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Munich, 10.03.2014

SUBJECT: Social democracy at the European Patent Office

SUBMITTED BY: President of the European Patent Office

ADDRESSEES: Administrative Council (for decision)

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SUMMARY

The Office proposes to reform the legal framework governing social dialogue at the Office with the aim of improving social democracy and representation of the staff.

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## PART I

### I. **STRATEGIC/OPERATIONAL**

1. Operational.

### II. **RECOMMENDATION**

2. The Administrative Council is requested to approve changes to the Staff Regulations as proposed in part II of the present document.

### III. **MAJORITY NEEDED**

3. Three-quarters of the votes.

### IV. **CONTEXT**

4. International Organisations have a wide scope of subjects of social interest to decide upon. They act not only as an employer, but have also to regulate on many labour and social issues, which in a Member State are otherwise regulated by governmental structures and ministries. These issues range from working conditions to providing various forms of social insurance and pensions and other human resources related matters. Adapting to internal and external challenges and expectations is a key factor in maintaining the Office's success and ensuring its long-term social and financial sustainability.
5. The European Patent Organisation is an international organisation in charge of promoting innovation and delivering high added-quality added-value services, so its main asset is its staff. Constructive dialogue between staff and management is therefore of paramount importance.
6. Historically, staff-management relations at the EPO have been characterised by mistrust and conflicts. Their typically confrontational nature has also been encountered by successive generations of EPO management and documented by historians. In 1997, an external study published in the European Journal of Industrial Relations, stated: "Hostile management - labour relationships have a long tradition in EPO and have survived one change of presidency".
7. Several attempts to create a framework for a constructive social dialogue have been made in the past to address the situation, all to no avail.

8. During the first three years of the current presidency, further efforts were made to build a strong social partnership with staff representation by, for example, appointing high-ranking managers to the General Advisory Committee (GAC), holding regular meetings with Central Staff Committee (CSC), establishing ad hoc working groups with staff representatives on all strategic projects, etc. Recently the right to strike was officially regulated to clarify the rules on industrial action and to increase its democratic legitimacy.
9. There are several reasons for this conflictual relationship. Some elements may be of cultural origin and others can be explained by the EPO specific environment. Highly specialised scientists and engineers perform the same examiner duties year-in, year-out, for most of their career. The vast majority of staff work in core business, with over 60% having an expatriate status, often aggravating the feeling of isolation. Also to be taken into account is the peculiarity of working for an international organisation having a distinct legal framework, which is not always comparable to the national laws.
10. There are also structural explanations. Social dialogue is not governed by clear rules. The current legal framework regulating staff representation, its functions and role are dated and vague. What might be acceptable in an Office of 700 staff members is not appropriate for an Office of 7000 staff members. The rules in force at the EPO are much less developed than in many comparable international organisations and have been replaced by practices or rules decided on by general assemblies of staff, sometimes attended by fewer than 100 staff members. They leave little room for intervention by the Administration and are not harmonised Office-wide. At the same time, some rules have never been actually implemented and have been superseded by auto-regulated practices.
11. Those discussing with management on behalf of the staff are many in number and not always clearly identifiable. Their legitimacy may not correspond to the importance of their role (e.g. in the GAC, the main consultative body, members are simply appointed by the CSC; the members of which are not directly elected themselves). The mechanisms to ensure representativeness (according to staffing per place of employment, grades, etc.) do not meet national and international standards.
12. Almost 200 staff are involved in staff representation activities. The equivalent of 41 staff working full time are engaged in staff representation activities (figure in 2013). Of these only about 15% have been elected.

13. The number of elected (or non-elected) staff representatives per site bears no relation to the number of staff at that site. There is the issue of time spent on staff representative activities: Berlin claimed about 20% of the total time allocation in 2012, even though it accounts for less than 5% of total EPO staff.
14. There is also a lack of clarity surrounding the designation and role of non-elected experts. The experts appointed in many working groups and committees do not have a clear role or mandate. Experts participating in working groups often openly admit that they are expressing only their own personal opinions.
15. This situation makes any possible agreement or compromise difficult, causes undue delays and is not conducive to the taking of coherent positions and responsibility in further discussions/consultations at CSC or GAC level. The lack of accountability and stability is exacerbated by the fact the same people often hold positions on different bodies (working groups, Local Staff Committees, Central Staff Committee, General Advisory Committee, SUEPO). Staff committee members identify with the leading structures of one union (SUEPO), so staff representatives adopt a dual approach towards the Administration: dialogue through the Staff Committee and disruption through SUEPO. This undermines the principle of good faith in any dialogue, increases the mistrust and de facto prevents any possible recognition of the unions as social partners.
16. The main consultative body, the GAC, which should be the forum for a constructive review of proposals, is weakened by the gap between the level of representativeness and the responsibility its members have: the management is represented by Vice Presidents and Principal Directors (this is being challenged through litigation by the staff representatives), but the staff representatives are non-elected experts appointed by the CSC on the basis of unclear criteria. The consultation process has become a purely formal exercise (where formalities and procedures are more discussed than substance), thus hindering any meaningful contribution to the decision-making process.
17. Having no consistent, clearly identifiable and truly representative partner in the discussions makes it impossible to develop a structured social dialogue enabling collective bargaining. This leaves the Office with no alternative but to take unilateral responsibility for the decision-making process and means that agreement on a global package is not possible.
18. As a result, the various bodies for social dialogue are ineffective and are not representative: some of the 24 joint bodies rarely or never meet during the year.

19. In keeping with long-standing practice, and in contravention of the regulations, the election rules and the number of staff representatives to be elected are determined by local general assemblies.
20. This has produced a situation where the rules for the election of local committees differ from place to place. These rules are not even always available.
21. There is no direct secret ballot for CSC elections, leading to a lack of transparency and democracy in the way that CSC members are appointed. This issue has been raised by the staff representatives themselves on various occasions.
22. The CSC does not disclose a full list of its members and sends different ones to each meeting. These members say they are unable to discuss the substance of the reforms without experts (who are actually other staff representatives), despite the time and training resources allocated to them by the Office. This system does not permit continuity in ongoing dialogue with the staff side.
23. The Administration has no role in organising or supervising the election process of local staff committees and the CSC. While the Administration should not interfere in any way in the internal matters of the staff representatives, it is a fact that the President can be held accountable in the event of perceived procedural flaws. If candidates represent different factions and/or unions, the current rules and practices do not guarantee equal treatment and pluralism. This has led in the past to several internal appeals and complaints, in which candidates who have felt unfairly treated have turned to the President as a neutral party to have him enforce democratic principles.

## **V. ARGUMENTS**

24. The proposed reform aims to establish a framework for a strong social partnership based on the direct election of all staff representatives by staff in line with transparent and democratic procedures.

