



**Zentraler Personalausschuss
Central Staff Committee
Le Comité central du personnel**

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Questions on the EPO

A discussion paper on the independence of the departments in DG1

Dear Colleagues,

A structural reform of the Boards of Appeal is currently under discussion. This will be a main topic on one of the next Council meetings. The reform addresses the independence of the Boards. Independence is an indispensable requirement for legal certainty with regard to the decisions taken by the members of the Boards, but also by the examiners in DG1.

The annexed documents (English, French and German versions of the discussion paper) shall give further input to the discussion from another point of view. Some daily life situations of examiners in DG1 are reflected in a questionnaire. Many difficulties result from the hierarchical position of examiners within DG1.

As a huge part of EPO staff is allocated to other DGs than DG1 and DG3, the documents contain some background information on the current structure of DG1. This should help to increase mutual understanding of all EPO staff in all DGs. We would like to encourage everybody to discuss the issues addressed therein with her/his colleagues and superiors.

We are interested in your feedback, which can be sent to centralstcom@epo.org or to your preferred staff representative. We intend to publish a follow-up document so as to summarize your comments and to provide the administration with suitable proposals.

The Central Staff Committee

Questions on the European Patent Office

- a discussion paper -

Central Staff Committee

Questions on the European Patent Office

On the basis of current events – the President of the European Patent Office (EPO) has issued an exclusion order against one member of the Boards of Appeal (BoA) – the judicial independence and impartiality of the members of the BoA and of the Enlarged Board of Appeal (EBoA) of the EPO are the subject of increasingly intensive debates, at least among members of the profession. The doubts in relation to judicial independence and impartiality are founded on the current organizational structure of the EPO.

In EBoA decision R0019/12, the President of the EBoA was found to be biased on account of the hierarchical structure of the EPO.

It is not surprising that the discussion about judicial independence and impartiality is thus focussing first and foremost on the example of the members of the BoA and of the EBoA. However, the problems lie at a deeper level.

At this point, the aim is to highlight the situation of the members of other bodies involved in proceedings at the EPO – i.e. the Search, Examination and Opposition Divisions, by means of various questions.

The questions are based on cases which all have a background in real life.

At the end of the list of questions further information about the internal structures of the EPO is provided.

Question 1:

Is the President of the EPO responsible for the substantive examination of patents and the examination of oppositions?

In other words:

Does the President have the right,

- a) to grant a patent in respect of a European patent application,
- b) to refuse a European patent application,
- c) to reject an opposition,
- d) to revoke a patent and/or
- e) to maintain a patent in an amended scope?

Question 2:

Does the President of the EPO have the right to sign the certificate of grant of a patent?

Question 3:

A patent application has been received at the EPO in a legally valid and formally correct manner and a filing date has been accorded.

- a) When are the members of the Examining Division determined?
- b) Who determines the members?
- c) In accordance with what procedure are the members selected?
- d) Under which circumstances may the composition of the Examining Division be modified?
- e) When and how does/do the public/the applicant find out that the composition of the Examining Division has occurred/been modified and who the members of the Division are?

Question 4:

An opposition has been received at the EPO in a legally valid and formally correct manner.

- a) When are the members of the Opposition Division determined?
- b) Who determines the members?
- c) In accordance with what procedure are the members determined?
- d) Under which circumstances may the composition of the Opposition Division be modified?
- e) When and how does/do the public/the parties find out that the composition of the Opposition Division has occurred/been modified and who the members of the Division are?

Question 5:

For a patent application, the responsible employee from the Search Division (search examiner) has conducted the search. The President gives the instruction that the applicant should receive a written opinion regarding the patentability of the application, together with the Search Report as an annex.

- a) Who is responsible for the preparation of such an opinion?
- b) On whom is the opinion binding?

Question 6:

The EPO has introduced a quality management system.

In the context of this system, the President has given instructions:

- a) that during the search phase, i.e. before the examination request is made, an Examining Division (Preliminary/Notional Examining Division) is determined for the application in analogy to Article 18 EPC,
- b) that the “entrusted member” of the Preliminary Examining Division conducts the search relating to the application,
- c) that the “Chairman” of the Preliminary/Notional Examining Division reviews the search of the “entrusted” member, if only A-documents have been found, and, in the event of there being what he considers to be a deficiency, makes an entry in a database under the application number, and
- d) that the hierarchically superior Director has access to the database to the extent that he can establish whether there is a deficiency but not what the nature of the deficiency is.

