

2008518-0516-31-335-2016
und für Verbraucherschutz
Abt. 111 Ref. 04
17.05.2016 10:06
2 Anlagen
geheftetfachDoppel:

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Gesendet: Freitag, 13. Mai 2016 16:23
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Betreff: WG: UPC - draft Staff Regulations - ACTION REQUIRED by 20 May 2016
Anlagen: Draft-Staff Regulations_PCversion_Tracked.docx; Draft-Staff Regulations_PCversionCLEAN.DOCX

IIIB4

- I. Poststelle mdB Ausdruck der nachfolgenden email mit Anlagen
- II. GG
- III. Vorab per email
 BMI
 BMF
 BMAS
 mdBK der nachfolgenden email und der Anheimgabe einer ggf abgestimmten Stellungnahme (email bitte auch an Frau Maßenberg und Herrn Kutz) bis zum 19. 5., DS

IV. Frau Maßenberg
 mdBwV

V. WV

Irene Pakuscher

-----Ursprüngliche Nachricht-----

Von: Eileen Tottle [mailto:]

Gesendet: Freitag, 13. Mai 2016 15:36

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Betreff: UPC - draft Staff Regulations - ACTION REQUIRED by 20 May 2016

Dear HR WG Members

IIIB4
 1. BMI, BMF u. BMAS werden in Vorbereitung der HRWG um erste RV gebeten.
 2. Zola Pa 29.5

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 9516 - -31 335/2016

As discussed at this week's HR & Training Working Group I attach the draft Staff Regulations (tracked copy and clean copy).

I would be grateful if you could let me have your comments by close of business on 20 May 2016.

Your comments will be duly considered before the Preparatory Committee and if required a revised room document will be provided on the day of the next PC meeting .

Kind regards

Eileen

draft, 13.05.2016

Gelöscht: 06

DRAFT STAFF REGULATIONS OF THE UNIFIED PATENT COURT¹

TITLE I: GENERAL PROVISIONS

Article 1 Definitions:

1. For the purposes of these Regulations:

- a) "the Court" means the Unified Patent Court;
- b) "the Agreement" means the Agreement on a Unified Patent Court;
- c) "the Statute" means the Statute of the Court as set out in Annex I of the Agreement;
- d) "the EPO" means the European Patent Office;
- e) "Staff members" means all personnel employed by the Court as officials and other servants of the Court except the Judges, the Registrar and the Deputy Registrar;
- f) "the appointing authority" means the Registrar for staff members of the Court of Appeal and staff members of the Court of First Instance of the Court; the Director of the Training Centre of the Court (TC) for staff members of the TC, and the Director of the Patent Mediation and Arbitration Centre of the Court (Centre) for staff members of the Centre, the Administrative Committee for the Director of the Centre and the Director of the TC.

Gelöscht: a)

Gelöscht: b)

Gelöscht: c)

Gelöscht: d)

Gelöscht: e) [other definition(s) to be inserted here: for instance ISRP, etc.]¹

2. Words importing the masculine gender shall include all genders.

Gelöscht: the feminine

Article 2 Subject matter and scope:

1. These Regulations set the conditions of service and the rights, duties and obligations of staff members.

Gelöscht: the

Gelöscht: of the Court

2. These Regulations shall apply to staff members, appointed in accordance with these Regulations.

Gelöscht: of the Court

3. These Regulations, with the exception of Articles 3, 4, shall not apply to the administrative support staff provided by Contracting Member States under Article 37(1) of the Agreement.

Gelöscht: During the initial transitional period of seven years starting from the date of entry into force of the Agreement, the following Articles of these

4. These Regulations are without prejudice to the relevant rules of the Protocol on Privileges and Immunities of the Unified Patent Court.

Gelöscht: shall

Gelöscht: ,

[1] verschoben

Gelöscht: : Articles 3, 4, 11(2) and (3) and 16. The application of these Articles shall be

Gelöscht: Statute of that staff

¹ Art. 16(2) of the Statute: "The Administrative Committee shall establish the Staff Regulations of officials and other servants of the Court."

draft, 13.05.2016

Gelöscht: 06

Article 3 Duties:

In accordance with Article 16 of the Statute, staff members shall have the task of assisting the President of the Court of Appeal, the President of the Court of First Instance, the judges and the Registrar. They shall be responsible to the Registrar, under the authority of the President of the Court of Appeal and the President of the Court of First Instance.

