

Organisation internationale du Travail  
*Tribunal administratif*

International Labour Organization  
*Administrative Tribunal*

**B. i F. and others**

*v.*

**EPO**

**140th Session**

**Judgment No. 5089**

THE ADMINISTRATIVE TRIBUNAL,

Considering the 126 complaints filed between 29 April 2021 and 8 May 2021 against the European Patent Organisation (EPO) by the complainants whose names are listed in the annex to this judgment;

Considering Articles II, paragraph 5, and VII of the Statute of the Tribunal and Article 7 of its Rules;

Having examined the written submissions of the complainants;

CONSIDERATIONS

1. These complaints are part of the extensive litigation submitted to the Tribunal concerning the new career system introduced by the Administrative Council's decision CA/D 10/14 of 11 December 2014, which came into force on 1 January 2015 for the employees of the European Patent Office, the secretariat of the EPO. It should be recalled that the new system significantly altered the structure of employees' grades by introducing new "career paths" and providing that progression was based on sustained performance and demonstrated competencies rather than time spent within a step or grade.

2. The complainants, who are serving or former permanent employees of the Office, lodged internal appeals challenging the abolition of automatic step advancement pursuant to the introduction of the new career system. In these complaints, they impugn the decision to reject their internal appeals.

3. As the complaints essentially seek the same redress, are based on the same material facts and raise the same legal issues, the Tribunal considers it appropriate that they be joined to form the subject of a single judgment.

4. In Judgment 4711, delivered on 7 July 2023, the Tribunal ruled on a complaint filed by another EPO employee, who had pursued an internal appeal challenging his May 2015 payslip insofar as it showed that he was denied the automatic step advancement that he should have received if decision CA/D 10/14 had not been implemented. That complaint was selected by the Tribunal to be the lead complaint in a series of cases raising the same issues.

5. In Judgment 4711, the Tribunal dismissed the complaint as unfounded. For the present purposes, suffice it to recall that the Tribunal found that general decision CA/D 10/14 was lawful. It noted in particular that the former salary was preserved, and future step advancements were not precluded, but were only related to the discharge of the employee's obligations. Consequently, there was no unreasonable alteration of the balance of contractual obligations. The Tribunal added that the mere fact that step advancements were based on performance did not render them arbitrary or not transparent. Therefore, it concluded that the new step advancement system did not infringe an acquired right.

6. Judgment 4711 was contested in an application for review filed on 27 September 2023, which the Tribunal dismissed in Judgment 4888, delivered on 8 July 2024. The Tribunal's findings in Judgment 4711 were reiterated in Judgment 4990, delivered on 6 February 2025, in which the Tribunal confirmed the lawfulness of the reform, including

regarding the particular situation of certain employees holding the former grade A4(2).

7. Upon filing their complaints, the complainants indicated that their cases were similar to that filed by the aforementioned lead complainant, which had resulted in a “test-appeal” and a joint opinion by the Appeals Committee. The Tribunal finds that their complaints are essentially identical to the complaints leading to Judgment 4711 or 4990, and that there is no reason why it should reach a different conclusion in these proceedings than in those judgments. Contrary to some of the complainants’ allegations, their respective grades or the fact that they joined the Office on or after 1 January 2009, which was the date of entry into force of the new Pension Scheme Regulations, has no bearing on the outcome of their cases.

Based on precedent, the complaints must be regarded as clearly devoid of merit and will be summarily dismissed in accordance with the procedure set out in Article 7 of the Rules of the Tribunal.

#### DECISION

For the above reasons,

The complaints are dismissed.

In witness of this judgment, adopted on 30 May 2025, Mr Patrick Frydman, President of the Tribunal, Mr Jacques Jaumotte, Judge, and Mr Clément Gascon, Judge, sign below, as do I, René M. Vargas M., Registrar.

Delivered on 3 July 2025 by video recording posted on the Tribunal's Internet page.

PATRICK FRYDMAN

JACQUES JAUMOTTE

CLÉMENT GASCON

RENÉ M. VARGAS M.

Annex

One hundred and twenty-six complainants (in alphabetical order):  
(names removed)