- e) Is there anything to prevent members of the Preliminary/Notional Examining Division also becoming members of the responsible Examining Division which is entrusted with the matter once the examination request has been made?

Question 7:

The EPO has developed and introduced a new quality review system. In the context of this system, the President has given the EPO instructions:

- a) that the Chairman of the Examining Division always reviews the work of the entrusted member when the latter proposes that a patent be granted in respect of an application,
 - b) that, in the event that he considers that there is a deficiency, the Chairman enters the deficiency electronically in a database under the application number,
 - c) that the hierarchically superior Director has access to the database and is informed about whether a deficiency has been established and entered in the database, but not about the nature of the deficiency,
 - d) that the Chairman and the entrusted member discuss the deficiency after it has been entered in the database in order to resolve the matter,
 - e) that, following the discussion, the Chairman makes an entry in the database under the application number about whether he is maintaining or dropping the objection to the deficiency,
 - f) and that the Director is informed about whether the objection has been maintained or not.
- What is the legal position?
 - How does the public/the applicant find out about the procedure?

Question 8:

The responsible Examining Division for an application has been constituted. The entrusted member is of the opinion that the application could be granted, but still has doubts and would therefore like to consult with the other members. In the debate within the Examining Division which then ensues, the second member shares the opinion that the application could be granted. In the discussion, the doubts of the entrusted member are dispelled, and he is now also sure that the application meets all of the requirements of the EPC. On the other hand, the Chairman continues to be of the opinion that there is no inventive step. He is responsible for the quality review (see Question 7).

- a) What is the legal position?
- b) What options do the individual members of the Examining Division have?

- c) Who is responsible for examining whether the entrusted member is biased?
- d) What procedure is followed?

Question 9:

The entrusted member of the Examining Division proposes that a patent be granted in respect of an application. He produces a *votum* (brief written report) in which *inter alia* he sets out the reasons why the patent should be granted and explains the relevant prior art, the invention, and why it is novel and inventive.

- a) What are the duties of the other members of the Examining Division in this context?

Variation:

By way of an internal guideline, the President of the EPO instructs all examiners that, for reasons of efficiency, the second member of an Examining Division should in principle only ever review the completeness and correctness of the text of the application on which the grant is based, i.e. he should only check whether the documents in respect of which the applicant has requested the grant of the patent are also collated in the *Druckexemplar* (printed copy).

- b) What is the legal position?
- c) How does the public/the applicant find out about this instruction?

Question 10:

The Examining Division has issued a summons to oral proceedings. On the day before the scheduled oral proceedings, the entrusted member of the Examining Division falls ill.

- a) Do the oral proceedings have to be postponed?
- b) Can the member who has fallen ill be replaced by another examiner?
- c) Who would have responsibility for the replacement and the determination of a replacement member?
- d) In accordance with what procedure would a replacement member be selected?
- e) When and how would the public/the applicant find out about the replacement of a member of the Examining Division if this were to occur?

Variation:

The Examining Division has issued a summons to oral proceedings. The second member has decided, at short notice, to take a holiday on the day of the oral proceedings in order to take advantage of a cheap travel offer.

- How would questions a) to e) be answered?

Question 11:

The President of the EPO has formed an opinion about application EP0815.

The Examining Division has reached the conclusion that the application should be refused and wishes to issue a summons to oral proceedings as the next step.

Does the President have the right

- a) to instruct each of the members of the Examining Division to vote for the patent to be granted?
 - b) to instruct each of the members of the Examining Division to sign the communication pursuant to Rule 71(3) EPC in their name?
 - c) to send a communication pursuant to Rule 71(3) EPC on which the official seal of the Examining Division and the names of its members are provided?
 - d) to instruct the Examining Division to grant the patent?
 - e) to instruct that the Examining Division be dissolved and that a new Examining Division be formed which is entrusted with dealing with the application?
- How does the public/the applicant find out about the relevant instruction issued by the President?
 - In the scenarios referred to, do the members of the Examining Division or does the Examining Division have any means of legal redress against the instruction or the actions of the President?

Question 12:

Following internal consultation about the patent application, an Examining Division has established that two of its members are in favour of refusal and the remaining member is in favour of granting a patent.

The Director then examines the application himself and comes to the opinion that a patent should be granted.

He deliberately replaces one of the members of the Examining Division who are in favour of a refusal with himself, i.e. he becomes a member of the Examining Division. Since a majority of the members now vote in favour of a grant, the Examining Division arranges for the communication under Rule 71(3) EPC to be sent to the applicant.

