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To the Members of the
Administrative Council

European Patent Office
80298 Munich
Germany

Central Staff Committee
Comité central du personnel
Zentraler Personalausschuss

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cc.: Mr Benoît Battistelli

centralSTCOM@epo.org

Re: Reform of the “Social democracy”

Reference: sc17027cl -0.3.1/4.6

Dear Delegate in the Administrative Council,

Date: 01.03.2017

In March 2014, with CA/D 2/14, the Administrative Council adopted a new framework for the organisation of the staff representation. The framework was then implemented by the President through Circulars 355 and 356. It provided for 44 staff representatives (representing around 30 Full Time Employees). Amongst them were 14 staff representatives fully detached to staff representation duties.

With CA/4/14 and Communiqué 48, the President gave assurances to the Council and to Staff to maintain the (time) resources available for staff representation at the same level as before the enactment of CA/D 2/14. The reality has been different. Our experience with the first period of the “social democracy” has been one of insufficient resources in terms of time budgets available, and further exacerbated by additional restrictions imposed by the President (not to mention vexations and persecutions – both visible and invisible due to imposed confidentiality-, leading “visibly” to three dismissals, one downgrading and several resignations).

There is a clear need to address and correct the lack of resources, independence and also protection. Instead of learning from the first period of the “social democracy” and committing to improve things, the President now proposes a revision of Circulars 355 and 356 (ANNEX 1), which further severely weaken the capacity and autonomy of the staff representation. For example, instead of 14 staff representatives fully detached there will be a maximum of one. **The proposed changes are such that the “Staff Committee” will be a mere empty shell, no longer able to properly fulfil its statutory role under Article 34 ServRegs.**

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From a procedural standpoint, we firmly believe that such sweeping restrictions to the scope of Article 34 should be subject to Council approval; the President has no formal power to change the scope of the Service Regulations through Circulars alone.

From a substantial standpoint, the changes are unwarranted and will lead to very negative results. Without proper manning, for instance, the GCC will be even less a bona fide consultative organ than it is now. There will also be problems in manning other statutory bodies, some of which are crucial to the legality of EPO operations – such as the supervision of the RFPSS (which requires at law the supervision of all stakeholders – since Staff puts its own money in it, staff must be represented).

The reform by revised circulars will be presented to the next GCC scheduled for the 9 March 2017 for consultation. This, however, could mean that the Council will be faced with a *fait accompli*, i.e. these revised circulars being approved by the President and scheduled for implementation before the next Administrative Council takes place later in March.

Therefore, we urge the Administrative Council to exert its prerogatives and prevent the implementation of the proposed revised version of Circulars 355 and 356. This can be done by demanding that any change be made through implementing rules (which must be approved by the Council) rather than mere circulars (which are in the sole hands of the President). In order to provide a basis to move forward, the Central Staff Committee has proactively submitted to the President a counter-proposal in the form of **Implementing Rules to Articles 34-38a of the Service regulations** (ANNEX 2), which we believe are firmly anchored in the principles adopted in CA/D 2/14.

Yours sincerely,

The Central Staff Committee

Annex 1: GCC DOC 8 /2017 - GCC DOC 9/2017

Annex 2: Letter sc17016cl – Proposal for Regulation for the Staff Committee and its election

The 15 remaining members of the CSC (originally composed of 10 full members and 10 alternates) after 3 years of social democracy
(Please look at the signatures)

We confirm that this letter was legitimately decided and produced by the Central Staff Committee¹.



~~Ion Brumme~~ (dismissed Jan 2016)



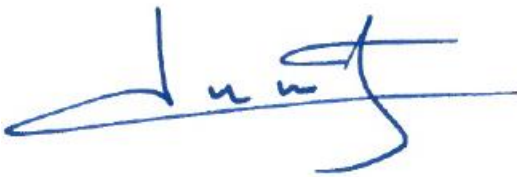
Alain Rosé
(threatened by PD43)



Malika Weaver
(downgraded Jan 2016)



Jesus Areso
(warned)



Alain Dumont



~~Laurent Prunier~~
(dismissed Nov 2016)



Jose Ramon Ambroa



Iordanes Thanos

¹ Pursuant to Article 35(3) ServRegs, the Central Staff Committee shall consist of ten full and ten alternate members.

The CSC presently consists of 8 full and 7 alternate members, because two have resigned in December 2014, one has been dismissed in January 2016 (against the recommendation of the Disciplinary Committee), one resigned as of October 2016, one has been further dismissed in November 2016 and one refused replacement of a full member since November 2016 and a further one since December 2014 against Article 7(3) of Circular 355.

Furthermore, one member of a LSC has been dismissed and a further full member of the CSC has been downgraded in January 2016 (against the recommendation of the Disciplinary Committee). In fact, the Office has launched investigations and disciplinary procedures against several other Staff representatives as well, affecting negatively their health.

Michael Kemény

François Brévier
(not allowed as the de jure
replacement for a full member
who resigned in Dec 2014)

Thomas Franchitti
(working part-time following
sickness since Sep 2015)

Philippe Couckuyt
(not allowed as the de jure
replacement for a full member
dismissed in Nov 2016)

Mathieu Guillaume

Michael Sampels

Joachim Michels
(warned)

Florent Béraud

Carmen Schuhmann

Mr B Battistelli
Chairman of the GCC
Room 1081

tsar

Re: GCC/DOC 8/2017
For Consultation – Revision of Circular 355

Dear Mr President,

Please find attached GCC/DOC 8/2017.

