Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

L. (No. 23)
v.
EPO

141st Session **Judgment No. 5180**

THE ADMINISTRATIVE TRIBUNAL,

Considering the twenty-third complaint filed by Mr C. O. D. L. against the European Patent Organisation (EPO) on 30 September 2020, corrected on 9 December 2020 and 28 January 2021, the EPO's reply of 25 May 2021, the complainant's rejoinder of 6 September 2021, the EPO's surrejoinder of 10 May 2022, the complainant's additional submissions of 17 May 2023, corrected on 20 June 2023, and the EPO's final comments thereon of 4 October 2023;

Considering Articles II, paragraph 5, and VII of the Statute of the Tribunal;

Having examined the written submissions;

Considering that the facts of the case may be summed up as follows:

The complainant challenges the EPO's invalidity reforms.

The complainant is a former permanent employee of the European Patent Office, the EPO's secretariat, who retired on 1 January 2016.

On 14 December 2007, the Administrative Council adopted decision CA/D 30/07, amending the rules on invalidity with effect from 1 January 2008. As from that date, permanent employees under 65 years of age who could no longer carry out their duties owing to invalidity were to be assigned to non-active status. As a result, they would no longer receive an invalidity pension but an invalidity allowance.

On 26 March 2015, the Administrative Council adopted decision CA/D 2/15, which amended with effect from 1 April 2015 the provisions relating to sick leave and invalidity. The provisions governing the invalidity allowance were thereby abrogated. Transitional measures provided however that, until 31 December 2015, the rights and obligations of a recipient of an invalidity allowance on 31 March 2015 would continue to be governed by the provisions in force on that date and that, as from 1 January 2016, the recipient would cease to receive the allowance and would instead be granted a retirement pension for health reasons increased by a compensatory payment. As from that date, recipients of a pension for health reasons were no longer allowed to perform any gainful activities or employment.

Following the exhaustion of the complainant's sick leave with full pay, a Medical Committee was convened to advise on the action to be taken regarding his situation. By a letter dated 4 May 2015, the Principal Director of Human Resources (PD 4.3) notified the complainant of the Medical Committee's finding that he suffered from invalidity in the meaning of Article 62a(2) of the Service Regulations for permanent employees of the Office and that he was, consequently, unable to perform his duties. The PD 4.3 informed the complainant that he was assigned to non-active status as from 1 May 2015 and that he would receive an invalidity allowance as of that date (under decision CA/D 30/07). She also informed him that, following the invalidity reform and the transitional measures set out in decision CA/D 2/15, he would cease to receive an invalidity allowance as from 1 January 2016 and would be granted, instead, a retirement pension for health reasons. The PD 4.3 also pointed out that recipients of a pension for health reasons were not allowed to perform any gainful activities or employment up to retirement age.

By an email dated 10 August 2015, addressed to the President of the Office, the complainant filed a request for review under Article 109 of the Service Regulations, challenging the application of the rules set by decision CA/D 30/07 to his situation, as announced in the PD 4.3 decision of May 2015, and requesting that rules predating this decision were applied to him. This request was rejected as unfounded by a letter

dated 4 September 2015 and, on 9 December 2015, the complainant lodged his first internal appeal, challenging this decision.

On 18 November 2015, the EPO communicated to the complainant a comparative calculation of his "[t]heoretical invalidity allowance" and of his retirement pension for health reasons along with the provisional calculation of the compensatory payment.

In February and April 2016, the complainant filed two requests for review challenging, in essence, the implementation of decision CA/D 2/15, reflected in his pension payslips, as well as his healthcare insurance contributions. These requests were rejected in April and June 2016 as partly irreceivable and in any event unfounded, and in June and September 2016, the complainant lodged his second and third internal appeals challenging these decisions.

The Appeals Committee decided to join the complainant's internal appeals filed in December 2015, June and September 2016, and issued a consolidated opinion on 10 June 2020. It unanimously recommended to dismiss the appeals as irreceivable, with the exception of his request for damages for procedural delay. It also unanimously recommended to award the complainant compensation on this ground in the amount of 300 euros.

By a letter dated 2 July 2020, the PD 4.3, acting by delegation of power from the President of the Office, informed the complainant of her decision to endorse the unanimous recommendation of the Appeals Committee and, accordingly, to dismiss his internal appeals as unfounded and to award him payment of 300 euros in compensation for moral damages on account of the length of the procedure. This is the impugned decision.

