

The Administrative Tribunal,

Considering the complaint filed by Ms L.G. R. against the European Patent Organisation (EPO) on 29 May 2006 and corrected on 20 August 2006, the EPO's reply of 17 January 2007, the complainant's rejoinder of 29 March, the Organisation's surrejoinder of 9 July, the complainant's additional submissions of 1 October and the EPO's final observations of 17 October 2007;

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

Having examined the written submissions and decided not to order hearings, for which neither party has applied;

Considering that the facts of the case and the pleadings may be summed up as follows:

A. The complainant, a British national born in 1955, joined the European Patent Office, the secretariat of the EPO, on 1 September 2002 as an administrator, i.e. a "Change Management Co-ordinator" at grade A3 in Directorate-General 4 in The Hague (the Netherlands). Her appointment was subject to an initial probationary period of 12 months.

In November 2002 the complainant and her director met several times to discuss organisational matters and the fact that some of the complainant's colleagues had reported that she was difficult to work with. By a letter of 27 November 2002 the complainant's director informed her that, in his view, she did not meet the requirements of her post. Consequently, he asked her to look for another job outside the EPO. In the interim report on her probationary period signed by her director on 23 January 2003, the latter stated that she was not suitable for the post and recommended that her appointment should not be confirmed and that her probationary period should be terminated forthwith. In a letter of 2 April she objected to her director's appraisal as well as to the procedure followed.

On 17 July 2003 the complainant's director signed a final report on the probationary period in which he again recommended against the confirmation of her appointment.

By a letter of 24 July 2003 the Vice-President of Directorate-General 4 informed the complainant that, in accordance with the observations made by her director in the interim report, he considered that she did not meet the requirements of the job and agreed that she should not return to her post. However, noting that she was recovering from an illness, he stated that her contract would continue until the end of the probationary period on 31 August 2003 and that she was authorised to be absent from work up to that date. On 14 August the President of the Office confirmed that she would be dismissed with effect from 1 September 2003.

On 20 October 2003 the complainant filed an appeal with the President alleging that she had been wrongfully dismissed, that the EPO had failed to follow the proper procedure in drafting the reports on her probationary period and that it had failed to maintain her personal file. She asked *inter alia* to be reinstated and awarded compensation for the injury suffered. The complainant's counsel was informed by a letter of 8 December 2003 that the President had decided that, in the light of the fact that she did not meet the requirements of the post, the decision to dismiss her was justified; the matter was therefore referred to the Internal Appeals Committee.

In its opinion of 6 December 2005 the Committee unanimously recommended that the appeal be dismissed as unfounded. It recalled that the decision to terminate an appointment at the end of the probationary period is a matter of discretion for the appointing authority. It noted that before taking his decision the President had considered the interim report as well as the final report and the complainant's comments thereon. It found that the complainant's director had "plausibly explained" that the results of her work justified the termination of her probationary period and observed that the assessment of a probationer's efficiency is at the discretion of the reporting officer. The Committee further held that the complainant was given a chance to improve her performance at least up to 27 November 2002 when she was informed by her director that her performance was not satisfactory. Lastly, it considered that it was not apparent that the complainant had been harassed. By a letter of 27 February 2006, which is the impugned decision, the Director of Personnel Management and Systems informed the

complainant that the President had decided to endorse the Committee's recommendation and reject the appeal.

B. The complainant argues that her probationary period was not conducted in compliance with applicable provisions of the Service Regulations for Permanent Employees of the European Patent Office, in particular the General Guidelines on Reporting contained in Circular No. 246, according to which reports shall be balanced and shall identify the strengths and weaknesses of a staff member as well as the areas in need of improvement. She submits that the interim report on her probationary period did not cover the entire reporting period but only ten weeks and that no reference was made to her technical competence, her managerial skills or the effort and time she devoted to her work. She therefore alleges that the report was not balanced. She adds that she did not receive a proper job description, and was not given proper guidance. She also argues that the interim report was "malicious and prejudicial" as no evidence was produced concerning her alleged shortcomings. In her view, she was fully capable of performing her tasks since they were similar to those she had performed as a contractor in the Change Management team before being appointed as an administrator in September 2002. In addition, she contends that her final probationary report was unsubstantiated since her director only indicated therein that she had attended a German course and that she had not gone back to work since the issuance of the interim report. The President's decision of 14 August 2003, which refers only to the final report, is consequently unsubstantiated too. She points out that the director's reply to her comments of 2 April 2003 was not communicated to her before the President took his decision of 14 August.