The document is presented for consultation in the GCC meeting on 9 March 2017.

Best Regards

A handwritten signature in black ink, appearing to be 'E. Bergot', written in a cursive style.

E. Bergot
PD 43

CIRCULAR NO. 355
(2 April 2014, 30 July 2015¹)

Regulations for the Staff Committee elections
(Article 35(5)(c) ServRegs)

Article 1
Entitlement to vote

(1) All employees referred to in Article 1 ServRegs in active employment with at least three months' service and those under Article 42 ServRegs whose remaining absence on the day of publication of the list of those entitled to vote is not greater than 2 months 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 job groups 1-4 and one representative of job group 5 or 6 staff;
- one full member and one alternate representing the Vienna and Berlin staff respectively.

(2) Subject to Article 33(2) ServRegs, four Local Staff Committee members shall be appointed at each duty station 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 job groups 5 or 6 staff. The Munich Local Staff Committee shall represent staff in Brussels.

¹ See CA/D 10/14 Article 61 and 62.

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 candidates for the elections.
- (3) The elections shall be supervised by an ad hoc Supervisory Committee composed of two employees and a chairman designated by the President and two employees designated by the Central Staff Committee. If the Central Staff Committee, despite an invitation to do so, fails to designate two employees to the Supervisory Committee, the designation shall be made by drawing of lots from among staff on the list of those entitled to vote.
- (4) One observer proposed by each list of candidates and one observer on behalf of all independent candidates may attend the meetings and deliberations of the Supervisory Committee.
- (5) The Supervisory Committee shall ensure that the elections take place according to the applicable provisions and shall report any irregularity which may unduly influence the results of the election.
- (6) The members of the Supervisory Committee and the observers shall be entitled:
- (i) to vote, but shall not be candidates for the elections;
 - (ii) to time deduction up to 3 working days to be confirmed by the chair of the Supervisory Committee. Additional time deductions may be granted in response to a reasoned written request (supported by the Chairman of the Committee) to the Principal Director Human Resources.

Article 4 Notice of elections

The Office, 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) the practical arrangements for voting, including the number of votes to which each voter is entitled;
- (d) the number of full members and, if applicable, alternates to be elected, which corresponds to the number of seats to be filled by election;
- (e) an invitation to stand for election, along with details of the form in which applications to stand for election must be lodged, the recipient of such applications and the closing date;
- (f) the method of counting of votes and attribution of seats, and when the counting of votes will take place.

Article 5 Standing for election and campaigning

(1) Each candidate must apply to stand for election by means of a signed form as provided for in the notice of elections. The candidate may apply as an independent or as a member of a list proposed by a union or association of employees. The number of candidates on such a list shall not exceed the total number of Staff Committee members to be elected. The candidate may indicate his area(s) of expertise and interests. ~~The candidate may indicate that he is supported by a union or association of employees.~~

(2) Being a candidate shall in no way be prejudicial to the person concerned.

(32) In addition to Article 35(5)(b) ServRegs, a candidate cannot stand for election to the Central Staff Committee and a Local Staff Committee at one and the same time. The candidate's term of employment shall be compatible with the Staff Committee's term of office.

(43) ~~The A panel, composed of the Head of Internal Audit, a former chairman or member of the Appeals Committee, and the Administrator of the RFPSS constituted under Article 6(4) of the Implementing Rules for Articles 106 to 113 ServRegs, having due regard to the proposal of the Supervisory Committee, shall reject, having due regard to the proposal of the Supervisory Committee,~~ any applications 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.

(54) The lists of candidates and their application forms to stand for election shall be published at least one month before the vote.

(65) Any election campaigning shall be conducted in a fair and respectful manner in accordance with the standards expected of the international civil service. The Office, after consulting the Supervisory Committee, 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.

Article 6 Voting

(1) Elections shall be by a secret vote.

(2) Votes shall be cast using 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 vote by a proxy. An employee can be given only one proxy.

(4) The order of independent candidates and lists of candidates on the ballot form shall be determined by drawing of lots. The order of candidates within a list of candidates on the ballot form shall be alphabetical. ~~Candidates shall be listed on the ballot form in the order of receipt of applications to stand for election.~~ Each candidate's name shall be followed by at least the job group of his post and his organisational unit.

(5) Each voter is entitled to receive multiple votes up to a maximum of half the number of seats available. The number of votes shall be determined in the notice of elections referred to in Article 4 of these Regulations. ~~to vote for one candidate to the Central Staff Committee and for one candidate to the relevant Local Staff Committee and.~~ Each voter shall mark the name of the ~~cast~~ his votes in favour of one or several candidates for whom he wishes to vote.

Article 7 Counting of the votes, election results

(1) The Office shall count the votes and proceed with the allocation of seats through a proportional method taking into account the number of votes received by each list and the number of votes received by independent candidates.

~~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) The quota of votes shall firstly be calculated by dividing the total number of votes cast by the number of seats to be filled. The quota shall then be used to allocate the number of seats won by each list or independent candidates. Any independent candidate receiving a number of votes exceeding the quota is automatically attributed a seat and thereby elected. Within a list of candidates, the seat(s) to be allocated through the application of the quota is attributed to the candidate with the most votes, who is thereby elected. Any remaining seats are attributed to the list(s) or independent candidate(s) based on the largest remainder method.

