

SUBJECT: Post-service integrity: prevention of conflicts of interest – comparison between existing and new text

SUBMITTED BY: President of the European Patent Office

ADDRESSEES: Administrative Council (for information)

SUMMARY

In CA/29/16 the Office proposes to introduce provisions allowing for the monitoring and prevention of potential conflict of interest situations after termination of service. This addendum provides a table to facilitate comparison between the existing and proposed provisions. The new wording is grey-hatched.

This document replaces CA/29/16 Add. 1 Corr. 1 e dated 20.06.2016. The amendments are highlighted in yellow.

COMPARISON BETWEEN EXISTING AND NEW TEXTS

Existing text	New text
<p>Article 19 Obligations after termination of service</p> <p>A permanent employee shall, after leaving the service, continue to be bound by the duty to behave with integrity and discretion as regards the acceptance of certain appointments or benefits.</p> <p>Non-existent</p> <p>Non-existent</p>	<p>Article 19 Obligations after termination of service</p> <p>(1) A permanent employee shall, after leaving the service, continue to be bound by the duty to behave with integrity and discretion as regards the acceptance of certain appointments or benefits.</p> <p>(2) A member of the Boards permanent employee or former member of the Boards permanent employee intending to engage in an occupational activity, whether gainful or not, within two years of leaving the service shall inform the Administrative Council appointing authority thereof. If that activity is related to the work he carried out during the last three years of his service and could lead to a conflict with the integrity of the EPO's appeal system legitimate interests of the Office, the Administrative Council appointing authority may, having regard to his interests and to those of the EPO's appeal system service, either forbid him from undertaking it or give its approval subject to any conditions it thinks fit.</p> <p>(3) Where the appointing authority is the President of the Office, he shall notify his decision within two months of being so informed.</p>

Existing text	New text
Non-existent	(43) Where the appointing authority is the The Administrative Council, it shall notify its decision within two months of the date on which the information was submitted to the first meeting of the Council after its receipt, taking due account of any specific provisions applicable for the submission of documents to the Council laid down in Article 9 of the Rules of Procedure of the Administrative Council.
Non-existent	(54) For members of the boards, the The decision under paragraph 3-4 shall be taken after consultation of the Boards of Appeal Committee.
Non-existent	(65) If no decision has been notified by the end of the period prescribed in paragraph 3 or 4, this shall be deemed to constitute implicit acceptance.
Non-existent	(76) Paragraphs 2 to 6 5 above (a) shall not apply to former contract staff who have served three years or less; (b) shall cease to apply to former members of the Boards permanent employees who have served five years or less one year after termination of their service.
Non-existent	(87) Each appointing authority The Administrative Council may lay down further terms and conditions for the application of this Article to those employees appointed by it , in particular with respect to the form and content of the information to be provided under paragraph 2.