

Organisation internationale du Travail
Tribunal administratif

International Labour Organization
Administrative Tribunal

*Registry's translation,
the French text alone
being authoritative.*

**B., B. (No. 10), C. (No. 20),
F. (No. 27), G. (No. 5) and P. (No. 5)
v.
EPO**

142nd Session

Judgment No. 5315

THE ADMINISTRATIVE TRIBUNAL,

Considering the complaints filed by Ms I. B. (her first), Mr I. B. (his tenth), Mr T. C. (his twentieth), Mr T. F. (his twenty-seventh), Mr M. G. (his fifth) and Mr L.-U. P. (his fifth) against the European Patent Organisation (EPO) on 31 May 2024 and corrected on 5 July 2024 – the six complainants having been authorised by the President of the Tribunal to file one single legal brief –, the EPO's single reply of 11 October 2024, the complainants' rejoinder of 20 December 2024 and the EPO's surrejoinder of 2 April 2025;

Considering the information submitted by the EPO on 23 April 2026 in response to a request for further submissions from the Vice-President of the Tribunal, acting by delegation of authority from the President;

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

Having examined the written submissions and decided not to hold oral proceedings, for which none of the parties has applied;

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

The complainants, acting both in an individual capacity and also as staff representatives, challenge the refusal to provide secretarial support to the Staff Committee.

On 28 March 2014 the Administrative Council of the EPO adopted Decision CA/D 2/14, introducing the “social democracy” reform, which amended the legal framework governing social dialogue and the internal appeals procedure at the European Patent Office, the Secretariat of the Organisation, with effect from 1 April 2014. This decision – which was taken on the basis of preparatory document CA/4/14 of 10 March 2014 – amended numerous provisions of the Office’s Service Regulations, including paragraph 3 of Article 34, which, following revision, read as follows: “The President of the Office shall grant the members of the Staff Committee the resources and facilities required to exercise their functions”.

On 2 April 2014 the President of the Office adopted Circular No. 356 on resources and facilities to be granted to the Staff Committee. This circular was amended on several occasions between 2017 and 2023, mainly with regard to the time exemptions granted to staff representatives. In the version applicable at the material time, it provided that the chairman of the Central Staff Committee was to be exempted up to 100 per cent from his official duties, full members of that committee and chairmen of the Local Staff Committees up to 75 per cent, and all other Staff Committee members up to 50 per cent.

Before the social democracy reform came into force, Local Staff Committees were supported by secretarial assistants appointed on the basis of *ad hoc* decisions taken by the Office. More specifically, there were three secretaries in Munich (Germany), two in The Hague (the Netherlands), one of whom worked full-time, and one who worked part-time in Vienna (Austria). Since the adoption of Decision CA/D 2/14, the secretaries have gradually retired – the last one on 31 May 2021 – and have not been replaced.

On 24 February 2021, at a meeting with the President, the Staff Committee submitted a request for secretarial support for Local Staff Committees. On 15 March 2021, at the request of the executive head, it submitted a business case specifically requesting the internal recruitment of two administrative employees working on a 50 per cent basis, one in The Hague and the other in Munich. These administrative employees would act as a contact point between the staff representatives

on the one hand and the staff members and administration on the other. In addition, they would carry out archiving, documentation and formatting activities, and provide support for duty travel, training, logistics and project management. The Committee pointed out that the lack of administrative support restricted the work of staff representatives in terms of their time and would result in there being no single point of contact and a lack of continuity between the various Local Committees.

This request for secretarial support was discussed at a meeting held on 19 May 2021. On 17 June 2021, the President rejected it on the grounds that (1) being a central point of contact could be seen as part of the activities of the chairs or assigned to any other Staff Committee member; (2) due to the Covid-19 pandemic, duty travel had decreased significantly in favour of video-conferencing; and (3) the need for administrative support would diminish due to increased digitalisation of the work environment, and secretarial tasks could be handled by staff representatives, given the increase in the time allowed for staff representation.

On 16 and 17 September 2021 the complainants – members of the Local Staff Committees in Vienna, Berlin (Germany), Munich and The Hague, acting in their capacity of staff representatives and also in an individual capacity – submitted requests for review of the decision of 17 June 2021.

These requests were rejected on 12 November 2021.

Between 9 and 12 February 2022, the complainants lodged internal appeals against the rejection of their requests for review, citing, in particular, an abuse of power resulting from a breach of their freedom of association.

