

119th Session

Judgment No. 3462

THE ADMINISTRATIVE TRIBUNAL,

Considering the eleventh complaint filed by Mr L. P. against the European Patent Organisation (EPO) on 6 February 2013;

Considering Articles II, paragraph 5, and VII of the Statute of the Tribunal and Article 7 of its Rules;

Having examined the written submissions;

CONSIDERATIONS

1. The complainant challenges in substance the decisions to outsource sick leave registration to an outside contractor and to centralize in Munich sick leave registration for staff based in The Hague. His internal appeal against those decisions, registered under the reference RI/33/10, was examined by the Internal Appeals Committee (IAC) and finally rejected on behalf the President of the Office by a decision of 13 December 2012, which is the impugned decision. The appeal was rejected as irreceivable for lack of a cause of action insofar as it concerned the lawfulness of the tender procedure, and unfounded in its entirety. In his complaint, the complainant asks the Tribunal to quash the decision to outsource sick leave registration to an external contractor, and to quash the decision to move the sick leave registration service for staff in The Hague away from The Hague. He also claims moral damages in the amount of one euro per member of staff represented, costs and “further relief”.

2. The complainant’s representative states that there are also four applications to intervene in this case, but he has failed to provide

a power of attorney enabling him to represent the individuals concerned before the Tribunal. The power of attorney provided in the file is clearly limited to internal appeal RI/33/10. The Tribunal therefore disregards the submissions regarding the purported applications to intervene.

3. The Tribunal recently had an opportunity to clarify the conditions under which an official can challenge the decision regarding the outsourcing of certain functions. The Tribunal found that it followed from Article II, paragraph 1, of its Statute that an official may challenge before the Tribunal the outsourcing of certain tasks only to the extent that such outsourcing has a direct adverse impact on the rights conferred on the official by her/his terms of appointment (see Judgment 3376, under 3). This condition is clearly not satisfied in the present case as the complainant does not even attempt to explain how the outsourcing in question or the centralization process he challenges before the Tribunal has a direct adverse effect on him or on the rights conferred upon him by his terms of appointment.

4. Considering the above, the complaint is clearly irreceivable and must be summarily dismissed 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 14 November 2014, Mr Giuseppe Barbagallo, President of the Tribunal, Mr Michael F. Moore, Judge, and Sir Hugh A. Rawlins, Judge, sign below, as do I, Dražen Petrović, Registrar.

Delivered in public in Geneva on 11 February 2015.

GIUSEPPE BARBAGALLO

MICHAEL F. MOORE

HUGH A. RAWLINS

DRAŽEN PETROVIĆ