The complainant alleges that the Office has failed to maintain her personal file, contrary to the requirements of Article 32 of the Service Regulations. Indeed, when she consulted it on 5 August 2003 no reference was made therein to her interim report, her final report on her probationary period or the comments made thereon.

She submits that she was denied due process. She objects to the excessive delay in the internal appeal proceedings and to the fact that the Internal Appeals Committee did not allow her to call witnesses, in reply to the evidence produced by the EPO. Moreover, the statements made by her director during the internal appeal proceedings were treated as "unquestionable truth" whereas her remarks were either dismissed or ignored. In her view, the Committee had decided from the outset to endorse any statement made on behalf of the Office. She also alleges that she was not given a proper warning regarding her performance. She adds that the Office blocked access to her computer as from February 2003; she was consequently unable to prepare her defence or perform her duties.

In addition, the complainant claims that she was harassed and subject to mobbing. She submits that her director's attempts to dismiss her and then to force her to resign were illegal. She adds that measures were taken between the end of 2002 and mid-January 2003 to isolate her; in particular, she was no longer invited to attend meetings.

She claims damages for loss of employment, in an amount equivalent to at least two years of salary and benefits. She also claims a minimum of 25,000 euros for injury to her health and additionally a minimum of 25,000 euros for defamation and "irreparable damage to professional reputation", as well as "[e]xemplary damages for failure to remedy a clear case of abuse and harassment". She asks the Tribunal to order the "[r]etractation of the allegations made, including their removal from all records", as well as the publication of such "retractation". In addition, she claims legal costs.

C. In its reply the EPO stresses that the decision to terminate an appointment at the end of the probationary period is within the President's discretion and that the Tribunal has only a limited power of review over such decisions. Citing the Tribunal's case law, it adds that the Organisation must be allowed the utmost measure of discretion in deciding whether the complainant shows not just the professional qualifications, but also the personal attributes for the particular post in which she is working. It points out that precedent has it that an opportunity to improve need not be given where there is no possibility of improvement.

The defendant asserts that the decision of 14 August 2003 was taken in conformity with Article 13(2) of the Service Regulations, which provides that not less than one month before the expiry of each period of six months within the probationary period, a report shall be made on the ability of the probationer to perform his or her duties. On the basis of that report the President of the Office decides whether to confirm or dismiss a probationer. The interim report recommending that the complainant's appointment should not be confirmed was drawn up on 23 January 2003 and the complainant submitted her comments on 2 April. The Organisation asserts that the views of both sides, i.e. the complainant and her director, were available to the President on 14 August. Moreover, the complainant had the possibility during the internal appeal proceedings to comment on the director's reply to her letter of 2 April.

The Organisation explains that Circular No. 246 does not apply to probation reports and that the assessment of a probationer's efficiency is at the discretion of the reporting officer and is subject to only limited review. In its view, the complainant's director, who was the reporting officer, "plausibly explained" that her performance and in particular her lack of communication skills warranted the termination of her appointment. That assessment was corroborated by the statements of four staff members. The EPO denies that the complainant's director lacked objectivity or abused his authority. It further asserts that it fulfilled its obligation to provide proper conditions for probation. She was informed of her shortcomings by a letter of 27 November 2002 and met with her supervisor in December 2002 and January 2003 to discuss her relations with colleagues. It therefore asserts that she was warned and even given a chance to improve her performance.

In addition, the defendant considers that the principle of adversarial proceedings was observed in the internal appeal proceedings and that the complainant was given a fair hearing. It objects to the complainant's criticisms concerning the duration of the appeal proceedings and submits that it is not to blame for the fact that the Internal Appeals Committee's opinion on her appeal lodged on 20 October 2003 was issued on 6 December 2005. In this regard, it draws attention to the fact that the complainant requested several extensions of the deadline to submit her comments on the EPO's submissions.

The Organisation rejects the allegation of harassment and considers it has fulfilled its duty of care. It indicates that the complainant's director informed her by a letter of 27 November 2002 that on the basis of her performance she did not fit the requirement of her post; in no way did he pretend that this was a letter of dismissal. In fact the complainant's director complied with the obligation to inform her as soon as possible of the assessment of her performance. It also denies that measures were taken to isolate the complainant; the measures to which she refers were only taken to remedy the negative impact of her shortcomings. With regard to her personal file, the EPO submits that since the complainant had the opportunity to consult her probation reports, the protective purpose of Article 32 of the Service Regulations was fulfilled.