The Appeals Committee issued a single opinion on 15 February 2024, following various requests to the parties for further information or observations. It unanimously recommended that the appeals be rejected as partly irreceivable on the grounds, firstly, that the complainants had no cause of action in an individual capacity and, secondly, that their claim for the provision of administrative support could be interpreted as a request to the Committee to instruct the President to grant such support, which fell outside the Committee's

competence. Finding that the contested decision did not breach the staff representatives' freedom of association and did not stem from an abuse of power, the Committee also recommended that the appeals be rejected as unfounded. Nevertheless, referring to the ability of an internal review body to take into account considerations of fairness and advisability, the Appeals Committee encouraged the continuation of discussions between the President and the Staff Committee on the matter underlying the dispute and recommended that the Staff Committee be provided with a limited secretarial support for a certain period of time, which "would allow the Staff Committee to complete certain tasks, to upskill its own members in administrative and organisational tasks and enable a smoother transition to the new ways of working that have been introduced throughout the Organization".

By letter of 7 March 2024, the complainants were informed of the Office's decision to follow the Committee's first two recommendations. As regards the last recommendation, the Office stated that it was open to having a constructive social dialogue where necessary, but that, in view of the progressing digitalisation of the work environment, less reliance was being placed on administrative support. That is the impugned decision.

The complainants ask the Tribunal to set aside the impugned decision and to order the EPO "to draw all the necessary legal and factual consequences therefrom, including the provision of operational secretarial support [...] as promised by the [EPO]"*. They each claim moral damages in the sum of 1,500 euros as compensation for the alleged breach of their right to an effective remedy, right of due process, and right of association, as well as the symbolic payment of 1 euro to each Local Staff Committee and to the Central Staff Committee in respect of what they regard as interference in staff representation matters and a breach of the right of association. Lastly, they seek compensation of 1,000 euros each for the excessive length of the internal appeal proceedings, and an award of costs amounting to approximately 8,500 euros.

* Registry's translation.

The EPO considers that the complainants have no cause of action in an individual capacity. It further contends that the claim for the Tribunal to order the EPO to provide the requested secretarial support does not fall within the Tribunal's competence, that the claim for the symbolic payment of 1 euro was not raised at the stage of the internal appeal, and that moral damages cannot, in any event, be awarded to staff representatives acting in that capacity. The Organisation asks the Tribunal to dismiss the complaints as partly irreceivable on these grounds, and as unfounded in their entirety. It also requests that the complainants should bear all the costs they have incurred in the proceedings.

CONSIDERATIONS

1. The six complainants impugn before the Tribunal, in their capacity as members of the various Local Staff Committees – namely those in Munich, The Hague, Vienna and Berlin – and as members of staff, the decision of 7 March 2024 by which the President of the European Patent Office upheld the decision of 17 June 2021 rejecting a request for secretarial support for those committees.

This request, put forward by the Staff Committee on 24 February 2021 during a meeting with the President of the Office, and subsequently set out in more detail in a business case submitted to him on 15 March 2021, related more specifically to the assignment of two administrative secretaries on a 50 per cent basis – thus representing one full-time equivalent (FTE) – to the Local Committees in The Hague and Munich, respectively.

The purpose of the request, as formulated, was to partially restore the administrative support that these Local Committees had previously enjoyed but which had gradually been reduced because the six secretaries working for them (some of them part-time) prior to the “social democracy” reform of 2014 had not been replaced when they retired. That support has, in any case, now disappeared completely following the departure of the last of those secretaries on 31 May 2021.

2. It should be recalled that the Local Staff Committees, which perform a consultative role for staff at each of the duty stations where they have respectively been set up, form an integral part of the Staff Committee, the body responsible for representing the interests of all staff. Under Article 33(1) of the Office's Service Regulations, the Staff Committee comprises the Central Staff Committee and these various Local Committees.

It should also be pointed out that, according to the information provided by the EPO in response to a request for further submissions made by the Vice-President of the Tribunal, acting by delegation from the President, the aforementioned decision of 17 June 2021 refusing to grant secretarial support to the Local Staff Committees had in fact the effect of depriving the entire Staff Committee of that support. According to the information thus provided by the Organisation, the Central Staff Committee has no support of that kind either.

