

National Assembly
Pierre-Yves LE BORGNIER
Deputy for French Citizens Abroad

French Republic
Liberty – Equality – Fraternity

Mr. Emmanuel Macron
Minister of the Economy and Industry

Cologne, 18 November 2015

Re: Actions taken against representatives of the personnel of the European Patent Office

Dear Minister,

I am writing to draw your attention to the deterioration in social relations at the European Patent Office (EPO). Over the past few days, a number of EPO employees, among them active members of the EPO staff union (SUEPO) and representatives of the personnel, have been the target of actions initiated by the internal investigation unit. Witnesses who have come forward to me from a number of EPO facilities have been subjected to interrogations of unusual violence, which has left these persons in a state of shock and distress which is extremely detrimental to their well-being, involving medical treatment and leading to stoppages at work. I have received emotional messages from the persons concerned, as well as from their traumatised families and their distressed colleagues. A number of retired EPO staff have likewise approached me to inform me of their alarm and revulsion, feelings which I share. This situation is intolerable.

For close to three years I have been consistently involved with the endless issues of social conflict which have been ravaging the EPO, engaging with the staff and the executive management of the organization. I have written to you on a number of occasions, and also to your predecessors. I am well aware of the challenge posed by managing such an important organization, with the numbers of staff involved and the high stakes at issue in the field of intellectual property. Conversely, I cannot in any manner condone the fact that intimidation and management by fear have taken the place of social dialogue. The immunity from outside legal intervention of an international organization cannot be allowed to lead to policies and practices being adopted which labour tribunals would condemn forthwith in any Member State of the Council of Europe, in line with the European Convention on Human Rights and the European Social Charter.

Labour law cannot be allowed to stop at the doors of the EPO. It is the responsibility of each Member State to take due note of the crisis of governance which has led the organization into this situation, which it must be clear to all cannot be allowed to shape the future. A social audit must be conducted without further delay, by an independent authority, recognized and chosen by the Administrative Council of the EPO. It is vital that the Administrative Council and therefore the Member States exercise close control over all the policies being applied at the EPO, including the

social policy. I am expecting our country to engage with full commitment to this effect. The argument that prudence should be exercised simply because one of our compatriots is presiding over the destiny of the EPO is not pertinent. More than 1,000 French citizens work at the EPO facilities, falling under my area of responsibility. I am their deputy, and I intend to defend them.

I shall be meeting you next week in the company of other parliamentary colleagues. It is high time for France to act, side by side with other Member States, major purveyors of patents, and to make them aware of the situation. Too much time has been lost in useless discussion since the start of the conflict. The timid reservations and protests occasionally uttered have led to nothing. It is radical change in certain policies at the EPO, and therefore resolute action, which is at issue. An international organization cannot live a life divorced from, and contrary to, that of its Member States, and, likewise, divorced from and contrary to the rights of its personnel. The EPO is in need of the greatest and most urgent attention of those who created it. It is a formidable organization, which should be encouraged and maintained, and of which the staff, with their recognized skills and commitment, must be respected. I am confident in this respect that I can count on your full attention and understanding.

Yours faithfully,

Pierre-Yves Le Borgn'