P. (No. 17), H. (No. 2) and F. (No. 3)

v.

EPO

130th Session **Judgment No. 4316**

THE ADMINISTRATIVE TRIBUNAL,

Considering the seventeenth complaint filed by Mr L. P. against the European Patent Organisation (EPO) on 1 September 2014 and corrected on 26 February 2015, the EPO's reply of 30 June, Mr P.'s rejoinder of 17 September and the EPO's surrejoinder of 18 December 2015;

Considering the second complaint filed by Mr H. H. against the EPO on 23 September 2014, the EPO's reply of 9 March 2015, corrected on 8 June, Mr H.'s rejoinder of 21 July and the EPO's surrejoinder of 5 October 2015;

Considering the third complaint filed by Mr L. F. against the EPO on 30 September 2014 and corrected on 7 November 2014, the EPO's reply of 9 March 2015, corrected on 26 March, Mr F.'s rejoinder of 2 May and the EPO's surrejoinder of 6 August 2015;

Considering the application to intervene in Mr P.'s complaint filed by Mr G. P. F. on 19 December 2019, and the EPO's comments thereon dated 13 February 2020;

Considering Articles II, paragraph 5, and VII of the Statute of the Tribunal;

Having examined the written submissions;

Considering that the facts of the cases may be summed up as follows:

The complainants challenge the introduction of fixed "bridging days" to balance the number of public holidays at the different places of employment.

The EPO has offices in Munich, Berlin (Germany), The Hague (the Netherlands) and Vienna (Austria). Staff serving in these cities benefit from the public holidays observed locally, in addition to their annual leave. However, as the number of public holidays in Austria is greater than in Germany and the Netherlands, staff serving in Vienna potentially have more non-working days than their colleagues in other duty stations, whose annual leave entitlement is the same. In order to correct this imbalance, the EPO granted staff in Munich, Berlin and The Hague additional "compensation days" which could be taken at any time, in the same way as annual leave.

This practice, which had existed for some twenty years, was abandoned in 2009. It had been observed that, whenever a public holiday fell on a Thursday, approximately 80 per cent of the staff at the duty station concerned would take leave on the following Friday in order to enjoy a long weekend. This meant that, although the EPO's premises were open on the Friday, its activity was greatly reduced – a situation which could easily be avoided if the office was simply closed and the staff obliged to take a day off. The President of the European Patent Office, the EPO's secretariat, therefore decided that, instead of granting compensation days that could be freely taken, he would create two mandatory "bridging days" on Fridays following public holidays.

This measure was announced to the staff in Circular No. 309, published on 23 September 2008, which listed the official holidays that would be observed at each place of employment in 2009. For Vienna, 13 days were designated as official holidays, all of which were public holidays in Austria. For Munich and The Hague, there were also 13 official holidays, but only 11 of these were public holidays; the remaining 2 days were bridging days, set on Friday 2 January and Friday 22 May. For Berlin, 11 days were designated as official holidays: 9 were public holidays and 2 were bridging days (set on the same dates as for Munich and The Hague). As they thus had fewer official holidays than their colleagues in the other duty stations, staff in Berlin were given two additional days which could be freely taken and which would be added to their annual leave entitlement.

A total of 263 staff members, including the complainants, filed internal appeals challenging Circular No. 309 insofar as it introduced bridging days. Many of these appeals were based on one of two models circulated by the staff representation or on a third model provided by an external lawyer. The main arguments raised were that the Office had unlawfully and without valid reasons abandoned a longstanding practice that was favourable to the staff, and that the new measures involved discrimination against part-time staff who did not normally work on Fridays, and against women in particular, who constituted the majority of part-time staff. Some staff members also alleged that, because of the particular dates that had been chosen, the bridging days involved discrimination on the basis of religion.

In view of the relatively large number of similar appeals, the Internal Appeals Committee (IAC) resorted to its test-appeal procedure. Nine volunteers, one of whom was Mr P., were selected to be test-appellants. Messrs H. and F. did not volunteer to be test-appellants. The IAC held a hearing on 9 July 2013 and issued an opinion on 12 May 2014. A majority of its members found that the introduction of the bridging days was "legally flawless" and that the change of practice was not arbitrary but objectively justified by the motive of cost savings, which was not outweighed by the interests of the staff. The majority did not consider the challenged measure to be discriminatory, and they recommended that the appeals be rejected as unfounded on the merits. The minority, however, found that the introduction of the bridging days was unlawful and not sufficiently justified, and that it involved indirect discrimination against women. The minority therefore recommended that the Office return to its former practice and that each employee be paid moral damages in the symbolic amount of 1 euro.