(3) In case of tied votes within a list or for the attribution of the remaining seats, the seat shall be allocated in order of length of service. In the case of equal length of service, lots shall be drawn.

(4) The method of counting and the method of attribution of seats shall be detailed in the notice of elections referred to in Article 4 of these Regulations.

~~(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.~~ (5) The Hague and Munich representatives to the Central Staff Committee and all Local Staff Committees shall include at least one employee in job groups 1-4 and 5 or 6, provided that a representative of these job groups has stood for election. If this composition has not been achieved, in order to determine the full members, the last elected candidate according to the order of allocation of seats in order of number of votes in the represented job groups shall yield his place to the candidate with the highest number of votes from the non-represented job group.

~~(3) For the Central Staff Committee, the required number of candidates with the most votes after the candidates who have become full members under paragraph 2~~ (6) For the representatives to the Central Staff Committee, the first half of elected candidates according to the method described in paragraphs 1 to 4 and who received individually the most votes shall be deemed elected as full members. The second half after the candidates who have become full members shall be considered elected as alternates, together with any candidates required to yield their places under paragraph 25. If a full member resigns, he shall be replaced for the remaining term of office by the first available alternate who obtained most votes.

Article 8 Notice of election results

The Office, after consulting the Supervisory Committee, 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 submitted to the President within two working days following the date of publication of the election results. The objection shall not suspend the constitution of the Staff Committee. ~~No objection to the panel's decision to reject an application to stand for election under Article 5 of these Regulations shall be entertained.~~

(2) The President shall refer such an objection to the Supervisory Committee, which shall provide him with its substantiated opinion within ten working days. The Supervisory Committee shall consider whether the alleged irregularity has occurred and whether it has 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 resume its duties ad interim until a new notice is published according to Article 8 of these Regulations. Any nominations for membership of bodies under the Service Regulations made by the Staff Committee during this period may 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 ~~215 April~~ **March 20147**.

Mr B Battistelli
Chairman of the GCC
Room 1081

Isar

Re: GCC/DOC 9/2017
For Consultation – Revision of Circular 356

Dear Mr President,

Please find attached GCC/DOC 9/2017.

The document is presented for consultation in the GCC meeting on 9 March 2017.

Best Regards

A handwritten signature in black ink, appearing to be 'E. Bergot', written in a cursive style.

E. Bergot
PD 43

CIRCULAR NO. 356

(2 April 2014)

**Resources and facilities to be granted to the Staff Committee
(Article 34(3) ServRegs)****Part I
Introduction**

The Staff Committee is a body established in Articles 33 to 37 ServRegs, with Article 34(2) ServRegs specifically providing 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 their official duties for all or part of their working time. Furthermore, staff members who are nominated by the Staff Committee to bodies pursuant to Article 36(2)(a) ServRegs shall be entitled to make time deductions. Additional resources shall also be granted to the Staff Committee to enable it to exercise its 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 performance of the Office's core tasks. In accordance with Article 34(3) ServRegs, this Circular sets out the resources and facilities which shall be granted to the Staff Committee. It also sets out how 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 his official duties in accordance with Article 3(1).
- (3) A "partially exempted member" is a member who has been exempted up to 50% from his official duties 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 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 Central Staff Committee and each Local Staff Committees respectively elect a chairman from among their members. 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, deputy chairmen and secretaries of the Central and Local Staff Committees shall hold such position for the entire duration of their term of office according to Article 35(7) ServRegs. They may only be replaced in the event that they cease to be members of the Staff Committee.
- (3) 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.
- (4) Performing their duties as chairman, deputy chairman, secretary, full or alternate members of the Central and Local Staff Committees shall in no way be prejudicial to the person concerned.

Article 3 Exemptions for Staff Committee members

- (1) The chairman full members of the Central Staff Committee and the chairmen of the Local Staff Committees shall be exempted up to 100% from their his official duties. This time exemption shall be used only for staff representative activities. Whilst occupying such positions, fully exempted members shall dedicate themselves solely to staff representative activities.
- (2) All other Staff Committee members shall be exempted up to 50% from their official duties (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 their official duties 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 and partially exempted staff

- (1) No staff reports shall be issued for periods during which staff are fully or partially exempted under Article 3(4). The fact of performing staff representative activities shall be neither prejudicial nor beneficial to the person concerned.
- (2) Thus, for rewarding promotion purposes, a fully exempted members shall be deemed to have been subject to an average career progression during such periods. For partially exempted members, in the absence of the allocation of a reward based on a managerial decision, a compensation scheme is applied *pro rata temporis* only to the up to 50% staff representative activities.
- (3) At the end of his term of office, the Staff Committee member concerned shall at once be reinstated in his post where possible. If this has been filled, the Staff Committee member concerned shall be reinstated in the first post corresponding to his grade which falls vacant or is created provided that he satisfies the requirements for that 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 reasonable time incurred for their 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 in response to a reasoned written request (supported by the appropriate Chairman) to the Principal Director Human Resources.

Article 6
Time recording for staff representative activities

- (1) All Staff Committee members and nominees (including the 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 provide sufficient working space for the Staff Committee. 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 term of office.