D. In her rejoinder the complainant maintains that the Internal Appeals Committee's findings were "predetermined" and that it accepted "without question" the evidence produced by the defendant. She also asserts that that Committee took into account anonymous denunciations and refused to reveal the name of a witness who had provided a statement. Consequently, she could not challenge this evidence. She further claims that the witnesses heard by the Internal Appeals Committee were subject to pressure.

She reiterates that her director attempted to "force" her to resign before drafting the interim report on her probationary period. She states that before a meeting in early January 2003 she was asked to bring a letter of resignation with her; the meeting was subsequently cancelled at the request of the Staff Union and the Personnel Directorate.

E. In its surrejoinder the EPO maintains its position. Referring to the case law, it adds that the claim for "retraction of the allegations made, including their removal from all records and publication of the retraction within the EPO", is irreceivable since the Tribunal is not competent to issue such injunctions. It maintains that the Internal Appeals Committee investigated the case in accordance with Article 113(2) of the Service Regulations and contrary to the complainant's assertion, in "an objective, judicial, fair and honest manner". In that respect, it points out that the complainant did not submit comments on the statements made by witnesses before the Internal Appeals Committee and that her counsel and legal adviser decided to withdraw from the first hearing instead of taking the opportunity to question and cross-examine witnesses. It rejects as unfounded the claim that pressure was exerted on witnesses. The Organisation further points out that the complainant's tasks as administrator differed from those she performed as a contractor in the Change Management team.

F. In her additional submissions the complainant notes that the witness statement submitted by the Organisation in its surrejoinder was neither signed nor dated. She alleges that this statement, which contains "a scurrilous and malicious attack" on her character, honesty and integrity, refers to unsubstantiated supporting statements allegedly made by other staff members. She contends that the EPO has engaged in a "process of disinformation" by producing new evidence at a late stage of the proceedings.

G. In its final observations the Organisation produces a dated and signed copy of the statement made by the witness. It points out that the complainant has submitted comments concerning the statement of only one witness and rejects the assertion that she was denied the possibility of defending her case.

CONSIDERATIONS

1. On 1 September 2002 the complainant joined the EPO as an administrator, i.e. a “Change Management Co-ordinator”. Her duties involved co-ordinating and managing a group of five to six other staff members.
2. Prior to joining the EPO as an employee, the complainant worked with the Change Management team as a contractor for more than a year. The parties do not agree on the nature of her duties during this period. The complainant insists she performed the same duties while she was on contract as she did after she joined the EPO as an employee. The Organisation claims that she gradually took over management duties starting in May 2002 which culminated in her taking on her full duties in September 2002.
3. On 14 and 20 November 2002 the complainant met with her director. There is no agreement between the parties regarding the substance of their discussions. However, after the meeting of 20 November, the complainant’s duties changed. The complainant maintains she was excluded from meetings and prevented from doing her work in an effort to dismiss her. The Organisation admits that the complainant’s managerial responsibilities were cut back, but claims it was necessary to remove her from her role to ensure the proper functioning of the department.
4. The complainant and her director met again on 27 November 2002. At this meeting, he gave the complainant a letter in which he summarised the discussion of their meeting of 21 November which he characterised as “a checkpoint on the progress during [her] probation period”. In the letter, he listed the “major requirements” of the Change Management Co-ordinator’s role. He criticised the complainant’s communication style and noted her inability to deal constructively with stressful situations. In response to the complainant’s concerns regarding the stress under which she was working, due to the untenable position of having to accommodate the rigours of the change process and the technical and procedural constraints, the complainant’s director observed that her role required the capability to balance competing interests and stated that, in his opinion, the complainant found it difficult to work independently, a major requirement of the position. He concluded that in light of the above concerns, she did not fit the requirements of the post and asked her “to seek another job outside the EPO at the earliest”.
5. The complainant’s director prepared an interim report on her probationary period dated 23 January 2003 in which he stated that the complainant’s performance since the start of her probationary period demonstrated that she was not suitable to fill the role for which she was hired and that no useful purpose would be served by continuing the probationary period. He recommended the immediate termination of her probation.
6. On 24 January 2003 the Director of Personnel wrote to the complainant enclosing a copy of the interim report. He invited her to submit her comments by 7 February 2003 and indicated that a decision based on the report and her comments would be taken by the President.
7. As the complainant was on sick leave, she was given an extension of time to submit her comments, which she did on 2 April 2003. In her lengthy statement, the complainant strongly disputed the negative assertions regarding her “purported attitude problems” and criticised the interim report for not being a balanced assessment based on the facts. She noted that the report failed to address the quality and quantity of her work and misrepresented her experience, capabilities, conduct, the work she was required to do and her performance. She also observed that the appraisal effectively covered a period of three months; her direct supervisor’s absence shortly after she began her new post meant that she had to assume a large part of his duties, and the actions of her director amounted to an abuse of authority and harassment.
8. The director provided a response to the comments. However, the complainant was not made aware of the response until she was given the EPO’s position paper on 10 August 2004.
9. The complainant attended a required language course in March and April 2003. On 7 May the Director of Personnel informed her that she would not resume her duties pending a decision on her interim probationary report.
10. On 17 July the complainant’s director signed her final probationary period report. The complainant having not worked since the preparation of the interim probationary report, he simply referred to that report in response to the various issues. He maintained his earlier position that her appointment should not be confirmed. The complainant submitted comments on her final probationary report on 7 August 2003, but not before requesting a