By a letter of 3 July 2014, the Vice-President of Directorate-General 4, acting on behalf of the President, informed the complainants that he had decided to reject the test-appeals as entirely unfounded, in accordance with the IAC majority opinion. Since they were not test-appellants, Mr H. and Mr F. were further informed that if they wished to pursue their own internal appeals they must notify the IAC accordingly within one month, and that otherwise they were entitled to file a complaint with the Tribunal. They chose the latter option and in these proceedings, like Mr P., they impugn the decision of 3 July 2014.

Mr P. asks the Tribunal to find that the introduction of Circular No. 309 was a wrongful removal of established rights on which staff had a right to rely, without adequate justification, and he claims moral damages as well as exemplary damages for delay in the proceedings.

Mr H. seeks the quashing of the impugned decision, moral damages in the amount of 2,000 euros, and costs.

Mr F. seeks the quashing of the impugned decision, material damages in the amount of 500 euros per bridging day, moral damages in the amount of 8,000 euros, and costs. He requests that all these amounts be indexed on the German inflation rate.

The EPO asks the Tribunal to dismiss the complaints as unfounded in their entirety.

CONSIDERATIONS

1. On 23 September 2008 the EPO published Circular No. 309, which introduced two mandatory "bridging days" on Fridays in 2009 (2 January and 22 May 2009) to compensate staff members of the EPO offices in Berlin, Munich and The Hague for the higher number of public holidays in Vienna (as compared with the number of holidays in Germany and the Netherlands). Prior to this Circular, the practice was to compensate the disparate number of public holidays by granting a number of compensatory non-working days to the staff from the offices with fewer public holidays, which the staff could freely choose. Each of these two mandatory bridging days followed a Thursday that was a public holiday. The change resulted in two four-day weekends for staff. The EPO had considered that, statistically, 80 per cent of staff would normally request time off on those days. Article 2 of the Circular also provided two further days off in Berlin, that the staff could freely choose, as automatically added to the annual leave for 2009. This provision aimed to compensate the smaller number (11 instead of 13) of official holidays applying in Berlin.

2. Appeals against Circular No. 309 were filed by 263 staff members within the proper timeframe. The Internal Appeals Committee (IAC) decided to handle them as a mass appeal and informed the appellants that it intended to conduct test-appeal proceedings. Nine appellants, who volunteered as test-appellants, were selected and their

appeals were registered under number RI/164/08. The complainant Mr P., serving in The Hague, was one of these test-appellants. The complainants, Mr F., serving in Berlin, and Mr H., serving in Munich, were not involved as test-appellants in the test-appeal procedure. On 19 December 2019 Mr F. applied to intervene in Mr P.'s complaint.

3. The IAC majority opinion concluded that "the introduction of the mandatory bridging days must be considered legally flawless" and recommended that the appeal be rejected as unfounded on the merits. The majority of the IAC found that "there [was] no breach of the principle of equal treatment for all three groups [part-time staff who did not work on Fridays, women who worked part-time, and non-Christian staff], since the blanket equal treatment was objectively justified against the background of the motive of cost savings". The majority of the IAC also found the measure to be proportionate as it was implemented in an appropriate and considerate manner.

4. The IAC minority opinion concluded that "the appeal must be considered as substantially well-founded, because [...] the customary arrangement until 2009 on the granting of compensatory days must be viewed as an Office practice with binding effect, and this practice may therefore not be arbitrarily deviated from, and [...] the new arrangement has led to at least indirect discrimination". The minority opinion recommended "returning to long-standing Office practice with regard to arrangements for public holidays in accordance with Article 59(2)(b) [of the Service Regulations for permanent employees of the European Patent Office], [...] payment of moral damage[s] in the symbolic amount of EUR 1 per employee and [...] that the costs of the proceedings be reimbursed upon submission of supporting documents".