Article 9 Duty travel

- (1) The Office shall set an annual budget 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 incurred.
- (3) Duty travel shall be organised and reimbursements made in accordance with the provisions of Articles 77 to 79 ServRegs and Circular No. 319 while taking due account of the budget.

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 noticeboards 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 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 expected of 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 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 2017⁴. It replaces the former Circular No. 356 in force until 30 June 2017. ~~Communique No. 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 2017⁴, the provisions of this Circular shall apply as from that date.
- ~~(3) For employees who have not been elected, but who are 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 Communique No. 45 until 31 July 2014;~~
 - ~~(b) Notwithstanding paragraph (a), members of the Appeals Committee, Selection Boards and Disciplinary Committees and conciliation experts under Circular No. 246 may continue to deduct their time in accordance with Communique No. 45 until any work in progress is completed, up to but not beyond 31 December 2014.~~
- (4) The President may take any further measures necessary to ensure a smooth transition to the new system.

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Ms Elodie Bergot
Principal Director Human Resource

ISAR - R.718

cc.: Members of the WG on Circulars No.
355 and 356, Ms H. Wieland - PD 5.3

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centralSTCOM@epo.org

Reference: sc17016 -0.3.1/0.1.1/0.2.3

Date: 07.02.2017

Proposal for a Regulation for the Staff Committee and its election

Dear Ms Bergot,

The documents distributed during the recent meeting of the working group on Circulars No. 355 and 356 have allowed us to better understand the administration's perception of the problems in the functioning of the Staff Committee and its election. We appreciate that an open discussion could take place. Therefore, we would like to confirm that we are willing to work constructively towards possible solutions. We thoroughly regret that your proposals were discussed in the press – even before we had the opportunity to provide our own perception of the problems and a counter-proposal.

It is common sense that good solutions can only be found if both parties try to understand the position of the other and both are ready to move. Hence, we may also expect the administration to work with us on solutions to the problems perceived by the Staff Committee.

With this in mind, we would like to present you with an overview of the problems considered important on our side, as well as our proposals on how to solve them. Please find in the attachment some proposals which are endorsed by the CSC and all LSCs.

The attached drafts for Implementing Rules to Articles 34–38 and Election Rules show our idea of the organisation of a functioning Staff Committee that has added value both for the EPO and its staff. Please notice for example that this proposal would enable the CSC to immediately and unconditionally (!) resolve the deadlock on the nominations to the Appeals Committee.

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80339 Munich
Germany

We look forward to discussing with you and your team how to move forward. For such an informal discussion, the following Staff Representatives are ready to meet you at your earliest convenience: (Heidrun Krestel, Alain Rosé, Michael

www.epo.org

Sampels, Malika Weaver). We would be glad to reach in the end a common agreement by the Staff Committee and the administration.

Yours sincerely,

The Central Staff Committee

We confirm that this letter was legitimately decided and produced by the Central Staff Committee¹.



~~Ion Brumme (dismissed Jan 2016)~~



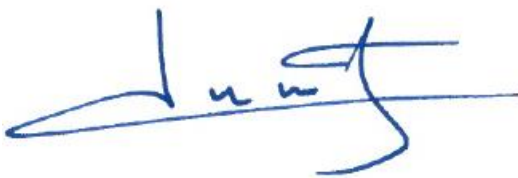
Alain Rosé
(threatened by PD43)



Malika Weaver
(downgraded Jan 2016)



Jesus Areso
(warned)



Alain Dumont




~~Laurent Prunier
(dismissed Nov 2016)~~

¹ Pursuant to Article 35(3) ServRegs, the Central Staff Committee shall consist of ten full and ten alternate members.

The CSC presently consists of 8 full and 7 alternate members, because two have resigned in December 2014, one has been dismissed in January 2016 (against the recommendation of the Disciplinary Committee), one resigned as of October 2016, one has been further dismissed in November 2016 and one refused replacement of a full member since November 2016 and a further one since December 2014 against Article 7(3) of Circular 355.

Furthermore, one member of a LSC has been dismissed and a further full member of the CSC has been downgraded in January 2016 (against the recommendation of the Disciplinary Committee). In fact, the Office has launched investigations and disciplinary procedures against several other Staff representatives as well, affecting negatively their health.



Jose Ramon Ambroa



Iordanes Thanos




Michael Kemény



François Brévier
(not allowed as the de jure
replacement for a full member
who resigned in Dec 2014)



Thomas Franchitti
(working part-time following
sickness since Sep 2015)



Philippe Couckuyt
(not allowed as the de jure
replacement for a full member
dismissed in Nov 2016)



Mathieu Guillaume



Michael Sampels



Joachim Michels
(warned)



Florent Béraud



Carmen Schuhmann

Encl.

Proposal by the CSC and local Committees

We have analysed the difficulties encountered during the last three years under the so-called “Social Democracy”, and have come to the following conclusions.

1. The assurances in 2014

The document on “Social Democracy” [CA/4/14](#) submitted for decision to the Administrative Council in March 2014 mentioned that “*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...*” Prior to the introduction of the “Social Democracy”, the President gave assurances to staff in Communiqué 48 that the Staff Committee(s) would maintain the same level of capacity and resources as before the reform.

