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Mr António Campinos  
President of the EPO

By email

## OPEN LETTER

European Patent Office  
80298 Munich  
Germany

Central Staff Committee  
Comité central du personnel  
Zentraler Personalaussschuss

centralSTCOM@epo.org

Reference: sc22006cl

Date: 03/02/2022

### Staff Representation - Review of “Social Democracy”

Dear Mr President,

With [Judgment 4482](#)<sup>1</sup>, the Tribunal recently quashed several provisions of the Service Regulations introduced with the Social Democracy reform (CA/4/14 and CA/D 2/14), particularly relevant to the way that Staff Representation may organise its elections and constitute itself. After the Judgments on the strike regulations, it is the second time the Tribunal rules that a reform breached the fundamental right of freedom of association.

Through this Judgment, it appears evident that the entire Title II – Chapter 3 (and associated Circulars) in the codex, dealing with Staff Representation, should be reviewed thoroughly. This should be done before the future round of staff representation elections, due mid-2023<sup>2</sup>.

We believe it is in the common interest of the Office, the Staff and its Representation to review these regulations, such that we can agree upon the necessary amendments and present these to the Council in due time. Looking at the stance that the Tribunal has taken on violations of freedom of association by the EPOrg, we are convinced that the Office shall only present the Council with amendments to the Service Regulations which find support with the Staff Representation and put an end to the hindrance to its functioning since 2014.

We therefore request to extend the mandate of the existing Working Group “StaffRep Resources”, such as to carry out a proper review and reach agreement on appropriate amendments to all parts of the Service Regulations dealing with Staff Representation.

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<sup>1</sup> See also [Judgment 4482 - Extracts](#)

<sup>2</sup> See consideration 15 in the Judgment.

Given that the next round of elections is due mid-2023, we look forward to receiving an invitation to this effect on short notice.

Yours sincerely,



Thomas Czogalla  
Chairman LSC Berlin



Michael Kemény  
Chairman LSC Munich



Martin Schaller  
Chairman LSC Vienna



Jorge Raposo  
Chairman LSC The Hague



Alain Dumont  
Chairman Central Staff Committee