copy of her personal file on 5 August. It did not contain a copy of documents or reference to events subsequent to her appointment.

11. By a letter of 15 August 2003 the complainant was informed of the President's decision of 14 August to dismiss her at the end of her probationary period. The attached document from the President did not provide any reasons for the dismissal stating only that the decision was taken having had regard to the final probationary report.

12. The complainant's request for administrative review was rejected in a letter of 8 December 2003, and her counsel was informed that the matter had been referred to the Internal Appeals Committee.

13. In its opinion dated 6 December 2005 the Committee recommended dismissing the appeal as unfounded. It gave detailed and lengthy reasons for its recommendation.

14. On 27 February 2006 the complainant was informed that for the reasons advanced by the EPO during the appeal proceedings and in accordance with the unanimous opinion of the Internal Appeals Committee the President had rejected her appeal.

15. The complainant contends that her dismissal was unlawful. She makes a number of allegations regarding the Office's actions during her period of probation. She alleges that her director's attempts to dismiss her, or force her to resign, were illegal and constituted harassment and mobbing; the process surrounding the interim probationary report was fundamentally flawed; the decision to dismiss her was based on a defective interim report because the final probationary report was without substance; the Office prevented her from working and from defending herself by blocking access to her computer; and it failed to maintain a proper personal file as required by the Service Regulations.

16. The Organisation submits that in reaching the decision to dismiss the complainant it fully complied with the requirements of Article 13 of the Service Regulations. In particular, the complainant's director prepared an interim report in which he explained his reasons for recommending her immediate termination, namely, her inadequate performance. As well, the complainant had an opportunity to comment on the report. The EPO takes the position that at this juncture the President could have dismissed the complainant before the end of the probationary period, pursuant to the last paragraph of Article 13(2). Instead, the decision was delayed because the complainant was on sick leave and the Organisation hoped that the matter could be resolved amicably.

17. The EPO stresses that the fact the complainant was not dismissed at that point has no bearing on the validity of the final steps taken to dismiss her. It argues that, in accordance with the regulatory requirements, a final probationary report was prepared, the complainant was given an opportunity to respond and the President, in reaching his decision, took into account both probation reports and the complainant's comments.

18. Concerning the fact that the complainant was not given a copy of her director's response to her comments on the interim report, the EPO characterises the response as merely an internal memorandum and an opportunity for him to respond to the personal accusations made in the comments. Further, the complainant had an opportunity to respond in her submissions to the Internal Appeals Committee.

19. In relation to the probationary reports, the EPO argues that the General Guidelines on Reporting contained in Circular No. 246 do not apply. It explains that staff reports prepared in compliance with the Guidelines are for the purpose of a staff member's professional development. In contrast, a probation report is an assessment of suitability for a post.

20. As to the complainant's probationary reports, the EPO submits that the assessment of a probationer's performance is discretionary in nature and subject only to limited review. It maintains that the complainant has not successfully challenged the veracity of the evidence adduced regarding her suitability for the position. Instead, she has attempted to rely on her work as an external contractor to undermine the evidence presented to the Internal Appeals Committee.