We are prepared to discuss proposals that are in line with the basis for the Council decision [CA/D 2/14](#) and in line with the President’s assurances.

2. The framework needs adaptations.

Both the current regulations and the changes proposed in the review of the Circulars contain provisions that give powers to the President which go beyond what was intended by the legislator, and which contravene the jurisprudence of the ATILO in respect of good faith statutory consultation.

The provisions regulating the elections, composition, activities and prerogatives of the Staff Committees ought to be enshrined in the Service Regulations, or in Implementing Rules to Articles 33-38a ServRegs.

3. Staff representatives need protection.

Since July 2014, three Staff Committee members have been dismissed and further three have been downgraded or relegated in steps. Two more members in The Hague have been reported to be under investigation/disciplinary procedures (see minutes B28 /September 2016). Thus, out of a total of 46 staff representatives (including the two former members of the IAC), at least 6 and possibly up to 8 have been (severely) sanctioned by the President.

Due to this unprecedented high number of very severe sanctions against the elected staff representatives, the protection granted to the Staff representatives is considered by all staff and by the Administrative Council (CA/26/16) to be insufficient and will be in the centre of the debate before the upcoming elections. If the level of protection of the elected staff

representatives is not improved, the success of up-coming elections is jeopardized. In particular it is feared that we might lack candidates representing the broad variety of staff.

The correct way to increase the protection level is by improving the provisions governing investigations and disciplinary procedures. This is why the Staff committees welcome the priorities expressed by the Council in its December meeting (CA/100/16, point 1.8: summary of decisions). We note that the Council has added the Internal Appeal Committee to the list of its priorities. We also welcome this because the appointment to the Internal Appeals Committee is yet another issue that has created tremendous problems after the introduction of the social democracy.

4. Rewards for staff representation are not discussed

The issue of the rewards for the Staff Committee members is intentionally left out because we consider that it is unethical for us to deal with it, when other staff categories are also affected by the new career. Therefore we suggest that this aspect be the subject of a different discussion and postponed to the time when the new career will be discussed with a view to amend it for making it fit for purpose and acceptable to staff.

5. Our proposals in short

We attach a proposal for a revision of the "Social democracy" framework – focussing for the time being on replacing former Circulars 355 and 356 with an implementing rule and Election Rules and a solution for the interim period for the Appeals Committee.

a) An Implementing Rule for articles 34-38a (see Annex 1)

All proposals are based on the assurance that the President would keep the level of resources. They respect the framework existing in article 34-38 and the principles introduced by the President as to the direct election of the members of the Staff Committees including the Central Staff Committee. They provide an exception to this principle only for the Appeals Committee, on top of the existing exception for the disciplinary and recruitment boards.

b) A model Election Rule (see Annex 2) to be decided by staff

Annex 2 describes only the Election Rule for the current SNTV election mode.

We suggest that the CSC in a reduced composition (see cover letter) discusses further the details of the other electoral mode options presented by management and that an elaborated example of a second model is put to the vote of all staff for decision as to whether staff wants to keep the current

system (SNTV) or whether staff wants to adopt a new voting system. From the preliminary discussions in the WG, the 3rd system seemed to be the most promising, ie the “*(Open) list based proportional representation voting system with panachage*”. Efforts could be concentrated on that system.

c) A solution for the Appeals Committee

We are prepared to discuss a reasonable transitional measure to ensure that the Appeals Committee that has to work until 30 June passes muster with the Tribunal. It would imply

- appointing from a larger pool of staff (not only elected staff representatives),
- allowing the Appeals Committee (and not only the Chair in combination with DG4 & DG5) to establish its own procedures, and
- providing guarantees that the nominees will have sufficient time resources to do a good job and be protected from retaliation (at least until the investigation and disciplinary procedures have been reformed)

ANNEX 1

IMPLEMENTING RULES OF ARTICLES 33-38a Service Regulations

Article 1

Definitions

- 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 his official duties in order to dedicate himself exclusively to staff representation activities.
- 3) A "partially exempted member" is a member who has been exempted up to 50% from his official duties in order to dedicate himself to staff representation activities.
- 4) A "nominee" or "Staff Committee nominee" is any employee other than a member who is nominated by the Staff Committee to a body pursuant to Article 36(2)(a) ServRegs.
- 5) "Staff representative" is a collective term referring to both members of the Committees, their nominees to other statutory bodies
- 6) "Experts" are staff members whom the Staff Representatives may from time to time consult in areas requiring special expertise; experts may not act instead of Staff Representatives in the Staff Committees. Experts may act in statutory bodies with a written mandate by the responsible Staff Committee.
- 7) Where the masculine is used in these regulations, the feminine is also implied.

Article 2

Special provisions for staff representatives

- 1) No staff reports shall be issued for periods during which staff are fully exempted from their official duties.
- 2) The fact of performing staff representative activities shall be neither prejudicial nor beneficial to the person concerned. Thus, for the purpose of career advancement, fully exempted members shall be deemed to have been subject to an average career progression during such periods.

At the end of his term of office, the Staff Committee member shall at once be reinstated in the post and function he held before the election, or if said post has been abolished, in a comparable post and function with the same level of prerogatives and responsibilities. A fully exempted staff committee

member shall then receive an adequate training and an adequate learning period. The amount of the training and the length of the learning period shall depend on the duration of the exemption period.

