

Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

A. and others

v.

EPO

140th Session

Judgment No. 5091

THE ADMINISTRATIVE TRIBUNAL,

Considering the 140 complaints filed between 9 and 15 December 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 general decision CA/D 10/14 insofar as it abolished the automatic step advancement that existed prior to 1 January 2015. In these complaints, they impugn the decision of 17 September 2021 by which they were informed that their internal appeals were rejected as manifestly irreceivable.

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 4710, delivered on 7 July 2023, the Tribunal ruled on a complaint filed by another EPO employee, who had pursued an internal appeal contesting decision CA/D 10/14 insofar as it abolished the automatic step advancement. Noting that all the pleas submitted in that complaint (his nineteenth) were also advanced in the same terms in his fifteenth complaint, contesting the abolition of step advancements, which was adjudicated by the Tribunal in Judgment 4711, also delivered on 7 July 2023, the Tribunal dismissed his nineteenth complaint as unfounded based on the considerations of Judgment 4711. These complaints were selected by the Tribunal to be the lead complaints in the two series of cases having, respectively, the same subject matter and raising the same issues.

5. The aforementioned fifteenth complaint stemmed from a separate internal appeal in which the lead complainant contested his May 2015 payslip insofar as it reflected the abolition of the automatic step advancement in the new career system introduced by general decision CA/D 10/14 (see Article 48 of the Service Regulations for permanent employees of the Office as amended by the general decision). In the proceedings before the Tribunal, he impugned the decision to reject that internal appeal, but also challenged the underlying general decision CA/D 10/14. In Judgment 4711, the Tribunal held that none of the pleas concerning alleged flaws in the

“elaboration stage” and in the “adoption stage” of the aforementioned general decision were founded. It also rejected the arguments raised against the substance of the reform introduced by the general decision. Judgments 4710 and 4711 were both contested in an application for review filed on 27 September 2023, which the Tribunal dismissed in Judgment 4888, delivered on 8 July 2024.

6. At the time when they filed the present complaints, the complainants informed the Registry of the Tribunal that they relied on the brief filed by the lead complainant, in his nineteenth complaint, regarding the challenge to the new career system, and considered that brief as theirs. Despite their statement, some complainants provided an annex to their complaint containing additional arguments. The Tribunal recalls that, according to Article 6(1)(b) of its Rules, a complainant’s arguments of fact and law must appear in the complaint itself (see, for instance, Judgment 3692, consideration 4). These additional arguments will therefore not be considered.

7. The Tribunal finds that the present complaints are essentially identical to the nineteenth complaint filed by the aforementioned lead complainant regarding the challenge to the new career system, and that there is no reason why it should reach a different conclusion in these proceedings than in Judgment 4710.

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 forty complainants (in alphabetical order):

(names removed)