014 3:59 PM
To: Ion Brumme; Malika Weaver; Alain Dumont; Jose Ramon Ambroa; Iordanes Thanos; Michael Kemény; Thomas Franchitti; Mathieu Guillaume; Alain Rose; Jesus Areso y Salinas; Thierry Nigon; Laurent Prunier; Ursula Post; François Brévier; Philippe Couckuyt; Loïg Plouzennec; Michael Sampels; Florent Béraud; Joachim Michels; Carmen Schuhmann
Subject: CSC meeting in person from 30 Sept to 2 October in The Hague

On behalf of Ms Elodie Bergot

Dear Members of CSC,

Following the request of Mr Michels dated 16th September and my reply dated 24th September I hereby authorise one day of duty travel per person on 2nd October.

Please submit your duty travel requests to Ms Weiß accordingly.

Best regards

Elodie Bergot
Principal Director Human Resources | PD. 4.3
European Patent Office
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Tel. +49 89 2399 4300
Mobile +49 151 54404057

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ANNEX 7

From: Joachim Michels
Sent: 30 September 2014 16:05
To: Elodie Bergot
Cc: Yasmine Weiß; Nadja Lefèvre; Mohammad Rajabi; Elizabeth Hardon; Ivo Galli; Johannes Schaaf; Wolfgang Manntz; Carmen Schuhmann; Florent Béraud; François Brévier; Iordanes Thanos; Loïg Plouzennec; Mathieu Guillaume; Michael Kemény; Philippe Couckuyt; Thomas Franchitti; Ursula Post; Alain Dumont; Alain Rose; Ion Brumme; Jesus Areso y Salinas; Joachim Michels; Jose Ramon Ambroa; Laurent Prunier; Malika Weaver; Michael Sampels; Thierry Nigon
Subject: CSC meeting in person from 7 to 9 October in Munich

Dear Ms Bergot,

The CSC has decided to hold a meeting in person from 7 October 09h00 – 9 October 12h00 in Munich. All CSC full and alternate members are invited.

A preparatory CSC meeting will take place ahead on 6 October from 15h00-17h30 with one CSC member from each place of employment (Michael Sampels, Alain Rosé, Joachim Michels, Ion Brumme).

Furthermore, the CSC might consider to invite experts for consultation on special topics.

CSC members participating in the next GCC may combine their missions as follows:

GCC preparation on 9 Oct. p.m.. GCC on 10 Oct 9-12h. GCC aftermath on 10 Oct afternoon.

The sharing is proposed to be as stipulated for the last meeting in Munich 40% internal business and 60% Staff representation.

Respective DTRs will be forwarded .

Please be reminded: One item on the agenda will be the election of the chairman, vice-chairmen and secretary. As indicated to you before this issue poses a problem to the CSC. However, the problem could be overcome by foreseeing a possible new or re-appointment after a term of 1 year (e.g. on each 1st of July), and the possibility to relinquish duties without being forced to step down from the CSC.

We would appreciate if a concrete guarantee to this effect could reach the CSC before its meeting in Munich.

Best regards,

On behalf of the CSC
Joachim Michels

ANNEX 8

From: Elodie Bergot
Sent: 01 October 2014 19:41
To: Joachim Michels; Florent Béraud; Carmen Schuhmann; François Brévier; Iordanes Thanos; Loïg Plouzenec; Mathieu Guillaume; Michael Kemény; Philippe Couckuyt; Thomas Franchitti; Michael Sampels; Thierry Nigon; Malika Weaver; Laurent Prunier; Jose Ramon Ambroa; Jesus Areso y Salinas; Ion Brumme; Alain Rose; Alain Dumont; Ursula Post
Cc: Yasmine Weiß; Nadja Lefèvre
Subject: RE: CSC Nomination for Statutory Bodies: Internal Appeals Committee

Dear CSC members,

The question of duty travels and live meetings of the CSC seems to have taken priority on other issues in our regular communications. Therefore I will propose to finalise next week the discussions on resources granted to the staff representation under circular 356. An invitation will be sent asap.

