

**Question for written answer E-005130/2021/rev.1
to the Council**

Rule 138

Clare Daly (The Left)

Subject: Development of a common position on reform of European Patent Office governance, in particular the system of legal protection for staff

Long-standing, serious labour disputes persist at the European Patent Office (EPO) due to, inter alia, management-imposed restrictions on fundamental rights, including the right to strike. The EPO, which is headquartered in Munich with offices in Berlin, The Hague and Vienna, is an international organisation established by the European Patent Convention (EPC), and therefore enjoys extraterritoriality and jurisdictional immunity from national courts.

The Administrative Tribunal of the International Labour Organization has jurisdiction over employment disputes, but the procedure is slow and inefficient, with decisions poorly implemented by EPO management. EPO staff living and working on EU territory therefore suffer from a de facto legal vacuum, lacking an effective, accountable system of legal protection to safeguard their rights.

Despite having observer status at the EPO, the Commission denies standing to intervene in its affairs.

1. What is the Council's position on the ongoing deprivation of staff rights at the EPO?
2. All EU Member States are EPC contracting states. Will the Council take action to develop a common position among Member States on the reform of EPO governance, in particular to promote coordinated action to provide EPO staff with an effective system of legal redress for safeguarding their labour and fundamental rights?