



CSC Report on the 146th meeting of the Administrative Council (AC/146)

FEELING A “WIND OF CHANGE”?

Dear colleagues,

The previous Council meeting (AC/145) in October 2015 was already accompanied by large demonstrations and took place in a tense social environment (see [report](#)). At the time the Council decided after long confidential discussions on the social conflicts to launch a social study. In the meantime the Office has intensified their investigations against staff representatives and union officials and suspended with Els Hardon, Malika Weaver and Ion Brumme, three colleagues representing you in the local and central staff committees as well as in the Union. This heated further the social atmosphere resulting in a number of further large demonstrations in Munich, The Hague and Berlin.

Further to this, the President put yet again a number of topics / further reforms on the agenda providing him with yet more power and putting further undue burden on staff and pensioners:

[CA/99/15](#): Periodical review of the Service Regulations

- Power for the President to extend the terms of office of staff representatives to statutory bodies (Article 2 ServRegs)
- Suspension from service (Article 95 ServRegs)

[CA/98/15](#): Orientations for the structural reform of the EPO Boards of Appeal

- Relocation of DG3
- Relocation of Patent Information
- Prohibition of further employment

[CA/93/15 Rev.1](#) and [Add 1](#): Amendment to the tax adjustment system

- Tax adjustment only following delivery of yearly tax statement

As such the atmosphere also in this AC was again tense from the start, also regarding the confidential part on the afternoon of the first day. Quite remarkably, the Council seemed to take its supervisory duty more seriously than in the past, in that it forced the President to amend one proposal ([CA/99/15](#)) in the last minute and to withdraw one proposal ([CA/98/15](#)). It also refused to adopt one proposal ([CA/93/15 Rev.1](#)).

As in the October AC, the delegation followed our interventions with increased interest. We tried to remain factual and moderate but to address the main issues at stake. This time we had to often adapt our interventions as many concerns were already raised by the delegations.

MAIN ITEMS OF INTEREST TO STAFF

1.1. ACTIVITIES REPORT OF THE PRESIDENT OF THE EUROPEAN PATENT OFFICE

The President presented with his “Activity report” the successes of the Office at length, however spending only little time to the ongoing social conflict. By contrast, many delegations including those representing the most influential countries DE, FR, UK, as well as NL, CH and SE, expressed the view that the social conflict was getting worse and was damaging the EPO, contrary to the mandate given to the President to renew the social dialogue. NL could not understand the suspension of Union officials and the ongoing fight of the Office against the Union. DE regretted that the President used 40 minutes of his report to address the successes and only 2 minutes to address the social situation. The delegations perceived that the social problems should have been given a larger part. Some delegations mentioned already here that some of the above addressed topics / further reforms needed due consideration and especially CH requested to at last conclude a Memorandum of Understanding to accept and acknowledge the Unions as social partners and to return to social peace. We emphasised in our intervention the unacceptable situation in the Office now resulting in the recent suspension of three staff representatives. The President (as to each point has the last word) replied that the delegations were the victims of a SUEPO misinformation campaign and that the social situation was in actuality not getting worse. The successes couldn’t be achieved by threats and with staff being against the President.

1.2. AMENDMENT TO THE TAX ADJUSTMENT SYSTEM ([CA/93/15 REV 1](#) AND [ADD 1](#)).

This was the last item of particular interest for staff on the first day before the start of the confidential session. Already in the Budget and Finance Committee in October, about half of the delegations refused to support the proposal of the Office. The reasons were briefly again raised by the delegations, amongst others the lack of consultation of the Staff Representation and the Pensioners’ Association and the unclear benefit and additional burden for the Administration and the Pensioners (see [Intervention to CA/93/15 on tax adjustment](#), page 7). Many offered a golden bridge to the President: “In case the paper is presented to a vote we will have to vote NO”. Nevertheless, the President insisted on a vote, stressing that the present negative behaviour of the delegations was a “*magnifique exemple*” of the situation having prevailed in the past, where the delegations shunned taking their responsibility when confronted with a problem.