21. Regarding the complainant's assertion that she was not warned of her inadequate performance prior to her dismissal, the EPO points to the evidence of the complainant's supervisor indicating that he had had numerous discussions with the complainant between May and August 2002 – when she was a contractor – about her manner in dealing with colleagues. Further, another witness stated that while he was acting in place of her supervisor, he had spoken to the complainant about her style of work and her problems in dealing with colleagues. Also, in his

letter of 27 November 2002, the complainant's director told her in clear terms about her deficiencies. The EPO also points out that the complainant's supervisor spoke to her in December 2002 and January 2003. It states that at least until the aforementioned letter, the complainant had an opportunity to improve and prove her suitability for the post.

22. With respect to the complainant's allegation regarding her use of the Office's computers, the Organisation maintains that since the complainant was on sick leave, at language training and thereafter was no longer working for the Office, she did not need access to her computer.

23. Lastly, with regard to its failure to maintain a personal file properly, the EPO reiterates the Internal Appeals Committee's view that the protective purpose of Article 32 of the Service Regulations was fulfilled since the complainant had an opportunity to see her probationary reports. As well, the maintenance of the personal file had no bearing on the decision to dismiss the complainant.

24. Before turning to the specific arguments, it is useful to review the Service Regulations and recall certain well-established principles of the case law.

25. The provisions of the Service Regulations applicable to a probationary period are found in Article 13. It reads:

“(1) Permanent employees for whom the President of the Office is the appointing authority shall serve a probationary period. The period shall be one year for permanent employees appointed to a post in Category A and six months for employees appointed to a post in Category B or C.

(2) Not less than one month before the expiry of each period of six months within the probationary period, a report shall be made on the ability of the probationer to perform his duties and on his efficiency and conduct in the service. The report shall be communicated to the probationer, who shall have the right to submit his comments in writing. A probationer whose work has not proved adequate shall be dismissed at the end of the probationary period.

However, the President of the Office may decide, in exceptional cases, to extend the probationary period before taking a final decision. In respect of probationers in Category A, the extension may not exceed one year and in respect of probationers in other categories the extension may not exceed three months.

A report on the probationer may be made at any time during the probationary period if his work is proving obviously inadequate. The report shall be communicated to the probationer, who shall have the right to submit his comments in writing. On the basis of the report the President of the Office may decide to dismiss the probationer before the end of the probationary period.”

26. As the reason for probation is to permit an organisation to assess a probationer's suitability for a position, deference must be accorded to its assessment of the probationer's suitability and the identification of its own requirements. As stated in Judgment 1418, under 6, and recently reiterated in Judgment 2646, under 5, “a discretionary decision of this kind will only be set aside ‘if taken without authority or in breach of a rule of form or of procedure, or if based on a mistake of fact or of law, or if some essential fact was overlooked, or if clearly mistaken conclusions were drawn from the facts, or if there was abuse of authority’. It also reaffirmed that ‘where the reason for refusal of confirmation is unsatisfactory performance, [it] will not replace the organisation's assessment with its own’.”

27. The case law has it that a probationer must be warned about inadequate performance and given an opportunity to improve. In Judgment 2529, under 15, the Tribunal explained:

“The Tribunal's case law is voluminous and consistent to the effect that an organisation owes it to its employees, especially probationers, to guide them in the performance of their duties and to warn them in specific terms if they are not giving satisfaction and are in risk of dismissal.”

It recalled that in Judgment 2414 it held that:

“A staff member whose service is not considered satisfactory is entitled to be informed in a timely manner as to the unsatisfactory aspects of his or her service so that steps can be taken to remedy the situation. Moreover, he or she

is entitled to have objectives set in advance so that he or she will know the yardstick by which future performance will be assessed. These are fundamental aspects of the duty of an international organisation to act in good faith towards its staff members and to respect their dignity. That is why it was said in Judgment 2170 that an organisation must ‘conduct its affairs in a way that allows its employees to rely on the fact that [its rules] will be followed’.”

In Judgment 2529, under 16, it also stated that:

“The most that the organisation can pretend to, in the present case, is the allegation that the complainant’s immediate supervisor gave him verbal warnings and that his subordinates and peers told him that he was falling short. That is clearly not enough.”

It also recalled that in Judgment 1386 it said:

“The Administration is also at fault for not giving the complainant sufficient warning that there had been criticism of him and the success of his probation was in jeopardy. The Organisation contends that he did get several oral warnings. Yet, contrary to the requirements of due administrative process, the file contains no evidence of such warnings, or their date or substance. The Tribunal is therefore unable to assess their scope.”