3. The six complaints, which were examined jointly, raise similar issues of fact and law and seek the same redress. They will therefore be joined to form the subject of a single judgment.

4. According to the Tribunal's case-law, the executive head of an international organisation enjoys a degree of discretion in allocating resources or facilities to a staff association, and the decisions she or he takes in this regard, including decisions to withdraw those benefits, are in principle not subject to judicial review (see, in particular, Judgments 1547, consideration 8, 911, consideration 12, and 496, consideration 34). This case law should also be applied, *mutatis mutandis*, to decisions concerning the allocation of resources to staff committees (see, for other examples where a legal regime governing staff committees was treated in the same way as that governing trade unions or staff associations, Judgments 3156, consideration 12, and 2227, consideration 7).

However, it results from this same case law that decisions taken in this area are still subject to review by the Tribunal where they might breach the right of association (see, in particular, Judgments 1547,

consideration 8, 911, consideration 12, and 496, considerations 18 to 20). The Tribunal considers – even though it will not need to rule specifically on the complainants’ plea alleging a breach of that right – that such a possibility exists in the present case, since, as will emerge from the considerations below, the allocation to the Staff Committee of the secretarial resources necessary for its smooth running affects the conditions under which the right of association is exercised.

5. Among the various pleas put forward by the complainants against the impugned decision, there is one that is decisive for the outcome of this dispute.

This is the plea alleging a breach of Article 34 of the Service Regulations, which relates to the “[f]unctions of the Staff Committee”.

6. Paragraph 3 of Article 34 of the Service Regulations, which was added by Administrative Decision CA/D 2/14 of 28 March 2014 introducing the “social democracy” reform, provides as follows:

“The President of the Office shall grant the members of the Staff Committee the resources and facilities required to exercise their functions.”

7. According to the Tribunal’s case law, it is a primary rule of interpretation of staff rules and regulations that words are to be given their obvious and ordinary meaning and must be construed objectively in their context and in keeping with their purport and purpose (see, for example, Judgments 5071, consideration 7, 4796, consideration 3, 4066, consideration 7, or 3744, consideration 8).

8. In the present case, the aforementioned provisions of Article 34(3) of the Service Regulations clearly impose on the President of the Office, as indeed the EPO acknowledges, an obligation to provide the Staff Committee with the necessary resources to enable its members to exercise their staff representation role.

The Tribunal observes that this obligation contributes to the implementation of freedom of association, to which the Office’s staff have a right expressly recognised in Article 30 of the Service Regulations and which, in accordance with its case law, is enjoyed by all

officials of international organisations (see, in particular, Judgments 4551, consideration 3, 4482, consideration 5, 4194, consideration 7, and 3414, consideration 4). The requirement for the smooth running of staff representative bodies is, in fact, a corollary of the free exercise of this right.

9. The Tribunal further considers that, contrary to what the EPO contends, the aforementioned Article 34(3) must be interpreted as imposing on the President of the Office an obligation to provide the Staff Committee with secretarial support, as needed.

Whilst Article 34(3) is silent on the actual nature of the various “resources and facilities required” that it stipulates must be granted for staff representation, it is clear from the evidence that, prior to the 2014 reform, there was an established practice – as already mentioned above – whereby secretaries were assigned by the Office to the Staff Committee and, in particular, to its Local Committees, to provide those bodies with the administrative assistance corresponding to their needs. The complainants’ assertions that this practice had been in continuous existence since the 1980s have not been effectively contested by the EPO. In this context – and leaving aside the possibility of adjusting the number of FTEs allocated for this purpose, which is a separate issue – it must be considered, in the absence of any indication to the contrary in Article 34(3), that secretarial support is indeed among the resources required for the staff representation which the authors of the text intended to cover in that paragraph.

10. This interpretation is confirmed by the statements contained in preparatory document CA/4/14 of 10 March 2014, submitted by the President of the Office to the Administrative Council with a view to the adoption of Decision CA/D 2/14 referred to above, which provides further insight into the scope of the provisions in question.

Paragraph 40 of this document read as follows:

“The new framework [governing social dialogue within the Office] will be supported by a clarification of the resources allocated to the staff representatives (e.g. time, secretariat, rooms, IT facilities, smartphones, training and travel budget, etc.), to be managed by them. The current level

of resources, which is very generous by comparison with other international organisations, will be maintained.”

(Emphasis added.)