For once the Council did not follow the President and rejected the reform:

12 NO votes (CZ, DE, FR, IE, IS, CY, LI, NL, CH, SK, SE, GB)

10 YES votes (ES, HR, LV, LT, MK, MC, AT, PT, RO, FI)

16 abstentions (BG, BE, DK, EE, GR, IT, LU, HU, MT, NO, PL, SM, AL, SI, RS, TR)

1.3. CONFIDENTIAL SESSION

The Chairman of the Council informed the next day about the conclusions in the confidential session:

- Boards of appeal; reappointments, no new appointments.
- The DG3 Disciplinary Case and next steps has been discussed.
- The Council had a long and exhaustive debate on the social situation and many delegations have expressed their hope:
 - o to soon recognise the Unions, and
 - o to overcome the social problems.

The last statement made a perfect bridge to the next important issue of:

1.4. SOCIAL STUDY 2016 - PREPARATION ([CA/101/15](#))

The document provides a framework for the envisaged social study as requested in the October AC and elaborated by the B28. As usual the devil is in the detail, however the interventions of many delegations were reassuring that this study should provide for what it is meant for. First results should be available in June 2016 with a final report provided during summer. It was mentioned that the study should not only indicate the problems but should provide a proposal for a way forward (SE). Furthermore, it was made clear that this is mainly a social study and that financial aspects are mainly to be dealt with in a separate financial study (UK; Chairman). The SR welcomed the study in principle and presented their views and concerns (see [Intervention zu CA/101/15 \(Sozialstudie 2016 – Vorbereitung\)](#), page 11). The chairman reassured that the study will address every staff member in an anonymous fashion.

1.5. ORIENTATIONS FOR THE STRUCTURAL REFORM OF THE EPO BOARDS OF APPEAL ([CA/98/15](#))

This very controversial document had obviously been discussed during the confidential session or in the fringes of the Council meeting as the President had to announce that he withdrew the document.

Nevertheless, the Council Chairman invited the delegations to provide their view on the document. The Swiss delegation first made points about the content of a guideline for the structural reform to be prepared by the B28 until March 2016, which many delegations supported. It became quite clear that the Council was striving for fast progress as the reform is now for more than one and a half year on the agenda. It was made obvious that relocation of DG3 was regarded as irrelevant to the question of “perceived independence”, and also that aspects not directly related to the reform, such as the envisaged “prohibition of further employment”, only distracted from the real issues. The necessity of appropriate staffing in the Boards was also stressed. In our intervention (see [Intervention to CA/98/15 on orientations for the structural reform of the EPO Boards of Appeal](#), page 8) we referred amongst others to the need of a real consultation process involving the DG3 presidium and the DG3 Association ([AMBA](#)).

The President could not resist mentioning the limited mandate of the B28 under Article 28 EPC versus his own competences under Article 10 EPC.

1.6. PERIODICAL REVIEW OF THE SERVICE REGULATIONS ([CA/99/15 REV. 1](#))

Also these changes of the ServRegs had obviously been discussed during the confidential session or in the fringes of the Council meeting as the President had to announce a last-minute revision of the part of the document relating to the “suspension from service” (Article 95 ServRegs), now limited to staff members appointed by the Council (DG3 members and Vice-Presidents), with the provisions for “normal” employees being left unchanged. For the formers, a suspension on half pay is lengthened from presently 4 to 24 months and is now further extendable!

The change to Article 2 ServRegs extending the terms of office of all members of the statutory bodies was hardly commented by any delegation. As regards Article 95, many delegations raised doubts about the retroactivity clause for the presently ongoing case of a DG3 colleague. We informed the Council (see [Intervention to CA/99/15 Rev.1 on periodical review of the Service Regulations](#), page 9) that these changes are in no way small adaptations, as presented by the President, but considerable impairments adversely affecting the competences of the Staff Committees and the rights of staff. Nevertheless the Council approved the changes, however, with two NO votes from the main host countries DE and NL and 4 abstentions (GR, SK, SE, FR).