Gelöscht: of Staff

Gelöscht: the

Gelöscht: of the Court

Article 4 General conduct:

1. In performing their duties staff members shall neither seek nor accept instructions from any Government or from any source outside of the Court.

Gelöscht: of staff

2. Staff members shall not engage in any activity that is incompatible with the proper discharge of their duties with the Court. The Registrar shall set specific guidelines regarding incompatible functions of staff members.

Gelöscht: of the Court

Gelöscht: can

Gelöscht: of the Court

3. Staff members shall exercise utmost discretion in regard to all matters of official business. They shall not communicate to any person any information acquired in the course of their function and which is not made public, except in the course of their duties or by authorisation by the Registrar. These obligations shall not cease upon termination of service.

Gelöscht: of the Court

4. Staff members shall uphold the highest standards of competence and integrity. The concept of integrity includes, but is not limited to: probity, impartiality, fairness, honesty and truthfulness.

Gelöscht: of the Court

5. Staff members shall not accept any gifts, honours, decorations or remuneration from a source external to the Court if such acceptance would be incompatible with the duties of the concerned staff member.

Gelöscht: Members of the staff of the Court

Gelöscht: , except if an express authorisation is granted by the Registrar and :

Gelöscht: is not

TITLE II

RECRUITMENT

Gelöscht: OF STAFF

Article 5 Appointing authority :

Staff members shall be appointed by the Court on proposal by the Registrar.

Proposal of staff members of the Centre and of the TC can be made by the Director of each centre.

Gelöscht: of the Court

Gelöscht: Mediation and Arbitration

Gelöscht: Training Centre

Gelöscht: Centre

Article 6 Recruitment and qualifications:

1. Vacancies shall be publicly advertised and shall indicate the relevant eligibility criteria and the modalities of service.

Gelöscht: as set by the Court

draft, 13.05.2016

Gelöscht: 06

2. Staff members shall be nationals of a Contracting Member State of the Agreement.

Gelöscht: [unless an exception is granted by the appointing authority].

3. They shall have a good command of at least one official language of the European Patent Office.

Article 7 Medical fitness:

Prior to appointment, a successful candidate shall submit a medical certificate that he is fit to carry out the duties of the post.

Article 8 Letter of appointment:

On appointment, staff members shall receive a letter of appointment drawn up in accordance with Annex II of these Regulations. Such letter of appointment shall contain expressly or by reference all terms and conditions of employment.

Gelöscht: of the Court

Article 9 Probation:

Staff members shall serve a six-month probationary period before being confirmed.

Gelöscht: of the Court

TITLE III:

CONDITIONS OF SERVICE, REMUNERATION AND ALLOWANCES

Article 10 Working hours and public holidays:

1. The Registry and each sub-registry shall be open to the public at least from Monday to Friday, from 09.00 until noon and from 14.00 until 16.00 local time, except during the official holidays established by the President of the Court of Appeal.

Gelöscht: normal working hours

Gelöscht: from 9

Gelöscht: 18

Gelöscht: with a lunch break

Gelöscht: one hour.

Gelöscht: 2

2. At the Centre and the TC, the working hours are set by the Directors.

3. In accordance with Art. 17(1) of the Statute, the President of the Court of Appeal shall draw up a list of official holidays of the Court.

Article 11 Full-time and part-time staff members:

1. A full-time working week shall be of 40 hours.

2. Based on the requirements for a position at the Court, the appointing authority can decide to appoint staff members on a part-time basis. This condition shall be clearly stipulated in the vacancy for the post. A part-time appointment shall be expressed as a percentage based on the regular full-time working hours [as a percentage of the 40-hour working week].

Gelöscht: .]

draft, 13.05.2016

Gelöscht: 06

3. Staff members can also be appointed on a part-time basis if they retain another employment, in so far as said employment is not incompatible with their duties at the Court.

Gelöscht: he retains an

Gelöscht: at national level

Gelöscht: his

Article 12 Overtime:

Modalities of overtime work shall be set by the Registrar.

Gelöscht: ----Seitenumbruch----

Article 13 Classification of posts and remuneration³:

1. The classification of posts and salaries of staff members are fixed in Annex I of these Regulations.

Gelöscht: the

Gelöscht: of the Court

2. Remuneration of full-time staff members shall comprise basic salary, family allowances and, if applicable, an expatriation allowance.