- 3) The members of the staff committees and their nominees to the bodies set up under the Service Regulations shall enjoy special protection in respect of their activities. The appointing authority may not subject them to investigations or disciplinary proceedings without the prior approval of the Administrative Council.

Article 3

Repartition of tasks in 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, deputy chairmen and secretaries of the Central and Local Staff Committees shall hold such position in principle for one year, renewable. Any change shall be notified to the President within five working days from the change.
- 3) 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 their adoption or amendment.

Article 4

Secretarial support

Secretarial support will be granted to the Staff Committees in the following form. For the CSC, one 50% position in each place of employment having more than 2000 employees. For the local staff committees, one full time employee for each place of employment having more than 2000 employees and one 50% position for the places of employment with a minimum of 50 employees.

Article 5

Premises

- 1) The Office shall provide sufficient working space for the Staff Committee.
- 2) If the Staff Committee wishes to use Office premises other than those covered by paragraph (1) for the exercise of its functions, it shall notify the Vice President Administration. No restrictions may be imposed other than

Comment [A1]: The CSC and the LSCs remind that this was there previously. The EPO has only become bigger in the mean time. The upcoming retirement of two secretaries in the two major places of employment call for urgent measure to recruit secretarial work force and have them trained before the current employees are in pension. We assume this proposal addresses your request dated 3 February as to the needed total support and how it should be shared amongst the various committees.

those provided for in paragraph 3, or flowing from House Rules or Health and Safety regulations.

- 3) 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

Article 6 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 term of office.

Article 7 Budgets

- 1) The Office shall allocate to the Central Staff Committee and to each of the Local Staff Committees with an annual financial budget and an annual time budget to perform independently their respective duties. These budgets shall be used judiciously, and subject to any limits laid down in these regulations, *inter alia* to:

- Allocate appropriate capacity to the members of the Committees;
- Obtain expert opinions and advice in matters in which the Committee lacks internal expertise;
- Provide exceptional services and advice to staff;
- Organise and/or participate in training;
- Duty travel

- 2) The time budgets are:

The time budgets shall be 15 FTE for the CSC and 2,5 FTE for each Local Staff Committee according to Article 33(2) ServRegs. For each additional staff member in active employment above 1000 at a duty station, a further time budget of 0,001 FTE shall be allocated to the corresponding LSC. Reporting date for the number of staff members in active employment shall be the first day of the election period.

- 3) The financial budgets for the Central Staff Committee and each of the Local Staff Committees are commensurate with those of a unit of comparable size in DG4 and with comparable activity. Meetings organised

by the Staff Committee including training fall under this budget. Costs for other meetings fall under the budget of the Unit organising them.

- 4) The time and financial budgets are faithfully administered by the Chair of the Central and of each Local Staff Committees. Their respective chairs shall receive monthly reports of the costs incurred.

Article 8 Time allocation

1. The full members of the Central Staff Committee and the chairmen of the Local Staff Committees shall be exempted 100% from their official duties. While occupying such positions, fully exempted members shall dedicate themselves exclusively to staff representative activities and task.
2. In exceptional circumstances, and subject to the consent of the Staff Committee concerned, a fully exempted member may engage in official activities outside the scope of staff representation for no more than 50% of their time, in which case his Committee will reallocate his unused time budget as needed to ensure full functionality of the Committee.
3. All other Staff Committee members shall be exempted up to 50% from their official duties. 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 between their staff representative activities on the one hand and their official duties on the other. For the purpose of time allocation 10% equals 25 working days of a FESR. This also applies to paragraphs 2, 4 and 5.
4. Staff Committee nominees shall be entitled to deduct reasonable time incurred for their duties as follows:
 - a) For each disciplinary procedure in which a nominee participates, a number of days commensurate with the complexity of the case, as determined by the Chairman of the relevant Disciplinary Committee, and in any even not less than three days.
 - 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;
 - c) For nominees to the Internal Appeals Committee the time deduction shall be laid down by the ApC e.g. in their RoP. No other time limitation shall be applicable.
5. Other staff members providing expert consults to the Staff Representation shall be allowed by the respective Staff Committees to deduct reasonable time incurred for their activities up to 25% of their time.

Comment [A2]: The CSC and LSCs, would appreciate it if:
1. this provision was applied. A comparable provision existed under current article 9(2) but was never applied during the three years of social democracy;
2. the budget was extended to cover the level that existed before social democracy, allowing for up to 10 live meetings of the CSC per year including at least one per year in the small places of employment, as a sign of recognition of their importance to the Office; During the first three years of social democracy most requests for CSC meetings were refused;
3. a separate budget is provided for LSCs. We have separated the CSC and LSCs for the purpose of budget administration. This will put at the proper level the responsibility for the budget(s). For example, should the Office authorise again the academy for the Staff Representation, the cost for duty travels for the participants would be taken from the respective budgets.

Comment [A3]: The rule introduced by DG1 has been prejudicial especially for DG1 examiners. We propose to revert to the practice before Social democracy. This would be in line with the promises of Communiqué 48. The 10% = 25 days can be applied to all paragraphs in article 8, including when unused time is redistributed.