### **A. GOALS AND PRINCIPLES OF THE REFORM:**

#### **a) Reinforcing the representation of staff:**

25. Firstly, staff representation will be reinforced through general and direct election of the local staff committees and CSC. This will guarantee that the staff representatives elected by their colleagues to represent them in the discussions with the Office -their employer- are truly representative. It also implies that the staff representatives are accountable to staff as to how they execute their mandate.

26. The rules governing the election of staff representatives will be harmonised Office-wide and published through a circular, thus ensuring full transparency of the electoral process. The proposed new legal framework will ensure the representation of all sites and all grades at local and central levels.
27. The number of staff representatives in the local staff committees will be proportionate to the staffing levels at each site. General elections for the Central Staff Committee and the local staff committees will be organised Office-wide every three years. The Office will bear overall responsibility for the elections to ensure equality of opportunity and resources for the candidates. To guarantee neutrality, the organisation of the elections will be supervised by a Supervisory Committee composed of members of the Administration and staff representatives. It will be responsible, inter alia, for checking that the elections are conducted according to the rules and for handling complaints from staff about the elections procedure. This system has already proven to be effective in the organisation of strike ballots by the Office.
28. As a result of this reform, the number of staff representatives involved in the dialogue with the administration will be around 44 staff representatives (representing around 30 FTE). Additional non-elected experts may be appointed by the Central Staff Committee for selection boards (5 FTE in 2013) and the Disciplinary Committee (in view of the range of procedures and/or the need to appoint many different representatives to these specialist committees).

**b) Clarifying the roles and functions of staff representation bodies:**

29. The second set of measures proposed for Council approval is intended to clarify the role and function of the staff representatives on the various statutory bodies and committees set up under the EPO legal framework, i.e. so as to strengthen their ability to be an interlocutor of choice for staff and management alike.
30. Staff representatives will be elected to either local or central level. They will not be entitled to hold a position concurrently at both levels. As their legitimacy is given by the elections, the staff representatives will be accountable only to their electors, thus ensuring their independence when exercising their mandate and the need for them to represent staff interests effectively.
31. The roles of the central and local staff committees will be clearer in order to avoid any overlap in membership and remit between the two.

32. The responsibilities of local staff committees will be extended and they will be in charge of holding regular discussions on the conditions of employment with local management. This role will be reinforced in the reform through:
- the organisation of at least two meetings a year with the local management;
  - a new consultative role for subjects of local relevance.
33. The Central Staff Committee's legitimacy will be strengthened through being directly elected and being independent of the local staff committees. It will have a central role in the discussions with the highest levels of management and in the consultative process.
34. The CSC will continue to be responsible for appointments to the various statutory bodies and paritary committees. Unlike the current situation, all interlocutors of the Administration on these bodies will be drawn from the local staff committees or the Central Staff Committee. Again, their legitimacy to represent the staff on these bodies will be reinforced by having been elected directly.
- c) Streamlining of the consultative process**
35. The proposal also aims to improve the effectiveness of the consultative process by reducing overlaps and duplications between the various bodies. The principle of direct elections as well as the streamlining of the consultative process should increase the accountability of staff representatives and their ability to provide a more unified and coherent opinion to the Administration.
36. To emphasise the more comprehensive role to be played by the General Advisory Committee in the consultation procedure, it is proposed to rename it in all three official languages: the General Consultative Committee (GCC) in the English version, the "Allgemeiner Konsultativer Ausschuss (AKA)" in the German version and the "Comité Consultatif Général (CCG)" in the French version.
37. The GCC will remain a joint committee, with the number of members increased from six to ten full members and six to ten alternates. To emphasise its prominent role in the consultative process, this new committee will be chaired by the President of the Office. In view of the latter's decision-making role under the EPC and the Service Regulations, the latter cannot participate to the vote, he will only be entitled to vote on procedural issues.
38. The scope of the consultation on topics of Office-wide importance will be clarified and focus on proposals concerning the conditions of employment. In addition to the current consultation process, the President may inform the new General Consultative Committee about topics not subject to compulsory consultation.

39. The GCC will have the power to create sub-committees composed of full or alternates GCC members. It is intended that these committees will supersede some of the 24 committees currently in existence, allowing time for a more expert and detailed examination of subjects of particular importance to staff, such as social security, pensions, salaries, training, etc.

**B. ADDITIONAL CONSIDERATIONS:**

40. The new framework will be supported by a clarification of the resources allocated to the staff representatives (e.g. time, secretariat, rooms, IT facilities, smartphones, training and travel budget, etc.), to be managed by them. The current level of resources, which is very generous by comparison with other international organisations, will be maintained.

41. The amendments to the Service Regulations will be completed by two circulars issued by the President of the Office:

- the regulations for Staff Committee elections;
- facilities and resources to be allocated to the staff representatives.

42. To ensure full transparency for our member states, the two circulars are annexed for information to the present document.

43. Repeated attempts to discuss this reform since September 2013, and thus involve staff representatives in the analysis and the developments of the present proposal have failed because, for reasons not made clear, the staff representation has opposed the very principle of any reform on this matter.

44. In view of the important issues at stake for the Office's future, it is unacceptable that the refusal to discuss some sensitive topics should become a veto right for staff representatives.

45. Based on a clear legal framework and on the principle of the responsibility borne by social partners, the social democracy reform set out above will provide the basis for a new culture of dialogue where the interests of the staff are duly represented.

**VI. FINANCIAL IMPLICATIONS**

46. None

**VII. LEGAL BASIS**

- 47. Articles 10(2)(c) and 33(2)(b) of the European Patent Convention.
- 48. Articles 2, 33 to 38a and 111 of the Service Regulations for permanent employees of the European Patent Office.
- 49. Article 5 of the Implementing rules for Articles 106 to 113 of the Service Regulations for permanent employees of the European Patent Office.
- 50. Implementing Rule for Article 38 of the Service Regulations.

**VIII. DOCUMENTS CITED**

- 51. None.

**IX. RECOMMENDATION FOR PUBLICATION**

- 52. Yes.

PART II

Draft

DECISION OF THE ADMINISTRATIVE COUNCIL  
of [date of decision]  
amending Articles 2, 33 to 38a and 111 of the  
Service Regulations for permanent employees of  
the European Patent Office, and amending Article 5  
of the Implementing rules for Articles 106 to 113 of  
the Service Regulations for permanent employees  
of the European Patent Office

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THE ADMINISTRATIVE COUNCIL OF THE EUROPEAN PATENT ORGANISATION,

Having regard to the European Patent Convention, 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 "the Service Regulations"), and in particular  
Articles 2, 33 to 38a and 111 thereof,

Having regard to the Implementing rules for Articles 106 to 113 of the Service Regulations  
for permanent employees of the European Patent Office, and in particular Article 5 thereof,

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

HAS DECIDED AS FOLLOWS:

## I. Amendments to the Service Regulations

### Article 1

Article 2(1)(b) of the Service Regulations shall read as follows:

"(b) a General Consultative Committee,"

### Article 2

Article 2(2) of the Service Regulations shall read as follows:

"(2) Permanent employees and employees on contract referred to in Article 1 may act under the same conditions as members or chairmen of the bodies defined in paragraph 1."