FURTHER TOPICS OF HIGH INTEREST FOR STAFF

1.7. ADJUSTMENT WITH EFFECT FROM 1 JULY 2014 AND 1 JULY 2015 OF SALARIES AND OTHER ELEMENTS OF THE REMUNERATION OF PERMANENT EMPLOYEES OF THE EUROPEAN PATENT OFFICE AND OF PENSIONS PAID BY THE OFFICE ([CA/72/15](#))

The proposed adjustments of 0.5% retroactively from 1 July 2014 and of Austria: +0,7%; Belgium: +2,0%; Germany: +0,9% and The Netherlands: +1,5% from 1 July 2015 have been unanimously approved by the Council.

1.8. TRANSFER OF FUNDS OF THE OFFICE TREASURY INTO THE RFPSS ([CA/83/15](#))

The transfer of €200m to the Pension Reserve Fund has been unanimously approved by the Council.

1.9. REPORT OF THE CHAIRMAN OF THE RFPSS SUPERVISORY BOARD ([CA/67/15](#))

The delegations congratulated the Managers for the good performance of the Reserve Funds above the benchmark and with a volume of about € 6,5 billion.

The President could not resist reminding that also the Funds administration is under his responsibility.

OTHER RELEVANT TOPICS OF INTEREST

1.10. REPORT ON REFERRALS OF REQUESTS FOR REVIEW ([CA/90/15](#))

Amongst others we reminded the high number of appeals and the missing “*locus standi*” contributing to the present situation (see [Intervention zu CA/90/15 \(Bericht über die Weiterleitung von Überprüfungsanträgen\)](#), page 10).

1.11. UNITARY PATENT AND RELATED DEVELOPMENTS; STATUS REPORT; REPORT OF THE CHAIRMAN OF THE SELECT COMMITTEE ON ITS 17TH AND 18TH MEETINGS

We welcomed that the Select Committee finally found agreement on all relevant aspects and that now the Unitary Patent can be implemented. A hint to the link between production and quality was not missed (see [Intervention zum Bericht des Vorsitzenden des Engeren Ausschusses über dessen 17. und 18. Sitzung](#), page 11).

1.12. REPORT OF THE CHAIRMAN OF THE TECHNICAL AND OPERATIONAL SUPPORT COMMITTEE ON ITS 81ST MEETING

We hinted to the increased costs and the missing deliveries.

AT THE END OF THE MEETING

1.13. DRAFT BUDGET AND TABLE OF POSTS FOR 2016; ESTIMATES 2017-2020 ([CA/50/15 + ADD. 1 A](#) AND [ADD. 1 B](#))

This last item, although very important, did not attract in-depth discussions and was unanimously agreed following a short debate. We made them aware that the new version omits the link of posts per site and thus does not provide full information especially for the host countries.

SELECTED INTERVENTIONS OF THE MEMBERS OF THE STAFF REPRESENTATION IN THE 146TH MEETING OF THE AC¹

- [Intervention to CA/93/15 on tax adjustment](#) (see page 7).
- [Intervention to CA/98/15 on orientations for the structural reform of the EPO Boards of Appeal](#) (see page 8).
- [Intervention to CA/99/15 Rev.1 on periodical review of the Service Regulations](#) (see page 9).
- [Intervention zu CA/90/15 \(Bericht über die Weiterleitung von Überprüfungsanträgen\)](#) (see page 10)
- [Intervention zum Bericht des Vorsitzenden des Engeren Ausschusses über dessen 17. und 18. Sitzung](#) (see page 11)
- [Intervention zu CA/101/15 \(Sozialstudie 2016 – Vorbereitung\)](#) (see page 11)

¹ The written interventions below are not (necessarily) word by word transcriptions of the oral interventions, but sometimes reflect them on the basis of prepared speaking notes and personal recollection.

Intervention to CA/93/15 on tax adjustment²

Dear Delegates,

Most critical aspects have already been raised and the SR provided their clear position already in the Budget and Finance Committee³; therefore I will keep my intervention shorter than foreseen.

At first to the question raised by NL and UK on the consultation process:

No, there was no bona fide consultation process neither with the SR nor the Union nor with the Pensioners' Association, whose members are most affected. The document was finally presented to the GCC on 23 November, which was too late that any comments could have been taken into account for the opinion provided in the BFC in October - one month earlier. The PA has asked to be present today, but as you can see they have not been invited.