5. In the present complaints, each of the three complainants impugns the 3 July 2014 decisions, taken by the Vice-President of Directorate-General 4 (VP4), by delegation of power from the President. By these decisions, their appeals were rejected as unfounded in their entirety, in accordance with the IAC majority opinion. The Vice-President rejected the minority opinion that the fixing of bridging days in 2009 amounted to an arbitrary change in practice; that the legitimate expectations of employees were breached; and that Circular No. 309

amounted to indirect discrimination against female employees and those working part-time. He considered inter alia that "[t]he Office's legitimate aim of saving costs outweighed the interests of staff in having free disposal of two additional days' holiday". In the decisions communicated to Mr F. and Mr H., who were not test-appellants, VP4 informed the complainants that their appeals were rejected in their entirety, "unless [they] request[ed] continuation of the appeal proceedings" and that "if [they] d[id] not request continuation of the appeal proceedings [they] may file a complaint with the [Tribunal] [...]". Each complainant complains about the egregious delay of the internal procedures.

6. The complainants submit that the introduction of Circular No. 309 was a wrongful eradication of a longstanding practice on which staff relied and from which they gained a significant benefit, and that no valid justification for its introduction has been brought forward. They contest the reasoning of the IAC majority opinion, stating that the Office has not produced any evidence of any cost savings. The complainants support the IAC minority opinion that Article 59(2)(b) cannot be construed as giving the President a power to determine public holidays in sovereign Member States. The complainants claim that the Office has not made any efforts to weigh the advantages to the Office against the disadvantages to staff. Mr P., sharing the IAC minority opinion, submits that part-time staff who do not work on Fridays are disproportionately affected by the 2009 fixed bridging days of 2 January and 22 May, which were Fridays, and as the majority of part-time staff is female, it amounted to indirect discrimination against women. He also claims that Circular No. 309 discriminates against persons of non-Christian faith.

7. Mr F. also complains that the specific position of the EPO office in Berlin, which shares a building with two other organizations, has been ignored, and that consequently, there were no proven savings for the EPO, considering that during the bridging days the building remained open. He also contests the IAC majority's "background assumption that the Office should align its holidays to the local ones", and suggests that it would be more proper to consider a larger organization such as the German school, "which spreads over many Länder". He points out that "in Berlin, the Catholic, Protestant, Muslim and Jewish

holidays are [taken] into account in the school to allow additional balancing free days for all the students". By contrast, "[t]he forced use of such [...] days on Fridays clearly generate[d] an imbalance in favour of the EPO Muslim community over the other religious communities". In his rejoinder, Mr F. contends that "the implementation of the test-appeal procedure at the EPO is considered deprived of any legal merit". He argues that the EPO, instead of accepting volunteers, should have identified test-cases corresponding to the largest number of appellants. Finally, Mr F. complains that his request to receive a copy of the documents covering all the arguments discussed during the internal proceedings was denied.

8. Mr H. also alleges that the IAC majority opinion was incorrect in stating that the EPO used compulsory leave on bridging days only in the years 2009-2011 and that the closure of the Office on 2 January 2009 occurred at all EPO duty stations, as that day was an ordinary working day in Vienna. Mr H. specifically contends that the President did not have the power to introduce the two mandatory bridging days. He argues that:

(a) there was no provision empowering the President to incorporate a normal working day in the list of public holidays and to impose a specific day when staff have to take annual leave, and, moreover;

(b) the President did not have the power to introduce an obligation for staff to take annual leave on specified days; and

(c) the general power given to the President by Article 10 of the European Patent Convention (EPC) cannot be read as authorizing the President to breach any obligation undertaken by the EPO towards the staff. Mr H. essentially contends that these bridging days cannot be considered official public holidays, but as compensatory days, they formed part of annual leave and as such, they could not be mandatory. Regarding the EPO's cost-saving approach, Mr H. also observes that the EPO did not "consider the costs of each of the appeal cases resulting from this decision", nor the minimal relevance of the amount of 26,000 euros that was allegedly saved in relation to its yearly budget.

9. As the complaints challenge the same normative decision, are based on similar grounds, and contain similar requests for redress,

the Tribunal finds it convenient to join them and render one judgment. The Tribunal finds the written submissions to be sufficient to reach a reasoned decision and therefore there is no need for oral hearings.