The complainant requests the Tribunal, in summary, to set aside the impugned decision and to quash the individual decisions affecting him and the "underlying decisions of general nature affording the basis in law for such individual decisions" as well as the "entire chain of decisions leading to such adverse individual decisions and effects". He asks the Tribunal to correct his monthly invalidity allowance slips and invalidity pension slips to reflect the level of benefits he would have been entitled to under the regulations in effect prior to 1 January 2008,

and to order the payment of the "corresponding amounts", including interest. The complainant also asks the Tribunal to "lift" for him the prohibition to perform any gainful activities or employment and to order payments of the difference between his invalidity pension and the remuneration of the highest step in grade from January 2016 onwards until the prohibition to work is lifted, with interest. He requests the Tribunal to limit his monthly contribution rate to the insurance schemes at the ceiling rate of 2.4 per cent of his invalidity allowance and invalidity pension and to order payment of the excess amounts deducted, with interest. He seeks moral damages and costs "for entertaining the appeals and the complaint". The complainant makes several additional claims in his further submissions. In essence, he claims 420,000 euros in moral damages for "loss of enjoyment of life", compensation for his printing expenses, and interest.

The EPO requests the Tribunal to dismiss the complaint as irreceivable and, on a subsidiary basis, as unfounded.

CONSIDERATIONS

1. The complainant applies for oral proceedings, asking, in his words, that the Tribunal "hear the members of the Chamber of the complainant's appeals proceedings" and, additionally, an identified member of the Appeals Committee. The Tribunal observes that the parties have presented ample written submissions and documents to permit the Tribunal to reach an informed and just decision on the case. Thus, the request for oral proceedings is rejected.

2. The complainant requests the disclosure of the following documents:

(i) "the comparative calculation for the complainant before and after [decision] CA/D 30/07";

(ii) the "secret deal" allegedly referenced by the EPO in its third submission during the internal appeal; and

(iii) the "legal study" allegedly underlying the Appeals Committee's opinion.

As will become clear later, the first document is irrelevant to the outcome of the case.

The existence of the second and third documents is speculative, rendering the request for their disclosure a fishing expedition. Furthermore, regarding the "legal study", the Tribunal has already held, in relation to a similar request made by the complainant in his twenty-second complaint, that such a request is "based on speculation that something might be found in the document to further his case" (see Judgment 5082, consideration 2). In any event, these documents are irrelevant to the outcome of the case.

Therefore, the request for disclosure is rejected in its entirety.

3. At the outset, the Tribunal delineates the scope of the present case. The complainant challenges, among other things, the current rate of staff contributions to healthcare insurance, contending that the former rate of 2.4 per cent should have been maintained and applied to his monthly contribution. The complainant has already advanced this claim in his twenty-second complaint, which has already been adjudicated and dismissed by the Tribunal in Judgment 5082, and has *res judicata* authority between the parties. As a result, this claim is irreceivable.

4. The complainant also mentions the adverse effects he allegedly suffered from decision CA/D 10/14, introducing a new career system, and refers to the factual background of the proceedings leading to the acknowledgment of his invalidity status. Any pleas or arguments concerning decision CA/D 10/14 and decisions related to his invalidity status are irreceivable, as they were not challenged herein in respect of the exhaustion of internal means of redress, as required by Article VII, paragraph 1, of the Tribunal's Statute.

5. The complainant dwells at length on his repeated attempts to negotiate an out-of-court settlement with the EPO over several years, to no avail. The Tribunal will not address this issue, considering, on the one hand, that settlement discussions are confidential and, on the other

hand, that the negotiation of an amicable settlement lies within the Organisation's discretion. Any related issues submitted by the complainant are, therefore, beyond the scope of the present complaint.

6. Save for one instance (see considerations 16 to 19 below), the Tribunal will not address the receivability issues raised by the EPO, as they are irrelevant to the outcome of the case.

7. The myriad of the complainant's pleas and arguments are not listed by the complainant and, thus, the Tribunal will address them in a logical sequence.

The Tribunal also recalls that it has stated on a number of occasions, and recently with increasing frequency, that it is inappropriate to effectively incorporate by reference into the pleas before the Tribunal arguments, contentions and pleas found in other documents, often a document created for the purposes of internal review and appeal (see Judgment 3920, consideration 5, and the case law cited therein). The Tribunal is entitled to disregard those contentions and pleas (see Judgment 4715, consideration 12). Consequently, in the present case, the Tribunal will not address the arguments that the complainant advances by declaring that he "resorts to only pointing to the annex supporting document" containing his second submission to the Appeals Committee.