We have submitted to you in October our detailed comments on this document. We understand that also the Pensioners' Association has provided their comments to you. Furthermore, just recently we informed you by letter on a legal study performed by a reputed law firm providing solid arguments and putting severe questions to this proposal.

You mentioned already the unclear and considerable additional administrative work the Office will be faced with. We have also to consider the side of the pensioners as already raised by e.g. the SE, DE, and FR delegation today and as previously in the BFC:

- It will put an undue high administrative burden on the pensioners.
- It will be an administrative nightmare looking at each individual situation within 38 or more national tax systems and the obvious need for translation and clarifications.
- It will most possible put a considerable financial burden on the pensioners needing to finance the due payments until they are finally paid. E.g. the final tax statement may need some years e.g. in NL up to 3 years.
- Furthermore, it is expected that there will be quite a number of legal challenges involving pensioners, the Office and national tax authorities.
- It will put a considerable psychological burden on the pensioners to cope with imposed administrative and financial as well as legal issues. Remember, pensioners are one of the most vulnerable part of staff.

Thus finally there remains the question:

² Speaking note – Intervention shortened following already strong interventions made by some delegations

³ Voting in the BFC in October:

The committee approved the draft decision in Part II of CA/93/15 (present: 34; for: 18 – GR, ES, HR, IT, LV, LT, LU, HU, MK, MT, MC, AT, RO, SM, AL, RS, FI, TR; against: 2 – NO, CH; abstentions: 14 – BG, BE, CZ, DK, DE, EE, IE, IS, NL, PL, PT, SK, SE, GB).

The French delegation said it had intended to vote against the amendment proposed, but problems with the electronic voting system had prevented it from voting at all.

What is the underlying reasoning for this proposal – and will it be of benefit for the Office and its staff?

There are no clear financial, administrative and legal estimates provided in the document supporting the proposal. There are further no sample calculations for individual pensioner situations available.

The legal study concludes amongst others (I cite from the study):

- Furthermore, there is an inherent logical lacuna in the proposals which contradicts the previously stated position of the Office – one which has been upheld by judgments of the ILOAT.

It is not possible, to take no account of personal circumstances on the one hand, whilst effectively requiring disclosure of and benefitting from, the same on the other hand.

- this proposal surely requires a fully-costed actuarial assessment with a full impact assessment and account of how the administrative and cost burden will be dealt with; but also how such additional challenges can be justified.

Thus, if there is no major benefit - but only burden to be expected we go alongside with the pensioners' association: "if it ain't broke – why fix it?"

As such we ask you to reject this document for the reasons set out before – this means voting NO.

However, if you really wish to consider changing the approach to the tax adjustment you have our proposals as submitted in the documents at hand. As always the SR, the Union and here also the Pensioners' Association are prepared to contribute following a real consultation process being the basis of a real renewed social dialog.

Thank you for your attention!

Intervention to CA/98/15 on orientations for the structural reform of the EPO Boards of Appeal

I would like to address first the structure of the Boards. The German delegation has pointed at the right order to be followed in the reform, with the concerns about the independence being in the first place [as opposed to the cooling-off period, location of the Boards ...]. We should refrain from an overly creative interpretation of the EPC. The Italian delegation has also mentioned that we need the preliminary legal study relating to the delegation of powers by the President to the BOAC.

We would welcome it if the stakeholders were more involved in the consultation process, including the Presidium, AMBA, as well as the staff representation since the reform does not entail only institutional issues, but also staff issues.

About the premises: the question should be settled soon once and for all because the present situation causes unrest in Berlin, Vienna and Munich. I further refer to the proposal by the Swiss delegation [to leave the Boards in the Isar building for cost reasons].

About the careers: *interim* measures were decided by the Council to exclude members and chairs of the Boards from the new career system, pending a definitive solution. More and more time passes by and the problem should be addressed again.

About staffing: many delegations have already mentioned the urgency to appoint new members. We urge the President and the Council to become active soon.

Thank you for your attention!

Intervention to CA/99/15 Rev.1 on periodical review of the Service Regulations

The proposed changes are no minor adjustments but changes affecting the right of the staff representation and of suspended staff.