- a) What is the legal position?
- b) What means of legal redress do the members of the Examining Division have?

- c) How does the public/the applicant find out about the change to the Examining Division?

Addition:

The member of the Examining Division who has been replaced protests against his replacement to the Director. Thereupon, the President

- d) transfers him to a different Directorate,
 - e) transfers him to a different employment site (employment sites for examiners are Munich, The Hague and Berlin) and/or
 - f) applies a disciplinary penalty to him (warning, formal warning, salary reduction, reduction of pension rights, dismissal)
- What means of legal redress does the replaced member have against this?

Question 13:

The entrusted member has placed a report in the internal post to be sent to the applicant.

After reading through the report, the superior, known as the Director, is of the opinion that the arguments presented therein are incorrect because the closest prior art is document D1 and not – as stated in the report – document D2. He asks the entrusted member to revise the report accordingly.

- a) What is the legal position?
- b) When and how does the public find out about this occurrence?

Continuation:

The entrusted member then consults with the other members of the Examining Division. Following this consultation, the Examining Division decides that the report should be sent out unchanged.

The Director refuses to approve the report for sending out to the applicant. Instead, he instructs the entrusted member in writing to revise the report in accordance with his stipulation (D1 instead of D2 as closest prior art) and to sign it in the name of the entrusted member.

The entrusted member fears a disciplinary penalty and revises the report as requested, but does not sign off on it.

The Director approves the revised report for sending out. The report is provided with the authentications of the Examining Division and of the entrusted member and is sent to the applicant as a report pursuant to Article 94(3) EPC.

- c) What is the legal position?

- d) When and how does the public/the applicant find out about this occurrence?
- e) What options do the members of the Examining Division have for defending themselves against the Director's actions, if desired?

Variation:

The Examining Division would like to place its decision regarding the originally compiled report and the written instruction of the Director to the entrusted member in the electronic file as an internal file note that is excluded from public inspection of the files.

The Director issues an instruction that this must not be done, and so no one plucks up the courage to place the file note in the electronic file.

- f) How does the public/the applicant find out about this occurrence?

Question 14:

An Opposition Division has issued to the parties, in a timely and formally correct manner, a summons to attend oral proceedings relating to the opposition on Thursday in calendar week X. At a point in time after the date for the oral proceedings has been set, the President issues an internal instruction that for PR reasons no oral proceedings relating to oppositions are to take place in calendar week X.

The Opposition Division sticks with the hearing date because, in its opinion, it cannot put forward any plausible reasons for a postponement.

It is then directly instructed by the President to postpone the hearing. The reason that should be specified is that a member of the Opposition Division has fallen ill at short notice.

The oral proceedings are then cancelled.

- a) What is the legal position?
- b) What means of legal redress do the members of the Opposition Division have?
- c) When and how do the public/the parties find out about this occurrence?

Question 15:

The EPO has developed, for all members of Search and Examining Divisions, a new system of prioritizing actions to be performed in relation to pending patent applications. Under this system, for each member all applications for which he is the entrusted member of the Examining Division are listed in the order in which they should be dealt with.

Under the system, searches relating to European applications and searches which are to be carried out by the EPO as International Searching Authority have the highest priority,

followed in order of priority by first communications relating to European patent applications, then second communications/summonses/refusals/grants relating to European patent applications, and then the additional searches relating to international patent applications designating Europe.

The examiners are obliged to adhere as precisely as possible to the prescribed order of priority.

Compliance with this order of priority is taken into account for the purposes of the examiner's appraisal at the end of the calendar year.

- a) What is the legal position?
- b) How does the public/the applicant find out that an/its application is being dealt with in accordance with the aforementioned system?

Question 16:

A patent application is in the examination phase. The applicant has responded to a first negative communication of the Examining Division in good time with counter-arguments, without filing amendments. Some time passes. The applicant enquires in writing when it can expect the responsible Examining Division's next action. In response to the enquiry, the EPO's computer system calculates a time limit of 5 months on the basis of an automatically generated time-limit form. A letter of response to the applicant is automatically produced in which it is stated: "The next examination communication can be expected within the next 5 months." The official seal of the Examining Division and the name of the entrusted examiner are printed below the text. The letter of response is sent automatically to the applicant and is served in a legally effective manner.

- a) What is the legal position?
- b) Do the members of the Examining Division have any means of legal redress or other options for taking action?