Whilst that preparatory document was, of course, not in itself normative, and, moreover, whilst the reference it contains to maintaining the level of resources that existed prior to the 2014 reform could obviously not be taken to preclude a later alteration to the amount of those resources, should requirements change, it is nonetheless clear from the wording of that paragraph 40 that, at the time the reform was adopted, the intention was to continue to provide secretarial support to the Staff Committee.

11. In view of the resultant interpretation of Article 34(3) of the Service Regulations, the Tribunal finds it surprising that Circular No. 356 of 2 April 2014 on “[r]esources and facilities to be granted to the Staff Committee”, which sets out the applicable rules in this area on the basis of Article 34, did not provide for the allocation of secretarial resources to the Committee, either in its original version or in the various revisions made to it. However, as the complainants have not challenged the Circular as such, this observation is irrelevant to the present dispute.

12. The evidence shows that the EPO was, in fact, well aware that, notwithstanding the lack of any provision on this matter in Circular No. 356, it was incumbent upon it to provide secretarial support to the Staff Committee and, in particular, to the Local Committees.

In a letter of 15 May 2019, produced by the complainants, the Principal Director of Human Resources had written the following to the Chairman of the Central Staff Committee, in the context of discussions of a joint working group on resources and means of communication for the Staff Committee:

“As regards [the] need [expressed by staff representatives] for an external secretariat, it is proposed that each staff committee is granted one employee exempted [from other duties] up to 50 [per cent] for secretarial support, who would be regularly replaced through a shift system.”

The complainants are certainly not entitled to submit, as they seek to do in their written submissions, that this amounted to a promise by the Office to provide the Central Staff Committee and the four Local Committees with secretarial support equivalent to a total of 2.5 FTE. The sentence cited above from the letter of 15 May 2019, which was simply a counter-proposal to the Staff Committee's demands, did not constitute a formal commitment and did not, therefore, amount to a promise within the meaning of the Tribunal's case-law on this concept, as set out in particular in Judgments 3148, consideration 7, and 3005, consideration 12.

Nevertheless, the fact that the EPO proposed to allocate the posts in question to the Staff Committee serves to demonstrate, in itself, that it considered it had a duty to provide the Committee with secretarial support and, moreover, that it recognised the Committee's need in this regard which was, at the time the proposal was made, at least equivalent to the amount of work referred to. An international organisation would be failing in its duty to manage its budgetary resources diligently if it were to contemplate assigning posts to tasks for which there was no recognised need.

13. As already indicated in consideration 4, the executive head of an international organisation enjoys a degree of discretion in allocating resources to staff representative bodies. However, having regard to the terms and scope of Article 34(3) of the Service Regulations as analysed above, the Tribunal considers that the President of the Office is obliged to provide the Staff Committee with the secretarial resources necessary for its smooth running. The discretion enjoyed by the President may therefore only be exercised within the bounds of the obligation imposed upon him.

The Tribunal considers that by refusing, in the contested decision of 17 June 2021, to provide any secretarial support to the Local Staff Committees, the President of the Office breached that obligation.

14. The decision of 17 June 2021, the grounds for which are mentioned above in the account of the facts, was primarily based on the consideration that recent changes in the work environment within the Office, marked by an increase in digitalisation, meant that continued administrative support for the Staff Committee was unnecessary.

It cannot be denied that recent times have seen far-reaching changes in working practices, not only at the EPO but throughout the world, leading to a reduction in traditional administrative tasks. These changes have gained momentum since 2020 as a result of the Covid-19 pandemic, which, in particular, drove the development of remote working and led to business travel being replaced, to some extent, by video-conferencing. It is therefore entirely legitimate that the Organisation found that the Staff Committee's secretarial requirements in 2021 were not as high as they were in 2014 when it had considered maintaining the existing level of resources allocated to the Committee, or even as they were in 2019, when it had put forward the proposal for the allocation of posts referred to above. Furthermore, the level of support actually set out by the Committee in its request was less than that it had previously received.

However, it is obvious that, while the needs in question have decreased significantly, they have not been eliminated entirely. Many secretarial tasks, such as, for example, organising meetings and maintaining a calendar of events relevant to staff representatives, remain to be done. What is more, modern working practices, in turn, give rise to new tasks of this kind, such as digital archiving or organising video-conferences. The Tribunal notes that the decision of 17 June 2021 itself highlighted this, as it stated that, as a result of digitalisation, the Staff Committee's need for administrative work "should gradually diminish", which, by definition, implied that it had not disappeared.

