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Rollback of fundamental rights at the European Patent Office

Written declaration No. 596

This written declaration does not reflect the position of the Assembly; only of those members that have signed it. It will not be considered further by the Assembly.

On 17 February 2015, the Hague Court of Appeal condemned the European Patent Office (EPO), arguing that its internal dispute settlement system led to a rollback of fundamental rights enshrined in the European Convention of Human Rights and the European Social Charter. The Court considered that the EPO could not invoke its immunity when a trade union is deprived of any means to challenge violations of the personnel's rights, for want of any legal remedy before the International Labour Organisation Administrative Tribunal or via any other internal procedure.

An international organisation cannot become a place of lesser law, sheltered by its jurisdictional immunity. Restraining the right of association, reducing the right to go on strike, preventing the personnel from being entitled to collective bargaining, depriving all organisations from any effective remedy and failing to carry out a court decision are all unacceptable developments. We call on the 38 member States of the EPO, all members of the Council of Europe, to bring this situation to an end and urge the EPO's management to comply with the decision of the Hague Court of Appeal.

Signed (see overleaf)



*Signed*¹:

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CANTU SEGOVIA Eloy, Mexico
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1. ALDE: Alliance of Liberals and Democrats for Europe
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SOC: Socialist Group
UEL: Group of the Unified European Left

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Total = 82