Question 17:

The responsible Examining Division for an application has been determined. One member comes to the conclusion that he is not impartial, i.e. he cannot examine the application in an unbiased manner, because the applicant is a friend with whom the member regularly undertakes activities in his free time.

- a) What procedure is followed in such a case?
- b) Who has responsibility for the examination of the lack of impartiality of the member?
- c) Who has responsibility, if appropriate, for the determination of a replacement member, and in accordance with which procedure is he determined?

Question 18:

In the middle of the current calendar year, a member of the Examining Division received a warning from his superior for poor productivity. The superior raised the prospect with the member that he would receive an appraisal worse than the grade "good" at the end of the calendar year if he did not significantly increase the number of grants and/or refusals and did not achieve a predefined number of grants, refusals and/or searches by the end of the year. If an appraisal with a grade worse than "good" were given, this would rule out any promotion for the next 4 calendar years.

In November, the member who has been given the warning proposes, as entrusted examiner, to the other two responsible members of the Examining Division that an application should be granted. The two other members are aware of the warning given to the entrusted examiner.

They both form an opinion about the application and both come to the conclusion that the application should be refused and, accordingly, that the applicant's request for oral proceedings should be acceded to. However, this course of action would mean that the examination proceedings for the application would no longer be able to be concluded by way of a grant or a refusal in the current calendar year because the legally prescribed notice period for the summons alone would lead to the oral proceedings falling in the next calendar year. By doing this they would therefore possibly deprive their colleague – the entrusted member who has been given a warning – of the chance of avoiding the warning.

- a) What options does each of the members of the Examining Division have?
- b) What is the legal position?

Question 19:

At the beginning of the calendar year, the Director instructs 10 employees from his Directorate to form a "team". He appoints a team leader ("Team Manager") from among the 10 employees and gives him the task of undertaking the appraisal of the quality of work, quantity of work and working ability of the other 9 employees in his team at the end of the calendar year. He also gives the Team Manager the task of checking, by way of "final inspection", all official documents which the members of his team produce, before they are sent out to the applicant/the parties, and, where appropriate, to approve them for sending out.

The Team Manager continues to work as a member of the Examining Divisions and Opposition Divisions with the other 9 employees in his team, i.e. he is assigned to such Divisions with two other employees from his team in each case. As directed, he inspects the documents and, at the end of the calendar year, writes an appraisal for each employee, which is incorporated into the official appraisal by the Director.

- a) What is the legal position?
- b) What options do the other 9 employees have?

Question 20:

In the search phase, the Team Manager, as the employee entrusted with the search, has conducted the research and produced the search report. He has found only A-documents. A member of his team has been appointed "Chairman" of the Preliminary Examining Division and, in accordance with the EPO's quality system (see also Question 6), therefore subjects the search to a quality review, in which, however, after checking the search for 5 minutes he finds two X-documents. Accordingly, the "Chairman" would be obliged to enter the deficiency in the database. He approaches the Team Manager to discuss the matter.

The Team Manager points out that he is responsible for the "Chairman's" appraisal at the end of the year and asks the "Chairman" to "think over" his assessment in the matter once again. The "Chairman" then fears that, in return, he will be given a poor appraisal by his Team Manager at the end of the year if he maintains his objection; he suppresses the two X-documents that have been found and enters in the quality database the remark "no objections".

- a) What is the legal position?
- b) How does the public find out about this occurrence?

Question 21:

A Director is of the opinion that virtually all of the employees in his Directorate are not capable of assuming the duties of a Chairman in Examining Divisions, in particular of conducting oral proceedings. In order to train the employees, when constituting the Examining Divisions he systematically appoints himself as Chairman in order that he also conducts the oral proceedings in all cases so that the employees can learn the work of a Chairman by reference to his good example. In the Divisions' discussions, the employees no longer have the confidence to put forward an opinion that deviates from that of the Chairman/Director, because they fear that they will receive a poor appraisal at the end of the year if they contradict the Chairman/Director.

- a) How can the employees defend themselves?
- b) What is the legal position?

Question 22:

The EPO would like to improve its service for "large-scale customers" (applicants with more than 500 EP applications per year). In a secret working group together with representatives of the selected "large-scale customers"/companies, measures are developed which are intended to improve the service offered to them. By way of example, above a certain number of applications, discounts are to be awarded on application fees; furthermore, all applications from the companies are to be dealt with on an expedited basis, with the Search Report being guaranteed to be produced within 2 months from the date on which the application is filed and examination communications being produced not more than 2 months after the last response. If the Examining Division reaches the view

that the application should be refused, it is provided that a hearing with the applicant will take place at which the Examining Division will work on a solution/wording of the claims together with the applicant.