8. Regarding decision CA/D 30/07 – implemented through the complainant's monthly payslips – the complainant alleges, in essence, a breach of his acquired rights, asserting that the transition from an invalidity pension scheme to an invalidity allowance scheme, implemented by this decision, caused him a significant financial loss. He provides figures indicating that his hypothetical "invalidity pension" calculated on the basis of the "old rules" would have been 9,683.47 euros, whereas his actual invalidity allowance is 8,212.09 euros. He claims a (hypothetical) monthly loss of approximately 1,500 euros, totalling around 100,000 euros, as from his placement on non-active status until his statutory retirement age (65 years). He further projects a future loss of approximately 500,000 euros, from the age of 65 to approximately

the age of 80. According to his calculations, his theoretical invalidity pension calculated according to the “old rules” would have been 29.7 per cent, lower than his salary on 1 January 2014, whereas his invalidity allowance is actually 40.4 per cent lower than his salary on 1 January 2014.

While acknowledging the Tribunal’s Judgments 3375, 3540, and 3623, which upheld the lawfulness of decision CA/D 30/07 and found no infringement of acquired rights, the complainant contends that his case is distinguishable and, therefore, the Tribunal should not be bound by the *stare decisis* rule. He attempts to demonstrate that:

(i) unlike the complainant in Judgment 3375, he suffered a significant material loss;

(ii) unlike the complainant in Judgment 3540, his invalidity allowance was not more advantageous than the former invalidity pension. As an Austrian resident, his pension would not have been subjected to national income tax, thus, the lower amount of the invalidity allowance, in his case, has no compensation in savings on the Austrian income tax;

(iii) decision CA/D 30/07 lacks sound actuarial reasons; and

(iv) by decision CA/D 2/15, the EPO reverted to an invalidity pension scheme, albeit renamed as “pension for health reasons”, implying that the Organisation no longer benefits from the earlier transition from invalidity pension to invalidity allowance; consequently, in the complainant’s view, the new rules advantage no one and they merely impact negatively staff on non-active status.

9. These arguments are unfounded.

The Tribunal finds no grounds to deviate from the principles enshrined in its case law. In Judgment 832, consideration 14, the Tribunal established that the assessment whether an amendment to the terms of employment infringes acquired rights, depends upon: (1) the nature of the term that is altered; (2) the reason for the change; and (3) the consequences of allowing or disallowing an acquired right (see also

Judgment 2089, consideration 12). It is within an organization's discretion to amend its staff regulations. Specifically with regard to the EPO, Article 33(2)(b) and (c) of the European Patent Convention, the EPO's founding Treaty, permits it to amend its Service Regulations and its Pension Scheme Regulations. In accepting this, however, the Tribunal stresses that the EPO should strike a balance between the mutual obligations of the Organisation and its employees and the main or fundamental conditions of its employees' appointment (see Judgments 3375, consideration 9, and 832, consideration 15).

The interest of current and future employees who are not currently affected by the rule but shall be in the future is also to be taken into account by the Organisation. The question of the sustainability of pension schemes must be a primary concern to the Organisation and as such may naturally require adjustments to be made to the norm regulating pension schemes over time (see Judgment 3623, consideration 7). By its nature as a remote and contingent right, the benefit to an invalidity pension arises only under conditions of invalidity to cover a risk that rarely occurs. This is not a fundamental term which could be said to have reasonably induced the complainant or any staff member of the EPO to enter into the contract of employment with the Organisation so as to preclude the Organisation from altering its terms as it did by the new arrangements (see Judgments 3375, consideration 13, and 2682, consideration 6).

The reasoning in Judgment 3375, considerations 14 to 18, which has also been followed in Judgment 3623, has already assessed that the change introduced by decision CA/D 30/07 was made on a sound actuarial basis and management considerations, which ultimately provided the bases for the decision.

