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2 May 1994

## **PETITION OF THE STAFF OF THE EUROPEAN PATENT OFFICE TO THE EUROPEAN PARLIAMENT, AND LETTER OF SUPPORT OF THE CERN STAFF COUNCIL**

The European Patent Office (EPO) is a European intergovernmental organisation with 17 Member States. The members of the staff number around 3800, located at four sites in Germany, Austria and the Netherlands. Recently our colleagues of the EPO<sup>1</sup> have sent the following petition to the President and Members of the European Parliament:

### **Petition to the President of the European Parliament**

I, the undersigned wish to draw the attention of the President and Honourable Members to the European Parliament to the denial by Member States of the European Union of basic civil rights to me as a European citizen/resident, employed in a European intergovernmental organisation, namely the European Patent Organisation (EPO) (see Appendix 1).

The EPO claims that, as an intergovernmental organisation, it is not bound by international conventions such as the Universal Declaration on Human Rights, the Council of Europe Convention on the Protection of Human Rights and Fundamental Freedoms, the Community Charter on the Fundamental Social Rights of Workers, the Convention concerning the Minimum Standards of Social Security and the European Code of Social Security (see Appendix 2).

Moreover, the President of the EPO has forbidden contact between the staff representation of the EPO and Members of the European Parliament (see Appendix 3) and has challenged the right of association of EPO staff (see Appendices 4 and 5).

The President has repeatedly undermined the right of consultation of the staff by failing to respect procedure, and has abused his discretionary power by ignoring the reasoned opinions of joint consultative bodies (see Appendices 6 and 7).

The only legal body to which the staff can appeal arbitrary decisions and abuses of power is the Administrative Tribunal of the International Labour Organisation. Thus they are denied access to any court of second instance and enjoy no right to an oral hearing before any legal body whatsoever (see Appendix 8, sections 2.4.2.1 and 2.4.2.2).

In December 1993 the EPO staff voted a resolution demanding amongst other things that the provisions of the European Social Charter apply to employees of the EPO and their families, and that a veritable framework of negotiation be established (see Appendix. 8). This resolution was presented to the Administrative Council of the EPO which made no positive response.

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1 any community citizen is entitled to submit a petition, either as an individual or as a member of a group. Companies, organizations or associations may also submit petitions.

I find it incongruous that it is possible for states of the European Union to create an organisation that can deprive staff of the protection of law for their rights, although these very states are bound by conventions protecting those rights.

Although the European Parliament has no jurisdiction over the EPO directly, it is the delegates from the Member States in the Administrative Council who determine policy. I petition the European Parliament to pass a resolution urging the Representatives of the Member states to acknowledge and respect the basic democratic rights of European citizens working in European organisations, in accordance with the democratic principles that form the basis of the European Union.

I ask you to accept the admissibility of this petition as it is relevant to many intergovernmental organisations in Europe. The number of these organisations is growing and I believe that it is necessary for a solution to problems of this nature to be found at this critical stage in the development of the European Union.

Our colleagues of the EPO asked us to support their action. Noting that a part of the worries expressed by them concern also the staff of other intergovernmental organisations in Europe, and in particular CERN, our Staff Council, during its last meeting, on 18 April<sup>2</sup>, unanimously approved the text of the following letter of support:

### **Letter of support**

Dear Mr. President and Members of the European Parliament,

We, the elected delegates of the Staff Association of CERN (European Organization for Nuclear Research, employing 3000 Staff Members), wish to express our support for the petition of our fellow international civil servants employed by the EPO (European Patent Office) drawing your attention to the denial to them of fundamental social rights of workers prescribed by several international conventions and the Community Charter of Fundamental Social Rights for Workers, as a consequence of the anomalous judicial position of intergovernmental organisations.

Their petition reflects the concern of our members who are employed in a similar organisation. In our case, the staff also have no right to collective negotiation with their employers, no collective right of appeal, and no appellate courts.

That the states of the European Union by their participation in our organisation signal their consent to this state of affairs and thereby deprive their citizens who are employees of this organisation of the rights enjoyed by fellow-citizens, appears incompatible with their support for social rights in general.

We therefore support the EPO employees' petition for the European Parliament to pass a resolution urging the representatives of the EPO Member States to acknowledge and respect the basic democratic rights of European citizens working in European organisations, in accordance with the democratic principles that form the basis of the European Union. We also signal our intention to continue our efforts on this matter on behalf of our own members.

Yours sincerely

Michel Borghini, President  
on behalf of Staff Council  
CERN Staff Association

This letter was sent to the President of the European Parliament at Luxembourg on 20 April. We will keep you informed of the results of these interventions.