About Article 2: the President has pointed at the necessary efficiency [in staff representation matters]. The staff representation already rotates the nominees only when necessary. There is presently no real problem in this respect. There is however a concrete background for the proposal: as mentioned by the President in his oral report yesterday, three volunteers have been placed in the Appeals Committee although the staff representation had appointed none. The President obviously wishes to extend the mandate of those volunteers. This is in conflict with Article 36 ServRegs, according to which the staff representation has the exclusive right to appoint. This will also conflict in the future with the decision of the staff representation, when it will nominate its own candidates.

About suspension, the devil lies in the details and a question arises as to the part deleted in paragraph 2 [question raised by the British delegation]. The new Article foresees two time limits: 4 and 24 months. We would prefer a flexible solution which is incidentally adopted in many international organisations. Maybe indeed the involvement of the Enlarged Board of Appeal would take quite a long time for the DG3 member. There is in many organisations a basic time limit, for instance six months, which under particular, duly justified circumstances, can be extended by the appointing authority. This would be better than the rigid duration of 24 months.

Since many delegations have already done this, I would not come back on the issue of retroactivity, which leaves a very bad impression. The timing of the change to Article 95 is very unfortunate and the present case is under particular public scrutiny.

Some of our objections have been solved in the revised version but, once again, it is not about small adjustments but about staff representation and suspended staff. This is why we urge you to reject the proposal.

Thank you for your attention!

Intervention zu CA/90/15 (Bericht über die Weiterleitung von Überprüfungsanträgen)

Wenn wir uns hier mit einer Intervention zu dem Bericht Ihres Vorsitzenden zu der Weiterleitung von Überprüfungsanträgen zu Wort melden, dann lediglich, um auf die hohe Anzahl der Anträge auf Überprüfung hinzuweisen. 135 Anträge, die innerhalb eines Jahres eingegangen sind, sind ein trauriger Rekord. Sie wissen, dass hierbei die mehr als 1.000 Anträge noch nicht mitgezählt sind, über die Sie in den vergangenen Sitzungen dieses Jahres schon diskutiert haben. Alle diese Anträge kommen zu den Überprüfungsanträgen an das Amt hinzu. Viele Beschwerden werden daraus resultieren, und schließlich landen manche Beschwerdeführer bei dem VGIAO. Die Rechnungsprüfer haben in ihrem Sonderbericht kürzlich über die Zahlen gesprochen.

Uns Personalvertretern ist sehr daran gelegen, die Anzahl der Überprüfungsanträge und der Beschwerden zu reduzieren. In zahlreichen Einzelgesprächen mit Kolleginnen und Kollegen, die sich in Konfliktsituationen am Arbeitsplatz – und diese Konfliktsituationen haben in jüngster Zeit deutlich zugenommen – an uns Personalvertreter wenden, raten wir dazu und helfen dabei, diese Konflikte in Gesprächen zu klären und nicht den Beschwerdeweg einzuschlagen. Ohne diesen Einsatz hätten wir noch deutlich mehr Beschwerden.

Aber auch Sie können etwas tun. Wenn dem Personalausschuss im Beschwerdesystem ein *locus standi* eingeräumt wird, dann muss sich nicht mehr jeder Beschäftigte persönlich an die Überprüfung oder den Beschwerdeausschuss wenden. Nicht nur die Anzahl der Anträge könnte hierdurch deutlich reduziert werden, sondern auch der persönliche Ärger und die Frustration des einzelnen Beschäftigten, der sich jetzt mit dem Formulieren einer Beschwerde befassen muss. Darüber hinaus wäre es nützlich, wenn der Rat einige oder zumindest diejenigen Anträge mit vielen Antragstellern nicht zurückweist oder weiterleitet, sondern sie hier im Rat inhaltlich behandelt. Dies kann sicher ein Beitrag zum sozialen Frieden sein.

Eben haben einige Delegationen nach einem positiven Signal von unserer Seite gefragt. Wie der Präsident mitgeteilt hat, fand sich im letzten Jahr keine Mehrheit im Zentralen Personalausschuss für den Beschwerdeausschuss Kandidaten zu benennen. Dies geschah mit dem Hintergrund, dass kurz zuvor ein ehemaliges Mitglied suspendiert wurde und zwei Mitglieder dann disziplinarisch belangt wurden. Wir haben jetzt erneut dem Präsidenten angeboten, in einem Gespräch die notwendige Unterstützung und den notwendigen Schutz der Personalvertreter im Beschwerdeausschuss zu eruieren. Ebenso haben wir eine Liste von vier Kollegen aufgestellt, die sofort nach einer Einigung ihre Arbeit im Beschwerdeausschuss aufnehmen können. Ich hoffe, Sie erkennen dies als positives Signal, und danke für Ihre Aufmerksamkeit.