10. The Tribunal notes that, in its surrejoinder to Mr P.'s complaint, the EPO raises, for the first time, an issue regarding the complainant's partial lack of cause of action. The EPO contends that Mr P., despite his status as elected staff representative or test-appellant before the IAC, may not represent the interests of all 263 appellants before the Tribunal. The Tribunal also notes that some claims of the complainants may not refer to their personal interest or are raised for the first time in the rejoinder. The Tribunal, also considering that the internal appeal procedure was carried out through the implementation of the test-appeal procedure, finds it unnecessary to address individual issues of receivability, as the complaints are unfounded on the merits in their entirety.

11. The Tribunal shall start by examining the issue regarding the implementation of the internal test-appeal procedure. The argument raised by Mr F., that the implementation of the test-appeal procedure was deprived of any legal merit, is unfounded. Essentially, he argues that the implementation of the procedure, by accepting volunteers as test-appellants, did not guarantee that the most representative appeals would be examined by the IAC. Moreover, according to the chosen procedure, the IAC was obliged to keep confidential all the volunteers' submissions. Mr F. complains that his request to receive a copy of these submissions was denied. The Tribunal notes that Mr F. had three options: to volunteer as test-appellant; or, at the end of the internal procedure, to request a continuation of his appeal proceeding; or to file a complaint directly with the Tribunal. Moreover, regarding the denial of the requested documentation, the complainant refused to contact a test-appellant who had informed the IAC that he would be willing to send the complainant the documents from his file. The complainant refused as "this solution relie[d] on the adoption of unreliable, uncertain and unruled personal agreements between [him] and [the test-appellant]". In light of the overall normative and factual framework described above, the Tribunal is satisfied that the complainant's right of appeal was respected.

12. The complaints are unfounded. Article 10 [Management] of the EPC and Article 59 [Annual and special leave] (2)(b) of the Service Regulations, in relevant part, provide as follows:

Article 10 of the EPC

> "(1) The European Patent Office shall be managed by the President, who shall be responsible for its activities to the Administrative Council.
>
> (2) To this end, the President shall have in particular the following functions and powers:
>
> (a) he shall take all necessary steps to ensure the functioning of the European Patent Office, including the adoption of internal administrative instructions and information to the public;
>
> [...]."

Article 59 of the Service Regulations

> "(2) The President of the Office, after consulting the relevant joint committee, shall lay down:
>
> (a) the rules for granting annual leave;
>
> (b) the list of public holidays applicable to each place of employment."

The IAC minority opinion and the complainants' concomitant claims regarding the interpretation of the provisions of Article 59(2)(b) are unconvincing. According to this opinion, mentioned under consideration 6 above, "the authority [of the President] to fix days as official holidays which are not official holidays in any of the member states [...] cannot be inferred from Article 59(2)(b) [of the Service Regulations]". On the contrary, as the Service Regulations apply only to EPO staff, the Tribunal interprets the concept of "laying down public holidays" to mean "as applied to EPO staff". In other words, according to Article 59(2)(b), the President is supposed to take into account the public holidays laid down by each EPO Member State in which an EPO office is located. The President may also add other paid days off under the umbrella term "public holidays" to equalise the disparate number of public holidays in the different EPO offices in Vienna, Berlin, Munich and The Hague as she or he sees fit, considering that in this usage, "public holidays" is an administrative term for a category of paid time off, different from annual leave, which may include public holidays recognized as such by the national authorities. The wording of Article 10(2)(a) of the EPC, ("the President [...] shall take all necessary steps to ensure the functioning of the European Patent Office [...]") confers on the President a broad discretion to

adopt organizational measures. The President has the discretion to choose between different solutions based on the evaluation of the various relevant public and private interests at the time of the decision. Accordingly, the President had the power to issue the contested circular in accordance with Articles 10 of the EPC and 59(2)(b) of the Service Regulations. In so doing, the President did not breach any EPO provision nor any general principle of law.