- a) How does the public find out about the EPO's new service?
- b) What is the legal position?

Question 23:

For the purposes of assessing productivity, the EPO has introduced a productivity measurement system for examiners, in which specific actions of the entrusted examiner of the Examining Division are assessed by way of "points" and are accumulated as a points score on an ongoing basis. For example, for a grant (collation of the documents of the *Druckexemplar*, drafting of a non-public opinion on patentability (*votum*)), the examiner is credited 0.4 points. For a search (search of the relevant prior art in the databases, drafting of a preliminary opinion on patentability), he receives 0.6 points. For a refusal (drafting of the refusal decision) it is 0.8 points. For all other examiners' activities, such as the drafting of communications, conducting of oral proceedings, hearings, telephone calls, etc., and the drafting of the corresponding minutes, the examiner does not receive any points.

Furthermore, all working days worked in a calendar year are added up on a continuous basis.

The current productivity of an examiner is calculated on the basis of his current points score divided by his current number of working days.

Every year, the productivity figures of all examiners working in a particular field are used to calculate an average productivity figure, which is used as a comparison figure for assessing the productivity of an examiner for the purposes of his appraisal at the end of the calendar year. The promotion/career prospects of the examiner largely depend on the productivity assessment. Likewise, if his productivity is too low he can be given a warning and ultimately even be dismissed.

In June, after 110 working days, examiner X has a productivity figure of 0.33, i.e. to date he has completed a grant and a search "on average" every three days. The average annual productivity in his field is 0.38. His superior points out to him that his productivity is too low in comparison with the average annual productivity and also in comparison with the productivity of his colleagues in his field. Upon querying this with his colleagues, he finds that at least one of his colleagues, after 110 working days, currently has a productivity figure of 1.0, i.e. on average the colleague has completed one search and one grant per working day.

- a) What is the legal position?
- b) What can/must examiner X do?

Addition 1:

Examiner X approaches his responsible Director and brings it to his attention that the colleague cannot be achieving such a high productivity figure without there being failings in terms of quality.

Thereupon, the Director warns examiner X against potentially wrongly accusing colleagues of unsatisfactory work, which could be interpreted as mobbing against the colleagues.

c) What can/must examiner X do?

Addition 2:

Examiner X learns that two more of his colleagues, having worked the same number of working days (110), currently have a productivity figure of 0.8, i.e. to date each of them has thus completed on average four searches and four grants every five working days. Examiner X additionally learns that the three colleagues always form together the Examining Divisions for all of the applications dealt with by them, in differing compositions.

d) What is the legal position now?

e) What can/must examiner X do?

Further information and notes:

As the EPO benefits from immunity as a matter of principle and the members of the bodies referred to are subject to a secrecy obligation, little information about them, their hierarchical relationships and the internal EPO organizational structure relating to them reaches the outside world. Employees of the EPO who wish to speak about their work or other issues relating to the EPO are compelled to obtain permission to do so in advance from their employer, the President of the EPO. If they fail to do so, they can be subject to disciplinary proceedings.

The President bases his right to give instructions to and to discipline employees, i.e. including the members of the bodies referred to, on Article 10 of the European Patent Convention (EPC).

The employment law applicable to the employees of the EPO is codified in the so-called Staff Regulations, which are not public. Substantial parts of the Staff Regulations are laid down by the Administrative Council. However, in individual cases the President is authorized by the Administrative Council to issue more detailed employment-law rules himself.

In addition, the President of the EPO has issued internal – i.e. unpublished – guidelines for searches and for examination and opposition proceedings. He has instructed the members of the bodies mentioned to comply with these internal guidelines. In terms of their structure, these guidelines are based on the official Guidelines for Examination issued by the EPO. The internal guidelines are regularly updated by the President.

Additionally, the President regularly issues internal practice and procedural instructions in relation to specific issues, to which the members of the bodies have to adhere, as instructed.

In exercising his disciplinary powers, under the Staff Regulations the President of the EPO can impose various disciplinary penalties on an employee. These go from a warning or a written warning, via a salary reduction or a reduction of pension rights, as far as dismissal, or a combination of the above. For more serious disciplinary penalties, there is provision for a disciplinary committee to be convened which is made up of EPO employees who are subject to the disciplinary powers of the President. The disciplinary committee merely issues a recommendation to the President, who does not have to adhere to this recommendation; rather, after the disciplinary committee has considered the matter, he can in fact, at his discretion, issue disciplinary penalties that are different from and also greater than those recommended by the disciplinary committee.