Intervention zum Bericht des Vorsitzenden des Engeren Ausschusses über dessen 17. und 18. Sitzung

Es ist mir eine Freude, Ihnen und dem Engeren Ausschuss zum Abschluss der Verhandlungen zum Einheitlichen Patent als Vertreter des Personals gratulieren zu dürfen. Die Patentprüfer, die zukünftig das Einheitliche Patent prüfen werden, sind hervorragend ausgebildete Ingenieure und Naturwissenschaftler. Viele davon sind promoviert und haben respektable Erfahrung in Forschung und Industrie gesammelt. In ihrer Arbeit sehen sich die Kollegen streng dem EPÜ verpflichtet. Und gerade deswegen freuen wir uns, dass die Artikel 142 bis 149 EPÜ nun mit Leben gefüllt werden. Auch die IGEPA hat sich immer für das Einheitliche Patent ausgesprochen.

In ihrer täglichen Arbeit leben die Kolleginnen und Kollegen den europäischen Gedanken. Die Wirtschaftslandschaft in Europa ist geprägt durch kleine und mittelständische Unternehmen. Ein starkes und sorgfältig geprüftes Einheitliches Patent kann dazu beitragen, dass nicht nur die Großindustrie, sondern auch die KMUs davon profitieren. Leider müssen wir beobachten, dass für die Arbeit in den dreiköpfigen Prüfungsabteilungen kaum noch Zeit bleibt. Die Effizienzsteigerungen, von denen Ihnen hier regelmäßig berichtet wird, haben eben auch ihre Schattenseiten.

Allerdings mag es ja durchaus in Ihrem Interesse sein, meine Damen und Herren, die Struktur des europäischen Patentsystems und der Europäischen Patentorganisation anders zu gestalten. Sie haben mit Artikel 172 EPÜ die Möglichkeit, eine Konferenz der Vertragsstaaten einzuberufen. Vielleicht genügt auch schon eine Konferenz der Minister der Vertragsstaaten nach Artikel 4a EPÜ, die eigentlich schon hätte stattfinden müssen, weil sie ja laut EPÜ mindestens alle fünf Jahre stattfinden muss. Ich kann Ihnen versichern, dass die Kolleginnen und Kollegen dann zu dem Erfolg des Einheitlichen Patents beitragen werden und spreche Ihnen abschließend meinen herzlichen Glückwunsch zu dem erreichten Abschluss aus.

Intervention zu CA/101/15 (Sozialstudie 2016 – Vorbereitung)

Zunächst darf ich mich bei Ihrem Vorsitzenden, Herrn Kongstad, und bei dem deutschen Delegationsleiter, Herrn Ernst, bedanken. Sie haben sich die Mühe gemacht, am Mittwoch der vergangenen Woche an der Sitzung des Allgemeinen Konsultativen Ausschusses teilzunehmen. Einerseits konnten Sie zu einigen Fragen von unserer Seite direkt Stellung nehmen, andererseits konnten Sie einen Eindruck davon gewinnen, in welcher Atmosphäre die Konsultation in diesem Ausschuss stattfindet.

Um es gleich vorwegzuschicken: Wir unterstützen die Durchführung der Sozialstudie 2016. Bitte erlauben Sie mir aber dennoch, fünf Punkte anzusprechen, die dem Personalausschuss besonders wichtig sind.