13. The complainants contend that the existing practice of granting compensation days that could be freely taken could not be unilaterally changed by a President's Circular. The President's power was not excluded or limited, neither by a binding practice nor by a norm referred to in a higher source of law. It is relevant to note that the agreement reached between the Office and the staff representation in the September 1988 meeting of "PRESTACOM" – an informal body in which the President of the Office met with the chairpersons of the staff committee – according to which the compensation days could be freely taken, would apply in respect to 1989 only, as is documented in paragraph 4 of the minutes of the meeting. Accordingly, the 1988 agreement could not have been intended to produce a contractual effect beyond 1989, nor could it have generated a legitimate expectation or denied the President's organizational power "to take all necessary steps to ensure the functioning of the European Patent Office" in the management of the holidays of the staff. Nor did the President breach any obligation undertaken by the EPO towards the staff as alleged by Mr H. The expression quoted by Mr H. (under consideration 8(c) above) is taken from consideration 4 of Judgment 699, delivered on 14 November 1985, which states that "[t]he general power given to the President by Article 10 of the Convention cannot be read as authorising the President to break any obligation undertaken by the EPO towards the staff. In so far as the decision of 8 November 1983 ignores the limit of ten days in Article 59(2) it does not break any obligation towards the staff. The question is whether the second part of the decision, i.e. to increase the hours of the working week, is in breach of Article 55". The reasoning in Judgment 699 was that the contested circular could not contradict Article 55 of the Service Regulations according to the hierarchical principle that a lower source of law (Circular No. 121) cannot prevail over a higher source (Article 55 of the Service Regulations). In the present case, the contested circular

did not breach any higher provision of the EPO, nor, as will be clarified, any general principle.

14. The arguments according to which the provisions of Circular No. 309 violated the principle of non-discrimination, which echo the IAC minority opinion, are unfounded. Specifically, it is argued that part-time staff who do not work on Fridays were disproportionately affected by the 2009 fixed bridging days of 2 January and 22 May, which were Fridays; that, as the majority of part-time staff is female, the change amounted to indirect discrimination against them; that Circular No. 309 disadvantaged staff members with family members who were not necessarily on holiday on the bridging days; and that it discriminated against persons of non-Christian faith.

15. Regarding the part-time work, it must be recalled that, in accordance with the provisions of Article 56 of the Service Regulations, part-time work can be authorized if the President considers it to be in the interests of the Office. This norm, which underlines the prevalence of the interests of the service, represents a tool to interpret every provision concerning this kind of work. Furthermore, the statistical element, that 80 per cent of staff would normally have requested time off for those days, represented a sound reason for the change from flexible compensation days to mandatory bridging days for these Fridays following Thursday holidays. Regarding the alleged indirect discrimination against women, who are more likely to work part-time than men, the IAC minority took into consideration the judgment rendered by the European Court of Justice (ECJ) on 6 December 2007 in case C-300/06, to contend that the change introduced by Circular No. 309 had resulted in indirect discrimination. Regardless of other considerations, the case examined by the ECJ is different from the present case. According to ECJ case law, the principle of equal pay also excludes the application of provisions which maintain different treatment between men and women at work as a result of criteria not based on sex where those differences of treatment are not attributable to objective factors wholly unrelated to sex discrimination. In this case, the alleged indirect discrimination against women is not established, as the difference of treatment had been determined by objective factors, involving financial gains and administrative benefits, wholly unrelated to any kind of discrimination.

16. The argument regarding discrimination against persons of non-Christian faith is also unfounded. It is alleged that the change introduced by Circular No. 309, excluding the previous flexibility, had a detrimental effect on staff of non-Christian faith who could no longer freely choose two days to fulfil their religious obligations. Notwithstanding the fact that, as explained above, the change had been justified by the Office's interest in achieving greater efficiency in administrative and staff management, the contested change granted the same two mandatory bridging days to all staff of the EPO offices in Berlin, Munich and The Hague in compensation for the higher number of public holidays in Vienna, and no interest of religious character was taken into consideration in the choice of the two days. For the same reason, Mr F.'s argument that, because they were set on Fridays, the bridging days favoured the EPO's Muslim community, must be rejected. In the present case, the change from granting two non-working days which staff could freely choose, to two mandatory bridging days, was identical for all staff. It was unexceptionable and did not amount to discrimination that different personal situations made the application of this rule differently appreciated among the staff.

17. The Tribunal finds that, while other organizational measures could also have been envisaged to deal with the exigencies of the EPO, it is not for the Tribunal to say one is better than another. The Tribunal will not substitute its own assessment for that of the EPO. A decision taken in the exercise of this broad discretion may only be quashed for unlawfulness for breach of general principles of law, of a rule of form or procedure; or if it is unquestionably unreasonable. "It must be recalled that the Tribunal is not competent to rule on the merits of [the Organisation]'s choices in respect of its staff management, for they form part of the general employment policy that an organisation is free to pursue in accordance with its general interests" (see Judgments 3827, under 7, 3225, under 6, and 2061, under 5). As noted by the IAC majority, "[n]aturally, an Office practice that has evolved through long-standing usage need not continue to exist unaltered for all time but essentially can and may be changed, for example in order to take account of changed circumstances, provided reasonable grounds are cited in support and the change is in line with relevant legal rules and standards and general legal principles". The IAC majority correctly found that "[t]he Office has put forward the

grounds of cost savings, an admissible reason [based on the statistical element] that conforms to the requirement of every organisation to run its budget [and the staff management] efficiently".