### Article 3

The following new paragraphs 4, 5 and 6 shall be added at the end of Article 2 of the Service Regulations:

"(4) Where applicable, the chairmen and deputy chairmen of the bodies referred to in paragraphs 1 (b) to (h) shall be appointed by the President of the Office.

(5) Unless otherwise provided in these Regulations, any rules of procedure of the bodies referred to in paragraph 1(b) to (h) shall be adopted by the President of the Office.

(6) The staff shall be represented on the bodies referred to in paragraph 1(b) to (f) and (h)."

### Article 4

Article 33 of the Service Regulations shall read as follows:

#### **"Article 33 Staff Committee**

(1) The Staff Committee shall comprise a Central Staff Committee and Local Staff Committees.

(2) Staff shall be represented by a local staff committee where more than fifty staff members are in active employment in a place of employment. If fewer than fifty staff members are in active employment in a place of employment, the President of the Office may provide for their representation by another existing local staff committee."

## Article 5

Article 34 of the Service Regulations shall read as follows:

### **"Article 34 Functions of the Staff Committee**

- (1) The Staff Committee shall represent the interests of all staff and maintain suitable contacts with the Administration. It shall contribute to the smooth running of the service by providing a channel for the expression of opinion by the staff.
- (2) The duties undertaken by members of the Staff Committee and by their nominees to the bodies set up under these Service Regulations or by the Office shall be deemed to be part of their normal service. The fact of performing such duties shall in no way be prejudicial to the person concerned.
- (3) The President of the Office shall grant the members of the Staff Committee the resources and facilities required to exercise their functions."

## Article 6

Article 35 of the Service Regulations shall read as follows:

### **"Article 35 Composition and election of the Staff Committee**

- (1) All members of the Staff Committee shall be directly elected by staff.
- (2) The President of the Office shall ensure appropriate representation of all categories of employees and all places of employment in the Staff Committee.
- (3) The Central Staff Committee shall consist of ten full and ten alternate members.
- (4) The President of the Office shall determine the number of Local Staff Committee members, taking into account the number of staff members in active employment in each place of employment.
- (5) The following shall apply to the election of Staff Committee members:
  - (a) Elections by secret ballot shall be organised by the Office and take place at the same time for the Central and all Local Staff Committees.

(b) All employees referred to in Article 1 in active employment with at least three months' service, shall be entitled to vote and to be elected. Employees standing for election shall have a term of employment compatible with the Staff Committee's term of office.

(c) The President of the Office shall determine the detailed conditions relating to the Staff Committee elections.

(6) Subject to the above provisions, the members of staff of each category shall have complete freedom in the choice of their representatives.

(7) The term of office of a Staff Committee member shall be three years with a possibility of two consecutive re-elections. The staff member cannot however serve three consecutive terms on either the Central Staff Committee or a Local Staff Committee.

(8) A staff member cannot simultaneously be a member of the Central Staff Committee and a Local Staff Committee."

#### Article 7

Article 36 of the Service Regulations shall read as follows:

#### **"Article 36 Competence of the Central Staff Committee**

(1) All full members of the Central Staff Committee shall represent the staff on the General Consultative Committee. If any full member is unable to perform his duties, he shall be replaced by an alternate.

(2) The Central Staff Committee shall be responsible for:

(a) making appointments to the bodies under the Service Regulations or as requested by the President of the Office. Save for the members of Disciplinary Committees and Selection Boards, the respective appointments shall be made from among elected Staff Committee members at either local or central level.

(b) making, at the request of the President of the Office or on its own initiative, suggestions relating to the organisation and working of departments or the collective interests of the whole or part of the staff.

(c) examining any difficulties of a general nature relating to these Service Regulations or any Implementing Rules thereto and, where appropriate, addressing them in the General Consultative Committee."

## Article 8

Article 37 of the Service Regulations shall read as follows:

### **"Article 37 Competence of the Local Staff Committees**

(1) Each Local Staff Committee shall be:

(a) consulted on any proposal to make rules and, in general, except in cases of obvious urgency, any proposal which concerns the conditions of employment of the whole or part of the staff at the place of employment concerned;

(b) consulted on any question of a local nature submitted to it by the President of the Office or his representative;

(c) competent to raise site-specific issues only in so far as they are not subject to consultation of a Local Occupational Health, Safety and Ergonomics Committee;

(d) responsible for maintaining suitable contacts with the local Administration.

(2) Each site manager shall set up meetings with the Local Staff Committee at least twice a year."

## Article 9

Article 38 of the Service Regulations shall read as follows:

### **"Article 38 General Consultative Committee**

(1) The General Consultative Committee shall consist of:

- the President of the Office as Chairman. The President may delegate his chairmanship;
- all full members of the Central Staff Committee and in their absence their alternates;
- an equivalent number of full members appointed each year by the President of the Office and in their absence their alternates.

(2) The General Consultative Committee shall, in addition to the specific tasks given to it by the Service Regulations, be consulted on:

- any proposal to amend these Service Regulations or the Pension Scheme Regulations, any proposal to make implementing rules and, in general, except in cases of obvious urgency, any proposal which concerns the conditions of employment of the whole or part of the staff to whom these Service Regulations apply or the recipients of pensions;
- any question of a general nature submitted to it by the President of the Office;
- any question which the Staff Committee has asked to have examined in accordance with the provisions of Article 36 and which is submitted to it by the President of the Office.

(3) Following the consultation, the members of the General Consultative Committee shall express their opinion by voting at the meeting for or against each proposed measure or abstaining. The Chairman shall not vote save on procedural questions.

(4) Furthermore, the President of the Office may inform the General Consultative Committee on any other question of a general nature which is not subject to compulsory consultation under the Service Regulations.

(5) The General Consultative Committee's discussions shall be recorded and summarised in minutes.

(6) The President of the Office may set up sub-committees within the General Consultative Committee which shall, through their special knowledge of areas such as social security, training and salaries, prepare for the Committee's discussions. He shall appoint a chairman to each sub-committee.

(7) The General Consultative Committee shall meet at least four times per year, when convened by the Chairman. In addition, the Chairman may convene the General Consultative Committee for extraordinary meetings."

#### Article 10

Article 38a(2), second indent, of the Service Regulations shall read as follows:

"- members and alternates appointed at the same time by the President of the Office and by the Staff Committee pursuant to Article 36(2)(a)."