10. The complainant was placed on non-active status in May 2015, well after the contested reform came into effect on 1 January 2008. According to his account of the facts, his medical condition began to deteriorate in 2012. Thus, both his invalidity and its recognition by the EPO occurred after 1 January 2008. His factual situation differs substantially from those of the complainants in Judgments 3375, 3540,

and 3623. In Judgment 3375, the complainant was placed on non-active status after decision CA/D 30/07 had entered into force – like the present complainant – but his invalidity had occurred before 1 January 2008, although it was recognized only later – unlike the present complainant. In Judgments 3540 and 3623, the complainants were already receiving an invalidity pension before decision CA/D 30/07 became effective. While the personal situations in Judgments 3375, 3540, and 3623 might have given rise to questions of acquired rights, as the complainants' invalidity status had occurred or had been recognized before decision CA/D 30/07, all three judgments denied the existence of acquired rights. This principle applies even more strongly in the present case, given that the complainant's invalidity occurred well after decision CA/D 30/07 took effect.

Since an invalidity pension benefit is a remote right that arises under conditions of invalidity that rarely occur, it cannot be asserted that the complainant, who joined the EPO when he was 27 and was placed on non-active status when he was 53, had an acquired right that the rules concerning invalidity pension would remain unchanged over time. Moreover, in the present case, the rules were modified more than seven years before he accrued the right to invalidity benefits. Therefore, it cannot be concluded that the remote opportunity to benefit from an invalidity pension was a fundamental term that could be said to have reasonably induced the complainant to enter into the employment contract with the Organisation.

11. Regarding the more personal consequences, the complainant contends that his "invalidity pension" calculated on the basis of the "old rules" would have amounted to 9,683.47 euros, whereas his invalidity allowance actually amounts to 8,212.09 euros, resulting in a monthly loss of approximately 1,500 euros. However, he never received an invalidity pension under the "old rules" and, thus, he was never entitled to an income of 9,683.47 euros in this regard.

Furthermore, and in any event, although the complainant alleges that, based on his personal calculation, he would have received 9,683.47 euros per month under the rules in force prior to decision

CA/D 30/07, instead of the 8,212.09 euros he asserts he receives – and even assuming his calculation were correct and disregarding the fact that he never received an invalidity pension before 1 January 2008 – he is receiving a substantial invalidity allowance. His theoretical loss of approximately 10 per cent (considering his contention that his invalidity pension under the "old rules" would have been 29.7 per cent lower than his salary on 1 January 2014, whereas his invalidity allowance is 40.4 per cent lower than that salary) does not alter his fundamental terms of employment.

12. The complainant's arguments, aimed at demonstrating that the contested reform was not based on sound actuarial studies or that the "cure" should have been different, cannot be accepted. The complainant attempts to persuade the Tribunal with personal calculations, hypotheses, and ideas concerning the operation of a pension contribution system and the financing of the EPO – calculations, hypotheses, and ideas that, unlike decision CA/D 30/07, which entered into force on 1 January 2008, are not grounded in actuarial studies. The complainant's arguments start from his statement that "[t]he complainant does not disagree with an actuarial study finding that the pension system might be under funded. This is actually what is expectable [from] how the Contracting States had enriched themselves and of by how management ran the Office. But the complainant dares to differ on how to cure the problem." This is not an allegation of any legal flaws, but, manifestly, a mere personal opinion.

13. The complainant's contention that, after decision CA/D 2/15 became effective on 1 April 2015, maintaining the invalidity allowance at a level lower than the former invalidity pension would only be to the detriment of invalid staff with no advantage for the EPO, is unfounded. The lawfulness of an administrative decision must be assessed at the time of its issuance, not in light of subsequent events. It is not the Tribunal's role to assess whether a decision, lawful when adopted, has become unfair over time and requires updating.

14. In his further arguments the complainant challenges decision CA/D 2/15 and its implementing individual decisions to the extent, inter alia, that his insurance contributions are not capped at 2.4 per cent of the basic pension.

As previously stated in consideration 3 above, any issues concerning the rate of his insurance contributions fall outside the scope of the present complaint.

In his brief, he also appears to allege that he did not benefit from the transitional measures provided by Article 72 of decision CA/D 2/15 for staff receiving an invalidity allowance, who continued to receive it until 31 December 2015, or that he was not properly informed of his eligibility for such transitional measures. The complainant also questions the calculation of his invalidity allowance in some of his payslips received from May 2015 to February 2016. However, neither in his statement of the facts, nor in his legal arguments, does he establish specific legal flaws in this respect. Thus, the Tribunal will not address these issues.

