

C. (No. 8)

v.

EPO

123rd Session

Judgment No. 3809

THE ADMINISTRATIVE TRIBUNAL,

Considering the eighth complaint filed by Mr B. S. C. against the European Patent Organisation (EPO) on 29 February 2016;

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. On 30 June 2010 the EPO's Administrative Council adopted decision CA/D 7/10, modifying Article 83 of the Service Regulations for permanent employees of the European Patent Office. Prior to the entry into force of this decision, Article 83 relevantly provided that an employee's contribution to the Organisation's sickness insurance would not exceed 2.4 per cent of her or his basic salary. As a result of decision CA/D 7/10, this 2.4 per cent ceiling was eliminated, although Article 4 of the decision provided that the employees' contribution would be maintained at 2.4 per cent of basic salary for 2011, 2012 and 2013.

2. The complainant lodged an internal appeal against this decision. Having received the opinion of the Internal Appeals Committee, the Principal Director of Human Resources, acting by delegation of power from the President of the Office, rejected the appeal as being manifestly irreceivable. In the impugned decision a specific reference is made to Judgment 3291 of the Tribunal.

3. In his complaint, the complainant essentially argues that decision CA/D 7/10 had direct and immediate adverse effects on him and that the EPO was wrong in rejecting his appeal against that general decision. By doing this, he directly contradicts the Tribunal's specific finding that decision CA/D 7/10 is a general decision requiring further individual implementation and that it can be challenged only through impugning an individual decision (considerations 2(h) and 8 of Judgment 3291). Any change in an employee's contribution will be reflected in a salary or pension payslip which may demonstrate individual implementation.

4. The Tribunal sees no reason to depart from its finding in Judgment 3291. Furthermore, in Judgment 3628, delivered in public on 3 February 2016, the Tribunal dismissed similar complaint.

As the complaint is clearly devoid of merit, which makes it irreceivable, it will be summarily dismissed in accordance with the procedure provided for in Article 7 of the Rules of the Tribunal.

5. The Tribunal notes in passing that the complainant states that he had lodged appeals against his 2014 and 2015 individual pension payslips. Consequently, the prejudice he alleges may be addressed appropriately in those internal proceedings.

DECISION

For the above reasons,
The complaint is dismissed.

In witness of this judgment, adopted on 27 October 2016, Mr Claude Rouiller, President of the Tribunal, Mr Giuseppe Barbagallo, Vice-President, and Ms Dolores M. Hansen, Judge, sign below, as do I, Dražen Petrović, Registrar.

Delivered in public in Geneva on 8 February 2017.

CLAUDE ROUILLER

GIUSEPPE BARBAGALLO

DOLORES M. HANSEN

DRAŽEN PETROVIĆ