

S. (No. 6)

v.

EPO

139th Session

Judgment No. 4998

THE ADMINISTRATIVE TRIBUNAL,

Considering the sixth complaint filed by Mr D. S. against the European Patent Organisation (EPO) on 13 October 2023;

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 complainant;

CONSIDERATIONS

1. On 11 December 2014, the Administrative Council of the European Patent Office, the EPO's secretariat, adopted decision CA/D 10/14 introducing a new career system, which entered into force on 1 January 2015. The new career system substantially modified the way job categories were divided. It introduced a "single spine" structure consisting of 17 grades instead of the former three categories of jobs. Two career paths were established: a managerial path and a technical path. Employees continued to enjoy horizontal step advancement and vertical promotion to higher grades, but the underlying principle of the new career system was that progression was based on sustained performance and demonstrated competencies rather than time spent within a step or grade. The decision provided that transposition from the current to the new career system should be made taking into account

the employee's situation on 31 December 2014. It also provided that no reduction in basic salary should result from the transposition, and that the salary adjustment method in force since 1 July 2014 should apply to the new salary scales and the salary resulting from the transposition.

2. The complainant is a staff member of the EPO challenging the lack of a salary increase which would have been due to him under the former career system in place until 31 December 2014. He contends that he was adversely affected by the introduction of the new career system as it abolished his automatic step advancement as reflected in his payslips of August 2016 and August 2018. He lodged two internal appeals, that were joined by the Appeals Committee and eventually rejected by a decision of the Vice-President of Directorate-General 4 dated 18 July 2023. In that decision, his attention was drawn to Judgments 4711 and 4712, delivered in public on 7 July 2023, which confirmed the lawfulness of the abolition of the automatic step advancement under decision CA/D 10/14.

3. The Tribunal notes that the matter raised by the complainant has already been ruled upon in the abovementioned Judgments 4711 and 4712, as well as in Judgment 4710, also delivered in public on 7 July 2023. Moreover, by Judgment 4888, delivered in public on 8 July 2024, the Tribunal dismissed an application for review of Judgments 4710, 4711 and 4712, and, by Judgment 4889, also delivered on 8 July 2024, it reaffirmed the solution adopted in these three earlier judgments, thus confirming that the new rules on step advancement, enshrined in Article 48 of the Service Regulations for permanent employees of the Office, as amended by decision CA/D 10/14, are lawful. The complainant advances no new argument which would justify the Tribunal departing from these previous judgments.

4. It follows from the foregoing that the complaint must be summarily dismissed as clearly devoid of merit in accordance with the procedure provided for in Article 7 of the Rules of the Tribunal.

DECISION

For the above reasons,
The complaint is dismissed.

In witness of this judgment, adopted on 15 November 2024, Mr Patrick Frydman, President of the Tribunal, Mr Jacques Jaumotte, Judge, and Mr Clément Gascon, Judge, sign below, as do I, Mirka Dreger, Registrar.

Delivered on 6 February 2025 by video recording posted on the Tribunal's Internet page.

PATRICK FRYDMAN

JACQUES JAUMOTTE

CLÉMENT GASCON

MIRKA DREGER