## Article 11

Article 38a(5) of the Service Regulations shall read as follows:

"(5) The Committees shall be responsible for occupational health, safety and ergonomics policy. In the event that they draw up recommendations concerning the staff on their own initiative, these Committees shall not replace the General Consultative Committee."

## Article 12

Article 111(3) of the Service Regulations shall read as follows:

"Notwithstanding Article 2(5), the President of the Office shall adopt the Appeals Committee's rules of procedure after consultation of the Chairman of the Administrative Council."

## **II. Amendments to the Implementing rules for Articles 106 to 113 of the Service Regulations for permanent employees of the European Patent Office**

### Article 13

Article 5 of the Implementing rules for Articles 106 to 113 of the Service Regulations for permanent employees of the European Patent Office shall read as follows:

#### **"Article 5 Composition of the Appeals Committee**

(1) For the purposes of Article 111(1)(a) of the Service Regulations, which concerns appeals against decisions of the President, and Article 111(1)(b) of the Service Regulations, which concerns appeals against decisions of the Administrative Council, the President of the Office shall appoint from among employees in active employment:

- (a) the chairman and
- (b) a deputy chairman of the Committee.

(2) For the purposes of Article 111(1)(a) of the Service Regulations, the President of the Office shall appoint from among employees in active employment:

- (a) two full members and
- (b) two alternate members of the Committee.

(3) For the purposes of Article 111(1)(a) and (b) of the Service Regulations, the Staff Committee shall appoint from among its members in active employment:

(a) two full members and

(b) two alternate members of the Committee.

(4) For the purposes of Article 111(1)(b) of the Service Regulations, the Administrative Council shall appoint:

(a) two full members and

(b) two alternate members of the Committee.

(5) The term of office of the chairman, deputy chairman, members and alternate members shall be one calendar year. They may be reappointed.

(6) For the purposes of Article 111(1)(a) and (b) of the Service Regulations, the deputy chairman and alternate members shall take part in the proceedings of the Committee if the chairman or full members are not able to act.

(7) The Appeals Committee shall act in the same composition throughout the procedure, except in justified cases."

### **III. Entry into force and transitional provisions**

#### Article 14

This decision shall enter into force on 1 April 2014.

#### Article 15

(1) The elections of the Central and Local Staff Committees pursuant to the Service Regulations as amended by this decision shall take place in June 2014.

(2) The results of these elections shall take effect on 1 July 2014.

(3) Until 30 June 2014, the existing provisions applicable to the Central and Local Staff Committees shall remain in force.

#### Article 16

- (1) The General Consultative Committee shall be constituted with effect from 1 July 2014.
- (2) Until 30 June 2014, the General Advisory Committee in its current composition shall continue to function in accordance with Article 38 of the Service Regulations as applicable prior to the entry into force of this decision.
- (3) References to the General Advisory Committee in the applicable provisions of the internal legal framework shall be replaced by a reference to the General Consultative Committee with effect from 1 July 2014.
- (4) The Implementing Rule for Article 38 of the Service Regulations shall be repealed with effect from 1 July 2014.
- (5) The Local Advisory Committees shall be abolished with effect from 1 July 2014.

#### Article 17

- (1) The appointment of new members to the bodies referred to in Article 2(1)(c), (e) and (h) of the Service Regulations and all other bodies shall be made by 1 October 2014 in accordance with the Service Regulations as amended by this decision, in particular Article 36(2)(a) thereof.
- (2) These bodies shall continue to function in their current composition pursuant to the provisions applicable prior to the entry into force of this decision until they are newly composed in accordance with paragraph 1 above.

#### Article 18

The President of the Office shall take any further appropriate measures to ensure a smooth transition between the provisions in force on the date of this decision and the provisions adopted by this decision.

Done at Munich, [date of decision]

For the Administrative Council  
The Chairman

Jesper KONGSTAD

# **ANNEX 1 DETAILED REASONS FOR THE PROPOSED AMENDMENTS TO ARTICLES 2, 33 TO 38A AND 111 OF THE SERVICE REGULATIONS AND ARTICLE 5 OF THE IMPLEMENTING RULES OF ARTICLE 106 TO 113 OF THE SERVICE REGULATIONS**

## **INTRODUCTION**

The changes outlined below aim at increased transparency, accountability and stability in the relationship between the Office and its staff, and at fostering constructive dialogue and enhanced co-operation.

## **STRUCTURE**

In the following, the envisaged changes to the Service Regulations (ServRegs) will be explained Article by Article in order to ensure a sound understanding and overview of the new rules.

## **CHANGES IN THE SERVREGS**

### **Article 2 – Bodies under the Service Regulations**

Article 2 ServRegs in general clarifies on which bodies staff are represented.

In paragraph 1, section (b), the former reference to joint committees was replaced by the General Consultative Committee (GCC) which will be the main consultation committee in the future. Sub-committees dedicated to specific topics will be created under the umbrella of the GCC. More details concerning this Committee will be explained when elaborating on the respective provision.

Since one of the main goals of the reform was to ensure a principle of a direct representativeness (i. e. people appointed to different bodies), the second sentence in paragraph 2 has been deleted. In future, elected staff representatives should be the only interlocutors between management and staff. The concept of having formal experts on bodies has proven to be inefficient since those experts to bodies were often appointed on an ad hoc basis and participation of different people varied widely.

A new paragraph 4 was introduced which stipulates that chairmen and deputy chairmen of any of the above bodies should be appointed by the President. The President has a general responsibility under article 10 EPC to ensure the smooth functioning of the Office. This includes also the functioning of the consultation process and in particular the normal functioning of the statutory committees and the joint committees. Under the chairmanship

of the staff representation, the lead on the agenda and procedural steps have been sometimes used to impose unjustified delay or adopt rules of procedure in contradiction with the regulatory framework.

Paragraph 5 provides that the President will in the future adopt the Rules of Procedures (RoPs) of each of the bodies in Article 2(1) ServRegs which deems such RoPs necessary. This is to ensure that, based on past experience, the RoPs will not interfere or run counter any other higher ranked law and simultaneously ensures systematical coherent linguistic. It further safeguards a unified approach to set-up RoPs in order to align them and to have the same structure Office wide.

The new paragraph 6 corresponds to the current Article 37. The latter was deemed to simply repeat the ratio legis of Article 2(1) ServRegs. The provision of this Article should however be incorporated already at this early stage.

### **Article 33 – Staff Committee**

Paragraph 1 of this Article defines the bodies under the umbrella of the general Staff Committee:

- One Central Staff Committee responsible for tasks on a central level; meaning issues which concern all staff or parts of staff but at different duty stations.
- Additionally to the Central Staff Committee, as provided for in paragraph 2, there will remain Local Staff Committees at Munich, The Hague, Berlin and Vienna; the local committees will exclusively deal with issues at the respective place of employment from a geographical scope. If, however, the duty station's number of staff is below 50, the President can decide on its representation through another existent Local Staff Committee of the Office (e.g. Brussels is represented through the Local Staff Committee Munich) to safeguard the system of an anonymous election process and a confidentiality of the vote.