1. Wir müssen uns dessen bewusst sein, dass die Durchführung der Studie selbst noch nicht die gravierenden Probleme im Amt löst. Drei unserer Kollegen, deren Aufgabe es ist, die Meinung des Personals zum Ausdruck zu

bringen, sind suspendiert. Das Personal und wir können deswegen nicht einfach zur Tagesordnung übergehen. Der Zeitplan der Studie, der ehrgeizig genannt wird, ruft daher auch Bedenken hervor. Wollen wir tatsächlich bis Oktober 2016 warten, um die Probleme anzugehen? In der 136. Tagung des Verwaltungsrates im Juni 2013 waren Sie damit einverstanden, dass der Zentrale Personalausschuss Ihnen die Ergebnisse der damals durchgeführten Mitarbeiterbefragung darlegt. Diese Mitarbeiterbefragung wurde von der renommierten Beratungsagentur Technologia durchgeführt, wie auch schon einige Jahre zuvor. Wir wären in der Lage, Ihnen kurzfristig in Ergänzung zu Ihrer Sozialstudie 2016 Ergebnisse einer neuen Mitarbeiterbefragung vorzulegen, wenn der Amtspräsident denn deren Durchführung gestattet.

2. Wenn Sie in der Sozialstudie 2016 Mitarbeiter befragen, muss Ihnen bewusst sein, dass nicht nur die Mitarbeiter, sondern auch viele Manager große Angst haben, hier im Amt ihre Meinung zu sagen. Dennoch ist es für die Vertrauenswürdigkeit der Studie wichtig, dass jeder Mitarbeiter die Möglichkeit hat, seine Meinung z. B. in einem Fragebogen zu äußern. Um dies zu erreichen, muss absolute Anonymität bei der Teilnahme gewährleistet sein. Viele Kollegen wären nicht bereit, einen elektronischen Fragebogen an einem Amtsrechner auszufüllen. Dies muss auch von zu Hause aus möglich sein.
3. Um die Neutralität der Studie zu gewährleisten, ist es wichtig, dass der Personalausschuss zumindest einen Beobachter entsenden darf, der die Auftragsvergabe und den Kontakt mit dem Auftragnehmer der Studie begleitet. Ich denke, dies sollte auch im Rahmen der Geschäftsordnung des Verwaltungsrates möglich sein. Wir könnten dem Personal dann zumindest rückmelden, dass alles mit rechten Dingen zugeht.
4. Für die Auftragsvergabe sind mit KPMG, Deloitte, pwc, PA Consulting, Ernst & Young und einem weiteren Anbieter derzeit sechs potentielle Bieter genannt, bei denen streng kontrolliert werden muss, dass sie keine Interessenskonflikte bei der Durchführung der Studie haben. Es wäre bedenklich, wenn ein Unternehmen die Studie durchführt, welches zuvor das Amt bei den Reformen beraten hat. Es kann nicht sein, dass ein Unternehmen quasi selbst seine eigenen Beratungsergebnisse nun bewertet.
5. Dies ist mein wichtigster Punkt. Der Amtspräsident hat Ihnen gestern noch versucht zu versichern, dass das Personal sehr motiviert ist und dass die Qualität der geleisteten Arbeit besser als je zuvor ist. Dies sollte in der Studie verifiziert werden, indem die Mitarbeiter sich hierzu äußern dürfen. Die Unternehmen in den europäischen Ländern sind immer mehr in Konkurrenz mit denen in den Vereinigten Staaten, Japan, China und weiteren Ländern aus Fernost. Mit dem europäischen Patent und insbesondere mit dem Einheitlichen Patent erteilen wir zahlreiche Monopole in den europäischen Ländern. Es ist nicht die Aufgabe des Europäischen Patentamts, möglichst viele Patente zu erteilen. Die kapitalstarken Firmen sollen sich nicht Monopole erkaufen können. Es geht hier vielmehr darum, dass von uns nur Patente erteilt werden, die alle Anforderungen des EPÜ erfüllen. Bitte richten Sie Ihre Studie auch auf diesen Aspekt. Wir wollen nicht nur das angeblich beste

Patentamt der Welt sein. Wir wollen den Qualitätsstandard der vergangenen Jahre beibehalten, den das Personal derzeit in großer Gefahr sieht.

Wenn ich nun einige kritischen Punkte genannt habe, dann, weil dies meine Aufgabe als Vertreter des Personals ist. Abschließend darf ich Ihnen aber versichern, dass wir die Sozialstudie 2016 begrüßen und sie unsere Unterstützung findet.