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

Article 9

Time recording

- 1) Fully exempt staff committee members shall be deemed to be released at 100%. They shall forthwith inform the administration of any change.
- 2) Partially exempt staff committee members shall be deemed to be released at 50%. If they do not use up the 50% quota, they may claim any unused portion by notifying the administration within one month of not using such time using the electronic tool provided by the Office.
- 3) Nominees to statutory bodies and experts consulted shall account for their activities by using the electronic tool provided by the Office in accordance with the workflows established for that purpose.
- 4) When practicable, partially exempted members, nominees and experts shall inform their line managers in advance of any absence due to staff representative activities.
- 5) The Chairmen of the Central and Local Staff Committees shall be sent a quarterly report of the time recorded.

Comment [A4]: The CSC and the local Committees would appreciate it if this existing provision was indeed implemented. No single quarterly report has been provided in the period of the three years.

Article 10

Duty travel

Duty travel shall be organised and reimbursements made in accordance with the provisions of Articles 77 to 79 ServRegs.

- 1) The CSC may organise up to 10 live meetings each year. Whenever possible, such live meetings should be organized in combination with sessions of the GCC or other official working groups. However they may be organised in all places of employment. Participation to CSC meetings is in principle reserved to members of the CSC. Other participants (e.g. LSC chairs; experts) may attend on invitation by the CSC.

Article 11

Training

Each Staff Committee may use up to five days of time allocated to staff representation activities for training purposes. In the case of partially exempted members, these five days, if used, shall be deducted from the 50% time exemption.

Article 12

Communication

- 1) The Office shall make available to the Staff Committees dedicated intranet sites and noticeboards in communal spaces. The Staff Committees may also request the Office to print and distribute reasonable amounts of documents to facilitate the exercise of its duties. Such requests for publications or printed material shall be implemented without delay.
- 2) The Central Staff Committee may send emails to all staff. Local Staff Committees may send emails to staff locally.
- 3) All rules in force with regard to communication, including those governing the use of mail, telecommunications and electronic communications, shall be observed. In particular, the Staff Committee shall ensure that all of its communications are professional and respectful and meet the standards expected of the international civil service.

Article 13

Elections

- 1) All employees referred to in Article 1 ServRegs in active employment with at least three months' service shall be entitled to vote and to be elected to the staff representation. Employees in temporary non-active status whose active is to resume within 2 months of the elections are also entitled to vote and be elected.
- 2) The electoral mode and the Election Rules shall be adopted by general ballot of all staff entitled to vote in accordance with paragraph (1). Votes shall be secret. The Election Rules shall provide for adequate representation of all job groups whenever possible.
- 3) The President of the Office shall provide resources and logistics to carry out the elections pursuant to Article 35(5).
- 4) Elections shall be free and fair. They shall be supervised by an Elections Supervisory Committee.
- 5) The Elections Supervisory Committee shall consist of 2 employees designated by the President, two employees designated by the Central Staff Committee, and a Chair chosen jointly by the President and the Central Staff Committee. They shall act independently and shall neither seek nor accept instructions from any party. The members of the Elections Supervisory Committee shall be entitled to vote but shall not be candidates for the election.

For their activities, they shall be entitled to a time budget of 3 working days, unless the Chair of the Committee determines that more is time is required to carry out free and fair elections.

- 6) The elections of the Central Staff Committee and of the Local Staff Committees shall take place at the same time, and shall be supervised by the same Elections Supervisory Committee.

Article 14

Repartition of the Staff Committees

- 1) Staff entitled to vote shall elect the Central Staff Committee as follows:
- Staff in Munich shall elect four full members and four alternate members;
 - Staff in The Hague shall elect four full members and four alternate members;
 - Staff in Berlin shall elect one full member and one alternate member;
 - Staff in Vienna shall elect one full member and one alternate member;
- 2) Staff entitled to vote shall elect the Local Staff Committees as follows:
- In application of Article 33(2) ServRegs, four Local Staff Committee members shall be elected at each duty station to represent the first 1000 staff in active employment, plus one further member for each additional 500 staff in active employment.
 - An equal number of non-elected candidates will be registered on a reserve list as alternate members.
- 3) Candidates for election shall be employed at the corresponding duty station.
- 4) Staff in any duty stations other than Munich, The Hague, Vienna or Berlin shall be deemed to be located in Munich for election purposes.

Article 15

Activities and Replacements

1) Central Staff Committee

- a) Full and alternate members of the Central Staff Committee are expected to carry out staff-representation tasks to a degree commensurate with their release from other official duties.
- b) Whenever a full member is temporarily unavailable for carrying out a statutory duty, he shall be replaced by an alternate member, where possible from his duty station.
- c) Whenever a full member resigns from his elected post, or becomes permanently incapacitated or otherwise ineligible or unable to carry out his mandate, he shall be replaced by an alternate member from the same duty station, who will become de jure a full member of the Committee.

- d) A Central Staff Committee shall be composed with the number of members provided for in the relevant Regulations for each duty station, as need be through considering as elected as an alternate member for the remaining term of office the first available non-elected candidate who obtained most votes, where possible from the duty station.