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<sup>2</sup> see bulletin n° 18/94

## CONSEIL DU PERSONNEL

La 337e réunion du CONSEIL du PERSONNEL aura lieu:

**MARDI 10 MAI 1994, à 14h30**  
**Salle du Conseil – Bâtiment principal, 1er étage**

### ORDRE DU JOUR

1. Élection du Président de séance
2. Adoption de l'ordre du jour
3. Approbation du procès-verbal de la 335e réunion du 15 mars
4. Groupe tripartite restreint sur la rémunération et les conditions d'emploi du personnel du CERN (Walsh) — point des discussions du 5/5
5. Groupe de Sécurité générale — rapport d'activités
6. Activités du Comité exécutif: *suivi de la réunion CCP du 27/4, YORICS, élections, Rapport annuel, actions, etc.*
7. Nouveau type de contrat et de catégorie de personnel
8. Divers

Les réunions du Conseil du Personnel sont publiques et vous pouvez y assister.

## RÉSULTATS DES ÉLECTIONS À LA COMMISSION DU FONDS D'ENTRAIDE

| NOM Prénom        | Nombre<br>de voix |      |
|-------------------|-------------------|------|
| HORNY Elisabeth   | 1208              | Élue |
| BOISSON Michel    | 536               | Élu  |
| BRAND Claude      | 426               | —    |
| MAGNIER Roland    | 840               | Élu  |
| VUILLEMIN Vincent | 492               | —    |

La nouvelle composition de la Commission du Fonds d'Entraide sera publiée prochainement.

# CLUBS



## FOOTBALL

### POULE B

|        |   |      |     |
|--------|---|------|-----|
| RF     | — | PS   | 5-4 |
| OPAL   | — | CRYO | 1-2 |
| DELPHI | — | ISS  | 1-1 |

|           | J | G | N | P | Pts | p-c  |
|-----------|---|---|---|---|-----|------|
| 1. RF     | 2 | 2 | 0 | 0 | 6   | 12-6 |
| 2. ISS    | 2 | 1 | 1 | 0 | 5   | 7-1  |
| 3. DELPHI | 2 | 0 | 2 | 0 | 4   | 4-4  |
| 4. CRYO   | 2 | 1 | 0 | 1 | 4   | 4-8  |
| 5. PS     | 2 | 0 | 1 | 1 | 3   | 7-8  |
| 6. OPAL   | 2 | 0 | 0 | 2 | 2   | 1-8  |

### POULE A

|    |   |          |     |
|----|---|----------|-----|
| MT | — | DELATTRE | 1-0 |
|----|---|----------|-----|

|               | J | G | N | P | Pts | p-c  |
|---------------|---|---|---|---|-----|------|
| 1. MT         | 3 | 3 | 0 | 0 | 9   | 7-2  |
| 2. PPE        | 2 | 1 | 1 | 0 | 5   | 8-2  |
| 3. CHARLTRONS | 2 | 1 | 0 | 1 | 4   | 3-2  |
| 4. L3         | 2 | 1 | 0 | 1 | 4   | 7-8  |
| 5. DELATTRE   | 3 | 0 | 1 | 2 | 4   | 1-4  |
| 6. CN         | 2 | 0 | 0 | 2 | 2   | 5-13 |



## CRICKET

### CERN CC vs GRENOBLE CC, 1 May 1994

The day marked the debut of E. Schyns as Captain and he began well by winning the toss and deciding to bat. By the third over CERN had slumped to 8 for the loss of two wickets — a sign of early season rustiness and a pitch offering uneven bounce. Two more wickets fell on 28 including Mr. 'Big Hit' Sale for a Duck. There then followed a recovery stand of 43 between Oakes and Allen before the former was bowled for 4. Allen batted with extreme confidence before offering a 'caught and bowled' chance for a well hit 39. This then brought skipper Schyns to the wicket who, despite being almost bowled on the first ball going for a big hit, got his head down and was soon cracking the ball to all parts of the ground. His 50 was reached in very quick time to great applause from the pavilion. Schyns went on to make 58 and the declaration came at 164 for 8 setting Grenoble some two and a half hours to reach their target.

They had not reckoned with the rejuvenated and well-wintered 'El Presidente' Pattison, who proceeded to destroy their first four batsmen in four overs at a personal cost of no runs — all bowled! The Grenoble skipper Wilkinson and opener Pulford then staged a recovery putting on nearly fifty runs for the fifth wicket before Pulford was bowled by Oakes for 9. Further wickets then fell to Oakes (3 for 12) and Dean (2 for 10) as Wilkinson propped up one end, scoring selectively, before being stumped by Evans for a worthy 50. The match reached an exciting climax as two wickets were needed from the last over from Dean. Daily fell to a brilliant low-down catch at short mid-wicket by Hillier off the third delivery and then two catches were put down from the remaining balls as Grenoble hung on for the draw to close their innings at 77 runs for 9 wickets. El Presidente finished with notable bowling figures of 6-6-0-4

### SCOOP

Net practice on Thursdays at 17.45 at the SPS pitch.  
For further information about Cricket, contact:

|             |        |                         |
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