I understand that the selection of a chairman as well as appointments in statutory bodies are important topics for the sound functioning of the social dialogue. Nevertheless, I fail to see the direct connexion between these appointments and the need for a 3 days live meeting (including non CSC members). The Administration has to appoint itself each year members of the same bodies, which does not require duty travels but simple exchanges of a list per email. Recent experience has also demonstrated that such CSC meetings are not a guarantee to proceed to the expected appointments.

As a meeting of the GCC is foreseen on 10.10, I can agree that members of the GCC participating to this meeting may also meet on 9.10 in order to prepare the GCC meetings.

I take this opportunity to remind you of some basis rules concerning the relations and communications with the HR colleagues working on the administration of social dialogue or in charge of approving your duty travels. Since the entry into force of the new social framework, some members of the GCC have regularly used an aggressive level of language and a tone not befitting the standards of communication expected from international civil servants. This behaviour puts an undue pressure on colleagues, who are just trying to respect the rules of the duty travel policy, as applied to all staff. I tried to address this issue informally at individual level with some of you, apparently to no avail. In order to avoid unnecessary escalation, these colleagues and myself have so far not started any formal step.

I am now in the obligation to inform you more officially, that no new incident will be tolerated and remain unanswered.

I apologize for the majority of the CSC members who remain respectful and professional, and should not feel concerned by this general reminder.

I thank you for your understanding.

Best regards / Mit freundlichen Grüßen / Sincères salutations

Elodie Bergot
Principal Director Human Resources | P.Dir. 4.3
European Patent Office
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Mobile +49 151 54404057
ebergot@epo.org
www.epo.org

Please consider the environment before printing this email.

From: Joachim Michels

Sent: Tuesday, September 30, 2014 5:36 PM

To: Elodie Bergot

Cc: Yasmine Weiß; Nadja Lefèvre; Mohammad Rajabi; Elizabeth Hardon; Ivo Galli; Johannes Schaaf; Wolfgang Manntz; Carmen Schuhmann; Florent Béraud; François Brévier; Iordanes Thanos; Loïg Plouzenec; Mathieu Guillaume; Michael Kemény; Philippe Couckuyt; Thomas Franchitti; Ursula Post; Alain Dumont; Alain Rose; Ion Brumme; Jesus Areso y Salinas; Jose Ramon Ambroa; Laurent Prunier; Malika Weaver; Michael Sampels; Thierry Nigon

Subject: CSC Nomination for Statutory Bodies: Internal Appeals Committee

Dear Ms Bergot,

As indicated in our letter in August the CSC regards the participation to the Internal Appeals Committee as a very important and demanding task and the respective nomination needs dedicated attention by the CSC. As such this matter was a priority for the CSC meeting in person supposed to start today in The Hague (not authorised).

The matter remains high priority for the CSC and will be dealt with during the CSC meeting in person of next week in Munich.

Thank you for your understanding.

Best regards,

On behalf of the CSC

Joachim Michels

Please note the following change to the e-mail below:

Mr Jesus Areso will replace Mr Alain Rose for the preparatory meeting.

From: Joachim Michels

Sent: Tuesday, September 30, 2014 4:05 PM

To: Elodie Bergot

Cc: Yasmine Weiß; Nadja Lefèvre; Mohammad Rajabi; Elizabeth Hardon; Ivo Galli; Johannes Schaaf; Wolfgang Manntz; Carmen Schuhmann; Florent Béraud; François Brévier; Iordanes Thanos; Loïg Plouzenec; Mathieu Guillaume; Michael Kemény; Philippe Couckuyt; Thomas Franchitti; Ursula Post; Alain Dumont; Alain Rose; Ion Brumme; Jesus Areso y Salinas; Joachim Michels; Jose Ramon Ambroa; Laurent Prunier; Malika Weaver; Michael Sampels; Thierry Nigon

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