

**Regulation on the appointment and conditions  
of employment of members of the Enlarged Board of Appeal appointed  
under Article 11, paragraph 5, of the European Patent Convention**

## **Article 1 Definitions**

For the purpose of this Regulation:

- (a) the "Convention" means the European Patent Convention of 5 October 1973 as revised by the Act revising the EPC of 29 November 2000,
- (b) a "member of the Enlarged Board" means a legally-qualified member of the Enlarged Board of Appeal appointed under Article 11, paragraph 5, of the Convention,
- (c) the "Service Regulations" means the Service Regulations for permanent employees of the European Patent Office.

## **Article 2 Conditions of appointment**

A person may be appointed as a member of the Enlarged Board only if at the time of his/her appointment he/she satisfies the conditions referred to in Article 11, paragraph 5, of the Convention.

## **Article 3 Duration of appointment**

- (1) The appointment of a member of the Enlarged Board shall take effect from the date stated in the letter of appointment, provided that he/she has accepted in writing and given an undertaking in accordance with Article 15 of the Service Regulations.
- (2) The appointment shall lapse:
  - (a) on expiry of the period specified in the letter of appointment,
  - (b) three months after notice of resignation is given by a member of the Enlarged Board.
- (3) Article 23, paragraph 1, first sentence, of the Convention shall apply *mutatis mutandis* with respect to removal from office.

## **Article 4 Letter of appointment**

The letter of appointment shall be signed by the President of the Administrative Council.

## **Article 5**

### **Specific rights and obligations**

- (1) A member of the Enlarged Board may be required to be present in the European Patent Office for the performance of his/her duties for at least 10 days in any one year.
- (2) Article 14, paragraph 1, Article 16, paragraph 1, and Articles 20, 22 and 28 of the Service Regulations shall apply *mutatis mutandis* to a member of the Enlarged Board. Article 15 of the Service Regulations shall apply, with the proviso that the member shall give the solemn undertaking in writing.
- (3) No sanctions other than those laid down in Article 23, paragraph 1, of the Convention shall apply to a member of the Enlarged Board.

## **Article 6**

### **Payment**

A member of the Enlarged Board shall receive a fee of EUR 1 000 for each case in which he/she has acted. A member who has acted as rapporteur shall receive a fee of EUR 2 500. The fee shall become payable on completion of the procedure before the Enlarged Board.

## **Article 7**

### **Reimbursement of expenses**

- (1) The provisions of the Service Regulations relating to officials of grade A5, which govern the payment of daily subsistence and the reimbursement of travelling expenses arising from official journeys, shall apply *mutatis mutandis* to a member of the Enlarged Board.
- (2) A member of the Enlarged Board shall not be required to obtain prior approval for an official journey.
- (3) The European Patent Organisation shall provide a member of the Enlarged Board whilst on official travel with insurance cover against risks to life and health equal to that provided for permanent employees of the European Patent Office in Articles 83 and 84 of the Service Regulations. The cost of this will be borne by the European Patent Office.