### **Article 34 – Functions of the Staff Committee**

Paragraph 1 brings no substantial change to the previous ServRegs. It has been clarified that all staff should be represented in order to cover all three categories of staff members (A, B and C). The wording of this paragraph has been further improved to clarify that suitable contacts should be maintained with the entire administration, formerly referred to as "competent administrative authorities", and not with individual units. A sound constructive dialogue between each and every one on both sides, be it the Administration or the Staff Representation, is considered to be crucial for this reform.

In line with the approach to keep nominations as transparent as possible, paragraph 2 has been slightly reviewed and the wording has been clarified. Persons acting on behalf of the Staff Representation but not being elected staff representatives in accordance with the exception in Article 36(2)(a) ServRegs (Disciplinary Committees and Selection boards) are considered to be such nominees. Non elected representatives may also be appointed by the CSC for ad hoc procedures (such as conciliation procedures or supervisory committees for elections or strike ballots).

Paragraph 3 is the legal basis for the resources to be accorded to the members of the Staff Committee which will be laid down in a circular by the President.

### **Article 35 – Composition and election of the Staff Committee**

This Article has been substantially changed and adapted to the needs of a constructive dialogue. The structure clearly outlines the difference between Staff Representation at central and local level. Further, following problems and litigations involving the election procedures on local sites, the elections and voting procedure for the Staff Committees will in future be organised by the Office to ensure an office wide harmonised election procedure with consistent and transparent rules at every place of employment.

Paragraph 1 establishes the democratic principle of direct elections of representatives. This newly inserted paragraph should strengthen the Staff Representation's mandate vis-à-vis the staff. It is a fundamental change. In order to have the full support of the Office's staff and to ensure that staff know who is representing them in the dialogue with the administration, the principle of direct elections is introduced for the first time which fosters transparency and accountability. Staff Representation, as they are directly elected, are the only spokespersons who defend the staff's interest.

Paragraph 2 of the new provisions clarifies that staff should appropriately be represented on the Staff Committee. The principle of sound representation as regards categories (A, B and C) and places of employment is implemented at the level of the ServRegs.

Paragraph 3 is based on the former Article 35(5)(a) and Article 35(2) ServRegs. It now sets out the number of elected staff representatives at central level (it has been increased to 10 full and 10 alternate members of the CSC, instead of 6 under the previous rules) which had already been foreseen under the old rules but had never been determined by the President.

In paragraph 4 the number of Staff Representatives at local level is implemented. Since the number of staff at the different sites of the Office tends to vary, only the principle of representativeness as compared to the number of staff is set out. In this regard, authority is given to the President to rule upon it in a respective Circular. Currently foreseen for each duty station are four LSC members to represent the first 1,000 staff in active employment plus one further member for each additional 500 staff in active employment. This leaves room for flexibility in case the number of staff at any site will change significantly.

Paragraph 5 sets out the basic principles for Staff Representatives' elections. The main points are:

1. The elections for both the Central and the Local Staff Committees are organised by the Office
2. The elections for all Committees take place at the same time
3. The entitlement to vote

The paragraph further includes the legal basis for a circular which will lay down the election rules in detail. The election rules will be based on the different election rules initially drawn up by the local sections of the Staff Representation at the Office's duty stations.

Experience has shown that elections at some duty stations led to disputes which were not sufficiently solved. The present paragraph aims at avoiding such disputes and at implementing a coherent structure of voting for both the Central and the Local Staff Committees. It is also deemed to be more transparent for the people entitled to vote if elections rules correspond across the Office's duty stations and are also the same at central and local level.

Paragraph 6 ensures that the staff member in active service eligible to vote and to be elected can exercise his or her right in complete freedom, without any interference. As one of the highest principles of a democratic system, this remains regulated at the level of the ServRegs.

As mandates are usually only temporary, paragraph 7 clarifies their maximum length. As a general rule, the term of office is three years. There will be the possibility of two re-elections (i. e. three terms of office). Consequently, each individual cannot serve longer than 9 years as a Staff Representative. A further restriction in this respect is that a person cannot hold the same mandate, namely member of either the central or one of the local staff committees, in three consecutive terms. After two terms with the same mandate, the

person needs to stand for election for a different Committee. The possibilities therefore are as follows:

- LSC – LSC – CSC
- LSC – CSC – CSC
- LSC – CSC – LSC
- CSC – LSC – LSC
- CSC – LSC – CSC
- CSC – CSC – LSC

Since the new roles and competences of Central Staff Committee and Local Staff Committees are clearly separated, paragraph 8 clarifies that a double mandate is excluded. They must either stand for elections at central level or at the respective local level, dependant on their place of employment. Obviously, one can not stand for elections at a place of employment where he or she is not serving.

After three consecutive mandates in one or the other of the committees, an elected staff member will have to reintegrate a working unit full time, this in order to maintain a suitable link with the work performed at the Office.

### **Article 36 – Competence of the Central Staff Committee**

In the new rules, this Article only regulates the competences of the Central Staff Committee. Formerly, this Article also included the competences of the local sections. The structure has changed here in order to draw a clear line between the committees and to highlight their respective importance in the entire system.

The highest competence of the members of the Central Staff Committee is established in paragraph 1 of the Article. All members of the Central Staff Committee are at the same time members of the newly created General Consultative Committee (GCC) which replaces the General Advisory Committee.<sup>1</sup>

Paragraph 2 outlines further competences of the Central Staff Committee. Whereas (b) and (c) have not changed in comparison to the previous rules, (a) again reflects the principle of the direct representativeness in the different bodies. All members appointed by the CSC to main bodies must have a direct mandate of staff. The first exception hereto is the Selection Boards. This body must rely on further appointees since the number of the elected Staff Representatives cannot satisfy the demand of members to such boards.

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<sup>1</sup> Information concerning the GCC is to be found under Article 38 ServRegs.

Further, as second exception, the Disciplinary Committees are also excluded to safeguard their ad hoc appointment nature with varying members, without interfering in Staff Representative's daily duty.

### **Article 37 – Competence of the Local Staff Committees**

As indicated above, this Article now defines the exclusive competences of the Local Staff Committees. An important competence of the Local Staff Committees is to ensure that regular meetings between the Committee and the competent site manager take place.

To some extent such meetings with the highest line-manager will further replace the former Local Advisory Committee (LAC) consultation. The new consultation process for site specific envisaged changes is regulated in Paragraph 1 (a) and (b) and covers, inter alia, house rules, building issues, or crèches. However, compared to the GCC those consultation procedures should be less formal and should take place between the Local Staff Committee members and the site manager.