Gelöscht: of the Court

3. Basic salary shall be understood as the salary before deduction of internal tax.

4. Staff members with part-time status shall be entitled to a *pro rata* basic salary and, if applicable, *pro rata* allowances.

Gelöscht: of the Court

5. The modalities of the payment of remunerations shall be set by the Registrar.

Article 14 Allowances:

1. Family allowances shall comprise:
a) household allowance;
b) dependent child's allowance;
c) education allowance.

2. Staff members shall be eligible for family allowances in accordance with the criteria and amounts set in Annex VII of the European Union Staff Regulations.

Gelöscht: of the Court

3. Eligible part-time staff members shall receive family allowances on a *pro rata* basis.

Gelöscht: of the Court

Article 15 Expatriation allowance:

1. The expatriation allowance, payable up to a period of maximum 5 years to a full-time staff member, shall be equal to 16% of the total stemming from the basic salary, household allowance and dependent child allowance to which the staff member is entitled.

Gelöscht: of the Court

³ Article 12 of the Agreement: "The Administrative Committee shall set the remuneration of the President of the Court of Appeal, the President of the Court of First Instance, the judges, the Registrar, the Deputy-Registrar and the staff."

draft, 13.05.2016

Gelöscht: 06

2. The expatriation allowance shall be paid to a staff member:

- a) if he is not and has never been a national of the State where he is posted, and
- b) if during the five years ending six months before the date on which he entered the service, he did not habitually reside or carry on his main occupation in that State. For the purposes of this provision, circumstances arising from work done for another State or for an international organisation shall not be taken into account.

Gelöscht: of the Court

Gelöscht: a)

Gelöscht: b)

Article 16 Relocation allowance1. Staff members shall be entitled to an installation allowance, which equals:

- a) two months' basic salary in the case of a staff member who is entitled to the household allowance, or
- b) one month's basic salary in other cases.

2. Staff members shall receive an installation allowance upon furnishing evidence that a change in the place of residence was required in order to satisfy the requirements of this Regulation.

Article 17 Reimbursement of expenses:

1. Staff members, travelling on mission and holding an appropriate travel order shall be entitled to reimbursement of travel expenses and to daily allowance in accordance with these Regulations and in line with the rules agreed upon by the Administrative Committee.

Gelöscht: A staff of the Court

2. The reimbursement of travel expenses shall be limited to the cost of the most appropriate but economical journey between the place of employment and the place of mission

[Article 17 Promotion;

The Registrar shall set the conditions of promotion of staff of the Court.]

Gelöscht: of staff

Gelöscht: .

Article 18 Separation from service:

Service shall be terminated by:

- 1. end of term of appointment;
- 2. resignation;
- 3. dismissal by the appointing authority:
 - (a) for incompetence;
 - (b) as a result of disciplinary measures, under Article 27;
- 4. retirement; or

Gelöscht: 1

Gelöscht: 1

Gelöscht: 1

draft, 13.05.2016

Gelöscht: 06

5. death.

Gelöscht: 9

Article 19 Resignation:

1. Staff members wishing to resign shall state unequivocally in writing the intention to terminate their service.

Gelöscht: A staff of the Court who wishes

Gelöscht: his

Gelöscht: his

Gelöscht: at the Office

2. The appointing authority shall take its decision confirming the resignation within one month of receiving the letter of resignation. The appointing authority may, however, refuse to accept the resignation if disciplinary proceedings against the employee are in progress or are due to start.

3. Resignation shall take effect on the date specified by the appointing authority; that date shall not be more than three months after the date proposed by the staff member in his letter of resignation.

Article 20 Incompetence:

The appointing authority shall define procedures to identify, deal with and remedy in a timely and appropriate fashion cases of serious breach of obligations either wilfully or by gross negligence.

Gelöscht: cases of Incompetence

Article 21 Retirement:

1. Staff members shall retire automatically at the age of 65.

Gelöscht: of the Court

2. By decision of the Registrar, a staff member can remain at his function for a limited amount of time past the age of 65. Such an extension can be given only one year at a time.

TITLE IV:**LEAVE****Article 22 Annual and special leave:**

1. All full-time staff members shall accrue annual leave at the rate of 2.5 days for each calendar month of service, or any fraction thereof to the nearest half-day.

