



9 May 2019

su19022cl – 0.3.1./0.3.2/3.1

OPEN LETTER

Discussion of a Memorandum of Understanding

Dear Mr Campinos,

Thank you for your invitation to meet on 16 May to discuss a new framework for a Memorandum of Understanding (MoU) between the EPO and our Union.

While we take note with appreciation of your stated commitment to “*restoring a strong social dialogue with all stakeholders*”, we must also observe that you first met with SUEPO Central only on 5 December 2018, five months after you took office. A follow-up meeting was supposed to take place in January 2019 but never materialised.

We further observe that we informed you on several occasions that a number of steps are necessary to restore social dialogue. Indeed, during the 5 December meeting, we all agreed that four topics should be followed with equal priority¹, namely:

- The settlement of sanctions on former SUEPO officials and other Staff representatives
- A review of the Rules for Strike
- A review of the New Career System
- A MoU

Almost one year after the start of your Presidency, the cases concerning the staff representatives and union officials abusively sanctioned by your predecessor remain unresolved, and this in spite of three ATILO judgments against the Office in these matters. On the contrary, you have said on at least two occasions that you consider such matters “individual cases” on which you do not want to comment. This important issue was already urgent six months ago.

We are not prepared to prioritise a discussion on a MoU over the issue of the unlawful sanctions against our colleagues. Progress in the negotiations concerning the MoU can only go hand in hand with progress achieved in the other topics, including the settlement of sanctions.

We will attend the 16 May meeting in that spirit and will provide the names of the attendees to the meeting as soon as available.

Yours sincerely,

Chairman of SUEPO Central

Copy: - Delegations of the Administrative Council of the EPO
- VP4

¹See our report su18081cp (annexed)



12 December 2018
su18081cp

Meeting between the Central Bureau of SUEPO and the President of the EPO

Dear colleagues,

The Central Bureau of SUEPO met the President in The Hague on 5 December 2018 for the first time since Mr Campinos took office on 1 July. After several years without any social dialogue, it was refreshing to see that a constructive and fruitful dialogue appears possible. We called for a normalisation of relations between SUEPO and the Office and stressed that we prefer entering into agreements over making use of litigation. If reforms are discussed with SUEPO we can contribute to reducing litigation and to improving acceptance of reforms. Harm inflicted by his predecessor on SUEPO as an institution and on several of its Officials and Staff representatives still requires concrete action for putting an end to these dire straits, as has previously been flagged in letters by the [CSC](#) and by [USF](#). Despite bringing the two most pressing cases to the President's attention already in mid-July the Office has been entirely inactive in one and fell far short of reasonable expectations in the other.

- We discussed in particular the fate of former SUEPO officials and other Staff representatives who still are victims of disciplinary measures since more than two years and whose state of health is worrying. The President assured that he would study the cases with view to finding acceptable solutions. We appreciated his reiterated intention to make a first step in the right direction by entrusting an interlocutor not involved in the cases with working towards an amicable settlement for one case. The Office has yet to follow concretely on this first step. Mr Campinos confirmed that he would refrain in future from targeting individual SUEPO officials for collective actions of SUEPO as legal person.
- We discussed the rules for strike (Articles 30a and 65(1)c) ServRegs and Circular No. 347), which triggered many litigation cases currently pending. The President confirmed his readiness for looking at them together with us with the intention of settling pending litigation cases and finding a *modus vivendi* reflecting a staff union's prerogative for organising a strike.
- We discussed the sizeable social unrest and the huge number of litigation cases caused by the introduction of the new career system without transitional measures. The President reiterated that he will maintain a merit-based system. However, he is willing to analyse the financial impact of the application of the new career system in general and of the transitional measures for ensuring a guaranteed progress within the grade under the former career system (without promotion) in particular if it was to be retroactively applied to colleagues who were in the old scheme at time of introduction.

- The President sees a need for a framework agreement between the Office and SUEPO for conducting official discussions in an organised structure. With the understanding that such a framework agreement is not a precondition for normalising relations between the EPO and SUEPO, we expressed our willingness to enter into such discussions.

We agreed that the above four points should be followed up with **equal priority** and with a constructive attitude from both sides. The next meeting of this kind is planned for the end of January 2019.

Central Bureau of SUEPO