

A. (No. 82)

v.

EPO

122nd Session

Judgment No. 3712

THE ADMINISTRATIVE TRIBUNAL,

Considering the eighty-second complaint filed by Mr P. A. against the European Patent Organisation (EPO) on 14 January 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. The complainant challenges the refusal of the EPO to provide him with the medical opinion prepared by Dr Z., one of the three members of the Medical Committee set up to deal with the complainant's case.

2. The complainant sent his request to the EPO on 17 December 2015, setting a deadline of 25 December 2015 for the Administration to comply with his request. As the Administration did not respond, he filed a complaint with the Tribunal under Article VII, paragraph 3, of the Tribunal's Statute.

3. The complainant alleges that he has seen the draft that Dr Z. had shown to him, but that he has received no final report either from Dr Z. or the Administration. The complainant produces in the file a copy of the report signed by all three members of the Medical Committee. The complainant does not refer to any rule that would have entitled him to receive a copy of an individual medical opinion, but such an opinion, even if it existed, would have represented no more than a step in the process leading to the drafting of the final report. As such, it could be challenged before the Tribunal only in the context of a complaint impugning the final administrative decision taken on the basis of that report (see Judgments 3433, consideration 9, and 2366, consideration 16).

4. The complaint is clearly irreceivable as the complainant did not allow 60 days for the EPO to respond to his request and the complaint therefore does not satisfy the requirements of Article VII, paragraph 3, of the Statute. Furthermore, the complaint is devoid of merit as his request to receive the medical opinion in question is unfounded. Consequently, the complaint 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 17 May 2016, Mr Claude Rouiller, President of the Tribunal, Mr Giuseppe Barbagallo, Vice-President, and Ms Dolores M. Hansen, Judge, sign below, as do I, Andrew Butler, Deputy Registrar.

Delivered in public in Geneva on 6 July 2016.

CLAUDE ROUILLER

GIUSEPPE BARBAGALLO

DOLORES M. HANSEN

ANDREW BUTLER