Gelöscht: of the Court

2. Part-time staff members shall be entitled to leave on a *pro rata* basis.

Gelöscht: judges

3. All arrangements as to leave shall be subject to the exigencies of service.

4. Special leave may be authorized by the Registrar in exceptional cases.

5. Annual leave may be taken in units of days or half-days.

draft, 13.05.2016

Gelöscht: 06

6. For full-time staff members, annual leave may be accumulated, provided that not more than 12 days of such leave are carried forward beyond 1 January of any year.

7. Upon end of duties, any outstanding accrued annual leave, up to a maximum of 12 days, shall be paid to the full-time staff members. Similarly, any advance annual leave outstanding upon end of duties shall be treated as indebtedness to the Court.

Article 23 Parental leave:

1. Staff members shall be entitled to up to 120 working days parental leave for every dependent child - born after the date of appointment - to be taken before the child's twelfth birthday. This entitlement shall be doubled for single parents.

Gelöscht: of the Court

2. During parental leave, staff members shall cease to be entitled to remuneration, but shall be paid a monthly allowance equal to [xxx €]. They shall continue to be entitled to the dependent child allowance and the education allowance, but shall cease to be entitled to annual leave.

[3. During parental leave, staff members shall remain member of the Court's social security scheme, if applicable. Contributions to the social security scheme shall be borne in full by the Court, calculated on the basis of the remuneration (without allowances) immediately before the parental leave.]

[4. During periods of parental leave staff members' membership of the Court's pension scheme, if applicable, shall be suspended, unless he/she asks to become a voluntary member thereof. The staff member concerned shall then pay his/her contribution to the pension scheme / contribution to the pension scheme in full, calculated on the basis of conditions immediately before the parental leave.]

Article 24 Sick leave:

1. Staff members who provide evidence of being unable to carry out their duties by reason of illness or accident shall be entitled to sick leave.

Gelöscht: of the Court

Gelöscht: provides

Gelöscht: his

Gelöscht: The staff member

[2. Sick leave shall be granted for an initial period of up to a maximum of 125 working days, either in one unbroken period or in several periods within any rolling period of 18 consecutive months.]

3. Staff members concerned shall produce a medical certificate if they are unable to carry out their duties for more than three days. Failing this, and unless failure to produce the certificate is due to reasons beyond their control, they shall not be considered entitled to sick leave.

Gelöscht: he is

Gelöscht: his

Gelöscht: his

Gelöscht: he

Article 25 Other aspects of leave:

draft, 13.05.2016

Gelöscht: 06

Annual leave shall accrue during parental leave, certified sick leave, special leave of 20 working days or less. It shall not accrue during special leave of more than 20 working days.

The Registrar shall enact provisions implementing Articles 22 to 24 of these Regulations.

Gelöscht: ---- Seitenumbruch ----

TITLE V:
SOCIAL SECURITY BENEFITS

Article 26 Social security: conditions to be set based on input from the ISRP

TITLE VI:
DISCIPLINARY MEASURES AND APPEALS

Article 27 Disciplinary measures:

1. If staff members do not respect the obligations arising from their employment at the Court, the Registrar, after hearing the person concerned, may formally in writing put the person on notice of such failure. If the person continues not to fully respect his obligations, the Registrar may decide on further disciplinary measures.

Gelöscht: The Registrar may impose disciplinary measures on staff member who does not comply with these Regulations.

2. Disciplinary measures shall take one of the following forms:

- a) written warning;
- b) reprimand;
- c) reduction of salary or of pension;
- d) removal.

Gelöscht: from office

Gelöscht: ¶
3. The Registrar may summarily dismiss a staff of the Court for serious misconduct. ¶

Article 28 Internal Appeal Board:

1. An Internal Appeal Board shall be established at the Court of Appeal. The Internal Appeal Board shall adopt its rules of procedure.

[1] nach oben: ¶
4.

2. The Internal Appeal Board shall consist of a chairman and four members. The chairman shall be the President of the Court of Appeal. A member shall be designated by the Presidium from among the judges of the Court of Appeal, one member shall be designated by the Presidium from among the judges of the Court of First Instance and two members shall be designated by the Presidium from among the staff members.

Gelöscht: A disciplinary board with staff participation shall be established by the Court for the purposes of resolving any issues concerning disciplinary measures. ¶

Gelöscht: five

Gelöscht: In case the complaint concerns the decision of the President of the Court of Appeal he shall be excluded from the appeal proceedings and the chairman shall be the President of the Court of First Instance.

