



**Report on the [157<sup>th</sup> meeting of the Administrative Council](#)  
Munich, 10 and 11 October 2018**

**Election of new VPs**

The agenda of this Administrative Council was mainly dominated by the election of three new Vice-Presidents. As these elections and the corresponding interviews of the candidates took place in the so-called “closed session” we can only report on the outcome:

[VP1](#): Mr Stephen Rowan (UK)

[VP4](#): Ms Niloofar Simon (AT)

[VP5](#): Mr Christoph Ernst (DE)

The Vice-Presidents are elected for a term of 5 years starting from the beginning of the next year. Interesting was that after each election the elected candidate was announced to the Council in its full composition and thus being made public.

**Other decisions in “closed session”**

The AC approved the proposed [appointments and reappointments to the Boards of Appeal](#), decided on pending requests for review of Administrative Council decision and appointed a new Vice-chair Mr Tom Fearnley (NO) and an expert Mr Edwin Bruce-Gardner (UK) to the Supervisory Board of the RFPSS as their predecessors left for personal reasons.

**A new President makes a difference**

Ahead of the “closed session” the Council met in its full composition. The appearance of the new President is different to the previous one and provides for a better and more relaxed atmosphere in the Council. The Council was chaired by the Deputy Chair Mr Kratochvíl.

**Most interesting topics for staff:**

**President's activities report ([CA/88/18](#))**

The President took the chance of the activities report to convey once again his vision of the EPO challenges to the delegations. These follow the line as laid out in his [motivation letter](#). He started with the first challenge related to efficiency and effectiveness by welcoming increased filing figures (+4,6%) showing the high attractiveness of the EPO patent granting process. He stated that the present working capacity is about 10% higher than the incoming workload having a positive effect on the backlog. However, further to the need of a timely procedure he recognises as well the need for a proper examination quality for which a process to [review the Quality management](#) is about to start. However, the President remains convinced that the EPO still provides the best quality in the world. Further advancements in efficiency and effectiveness are strongly related to improvements in IT. The current IT structure still relies on a meanwhile outdated mainframe. To step forward an internal IT audit

has been launched. However, the overall important factor is in staff engagement. To this he is fostering a renewed social dialogue by e.g. one to one meetings with staff (250 of 1000 already taken place). Furthermore, there have been first constructive meetings with the staff committees and the union, which will be continued. He stated the need to have a look to the career and be transparent in reward criteria. We welcomed the first approaches to a renewed social dialogue and confirmed our dedication to it. However, in our intervention we also drew the attention to the fact that there remains a part of the administration from the previous Presidency which still follows or defends the old regime leading to the bad atmosphere in the office. As example we mentioned the defending interpretation of the [ILOAT judgements leading to the reinstatement of dismissed and downgraded Staff and Union Representatives](#). We concluded that with the new President first positive steps have been made in the right direction, however, staff expects further and more concrete, tangible actions and decisions towards reviving the trust in the EPO's management and restoring the formerly exceptionally good reputation of our Office.

### **Report of the chairman of the Boards of Appeal Committee on its 5th meeting and President of the Boards of Appeal's activities report ([CA/61/18](#))**

The AC approved a proposal by the BoAC clarifying the after service activities of former members of the Boards of Appeal restricted to three years.

Mr Josefsson reported on efficiency gains in the BoA, however, not enough to achieve a reduction in the backlog. He made clear that higher productivity should not go at the expense of quality. The AC approved 39 new posts (26 in 2019 and 13 in 2020) open for best qualified examiners.

### **Board of Auditors – composition**

Mr Frédéric Angermann (FR) has been re-appointed for a further term of 5 years.

### **Report of the chairman of the Supervisory Board of the Academy of the European Patent Organisation on its 19th meeting**

Mr Tsiavos reported on the adapted strategy of the Academy by e.g. supporting SMEs and universities. He further welcomed the participation of Program Area Managers of the Academy in the ASB fostering direct interaction. In order to ensure the availability of best trainers from within the EPO a need is seen to review the conditions for their application and selection.

### **Deputy chairmanship of the Committee on Patent Law ([CA/71/18](#))**

Mr Johannes Karcher (DE) has been reappointed as the deputy chairman of the Committee on Patent Law.

### **Boards of Appeal Committee – composition ([CA/63/18](#))**

One of the three members appointed by the Administrative Council from among the delegations had to be replaced. The present deputy member Mr Jorma Hanski (FI) has been appointed. Now the place of the deputy member needs to be filled.

### **Unitary patent and related developments – progress to date**

No progress/news to date – waiting for the outcome of pending cases at the German Federal Constitutional Court (Bundesverfassungsgericht).

### **Accession of Montenegro to the European Patent Convention ([CA/76/18](#))**

Montenegro has been invited to become the 39<sup>th</sup> member state of the European Patent Organisation.

## **Conclusion**

As said we appreciate the open discussion with the new President which already led to some positive steps forward in the right direction to re-establish social peace. This renewed social dialogue has to be intensified in order to achieve more concrete results. We are looking forward to continuing on this path also together with the three new Vice-Presidents.

The Central Staff Committee

**Annex: Intervention by the SR on the President's activities report [CA/88/18](#)**

Dear Mr President, dear delegates,

As you can imagine the renewed social dialogue is at the heart of staff and of us, their representation. The President reported on his initiatives to strengthen social dialog in the Office by for example one to one meetings with staff and meeting the SCs and the union.

We appreciate these initiatives as staff is strongly looking forward to social peace. Staff puts great hope in the new President. His initiatives are most welcome as the previous President was not too keen in meeting staff, its elected representatives not to speak from anyone of the union. We can confirm that our new President comes with a natural human appearance into the meetings and is fostering open discussions.

On the other hand there remains a part of the administration from the previous Presidency which still follows or defends their old regime leading to the bad atmosphere in the office. Examples of it are amongst others their defending interpretation of the ILOAT judgements leading to the reinstatement of dismissed and downgraded Staff and Union Representatives and the only late involvement of the SR in the foreseen staff survey. And just recently a meeting in person of the SR has yet again not been authorised on spurious grounds hampering the SR in its proper functioning.

Now back to more positive news. Just recently in September the highest consultative organ, the GCC, took place and was chaired for once again by its chairman, namely the President. It brought for the first time since years unanimous positive opinions on the presented change requests and presented documents. Following the meetings of the GCC and with the President a new transparency in sharing information was agreed and pertinent information made available to us – not perfect yet in content, but still.

As such we can say that a number of positive steps forward have been made in fostering the social dialogue.

Staff expects further and more concrete, tangible actions and decisions towards reviving the trust in the EPO's management and restoring the formerly exceptionally good reputation of our Office.

As said in the beginning staff puts great hope in the new Presidency. We, the staff representation, are determined to foster the social dialogue and to work together for a better future of the EPO and its staff. We firmly believe that this can be achieved – together.

Thank you for your attention!