28. The Organisation does not dispute that it was obliged to warn the complainant about her inadequate performance and give her an opportunity to improve. Nor does it dispute that the warnings allegedly made were not documented. Instead it relies on the statements of two staff members adduced in evidence before the Internal Appeals Committee. Turning first to the statement of her supervisor, quite apart from the fact that the discussions he had with the complainant occurred while she was an external contractor, the statement itself, understandably given her status, does not disclose any warning. In fact, he refers to these discussions as “mentoring sessions”. As to the discussions he had with the complainant after 27 November 2002, these are not relevant since the complainant’s director had already formulated the opinion that she was not suited to the position and had taken away a number of her responsibilities.

29. Similarly, in his statement the second witness does not disclose that he warned the complainant about her performance. Instead, he explains that on numerous occasions the complainant sought his help and support and that he had indicated to her that she was having difficulties in performing her duties.

30. The Tribunal finds that the evidence upon which the Organisation relies fails to establish that the complainant was warned about her inadequate performance. It follows that she was not given an opportunity to improve. To the extent that the Organisation relies on Judgments 1817 and 2028 for the argument that an opportunity to improve need not be given when there is no possibility of improvement, the Tribunal observes that those cases are distinguishable on their facts. In Judgment 1817, a written warning had been given to the probationer. In Judgment 2028, the complainant had received at least one serious oral warning and had rejected proposals that she perform extra work after having been given the warning.

31. The President’s decision of 14 August 2003 to dismiss the complainant was taken in breach of a rule of form and of procedure. That decision cannot stand nor can his subsequent decision dismissing the complainant’s appeal.

32. The complainant also alleges mobbing and harassment on the part of her director. While his actions may have been misguided and premature, the criticisms of the complainant’s performance and the withdrawal of her managerial duties in the interests of the smooth functioning of the department do not constitute harassment or mobbing on the part of her director.

33. As to the claim in relation to the personal file, there is no dispute that the file did not contain the documentation required by the Service Regulations. The Organisation takes the view that this failure to maintain the file was not material to the decision. Article 32 of the Service Regulations requires that the personal file contain: (1) all documents relating to her administrative position and all reports relating to her ability, efficiency and conduct; and (2) any comments by her on such documents and reports. Further, according to Article 32 the complainant has the right to acquaint herself with the contents of the personal file even after her service ends.

34. The failure in the present case to document and maintain the complainant’s file properly, in accordance with the Service Regulations, undermined the complainant’s ability to prosecute her internal appeal and violates the

protective purpose of Article 32.

35. As the President's decision will be set aside, a consideration of the complainant's allegations of procedural irregularities and breach of due process in the course of the internal appeal proceedings is unnecessary.

36. The complainant seeks compensation for the loss of employment amounting to at least two years' salary and benefits. Although the impugned decision must be set aside, in view of the circumstances it is not clear that even if she had been given a proper warning and an opportunity to improve her appointment would have been confirmed. However, as a result of the Organisation's actions she lost a valuable opportunity to improve and demonstrate her suitability for the position and to have her contract considered in that light. The loss of that opportunity warrants an award of material damages in the amount of 15,000 euros. Further, the Tribunal concludes that the Organisation's conduct was an affront to the complainant's dignity and caused her stress and anxiety for which she is entitled to moral damages in the amount of 10,000 euros. Although the complainant claimed damages for defamation and damage to her professional reputation, as she did not prove these damages these claims are dismissed.

37. The complainant is also entitled to costs which the Tribunal fixes at 5,000 euros.

DECISION

For the above reasons,

1. The impugned decision of the President of the Office is set aside as is his earlier decision of 14 August 2003.
2. The EPO shall pay to the complainant material damages in the amount of 15,000 euros.
3. It shall pay her moral damages in the amount of 10,000 euros.
4. It shall also pay her costs in the amount of 5,000 euros.
5. All other claims are dismissed.

In witness of this judgment, adopted on 9 November 2007, Ms Mary G. Gaudron, Vice-President of the Tribunal, Ms Dolores M. Hansen, Judge, and Mr Patrick Frydman, Judge, sign below, as do I, Catherine Comtet, Registrar.

Delivered in public in Geneva on 6 February 2008.

Mary G. Gaudron

Dolores M. Hansen

Patrick Frydman

Catherine Comtet