Gelöscht: of the Court

3. The Internal Appeal Board shall be bound to secrecy.

4. The chairman and members of the Internal Appeal Board shall be completely independent in the performance of their duties. They shall neither seek nor accept any instructions.

draft, 13.05.2016

Gelöscht: 06

5. The chairman and the members of the Internal Appeal Board shall not take part in appeal proceedings in which they have a potential conflict of interest. In case of such conflict of interest, the Presidium shall provide for the replacement of the member concerned.

Article 29 Complaints to the Internal Appeal Board:

1. Any staff member, as defined under article 1(f) of these Regulations, in relation to his employment at the Court, may submit to the Internal Appeal Board a complaint against an act affecting him adversely - either by a decision taken or by failure to adopting a measure. The complaint must be lodged within one month running from the date of notification of the decision to the person concerned or from the date of expiry of the period prescribed for reply.

2. The Internal Appeal Board shall notify the person concerned of its reasoned decision within three months from the date on which the complaint was lodged.

TITLE VI: FINAL PROVISION

Article 30 Entry into force:

These Staff Regulations shall enter into force upon the entry into force of the Agreement on a Unified Patent Court.

Gelöscht: person to whom

Gelöscht: Staff

Gelöscht: apply may submit to the Internal Appeal Board a request that it take a decision relating to him. The Internal Appeal Board shall notify the person concerned of its reasoned decision within three months from the date on which the request was made. If

Gelöscht: end of that period no reply to the request has been received, this shall be deemed to constitute an implied decision rejecting it, against which a complaint may be lodged in accordance with the following paragraph. ¶

2. Any person to whom these Staff Regulations apply

Gelöscht: .

Gelöscht: where said authority has

Gelöscht: a decision

Gelöscht: where it has failed

Gelöscht: adopt

Gelöscht: prescribed by the Staff Regulations

Gelöscht: 3

Gelöscht: If at the end of that period no reply to the complaint has been received, this shall be deemed to constitute an implied decision rejecting it.

Gelöscht: ¶

draft, 13.05.2016

Gelöscht: 06

ANNEX I**TYPES OF POST IN EACH FUNCTION GROUP AND REMUNERATION**

Kommentar [S1]: tbd

1. Function group__

Senior administrators	
Facility managers	
Carrying out managerial, conceptual, financial, decision-making and linguistic tasks requiring a high degree of autonomy	

Gelöscht: Administrators

2. Function group__

Assistants	
Carrying out administrative, technical or training services requiring of high degree of autonomy, and carrying significant responsibilities in terms of staff management, budget implementation	
Secretaries and clerks	
Carrying out clerical and secretarial tasks, office management and other equivalent tasks requiring a certain degree of autonomy	

draft, 13.05.2016

Gelöscht: 06

ANNEX II: LETTER OF APPOINTMENT**1. The letter of appointment shall state:**

- that the appointment is subject to the provisions of these Regulations;
- the nature of the appointment;
- the date at which the staff member is required to enter into function;
- the period of appointment, the notice required to terminate it and the period of probation if any;
- the salary and any applicable allowances;
- any special conditions which may be applicable.

Gelöscht: of the Court

2. A copy of these Regulations.

DRAFT STAFF REGULATIONS OF THE UNIFIED PATENT COURT¹

TITLE I: **GENERAL PROVISIONS**

Article 1 Definitions:

1. For the purposes of these Regulations:
 - a) "the Court" means the Unified Patent Court;
 - b) "the Agreement" means the Agreement on a Unified Patent Court;
 - c) "the Statute" means the Statute of the Court as set out in Annex I of the Agreement;
 - d) "the EPO" means the European Patent Office;
 - e) "Staff members" means all personnel employed by the Court as officials and other servants of the Court except the Judges, the Registrar and the Deputy Registrar;
 - f) "the appointing authority" means the Registrar for staff members of the Court of Appeal and staff members of the Court of First Instance of the Court; the Director of the Training Centre of the Court (TC) for staff members of the TC, and the Director of the Patent Mediation and Arbitration Centre of the Court (Centre) for staff members of the Centre, the Administrative Committee for the Director of the Centre and the Director of the TC.
2. Words importing the masculine gender shall include all genders.