15. It is true that, in that decision, the President of the Office had also considered that the remaining administrative tasks could be carried out by Staff Committee members themselves, which, in his view,

helped to justify the complete withdrawal of the secretarial support in question.

The Tribunal considers, however, that this ground is not relevant.

Of course, it is undeniable that modern working methods lead naturally to administrative managers carrying out for themselves tasks that they previously delegated to their secretarial staff. However, there are clearly limits on this. If secretaries had become completely redundant, logic dictates that it would have decided to abolish them generally within the Office. But it is clear from the file that although the number of staff in job group 6, who carry out this type of work, has indeed fallen as a result of a policy to that effect – many of the Office's departments and authorities do still have secretarial support.

Furthermore, the reasoning followed on this point in the contested decision implies that Staff Committee members should devote part of their working time to the administrative tasks in question, which reduces their availability accordingly and is therefore liable, in practice, to impair the actual fulfilment of their role in representing the interests of the staff. Admittedly, the EPO points out in this regard that, as a result of amendments made to Circular No. 356, some Staff Committee members were granted an increase in their time exemption from official duties, which rose from 50 per cent to 75 per cent for full members of the Central Staff Committee with effect from 1 January 2019, and for the chairmen of the Local Staff Committees, with effect from 1 January 2020. However, firstly, the Tribunal notes that these exemptions, the increase in which came after they had been halved in 2017, are still lower than those granted to the same categories of staff representatives at the time of the 2014 reform, when they stood at 100 per cent. In addition and more importantly, the time exemptions granted to members of the Staff Committee are only intended to enable them to carry out their role of representing staff interests as effectively as possible, and there is nothing to suggest that the exemptions awarded to them under Circular No. 356 exceeded the actual requirement in this regard, particularly given the gravity of the issues at stake – as evidenced, moreover, by the large number of sensitive disputes concerning the EPO brought before the Tribunal – which are associated

with industrial relations within the Office. It is therefore inadmissible that staff representatives should have to devote a substantial proportion of the time allocated to their duties to administrative tasks.

16. In rejecting the request before him, the President of the Office also based his decision of 17 June 2021 on the premise that the role of coordinating the activities of staff representatives lay, in principle, with the chairs of the Local Staff Committees themselves and could, where appropriate, be assigned to other members of those committees.

Whilst the Tribunal certainly concurs with this position, it nevertheless observes that the Staff Committee's business case submitted to the Office on 15 March 2021 did not refer to secretaries taking on this coordination role *per se* but rather to them serving as a "permanent contact point". It appears to the Tribunal that, contrary to the view taken by the President, the existence of this contact point, which would, in particular, have provided members of staff with a means of making administrative contact with the Committee at given times, would not have been without its merits.

Furthermore, the Tribunal agrees with the argument, put forward in the aforementioned business case and reiterated by the complainants in their written submissions, that a lack of permanent administrative staff is likely to have an adverse impact on the continuity of the Staff Committee's activities when members change. Admittedly, in response to this argument, the EPO submits that in 2023 it removed the limit formerly imposed by Article 35(7) of the Service Regulations on the number of terms of office that a Committee member could hold, thereby making changes in membership less frequent. However, the Tribunal considers that neither this reform, albeit welcome in this regard, nor any steps that outgoing Committee members may take to facilitate the handover to their successors, are sufficient to fully resolve this problem or eliminate the consequent risk that the quality of the representation of staff interests will be compromised.

17. Finally, there is nothing in the file to show any major budgetary constraint that would have prevented the grant of the Staff Committee's request for administrative support for the Local Committees – which, as has been stated, was for the assignment of one FTE only. While it is true that the EPO was applying its general policy of reducing the number of posts for staff in job group 6, mentioned above, there was nevertheless no requirement to refuse to allocate any secretarial resources to the staff representative bodies, as the President of the Office did in the decision of 17 June 2021.

18. It follows from the foregoing that the impugned decision of 7 March 2024, as well as the decision of 17 June 2021 and that of 12 November 2021 rejecting the requests for review of the latter, must be set aside, without there being any need to rule on the other pleas in the complaints directed against them.

