



**Beschwerdekammer in Disziplinarangelegenheiten**

**Disciplinary Board of Appeal**

**Chambre de recours statuant en matière disciplinaire**

Boards of Appeal of the  
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Case Number: D 0007/18

**D E C I S I O N**  
**of the Disciplinary Board of Appeal**  
**of 3 May 2019**

**Appellant:** N.N.

**Decision under appeal:** Decision of the Examination Board dated 3 April 2018 concerning the Pre-examination of the European Qualifying Examination 2018.

**Composition of the Board:**

**Chairman:** T. Bokor  
**Members:** G. Weiss  
P. H. Gendraud

## **Summary of Facts and Submissions**

- I. The appeal is directed against the decision of the Examination Secretariat posted on 3 April 2018.
- II. The appellant filed with letter received on 9 May 2018 an appeal with grounds, and requested re-evaluation of her answer paper. No appeal fee has been paid.
- III. By communication of 21 November 2018, the Board noted that the Examination Secretariat correctly informed the appellant per mail dated 9 May 2018 that an appeal is only validly lodged, if the appeal fee is paid within the prescribed one-month time limit (Article 24 (2), second sentence REE), and that the time-limit for paying the appeal fee expired on Monday 14 May 2018 and further that the appeal fee has not been paid, so that the appeal is accordingly deemed not to have been filed. The appellant was informed that any observation on the Board's communication must be filed within two months from its notification.
- IV. The appellant replied to the communication with letter received 30 January 2019, and requested re-evaluation of her paper and gave grounds why a re-evaluation would be justified. However, no payment of the appeal fee has been received.

## **Reasons for the Decision**

No appeal fee was paid within the prescribed time limit provided by Article 24 (2), second sentence, REE in conjunction with Rule 126 (2) EPC. In her response to the Board's communication of 21 November 2018, the appellant has also not contested the legal conclusion to be drawn from this fact, which was already indicated in the Board's communication.

Therefore, the appeal must be deemed not to have been filed, and there is no room for the Board to enter into the substantive submissions of the appellant.

## **Order**

### **For these reasons it is decided that:**

The appeal is deemed not to have been filed.

The Registrar:

The Chairman:



D. Hampe

T. Bokor

Decision electronically authenticated