

**A. and others**

**v.**

**EPO**

**141st Session**

**Judgment No. 5202**

THE ADMINISTRATIVE TRIBUNAL,

Considering the 198 complaints filed between 27 April 2021 and 9 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;

CONSIDERATIONS

1. These complaints concern the abolition of the permanent invalidity lump sum pursuant to the adoption of decision CA/D 2/15 by the Administrative Council of the European Patent Office, the EPO's secretariat, on 26 March 2015. That decision amended several provisions of the Service Regulations for permanent employees of the Office relating to sick leave and invalidity. In particular, it amended, as of 1 April 2015, Article 84 of the Service Regulations, by abolishing the permanent invalidity lump sum that was payable in case of permanent invalidity of an employee.

2. 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.

3. In Judgment 4898, delivered on 8 July 2024, the Tribunal ruled on a complaint filed by another EPO employee who had challenged the decision to abolish the permanent invalidity lump sum. That complaint had been selected by the Tribunal to be the lead complaint in a series of cases raising the same issues. The Tribunal found that the lead complainant could invoke the unlawfulness of general decision CA/D 2/15 to contest his April 2015 payslip, which was the individual decision implementing the general decision. Indeed, the payslip showed that as of that month, he was no longer requested to pay the premium for the invalidity lump sum as he was no longer entitled to the lump sum after the general decision entered into force.

For the present purposes, the Tribunal will merely recall its main findings on the merits. In Judgment 4898, it concluded that the general decision was not procedurally flawed. It also found that the suppression of the invalidity lump sum did not infringe an acquired right, as such a lump sum could not be considered an essential term of employment which induced the complainant to accept the appointment and to stay on. The Tribunal continued by explaining that, by its nature, the payment of a lump sum in case of the invalidity of a staff member is a remote and contingent right which arises only on the rare occurrence of the permanent invalidity of an official occurring while she or he is still employed by the EPO. The triggering event underlying the payment of the lump sum is the permanent invalidity, not the fact that the complainant paid contributions. Hence, many staff members have contributed to the insurance throughout their whole career without receiving the lump sum. In addition, the Tribunal noted that in the case of such an invalidity, other benefits and emoluments were provided for.

In Judgment 5173, also delivered this day, the Tribunal dismissed an application for review of Judgment 4898.

4. Each of the complainants, who are serving or former permanent employees of the Office, filed a complaint also challenging the abolition of the permanent invalidity lump sum. The Tribunal finds that their complaints are essentially identical to the complaints dismissed in Judgment 4898 mentioned above, and that there is no reason why the Tribunal should reach a different conclusion in these proceedings than in Judgment 4898. The particular health situation of some of the complainants has, contrary to their allegations, 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 13 November 2025, Mr Patrick Frydman, Vice-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 10 February 2026 by video recording posted on the Tribunal's Internet page.

PATRICK FRYDMAN

JACQUES JAUMOTTE

CLÉMENT GASCON

RENÉ M. VARGAS M.

Annex

One hundred and ninety-eight complainants (in alphabetical order):

*Names removed.*