It should be emphasised that, for those decisions to be set aside, it is not necessary for the Tribunal to rule on the EPO's plea of inadmissibility arguing that the complainants have no cause of action in their capacity as staff members, since they can in any event show a clear cause of action – which is not contested by the EPO – in seeking the setting aside of those decisions in their capacity as members of the Local Staff Committees, on which they also rely.

19. It is not for the Tribunal itself to determine the quantitative level of administrative secretarial resources required for the smooth running of the Staff Committee and its various constituent bodies.

The case will therefore be remitted to the EPO so that the request for the allocation of those resources to the Local Staff Committees, initially submitted on 24 February 2021 and clarified on 15 March 2021, can be re-examined by the President of the Office. It will be incumbent upon the President to rule on this request afresh, based on an assessment of the needs of the committees as at the date of his new decision, after consulting staff representatives in the appropriate manner.

The Tribunal notes that the solution it has adopted aligns, in a way, with a recommendation made by the Appeals Committee in its opinion of 15 February 2024. Whilst it is true that the Appeals Committee found – wrongly, in the light of the foregoing – that the complainants’ appeals should be rejected, it did in fact recommend, on considerations of fairness and advisability, a “continuation of discussions” between the President of the Office and the Staff Committee regarding the request for secretarial resources underlying the dispute. In this regard, with a view to the resumption of discussions on this topic that should be engendered by the present judgment, it is worth remembering that the Appeals Committee had suggested that the Staff Committee be provided with “a limited resource such as 0.5 FTE of dedicated secretarial staff, for a certain period of time”, in order to allow it “to complete certain tasks, to upskill its own members in administrative and organisational tasks and enable a smoother transition to the new ways of working that have been introduced throughout the Organization”.

20. The Tribunal considers that, given the nature of the dispute, setting aside the impugned decision is in itself sufficient, in the present case, to remedy any moral injury the complainants may have suffered as a result of that decision (see, for similar precedents, Judgments 5085, consideration 3, 4575, consideration 9, or 4551, consideration 16). The same applies, in any event, to any moral injury that may have been caused to the staff representative bodies on whose behalf the complainants are acting. The complainants’ various claims for damages based on the unlawfulness of this decision will therefore be dismissed in their entirety on this ground.

Accordingly, it is not necessary to consider the various pleas of inadmissibility raised by the EPO in respect of some of those claims. The Tribunal considers it necessary, however, to emphasise that, as the EPO rightly argues, the complainants would not in any event be entitled to damages for moral injury in so far as they are acting in their capacity as staff representatives (see, for example, Judgments 4550, consideration 20, 4230, consideration 15, or 3671, consideration 5).

21. The complainants also seek compensation “for the moral injury suffered as a result of the disproportionate and undue length of the proceedings, which left them in an unlawful situation”*. However, whilst the duration of the internal appeal proceedings in this case, namely more than two years, does indeed appear excessive, this claim is merely stated but not supported by any arguments in the complainants' written submissions. In the circumstances, the Tribunal considers that the complainants have not provided sufficiently substantiated evidence of the moral injury allegedly caused to them by this excessive delay (see, in particular, for comparable precedents, Judgments 4396, consideration 12, 4231, consideration 15, or 4147, consideration 13). Furthermore, it should be noted that the exclusion of the entitlement of staff representatives to personal financial compensation extends to moral damages resulting from the excessive length in the internal appeal proceedings (see Judgment 4575, consideration 11).

22. Nevertheless, as the complainants succeed for the main part, they are entitled to costs, the amount of which the Tribunal will set, in accordance with their request, as revised in their rejoinders, as an overall amount of 8,500 euros.

DECISION

For the above reasons,

1. The decision of the President of the European Patent Office of 7 March 2024, as well as those of 17 June 2021 and 12 November 2021, are set aside.
2. The case is remitted to the EPO for a re-examination by the President of the Office of the request made by the Staff Committee on 24 February 2021, as indicated in consideration 19 above.

* Registry's translation.

3. The Organization shall pay the complainants, collectively, costs in the amount of 8,500 euros.
4. All other claims are dismissed.

In witness of this judgment, adopted on 26 May 2026, 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 16 July 2026 by video recording posted on the Tribunal's Internet page.

(Signed)

PATRICK FRYDMAN JACQUES JAUMOTTE CLEMENT GASCON

RENÉ M. VARGAS M.