

DECISION OF THE ADMINISTRATIVE COUNCIL
of 30 June 2016
amending Articles 1, 11, 13, 48, 48a and 49 of and
Annex I to the Service Regulations for permanent
employees of the European Patent Office

THE ADMINISTRATIVE COUNCIL OF THE EUROPEAN PATENT ORGANISATION,

Having regard to the European Patent Convention (hereinafter referred to as "EPC") and
in particular Articles 10(2)(c) and 33(2)(b) thereof,

Having regard to the Service Regulations for permanent employees of the European
Patent Office (hereinafter referred to as "ServRegs") and in particular Articles 1, 11, 13,
41, 47a, 48, 48a and 49 thereof,

On a proposal from the President of the European Patent Office, submitted after consulting
the General Consultative Committee

HAS DECIDED AS FOLLOWS:

Article 1

Article 1, paragraph 4, ServRegs shall read as follows:

"(4) These Service Regulations shall apply to the members, including the chairmen, of the
Boards of Appeal and of the Enlarged Board of Appeal and to the President of the Boards
of Appeal (hereinafter referred to as "members of the Boards") in so far as they are not
prejudicial to their independence."

Article 2

Article 11 ServRegs shall read as follows:

"Article 11 Assignment

(1) (unchanged)

(2) Without prejudice to paragraph 3, the assignment shall be to:

- the lowest grade in each job group, except where the need to fill a vacant post within a higher grade so requires according to the vacancy notice;
- the lowest step within the assigned grade.

Any assignment to a different grade and step shall be duly substantiated.

(3) Members of the Boards within the meaning of Article 1, paragraph 4, shall be assigned as follows:

(a) on their first appointment, grade G 14, step 1, for members, and grade G 16, step 1, for chairmen;

(b) grade G 15, step 1, for members who have completed at least a term of five years, provided they have been recommended for promotion to this higher grade and step by the President of the Boards of Appeal. In the absence of such a recommendation for promotion on re-appointment, they shall remain at their grade and step and continue to receive the net basic salary they were paid during their previous term.

(c) grade G 17, step 1, for the President of the Boards of Appeal on his first appointment."

Article 3

The following new paragraph 8 shall be added to Article 13 ServRegs:

"(8) This Article shall not apply to members of the Boards within the meaning of Article 1, paragraph 4."

Article 4

The application of the provisions on appraisal reports in Article 47a ServRegs to members of the Boards within the meaning of Article 1, paragraph 4, ServRegs shall be suspended pending a further decision on this matter by the Administrative Council.

Article 5

The following new paragraph 3 shall be added to Article 48 ServRegs:

"(3) This Article shall not apply to members of the Boards within the meaning of Article 1, paragraph 4."

Article 6

The following new paragraph 3 shall be added to Article 48a ServRegs:

"(3) This Article shall not apply to members of the Boards within the meaning of Article 1, paragraph 4."

Article 7

The following new paragraph 6 shall be added to Article 49 ServRegs:

"(6) Paragraphs 2 and 4 of this Article shall not apply to members of the Boards within the meaning of Article 1, paragraph 4."

Article 8

(1) The transitional provisions introduced by CA/D 4/15 are abolished.

(2) A member of the Boards within the meaning of Article 1, paragraph 4, ServRegs already in service on 31 December 2016 shall be assigned to the grade and step specified for his job group in Article 11(3)(a) of the ServRegs. If, however, his net basic salary as at 31 December 2016, including any salary difference guaranteed under the new career system for all staff (Article 56(4) of CA/D 10/14) and any full advancement of salary acquired by that date, is higher than that payable for that grade and step, he shall continue to receive the higher salary until the end of his term. This higher salary shall also be taken into account for pension purposes.

(3) The same shall apply *mutatis mutandis* if an employee of the Office from job group 3, 2 or 1 is appointed, respectively, as a member, chairman or President of the Boards of Appeal.

(4) If, after expiry of his term, a member of the Boards in job group 3 already in service on 31 December 2016 is re-appointed in the same job group, he shall be assigned to a grade and step in accordance with Article 11(3)(b) ServRegs. If, however, the net basic salary within the meaning of paragraph 2 above which he was paid during his previous term is higher than that payable for that grade and step, he shall continue to receive the higher salary until the end of his new term. This higher salary shall also be taken into account for pension purposes.

Article 9

Annex I ServRegs shall read as follows:

ANNEX I JOB GROUPS AND CORRESPONDING RANGES OF GRADES

Job group	Technical career path	Managerial career path	Range of grades
Job group 1:	n. a.	Vice-president / President of the Boards of Appeal	G16 step 3 – G17 step 3
Job group 2:	Principal advisor/ Board of appeal chairman	Principal director	G15 step1 – G16 step 4
Job group 3:	Senior expert/ Board of appeal member	Director	G13 step 3 – G15 step 4
Job group 4:	Examiner/Administrator/ Lawyer	Head of department/ Team manager	G7 step 1 – G13 step 5
Job group 5:	Expert	Head of section	G7 step 1 – G10 step 5
Job group 6:	Administrative employee	n.a.	G1 step 1 – G9 step 5

Article 10

The enlarged static job description for the Vice-President DG 3 (CA/D 21/07) is abolished.

Article 11

The new assignment will be effective as from 1 January 2017. All members and chairmen of the Boards of Appeal already in service on 31 December 2016 shall be informed of their grade and step by that date at the latest.

Article 12

The President of the Office shall take appropriate measures to ensure a smooth transition to the new system.

Article 13

This decision shall enter into force on 1 January 2017.

Done at Munich, 30 June 2016

For the Administrative Council
The Chairman

A handwritten signature in black ink that reads "J. Kongstad". The signature is written in a cursive, slightly slanted style.

Jesper KONGSTAD