15. The complainant also challenges decision CA/D 2/15 to the extent it prohibits him from any gainful activities or employment effective 1 January 2016, i.e. starting from the end of the transitional period provided in Article 72(3) of decision CA/D 2/15.

This is the sole remaining issue concerning decision CA/D 2/15 to be addressed by the Tribunal.

The EPO dismissed the complainant's request for management review and his internal appeal on this point, deeming the claim irreceivable, and noting that:

(i) the prohibition of any gainful activities or employment is not absolute, as it can be waived by the approval of the President of the Office under Article 14 of the Service Regulations;

(ii) in any event, staff members have no acquired rights to engage in external activities; and

(iii) the complainant’s argument is purely speculative, as he neither engaged in external activities before being placed on pension for health reasons nor has he expressed an intention to do so since.

Before the Tribunal, the complainant denies that his internal appeal was irreceivable by observing that, given the absolute ban, he could not even seek or accept a job knowing that it was prohibited; consequently, he did not need to await an offer of external employment to challenge the ban and seek its removal. Therefore, the Appeals Committee erroneously stated that the general decision did not immediately affect him.

On the merits of the ban, the complainant asserts that:

(i) by this prohibition, the EPO “deliberately” denied him “inclusion, re-socialization and assuagement”, and “maliciously” forced him into “exclusion, de-socialization and aggravation of pathologies” without further review or possibility of return, which, he contends, amounts to retaliation; the EPO “massively interfere[d] with the complainant’s private li[f]e and induced unnecessary harm on him”;

(ii) if the reason for the reform introduced by decision CA/D 2/15, was cost savings, this reason does not justify the prohibition of any gainful activities or employment, as such external activities do not cause additional costs to the EPO; conversely, they could even generate additional funds for the Office;

(iii) Article 14 of the Service Regulations is not applicable to pensioners; and

(iv) prohibiting only pensioners for health reasons from any gainful activities or employment is an arbitrary act and a punishment for individuals suffering from a medical condition that precludes reintegration into the workforce.

To substantiate his arguments, the complainant also relies on a ruling by the German Federal Fiscal Court delivered on 11 November 2015, concerning the application of German income tax to invalidity pension and invalidity allowance. This judgment drew a distinction between invalidity pension – prompted by a definitive termination of the work relationship – and invalidity allowance, prompted by a

temporary non-active status. In the complainant's view, this distinction is foundational to the issue at hand, because, since receiving a pension for health reasons implies a definitive termination of the relation between staff members and the EPO, the EPO no longer has authority to interfere with their status and external activities.

16. The EPO raises a receivability issue that is twofold:

– the ban is established by a provision of a regulatory nature which, as such, cannot be challenged directly; and
– the complainant lacks a cause of action because he fails to substantiate that he was affected by the general decision, as he was not performing external activities.

17. These receivability issues have already been dismissed by the Tribunal in similar cases, specifically in Judgments 4394 and 4554. In Judgment 4394, the Tribunal held that the individual letters, which had been sent to all the employees concerned, and which had notified them of a change of status resulting from decision CA/D 2/15, could be regarded as individual decisions implementing a general decision in their regard. Therefore, those individual letters could form the basis of a request for review. In keeping with this precedent, the letter of 4 May 2015, which informed the complainant of the rules governing his invalidity status, can be regarded as an individual decision which implemented the general decision. As a result, contrary to the EPO's contention, the general decision has not been challenged directly, but, instead, together with an individual decision. Moreover, the Tribunal also recalls its case law stating that general decisions may be directly challenged if they immediately and directly affect the staff member concerned. Thus, it must be assessed if this is the case here. In this regard, in Judgments 4394, consideration 7, and 4554, consideration 4, the Tribunal recalled that there may be a cause of action even if there is no present injury: the impugned decision can cause actual injury in the future. The necessary, yet sufficient, condition of a cause of action is a reasonable presumption that the decision will bring injury. Judgments 4394 and 4554 held that, since the ban on the performance

of any gainful activities or employment by the former employees concerned changed their previous situation in a manner detrimental to their interests and had the effect of requiring them to refrain from undertaking such activities or employment in the future, the decision adversely affected them, even though the actual injury deriving from the implementation of the ban was, in their case, purely hypothetical.

Furthermore, as the ban was absolute and could not be lifted, the complainant was not in a position to request a lifting of the ban and impugn the dismissal of his request along with the general decision. In such circumstances, he did not need to await an individual decision and did have a cause of action to immediately and directly challenge decision CA/D 2/15.