Letters (c) and (d) clarify that the LSCs also have the competence to raise any other site specific issues, with the only limitation that such issues must not be subject to LOHSEC consultation. This clarification serves the purpose of efficiency and to avoid confusion between the competences of the different committees.

Paragraph 2 regulates the minimum number of meetings between the LSC and the site manager according to the concept above. However, since an enhanced cooperation should be promoted, the meetings should not be limited to this number.

### **Article 38 – General Consultative Committee**

Article 38 includes one of the main changes of the new consultation framework. The Article aims at replacing the current GAC with the new GCC. Experience has shown that GAC consultation did not fit the purpose of a constructive dialogue anymore. One of the biggest deficiencies noticed was that members of the GAC were not the same people involved in the initial discussions on changes which have an impact on staff. The result was diverging opinions among Staff Representatives and their experts on different bodies. Speaking with one voice was rendered impossible and a constructive dialogue between administration and Staff Representatives did not take place. In a decision making process for envisaged changes, the people in charge must remain the same in order to ensure a constructive dialogue. Therefore, the new GCC as the new main forum for discussions will also offer the possibility to discuss envisaged changes at a very early stage and not only in the framework of a final and compulsory consultation.

However, it is important to say that the principle of consultation remains unchanged. Staff will have the statutory possibility to have their say through this body. The GCC, comparable to the GAC, will provide the President with an opinion expressed through a vote on each topic presented for consultation. The President will take due account of this opinion before he takes his final decision on the envisaged and consulted change. As in the current legal framework, the opinion delivered in the consultative process is not binding for the Office.

Paragraph 1 sets out the composition of the GCC. As a consultative committee it remains of a paritary nature. The President will appoint his members to the GCC in equal numbers as the members of the Central Staff Committee being at the same time members of the GCC. The new committee will be chaired by the President or via delegation by an active employee on his behalf. Since it is the President who decides on the issue at stake after the consultation process, his direct involvement in the GCC sessions will allow him to hear all arguments directly and immediately reflect upon them. Nevertheless, considering his decision-making role under the EPC and the Service Regulations, he/she shall not vote, except on procedural issues.

Paragraph 2 covers the GCC's competences. It corresponds to the competences of the former GAC. However, indent 1 of the paragraph includes one change. The consultation will take place for any proposal which concerns "the conditions of employment of staff". This requirement has been added in light of ongoing disputes in relation to the limits of such consultation right. The consultation right must focus on employment conditions. The right to consult derives from the ServRegs which exclusively deal with conditions of employment. Consequently, only the rights which have a direct impact on staff or part of staff are eligible for consultation. This ratio legis also derives from Article 13(1) EPC which precisely refers to such conditions (be it in the ServRegs or other terms of employment). However, not every indirect impact on staff is considered an employment condition. Decisions of a managerial nature, budgetary nature or working instructions are inter alia not covered by this wording.

Paragraph 3 introduces a vote in session immediately after the consultation process. Since the chairman will be the President or someone acting on his behalf, he is not entitled to vote, except for procedural issues.

A newly introduced paragraph 4 will establish the possibility for the President to inform the GCC of any question of a general nature which he deems important for staff. The topics here can vary broadly. The aim is to ensure a transparent flow of information to staff. This paragraph also provides for a constructive dialogue between administration and staff beyond the statutory consultation framework. It will foster mutual trust and cooperation.

For efficiency purposes, paragraph 5 provides for minutes of the consultation meeting to be drawn up after the meetings have been recorded. These minutes will replace the former GAC opinions. Similar to the GAC opinions, the minutes will be made available in an electronic library. The President in principle participates to the session. He knows the debates and the outcome of the vote. If he delegates, he should take the decision after receiving a report on the outcome of the vote, immediately after the session. The detailed procedure will be described in the rules of procedure.

If questions of a very detailed or specific nature are subject to the consultation process, paragraph 6 introduces the possibility to set up sub-committees within the GCC. They will be composed of members of the GCC who will make an in-depth analysis of the topics. The sub-committees may give a summary of their work on specific issues in preparation to the discussion of the GCC in its plenary composition. It is intended to describe more in details the role of the committees in the rules of procedure. The President will appoint the chairmen of the sub-committees. In future all sub-committees to be set up will work under this framework.

Finally, paragraph 7 provides that the GCC will meet at least four times a year but can also be convened by the chairman for extraordinary sessions. Further, it is clarified that the procedure for convening the GCC also applies to the sub-committees.

### **Article 38a – Occupational Health, Safety, and Ergonomic Committees**

This Article will remain unchanged in its content. Only for the purposes of consistency, the wording of its paragraph 2 (a), second indent has been changed to reflect the principle of the direct election of appointees to bodies and paragraph 5 has been slightly reworded in order to refer to the GCC instead of the previous joint committees.

### **Article 111 – Appeals Committee**

In order to have a consistent approach under Article 2(5) ServRegs, paragraph 3 of this Article has been changed. For a harmonised approach of all RoPs, the President will also adopt the rules of procedure of the Appeals Committee but do so after consultation of the Chairman of the Administrative Council to fully respect the separation of powers stemming from the European Patent Convention.

## **OTHER CHANGES**

### **Article 5 Implementing rules of Article 106 to 113 ServRegs**

To ensure a consistent approach under Article 2(4) ServRegs, paragraphs 3 and 8 have been deleted. There will only be one deputy chairman appointed by the President. This is to remain consistent with the general principle that the President systematically appoints the chairman of the statutory bodies and joint committees.

Further, the new paragraph 3 (former paragraph 4) is adapted to the principle of a direct mandate. Only elected Staff Representatives can be members of the Appeals Committee.

**DRAFT – 31.1.2014  
Circular No. xxx**

**REGULATIONS FOR THE STAFF COMMITTEE ELECTIONS  
(Article 35(5)(c) ServRegs)**

**Article 1  
Entitlement to vote**

- (1) All employees referred to in Article 1 of the Service Regulations in active status with at least three months' service shall be entitled to vote and to be elected at the elections of the Central Staff Committee.
- (2) The same requirements shall apply for the elections of a Local Staff Committee save that this entitlement to vote and be elected is limited to the employees employed at the corresponding duty station.

**Article 2  
Composition of the Staff Committee**

- (1) The Central Staff Committee shall consist of ten full and ten alternate members and be composed as follows:
- four full members and four alternates representing the Munich and The Hague staff respectively. The full members for both Munich and The Hague shall include at least one representative of A category and one representative of B or C category staff;
  - one full member and one alternate representing the Vienna and Berlin staff respectively.
- (2) Subject to Article 33(2) ServRegs, there shall be appointed in each duty station four Local Staff Committee members to represent the first 1,000 staff in active employment plus one further member for each additional 500 staff in active employment. Each Local Staff Committee shall include at least one representative of B or C category staff. The Munich section of the Staff Committee shall represent staff in Brussels.
- (3) The positions of chairman and deputy chairman of the Local Staff Committees shall be designated to the members who have received the highest and second highest number of votes respectively. Should a Staff Committee member holding such position resign, the positions of chairman and deputy chairman shall be re-designated as necessary, so that they are held by the remaining members who received the highest and second highest number of votes respectively.