In the event of disputes between an employee and the EPO – e.g. if the employee wishes to object to an act which prejudices him, a disciplinary penalty, his appraisal, etc. – he is totally unable to access the courts of the Member States of the EPC. As a rule, the employee must initially go via an internal EPO Review Panel, then via an internal EPO Appeals Committee and after that to the Tribunal of the International Labour Organization in Geneva. All of these “instances” likewise only issue recommendations to the President of the EPO and thus merely constitute a step to be complied with in the “legal process” for the employee. It is entirely at the discretion of the President whether or not he implements the recommendation. However, it was generally customary for him to implement at least the recommendation of the Tribunal.

Proceedings before the Review Panel last 2 months, those before the Appeal Panel last on average 4 years and for EPO employees they last on average over 10 years before the Tribunal.

The long periods of time taken up by these proceedings *de facto* lead to a situation in which the employees have no rights. As they generally lose their rights under the national social security system of their country of origin when they begin work for the EPO – after various periods of time depending on the law of their country of origin – they are *de facto* not covered by social insurance when they are dismissed either.

The composition of the Review Panel is decided within the EPO and is not subject to any further regulation, and so the review in fact can be and is carried out by the person against whose actions the petition for review is directed. There is no provision for the EPO employee to be legally represented. The composition of the Appeals Committee is laid down in the Staff Regulations, and is constituted exclusively of EPO employees who are all subordinate to the President for disciplinary purposes. Recently, members of the internal Appeals Committee have been subject to disciplinary action by the President and – contrary to the recommendation of the disciplinary committee – punished by way of salary reductions.

A type of “constitutional” review of general employment-law rules which are issued by the Administrative Council or the President is regularly rejected by both the President and the majority of the Administrative Council. Accordingly, there is no provision whatsoever for such a review of the Staff Regulations and of other internal instructions, such as is possible for example in Germany.

As a consequence, there is *de facto* no legal means of reviewing amendments to the rules of the EPC or amendments to the Staff Regulations that are decided upon by the Administrative Council for their conformity with the other rules of the EPC or with fundamental, general principles of law, employment law, human rights, Conventions of the International Labour Organization, etc.

Pursuant to Rule 11(1) EPC, the members of the Search, Examining and Opposition Divisions are assigned to Directorates.

In the internal hierarchy of the EPO, each Directorate is headed by a so-called Director, who is in a direct hierarchical line from the President. Each Directorate comprises approximately 30 employees who meet the requirements for being able to work as members of Examining and Opposition Divisions and Search Divisions. In accordance with the President’s instructions, for each patent application the Director appoints from among his Directorate’s employees a search examiner, the three members of the Examining Division and, where appropriate, the members of the Opposition Division, and he also defines their respective functions (entrusted member, second member and chairman).

In accordance with the President’s instructions, at the end of each calendar year the Director also appraises the performance of each employee in his Directorate in terms of quantity/productivity, quality, aptitude and attitude, with the main focus being on quantity/productivity. The appraisal is countersigned by the Director’s superior. Furthermore, the Director also determines the further career development and personal development of each employee in his Directorate.

Pursuant to the instructions given, the Director is responsible for the quality of the official communications and of the work of the Examining and Opposition Divisions in his Directorate. The Director countersigns internally – in a manner not visible upon an inspection of the files – all official documents going out from the Examining Divisions and Opposition Divisions in his Directorate.

The Director's countersignature is a necessary precondition for an official document being sent out to the applicant/the parties by the EPO.

As a pilot project, the EPO has established an additional level of so-called Team Managers below the Director in the hierarchy; these Team Managers lead teams composed, in accordance with instructions, of approximately 8 to 10 employees of the Directorate. The Team Manager himself works as a member of Examining and Search Divisions within his team. His additional tasks include appraising the work of the members of his team in terms of quality and quantity/productivity as well as the working ability of the relevant member for the purposes of the annual appraisal at the end of the calendar year. In addition, he assumes responsibility for signing off the official documents and communications of the employees within his team before they are sent out. The Team Manager is also responsible for defining the further career development and personal development of each team member. Now the EPO implements the Team Manager level office-wide for all examiners.