Article 2 Subject matter and scope:

1. These Regulations set the conditions of service and the rights, duties and obligations of staff members.
2. These Regulations shall apply to staff members, appointed in accordance with these Regulations.
3. These Regulations, with the exception of Articles 3, 4, shall not apply to the administrative support staff provided by Contracting Member States under Article 37(1) of the Agreement.
4. These Regulations are without prejudice to the relevant rules of the Protocol on Privileges and Immunities of the Unified Patent Court.

¹ Art. 16(2) of the Statute: "The Administrative Committee shall establish the Staff Regulations of officials and other servants of the Court."

draft, 13.05.2016

Article 3 Duties:

In accordance with Article 16 of the Statute, staff members shall have the task of assisting the President of the Court of Appeal, the President of the Court of First Instance, the judges and the Registrar. They shall be responsible to the Registrar, under the authority of the President of the Court of Appeal and the President of the Court of First Instance.

Article 4 General conduct:

1. In performing their duties staff members shall neither seek nor accept instructions from any Government or from any source outside of the Court.

2. Staff members shall not engage in any activity that is incompatible with the proper discharge of their duties with the Court. The Registrar shall set specific guidelines regarding incompatible functions of staff members.

3. Staff members shall exercise utmost discretion in regard to all matters of official business. They shall not communicate to any person any information acquired in the course of their function and which is not made public, except in the course of their duties or by authorisation by the Registrar. These obligations shall not cease upon termination of service.

4. Staff members shall uphold the highest standards of competence and integrity. The concept of integrity includes, but is not limited to: probity, impartiality, fairness, honesty and truthfulness.

5. Staff members shall not accept any gifts, honours, decorations or remuneration from a source external to the Court if such acceptance would be incompatible with the duties of the concerned staff member.

TITLE II**RECRUITMENT****Article 5 Appointing authority :**

Staff members shall be appointed by the Court on proposal by the Registrar. Proposal of staff members of the Centre and of the TC can be made by the Director of each centre.

Article 6 Recruitment and qualifications:

1. Vacancies shall be publicly advertised and shall indicate the relevant eligibility criteria and the modalities of service.

2. Staff members shall be nationals of a Contracting Member State of the Agreement.

draft, 13.05.2016

3. They shall have a good command of at least one official language of the European Patent Office.

Article 7 Medical fitness:

Prior to appointment, a successful candidate shall submit a medical certificate that he is fit to carry out the duties of the post.

Article 8 Letter of appointment:

On appointment, staff members shall receive a letter of appointment drawn up in accordance with Annex II of these Regulations. Such letter of appointment shall contain expressly or by reference all terms and conditions of employment.

Article 9 Probation:

Staff members shall serve a six-month probationary period before being confirmed.

TITLE III:

CONDITIONS OF SERVICE, REMUNERATION AND ALLOWANCES

Article 10 Working hours and public holidays:

1. The Registry and each sub-registry shall be open to the public at least from Monday to Friday, from 09.00 until noon and from 14.00 until 16.00 local time, except during the official holidays established by the President of the Court of Appeal.
2. At the Centre and the TC, the working hours are set by the Directors.
3. In accordance with Art. 17(1) of the Statute, the President of the Court of Appeal shall draw up a list of official holidays of the Court.

Article 11 Full-time and part-time staff members:

1. A full-time working week shall be of 40 hours.
2. Based on the requirements for a position at the Court, the appointing authority can decide to appoint staff members on a part-time basis. This condition shall be clearly stipulated in the vacancy for the post. A part-time appointment shall be expressed as a percentage based on the regular full-time working hours [as a percentage of the 40-hour working week].

draft, 13.05.2016

3. Staff members can also be appointed on a part-time basis if they retain another employment, in so far as said employment is not incompatible with their duties at the Court.

Article 12 Overtime:

Modalities of overtime work shall be set by the Registrar.

Article 13 Classification of posts and remuneration²:

1. The classification of posts and salaries of staff members are fixed in Annex I of these Regulations.
2. Remuneration of full-time staff members shall comprise basic salary, family allowances and, if applicable, an expatriation allowance.
3. Basic salary shall be understood as the salary before deduction of internal tax.
4. Staff members with part-time status shall be entitled to a *pro rata* basic salary and, if applicable, *pro rata* allowances.
5. The modalities of the payment of remunerations shall be set by the Registrar.