**Article 3**  
**Organisation of the elections**

- (1) The elections of the Central and all Local Staff Committees shall take place at the same time.
- (2) The elections shall be organised by the Office. The Office may appoint election assistants who shall not be at the same time candidates for election.
- (3) The elections shall be supervised by an ad hoc Supervisory Committee composed of two employees and the Chairman designated by the President and two employees designated by the Central Staff Committee. The members of the Supervisory Committee shall be entitled to vote, but shall not be candidates for the elections.

**Article 4**  
**Notice of elections**

The President, after consulting the Supervisory Committee, shall declare the elections open at least six weeks before the vote by publishing inter alia:

- (a) the list of those entitled to vote;
- (b) the start and end of the vote;
- (c) any practical arrangements for voting;
- (d) the number of full members and, if applicable, alternates to be elected;
- (e) invitation to submit candidatures, and stipulating the form in which nominations must be lodged, the recipient of the nominations and the closing date;
- (f) when the counting of votes will take place.

**Article 5**  
**Nomination of candidates and campaigning**

- (1) Each candidate must submit his candidature by means of a signed form as provided for in the notice of elections. The candidate may indicate that he is supported by a union or association of employees.
- (2) In addition to Article 35 (5)(b) of the Service Regulations, a candidate cannot submit his candidature at the same time for the Central Staff Committee and a Local Staff Committee. The candidate's term of employment shall be compatible with the Staff Committee's term of office.
- (3) The President, upon proposal of the Supervisory Committee, shall reject all nominations which do not meet the conditions laid down in the applicable provisions or in the notice of elections referred to in Article 4 of these Regulations.
- (4) The list of candidates shall be published at least one month before the vote.

(5) Any election campaigning shall be conducted in a fair and non-derogatory manner in accordance with standards befitting international civil service. The President shall take the necessary measures to allow the candidates to participate in the campaign, such as:

- (a) make available a dedicated intranet site administered by the Office;
- (b) allow for dispatch of up to two e-mails to the electorate per candidate;
- (c) provide upon request room facilities for a public presentation of the candidates;
- (d) allow for reasonable printing and distribution facilities, to be decided by the Supervisory Committee.

## **Article 6 Voting**

(1) Elections shall be by a secret vote.

(2) Voters submitting their votes shall use the valid ballot forms provided for the elections of the Central and the relevant Local Staff Committee.

(3) Any voter unable to vote in person may alternatively vote by a proxy. An employee can be given only one proxy.

(4) Candidates shall be listed on the ballot form in order of the receipt of candidatures. Each candidate's name shall be followed by at least his category and organisational unit.

(5) The voter is entitled to vote for one candidate to the Central Staff Committee and for one candidate to the relevant Local Staff Committee and shall mark the name of the candidates for whom he wishes to vote.

## **Article 7 Counting of the votes, election results**

(1) The Office shall count the votes and draw up for the Central and each Local Staff Committee a list of candidates in descending order of the number of votes received. Where two or more candidates have received the same number of votes, they shall appear on the list in descending order of length of service. In the case of equal length of service, lots shall be drawn.

(2) For all the Committees, the required number of candidates who have obtained the greatest number of votes shall be deemed elected as full members. The Hague and Munich representatives to the Central Staff Committee and all Local Staff Committees shall include at least one permanent employee in categories A and B or C, provided there were nominations from these categories. If this composition has not been achieved, in order to determine the full members, the last elected candidate in order of number of votes in the represented category shall yield his place to the candidate with the highest number of votes from the non-represented category.

(3) For the Central Staff Committee, the required number of candidates with the most votes after the candidates who have become full members under the above procedure shall be considered elected as alternates, together with any candidates required to yield their places under the above procedure. In case a full member resigns he shall be replaced for the remaining term by the first available alternate who obtained most votes.

### **Article 8 Notice of election results**

The President shall publish the election results as soon as possible after the end of the vote. The relevant notice shall state inter alia:

- (a) number of persons entitled to vote;
- (b) number of persons who voted;
- (c) number of spoilt and blank ballot forms;
- (d) number of votes obtained by each candidate;
- (e) candidates declared elected to each Staff Committee as full members and, if applicable, alternates.

### **Article 9 Invalidity of elections**

(1) In case of an irregularity in the vote or count that might have an effect on the result of elections, a substantiated objection may be addressed to the President within two working days following the date of publication of the election results. The objection does not suspend the constitution of the Staff Committee.

(2) The President shall refer such an objection to the Supervisory Committee which shall provide to the President its substantiated opinion within ten working days therefrom. The Supervisory Committee shall consider whether the alleged irregularity has occurred and whether it had an effect on the result of the elections.

(3) The President shall take a decision on the objection within one month from the publication of the election results. He may take any necessary measures, including declaring the elections null and void either for all Committees or for a specific Staff Committee.

(4) If the elections are declared null and void the Office shall take all necessary measures to organise new elections at the earliest opportunity, in accordance with these Regulations.

(5) In the event of the elections being declared null and void the respective outgoing Staff Committee shall ad interim resume its duties until a new notice is published according to Article 8 of these Regulations. Any nominations for membership of statutory bodies made by the Staff Committee during this period can be subject to review by the next duly elected Staff Committee.

**Article 10  
Delegation**

The President may delegate his powers under this Circular.

**Article 11  
Entry into force**

These Regulations shall enter into force on 1.4.2014

**Draft – 05.02.2014**

**Circular No. xxx**

**Resources and facilities to be accorded to the Staff Committee**

**(Article 34(3) ServRegs)**

**Part I**

**Introduction**

The statutory nature of the Staff Committee, as established in Articles 33 to 37 ServRegs, implies that the duties undertaken by Staff Committee members and their nominees shall be deemed to be part of their normal service. Such staff should be allowed to carry out their duties under the Service Regulations efficiently and effectively.

To this end Staff Committee members should be exempted from carrying out the duties of the posts to which they have been appointed for all or part of their working time. Furthermore, staff members who are nominated by the Staff Committee to take part in statutory bodies pursuant to Article 36(2)(a) ServRegs shall be entitled to make time deductions. Financial and additional human resources shall also be granted to the Staff Committee to enable it to exercise its statutory functions fully.

At the same time, it is necessary to have regard to the needs of the service and to ensure the continued and smooth running of the Office's core tasks. In accordance with Article 34(3) ServRegs, this Circular sets out the resources and facilities which shall be accorded to the Staff Committee. It also sets out the modalities according to which such resources may be used by the Staff Committee, in order to ensure a balance is achieved between the needs of the Staff Committee on the one hand and the interests of the service on the other.