2) Local Staff Committees

- a) The full members of the Local Staff Committee are expected to carry out staff-representation tasks to a degree commensurate with their release from other official duties. Alternate members do not participate in the work of the Local Staff Committee unless called to do so in accordance with paragraph (b) and (c) below.
- b) Whenever a full member is temporarily unavailable for carrying out a statutory duty, he shall be replaced by an alternate member
- c) Whenever a full member resigns from his elected post, or becomes permanently incapacitated or otherwise ineligible or unable to carry out his mandate, he shall be replaced by an alternate member, who will become de jure a full member of the Committee.
- d) A Local Staff Committee shall be composed with the number of members provided for in the relevant Regulations for each duty station, as need be through considering as elected as an alternate member for the remaining term of office the first available non-elected candidate who obtained most votes, where possible from the duty station

Entry into force and transitional provisions

These Implementing Rules shall enter into force on 1 July 2017. They replace the provisions of Circular Communiqué No. 45 (Decision of the President on Article 35(5) ServRegs) and Circulars 355 and 356, which are repealed.

For employees who are elected as members of the Staff Committee pursuant to Article 35 ServRegs with effect from 1 July 2017, the provisions of this Circular shall apply as from that date.

The provisions of Articles 2, 4, 10 (2) and (3), 12 and 13 come into force immediately.

ANNEX 2

ELECTION RULES

Rule 1 Electoral Mode

Members of the staff committees shall be elected according to the _____ electoral mode.

Rule 2 Notice of elections

The Elections 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) the practical arrangements for voting;
- d) the number of full members and, if applicable, alternates to be elected;
- e) an invitation to stand for election, along with details of the form in which applications to stand for election must be lodged, the recipient of such applications and the closing date;
- f) when the counting of votes will take place.

Rule 3 Standing for election and campaigning

- 1) Each candidate must apply to stand for election by means of a signed form as provided for in the notice of elections. Candidates may require to be grouped in a list.
- 2) In addition to Article 35(5)(b) ServRegs, a candidate cannot stand for election to the Central Staff Committee and a Local Staff Committee at one and the same time. The candidate's term of employment shall be compatible with the Staff Committee's term of office.
- 3) The panel constituted under Article 6(4) of the Implementing Rules for Articles 106 to 113 ServRegs, having due regard to the proposal of the Supervisory Committee, shall reject any applications 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 respectful manner in accordance with the standards expected of the international civil service. The Elections Supervisory Committee, with logistic help from the Office, 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 each candidate the dispatch of up to two e-mails to the electorate;
 - c) provide upon request room facilities for a public presentation of the candidates;
 - d) allow for reasonable printing and distribution facilities.

Comment [RA1]: The local and central committees draw the attention of the President that the panel is now composed of two members instead of three in the past and could be in an impossibility to decide should its intervention be required. We propose that a third member is added jointly appointed by the President and the Central Staff Committee for the purpose of applying paragraph (3) of this article.

Rule 4 Voting

- 1) Elections shall be by a secret vote.
- 2) Votes shall be cast using 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 vote by a proxy. An employee can be given only one proxy.

- 4) Candidates shall be listed on the ballot form in the order of receipt of applications to stand for election. Each candidate's name shall be followed by at least the job group of his post and his 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.

Comment [RA2]: It seems more fair to all candidates to adopt a random method for example in alphabetical order with the first letter being drawn.

Comment [RA3]: The local and central staff committees insist that candidates (who used to be full members of the Staff Committee and as such forced transferred to DG4) should be given the choice to indicate their DG of origin on the voting slip in order not to bias the impression given to staff.

Rule 5
Counting of the votes, election results

- 1) The Elections Supervisory Committee 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 Staff 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 (full or alternate members) and all Local Staff Committees shall include at least one employee in job groups 1-4 and 5 or 6, provided that a representative of these job groups has stood for election. If this composition has not been achieved the last elected candidate in order of number of votes in the represented job groups shall yield his place to the candidate with the highest number of votes from the non-represented job group.

Comment [RA4]: This describes the SNTV voting mode. Should the CSC and LSCs manage to agree on a second system to put to the vote of staff for decision (and should staff decide to move to the second system), then these provisions will have to be adapted accordingly.

Comment [RA5]: These provisions might also need to be adapted if a second electoral mode is put to the vote of staff for decision.

Rule 6
Notice of election results

The Elections Supervisory Committee 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.
- f) a reserve list of non-elected candidates for the purpose of applying article 14, paragraph 2, and article 15, paragraphs 1 (d) and 2 (d).

Rule 7
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 submitted to the Elections Supervisory Committee within two working days following the date of publication of the election results. The objection shall not suspend the constitution of the Staff Committee. No objection to the panel's decision to reject an application to stand for election under Article 5 of these Regulations shall be entertained.
- 2) The Elections Supervisory Committee shall provide its substantiated decision within ten working days. The Supervisory Committee shall consider whether the alleged irregularity has occurred and whether it has had an effect on the result of the elections.
- 3) The Elections Supervisory Committee 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 Elections Supervisory Committee 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 resume its duties ad interim until a new notice is published according to Article 8 of these Regulations. Any nominations for membership of bodies under the Service Regulations made by the Staff Committee during this period may be subject to review by the next duly elected Staff Committee.

**Rule 8
Amendments**

- 1) These Election Rules were adopted [REDACTED] 2017 and entered into force forthwith.
- 2) These Rules may be amended by a general ballot of all staff entitled to vote, provided a participation quorum of 40% is reached. The ballot for this purpose shall be supervised by the Elections Supervisory Committee.