18. In Judgments 4394 and 4554, the Tribunal set aside the impugned decisions and the underlying Appeals Committee’s opinions, which had summarily dismissed the appeals against the ban of any gainful activities or employment as manifestly irreceivable. The Tribunal also remitted the cases to the EPO for proper examination by the Appeals Committee of the merits of the complainants’ internal appeals, and for new final decisions.

Similarly, in the present case, the impugned decision will be set aside to the extent it failed to address the merits of the complainant’s claim against the ban on any gainful activities or employment, and the case will be remitted to the EPO for proper examination by the Appeals Committee.

19. In conclusion, the impugned decision will be set aside only insofar as it dismissed as irreceivable the complainant’s claim against the ban on any gainful activities or employment.

20. A number of the complainant’s arguments are concerned with the composition of the Appeals Committee, its proceedings, and the content of its opinion. He insists that his case be returned to the Office for new deliberations after a proper internal appeal process. Regarding the claim concerning the ban on any gainful activities or employment,

given that the case will be remitted to the EPO based on consideration 18 above, there is no need to address these pleas. As for the other claims, the Tribunal's case law holds that when complaints are judged by the Tribunal as devoid of merit – as in the present case – no useful purpose would be served by sending the case back to the Organisation in this regard (see Judgment 3890, consideration 4). Additionally, the EPO informed the Tribunal that it had paid 100 euros in moral damages to several complainants, including the present complainant, following Judgment 4550; therefore, the complainant has already been awarded compensation for the unlawful composition of the Appeals Committee (see Judgment 5082, consideration 9), and he has not demonstrated that his moral injury warrants higher compensation in this respect. In such a situation, there is no need to address the merits of the pleas concerning the composition of the Appeals Committee, or its proceedings (see Judgments 4988, consideration 12, 4799, consideration 5, and 4798, consideration 6).

21. As to the complainant's claim to be awarded moral compensation, the Tribunal considers that he has demonstrated to its satisfaction that, by unlawfully rejecting his appeal as irreceivable, the impugned decision placed him in an uncertain and stressful situation. This resulted in moral injury, the amount of which can be assessed – as in the cases of the complainants in Judgments 4394 and 4554 – at 7,000 euros.

22. The complainant seeks damages for excessive delay, in the amount of 100 euros per month, as of the initial filing and the final settlement, minus a two-year grace period and amounts already paid by the EPO. This claim is rejected. The Tribunal observes that moral damages are awarded for moral injury, and the complainant bears the burden of proving the injury and the causal link with the unlawful conduct of the defendant organization. Delay, in itself, does not entitle a complainant to moral damages (see Judgment 4859, consideration 8), unless the complainant proves the injury suffered as a consequence of the delay. In the present case, the complainant has not established to the

Tribunal's satisfaction that the moral injury he suffered is not covered by the 300 euros already awarded by the Office.

23. The complainant advances ancillary claims in his further submissions concerning the award of:

– material printing costs;
– damages for loss of enjoyment of life in the amount of 420,000 euros; and
– interest.

In addition to being irreceivable as new claims filed for the first time in his further submissions since the complainant could, and ought to, have submitted them in his complaint (see Judgments 4752, consideration 13, and 4396, consideration 7) – these claims are also unfounded in light of the outcome of the case on the main claims. They are, therefore, rejected.

24. As the complainant succeeds in part, he is entitled to costs in the sum of 1,000 euros.

DECISION

For the above reasons,

1. The impugned decision of 2 July 2020 is set aside to the extent stated in consideration 19 above.
2. The case is remitted to the EPO so that the merits of the complainant's internal appeal can be given proper consideration by the Appeals Committee and so that a new final decision can be issued thereon.
3. The EPO shall pay the complainant moral damages in the amount of 7,000 euros.
4. It shall also pay him 1,000 euros in costs.
5. All other claims are dismissed.

In witness of this judgment, adopted on 30 October 2025, Mr Michael F. Moore, President of the Tribunal, Mr Jacques Jaumotte, Judge, and Ms Rosanna De Nictolis, Judge, sign below, as do I, René M. Vargas M., Registrar.

Delivered on 10 February 2026 by video recording posted on the Tribunal's Internet page.

MICHAEL F. MOORE

JACQUES JAUMOTTE

ROSANNA DE NICTOLIS

RENÉ M. VARGAS M.