**Part II**

**General Provisions**

**Article 1**

**Definitions**

For the purposes of this Circular, the following definitions shall apply:

- 1) A "member" or "Staff Committee member" is any employee elected as a member (whether full or alternate) of the Staff Committee pursuant to Article 35 ServRegs.

- 2) A “fully exempted member” is a member who has been exempted 100% from the duties to which he has been appointed in accordance with Article 3(1).
- 3) A “partially exempted member” is a member who has been exempted up to 50% from the duties to which he has been appointed in accordance with Article 3(2).
- 4) A “nominee” or “Staff Committee nominee” is any employee other than a member who is nominated by the Staff Committee to a statutory body pursuant to Article 36(2)(a) ServRegs.
- 5) “Staff representative” is a collective term referring to both members and nominees.

**Part III  
Human Resources**

**Article 2  
Composition of the Staff Committee**

- 1) The chairmen of the Central and Local Staff Committees shall inform the President in writing of the composition of their committee, stating in particular which members hold the positions of chairman, deputy chairman and secretary. This notification shall be made within five working days of the composition being established at a constituting meeting. Any changes to the composition shall be notified to the President within the same timeframe.
- 2) The chairmen of the Central and Local Staff Committees shall provide the President with a copy of their Rules of Procedure, if any, within five working days of adoption or amendment.

**Article 3  
Exemptions for Staff Committee members**

- 1) The full members of the Central Staff Committee and the chairmen of the Local Staff Committees shall be exempted 100% from the duties to which they have been appointed. Whilst occupying such positions, fully exempted members are considered as detached from their professional duties on a full-time basis and shall dedicate themselves solely to staff representative activities.
- 2) All other Staff Committee members shall be exempted up to 50% from the duties to which they have been appointed (reduced pro rata for staff working part-time). This time exemption shall be used only for staff representative activities. Such members shall manage their working time efficiently to ensure a balance is maintained at all times between their staff representative activities on the one hand and the duties to which they have been appointed on the other. In case of any absence from the Office (for example due to sickness or leave), such members shall ensure that their remaining working time is evenly distributed between these two roles.

**Article 4**  
**Career of fully exempted staff**

- 1) No staff reports shall be issued for periods during which staff are fully exempted under Article 3(1). The fact of performing staff representative activities shall be neither prejudicial nor beneficial to the person concerned. Thus, for promotion purposes, fully exempted members shall be deemed to have been subject to an average career progression during such periods.
- 2) At the end of his mandate, the Staff Committee member concerned shall at once be reinstated in his post.

**Article 5**  
**Time deductions for Staff Committee nominees**

Staff Committee nominees appointed in accordance with Article 36(2)(a) ServRegs shall be entitled to deduct the reasonable time incurred for their statutory duties as follows:

- (a) For each disciplinary procedure in which a nominee participates, up to three working days subject to the approval of the Chairman of the relevant Disciplinary Committee;
- (b) For each selection procedure in which a nominee participates, up to two working days subject to the approval of the Chairman of the relevant Selection Board;

Additional time deductions may be granted following a reasoned written request (supported by the appropriate Chairman) to the Principal Director Human Resources.

**Article 6**  
**Time recording**

- 1) All Staff Committee members and nominees (including fully exempted members), shall record their time spent on staff representative activities using the electronic tool provided by the Office in accordance with the workflows established for that purpose.
- 2) Partially exempted members and nominees shall inform their line managers in advance of any absence due to staff representative activities.
- 3) The Chairmen of the Central and Local Staff Committees shall be sent a quarterly report of the time recorded.

**Part IV  
Other Resources**

**Article 7  
Premises**

The Office shall make premises available to the Staff Committee to set up sufficient working space for Staff Committee members. Such premises shall not be used for trade union activities.

**Article 8  
Equipment**

- 1) The Office shall provide the relevant departments with a complete list of the office, computer and mobile communication equipment to be issued to the Staff Committee and its members.
- 2) Staff Committee members shall return all such equipment issued to them personally at the end of their mandate.

**Article 9  
Duty travel**

- 1) The Office shall set an annual budget envelope to cover the cost of all duty travel required for the performance of staff representative activities.
- 2) The Chairman of the Central Staff Committee shall be responsible for ensuring that the budget under paragraph 1 is not exceeded. To this end he shall receive a monthly report of the costs so incurred.
- 3) Duty travel shall be organised and reimbursements made in accordance with the provisions of Articles 77 to 79 ServRegs and Circular 319.

**Article 10  
Training**

- 1) The Office shall allocate the Staff Committee an annual budget for training purposes.
- 2) Each Staff Committee member shall be granted up to five days for training per year. In the case of partially exempted members, these five days, if used, shall be deducted from the 50% time exemption granted under Article 3(2).

## **Article 11 Communication**

- 1) The Office shall make available to the Staff Committee dedicated intranet sites and bulletin boards in communal spaces. The Staff Committee may also request the Office to print and distribute reasonable amounts of documents to facilitate the exercise of its statutory duties.
- 2) The Staff Committee shall observe all rules in force with regard to communication, including those governing the use of mail, telecommunications and electronic communications.
- 3) The Staff Committee shall ensure that all of its communications are professional and respectful and meet the standards befitting the international civil service.

## **Article 12 Use of Office premises**

- 1) If the Staff Committee wishes to use Office premises (other than those covered by Article 7) for the exercise of its statutory functions, it shall obtain the prior written approval of the Vice President Administration.
- 2) Whenever meetings are held for the purpose of informing staff at large or holding a general assembly, the Staff Committee shall ensure that they take place outside the Office's core hours.

## **Part V Final Provisions**

### **Article 13 Delegation**

The President may delegate his powers under this Circular.

### **Article 14 Entry into force and transitional provisions**

- 1) This Circular shall enter into force on 1 July 2014. It replaces Communiqué 45 (Decision of the President on Article 35(5) ServRegs).
- 2) For employees who are elected as members of the Staff Committee pursuant to Article 35 ServRegs with effect from 1 July 2014, the provisions of this Circular shall apply as from that date.

- 3) For employees who have not been so elected, but who were involved in staff representation activities up to 30 June 2014, the following transitional measures shall apply:
  - a) Time spent on staff representation activities which have been commenced but not completed by 30 June 2014 may be deducted in accordance with Communiqué 45 until 31 July 2014;
  - b) Notwithstanding paragraph (a), members of the Appeals Committee, Selection Boards and Disciplinary Committee and conciliation experts under Circular 246 may continue to deduct their time in accordance with Communiqué 45 until their pending statutory tasks are completed, but in any event not beyond 31 December 2014.
- 4) The President may take any further measures necessary to ensure a smooth transition to the new system.