Article 14 Allowances:

1. Family allowances shall comprise:
 - a) household allowance;
 - b) dependent child's allowance;
 - c) education allowance.
2. Staff members shall be eligible for family allowances in accordance with the criteria and amounts set in Annex VII of the European Union Staff Regulations.
3. Eligible part-time staff members shall receive family allowances on a *pro rata* basis.

Article 15 Expatriation allowance:

1. The expatriation allowance, payable up to a period of maximum 5 years to a full-time staff member, shall be equal to 16% of the total stemming from the basic salary, household allowance and dependent child allowance to which the staff member is entitled.

² Article 12 of the Agreement: "The Administrative Committee shall set the remuneration of the President of the Court of Appeal, the President of the Court of First Instance, the judges, the Registrar, the Deputy-Registrar and the staff."

draft, 13.05.2016

2. The expatriation allowance shall be paid to a staff member:
 - a) if he is not and has never been a national of the State where he is posted, and
 - b) if during the five years ending six months before the date on which he entered the service, he did not habitually reside or carry on his main occupation in that State. For the purposes of this provision, circumstances arising from work done for another State or for an international organisation shall not be taken into account.

Article 16 Relocation allowance

1. Staff members shall be entitled to an installation allowance, which equals:
 - a) two months' basic salary in the case of a staff member who is entitled to the household allowance, or
 - b) one month's basic salary in other cases.
2. Staff members shall receive an installation allowance upon furnishing evidence that a change in the place of residence was required in order to satisfy the requirements of this Regulation.

Article 17 Reimbursement of expenses:

1. Staff members, travelling on mission and holding an appropriate travel order shall be entitled to reimbursement of travel expenses and to daily allowance in accordance with these Regulations and in line with the rules agreed upon by the Administrative Committee.
2. The reimbursement of travel expenses shall be limited to the cost of the most appropriate but economical journey between the place of employment and the place of mission

[Article 17 Promotion:

The Registrar shall set the conditions of promotion of staff of the Court.]

Article 18 Separation from service:

Service shall be terminated by:

1. end of term of appointment;
2. resignation;
3. dismissal by the appointing authority:
 - (a) for incompetence;
 - (b) as a result of disciplinary measures, under Article 27;
4. retirement; or
5. death.

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Article 19 Resignation:

1. Staff members wishing to resign shall state unequivocally in writing the intention to terminate their service.
2. The appointing authority shall take its decision confirming the resignation within one month of receiving the letter of resignation. The appointing authority may, however, refuse to accept the resignation if disciplinary proceedings against the employee are in progress or are due to start.
3. Resignation shall take effect on the date specified by the appointing authority; that date shall not be more than three months after the date proposed by the staff member in his letter of resignation.

Article 20 Incompetence:

The appointing authority shall define procedures to identify, deal with and remedy in a timely and appropriate fashion cases of serious breach of obligations either wilfully or by gross negligence.

Article 21 Retirement:

1. Staff members shall retire automatically at the age of 65.
2. By decision of the Registrar, a staff member can remain at his function for a limited amount of time past the age of 65. Such an extension can be given only one year at a time.

TITLE IV:**LEAVE****Article 22 Annual and special leave:**

1. All full-time staff members shall accrue annual leave at the rate of 2.5 days for each calendar month of service, or any fraction thereof to the nearest half-day.
2. Part-time staff members shall be entitled to leave on a *pro rata* basis.
3. All arrangements as to leave shall be subject to the exigencies of service.
4. Special leave may be authorized by the Registrar in exceptional cases.
5. Annual leave may be taken in units of days or half-days.
6. For full-time staff members, annual leave may be accumulated, provided that not more than 12 days of such leave are carried forward beyond 1 January of any year.

draft, 13.05.2016

7. Upon end of duties, any outstanding accrued annual leave, up to a maximum of 12 days, shall be paid to the full-time staff members. Similarly, any advance annual leave outstanding upon end of duties shall be treated as indebtedness to the Court.

Article 23 Parental leave:

1. Staff members shall be entitled to up to 120 working days parental leave for every dependent child - born after the date of appointment - to be taken before the child's twelfth birthday. This entitlement shall be doubled for single parents.

2. During parental leave, staff members shall cease to be entitled to remuneration, but shall be paid a monthly allowance equal to [xxx €]. They shall continue to be entitled to the dependent child allowance and the education allowance, but shall cease to be entitled to annual leave.

[3. During parental leave, staff members shall remain member of the Court's social security scheme, if applicable. Contributions to the social security scheme shall be borne in full by the Court, calculated on the basis of the remuneration (without allowances) immediately before the parental leave.]

