

*Registry's translation,  
the French text alone  
being authoritative.*

## **109th Session**

## **Judgment No. 2953**

THE ADMINISTRATIVE TRIBUNAL,

Considering the fifth complaint filed by Mr L. P. against the European Patent Organisation (EPO) on 14 May 2009;

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

Having examined the written submissions;

### **CONSIDERATIONS**

1. The staff of the European Patent Office, the secretariat of the EPO, were informed by Circular No. 313 of 19 December 2008 that the Administrative Council had adopted a new pension scheme in October 2008 applicable to employees joining the Office on or after 1 January 2009. The complainant, acting in his capacity as an elected staff representative, challenged the decision to implement the new scheme. He asserts, both in his internal appeal and in the complaint filed with the Tribunal, that the decision is flawed inasmuch as the independence of the external consultant whose advice had been obtained beforehand could not be guaranteed.

2. The impugned decision is one of general application and not an individual decision. The complaint is therefore manifestly irreceivable pursuant to the Tribunal's case law, according to which "a complainant cannot attack a rule of general application unless and until it is applied in a manner prejudicial to him" (see Judgments 1852, under 3, and 2822, under 6).

3. It follows that the Tribunal cannot but dismiss the complaint in accordance with the summary procedure provided for in Article 7 of its Rules.

### DECISION

For the above reasons,  
The complaint is dismissed.

In witness of this judgment, adopted on 30 April 2010, Ms Mary G. Gaudron, President of the Tribunal, Mr Claude Rouiller, Judge, and Mr Patrick Frydman, Judge, sign below, as do I, Catherine Comtet, Registrar.

Delivered in public in Geneva on 8 July 2010.

Mary G. Gaudron  
Claude Rouiller  
Patrick Frydman  
Catherine Comtet