18. The President of the Office adopted Circular No. 309 as a proper exercise of his discretionary power to adopt and implement organizational measures in the interests of the proper functioning of the Office, in accordance with Article 10 of the EPC and Article 59(2)(b) of the Service Regulations. The uncontested statistical element, according to which 80 per cent of staff would normally request time off on the two days chosen as mandatory bridging days, was an important reason in justifying the contested change announced in the Circular. Moreover, this element clearly shows that interests of the staff were weighed in addition to the cost savings. The contested decision represents a step taken to improve administrative and staff management efficiency for the Office. Accordingly, the arguments that the Office had not made any efforts to weigh the advantages to the Office against the disadvantages to staff, and that the contested change was arbitrary, are unfounded. The Office chose the bridging days to accommodate days for which a large number (80 per cent) of staff would normally request time off and which resulted in a four-day weekend for staff. None of the arguments put forward by the complainants are able to overcome the probative force of this statistical element on which the contested change introduced by the Circular was based. The fact that some staff were unhappy with the choice does not mean that the change was unlawful and that the previous rules could not be changed. The Tribunal recognizes that it is not always possible to cater to the needs of each individual employee, as the product or result of the work being done is often justifiably considered a higher priority over the individual's personal interests (see Judgment 2587, under 10). The basic idea underlying the complaints, that the only possible choice was the most favorable for the staff, is wrong as it denies the President's discretion.

19. The argument that the EPO has not put forward any evidence of cost savings is unfounded. The Tribunal shares the IAC majority opinion that it can be assumed that "certain savings were realized due to the closure of the buildings of the Office on the days concerned at three duty stations". The Tribunal notes that aside from

the obvious cost savings of having three offices closed, not operating the canteens, and having reduced security services, there is also an obvious gain in efficiency. The fact that in some cities (Munich, for example) the EPO shares its premises with other organizations does not exclude the savings and better administrative efficiency. Finally, the allegation that the EPO did not consider the cost for each of the appeal cases is based on the unacceptable assumption that the EPO does not enjoy any organizational discretion and that the aim of each decision of the EPO must be the greatest satisfaction of the staff. In conclusion, the impugned decisions were taken in the exercise of a broad discretion and the complainants have not proven that it involved any breach of general principles of law, of a rule of form or procedure, or that it was unquestionably unreasonable.

20. The complainants submit that they are entitled to compensation for the inordinate delay in the internal proceedings, from the submission of their appeals to the President in October and November 2008 to the issuing of the impugned decisions on 3 July 2014. The Tribunal accepts that the delay in the internal appeal process was excessive. However, the claims for moral damages will be rejected as the complainants have not convincingly articulated the adverse effects of the delay.

21. Regarding Mr F.'s application to intervene, the Tribunal notes that, in order to establish that his situation in fact and in law is similar to that of Mr P., he relies on the fact that, "like the complainant, [he is] personally adversely affected by the [...] 'decision' referred to in Communiqué 12 [...] and in particular the purported new Rule 4(b) as introduced into Circular 22 [...]", and his internal appeals against these decisions were dealt with by an unlawfully constituted appeals committee. Given that none of these matters is raised in Mr P.'s complaint, Mr F.'s application to intervene is irreceivable.

22. In light of the above considerations the complaints and the application to intervene must be dismissed in their entirety and no costs will be awarded.

DECISION

For the above reasons,

The complaints and the application to intervene are dismissed.

In witness of this judgment, adopted on 24 June 2020, Mr Patrick Frydman, President of the Tribunal, Mr Giuseppe Barbagallo, Judge, and Mr Michael F. Moore, Judge, sign below, as do I, Dražen Petrović, Registrar.

Delivered on 24 July 2020 by video recording posted on the Tribunal's Internet page.

PATRICK FRYDMAN

GIUSEPPE BARBAGALLO

MICHAEL F. MOORE

DRAŽEN PETROVIĆ