[4. During periods of parental leave staff members' membership of the Court's pension scheme, if applicable, shall be suspended, unless he/she asks to become a voluntary member thereof. The staff member concerned shall then pay his/her contribution to the pension scheme / contribution to the pension scheme in full, calculated on the basis of conditions immediately before the parental leave.]

Article 24 Sick leave:

1. Staff members who provide evidence of being unable to carry out their duties by reason of illness or accident shall be entitled to sick leave.

[2. Sick leave shall be granted for an initial period of up to a maximum of 125 working days, either in one unbroken period or in several periods within any rolling period of 18 consecutive months.]

3. Staff members concerned shall produce a medical certificate if they are unable to carry out their duties for more than three days. Failing this, and unless failure to produce the certificate is due to reasons beyond their control, they shall not be considered entitled to sick leave.

Article 25 Other aspects of leave:

Annual leave shall accrue during parental leave, certified sick leave, special leave of 20 working days or less. It shall not accrue during special leave of more than 20 working days.

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The Registrar shall enact provisions implementing Articles 22 to 24 of these Regulations.

TITLE V:
SOCIAL SECURITY BENEFITS

Article 26 Social security: conditions to be set based on input from the ISRP

TITLE VI:
DISCIPLINARY MEASURES AND APPEALS

Article 27 Disciplinary measures:

1. If staff members do not respect the obligations arising from their employment at the Court, the Registrar, after hearing the person concerned, may formally in writing put the person on notice of such failure. If the person continues not to fully respect his obligations, the Registrar may decide on further disciplinary measures.
2. Disciplinary measures shall take one of the following forms:
 - a) written warning;
 - b) reprimand;
 - c) reduction of salary or of pension;
 - d) removal.

Article 28 Internal Appeal Board:

1. An Internal Appeal Board shall be established at the Court of Appeal. [The Internal Appeal Board shall adopt its rules of procedure.]
2. The Internal Appeal Board shall consist of a chairman and four members. The chairman shall be the President of the Court of Appeal. A member shall be designated by the Presidium from among the judges of the Court of Appeal, one member shall be designated by the Presidium from among the judges of the Court of First Instance and two members shall be designated by the Presidium from among the staff members.
3. The Internal Appeal Board shall be bound to secrecy.
4. The chairman and members of the Internal Appeal Board shall be completely independent in the performance of their duties. They shall neither seek nor accept any instructions.
5. The chairman and the members of the Internal Appeal Board shall not take part in appeal proceedings in which they have a potential conflict of interest. In case of such

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conflict of interest, the Presidium shall provide for the replacement of the member concerned.

Article 29 Complaints to the Internal Appeal Board:

1. Any staff member, as defined under article 1(f) of these Regulations, in relation to his employment at the Court, may submit to the Internal Appeal Board a complaint against an act affecting him adversely - either by a decision taken or by failure to adopting a measure. The complaint must be lodged within one month running from the date of notification of the decision to the person concerned or from the date of expiry of the period prescribed for reply.

2. The Internal Appeal Board shall notify the person concerned of its reasoned decision within three months from the date on which the complaint was lodged.

TITLE VI:
FINAL PROVISION

Article 30 Entry into force:

These Staff Regulations shall enter into force upon the entry into force of the Agreement on a Unified Patent Court.

draft, 13.05.2016

ANNEX I**TYPES OF POST IN EACH FUNCTION GROUP AND REMUNERATION****1. Function group__**

Senior administrators	
Facility managers	
Carrying out managerial, conceptual, financial, decision-making and linguistic tasks requiring a high degree of autonomy	

2. Function group__

Assistants	
Carrying out administrative, technical or training services requiring of high degree of autonomy, and carrying significant responsibilities in terms of staff management, budget implementation	
Secretaries and clerks	
Carrying out clerical and secretarial tasks, office management and other equivalent tasks requiring a certain degree of autonomy	

draft, 13.05.2016

ANNEX II: LETTER OF APPOINTMENT**1. The letter of appointment shall state:**

- that the appointment is subject to the provisions of these Regulations;
- the nature of the appointment;
- the date at which the staff member is required to enter into function;
- the period of appointment, the notice required to terminate it and the period of probation if any;
- the salary and any applicable allowances;
- any special conditions which may be applicable.

2. A copy of these Regulations.