



Administrative Committee

Regulations Governing the Conditions of Service of Judges, the Registrar and the Deputy-Registrar of the Unified Patent Court

Luxembourg, 22 February 2022

**DECISION OF THE ADMINISTRATIVE COMMITTEE OF 22 FEBRUARY 2022 ON THE
REGULATIONS GOVERNING THE CONDITIONS OF SERVICE OF JUDGES,
THE REGISTRAR AND THE DEPUTY-REGISTRAR OF THE
UNIFIED PATENT COURT**

THE ADMINISTRATIVE COMMITTEE

HAVING REGARD to the Agreement on a Unified Patent Court and in particular Articles 15 – 17 thereof;

HAVING REGARD to the Statute of the Unified Patent Court and in particular Articles 2 – 4, 6 –7 and 9 – 12 thereof;

HAVING REGARD to the Statute of the Unified Patent Court and in particular Article 8 thereof, which together with the Protocol on the Privileges and Immunities of the Unified Patent Court and in particular Article 9 thereof defines the privileges and immunities of the judges, as well as of the Registrar and Deputy-Registrar of the Court;

RECALLING that the Regulations Governing the Conditions of Service of Judges, the Registrar and the Deputy-Registrar should be such as to secure for the Court the services of judges, Registrar and Deputy-Registrar of the highest standard of independence, integrity and ability;

HAS ADOPTED THESE REGULATIONS:

**TITLE I
GENERAL PROVISIONS**

**Article 1
Definitions and general principles of interpretation**

1. For the purposes of these Regulations:

- a) “Court” means the Unified Patent Court;
- b) “Agreement” means the Agreement on a Unified Patent Court;
- c) “Statute” means the Statute of the Court as set out in Annex I of the Agreement;
- d) “EPO” means the European Patent Office;
- e) “Contracting Member State” means a Member State of the European Union party to the Agreement.

2. For the purpose of the following provisions and their annexes, a judge, the Registrar or the Deputy-Registrar who has entered into a registered partnership recognised by law in one of the Member States of the European Union as a relationship of mutual dependence between two partners shall be considered as married judge, Registrar or Deputy-Registrar and their partners as spouses, provided that all the following conditions are met:

- a) the partner must be at least 18 years of age;
- b) the partnership can only be with one person at a time;
- c) no blood relationship between the partners exists that would preclude their marriage under the relevant national law;

- d) neither of the partners is married or has already entered into another registered partnership. For any such relationship, proof must be produced that it has been legally terminated.

3. Words importing the masculine gender shall include all genders.

Article 2 Purpose

These Regulations set the conditions of service and the rights, duties and obligations of judges, the Registrar and the Deputy-Registrar of the Court.

Article 3 Scope

1. Except where explicitly stated, these Regulations shall apply to all judges of the Court (together referred as “judges”) appointed in accordance with the Agreement and the Statute.
2. These Regulations shall also apply to the Registrar and the Deputy-Registrar of the Court, unless otherwise provided in these Regulations.

Article 4 Appointing Authority

1. According to Article 16 of the Agreement, the judges are appointed by the Administrative Committee.
2. According to Articles 22 and 25 of the Statute the Registrar and the Deputy-Registrar of the Court are appointed by the Presidium.

Article 5 Equal treatment

1. Any discrimination based on grounds such as sex, age, race, colour, ethnic or social origin, disability, sexual orientation, religion, belief or political opinion shall be prohibited.
2. Where a person covered by these Regulations considers that he is subject to discrimination, as defined above, he shall have the right to lodge a complaint with the President of the Court of Appeal. If the facts set out in said complaint are sufficient to bring forth the presumption of discrimination, the onus shall be on the Court to prove that said person was not subject to discrimination.
3. Suitable action shall be taken by the Court to remove any discrimination and to avoid discrimination.

**TITLE II
RIGHTS AND OBLIGATIONS**

**Article 6
Judicial independence**

1. Judges shall uphold the independence of their office and the authority of the Court and shall conduct themselves accordingly in carrying out their judicial functions.
2. Judges shall not engage in any activity which is likely to interfere with their judicial functions or to affect confidence in their independence.
3. Without prejudice to Article 17 (2) to (4) of the Agreement, judges who engage in gainful activities, including the publication of scholarly articles, or seminar presentations against remuneration, shall declare said activities to the President of the Court of Appeal or, in the case of judges of the Court of First Instance, to the President of the Court of First Instance.

**Article 7
Impartiality**

1. Judges shall perform their judicial functions with impartiality, as provided for in Article 7 of the Statute.
2. In addition, they shall avoid being placed in any situation which might reasonably be perceived by an informed observer as giving rise to a conflict of interest.
3. The Advisory Committee, in cooperation with the Presidium shall submit a proposal for a Code of Conduct, for adoption by the Administrative Committee. The Code of Conduct shall provide guidance to judges on how to avoid situations which might be perceived by an informed observer as giving rise to a conflict of interest.

**Article 8
Integrity**

1. Judges shall conduct themselves with probity and integrity in accordance with their office, thereby enhancing public confidence in the Court.
2. In the performance of their duties with the Court, judges shall neither seek nor accept instructions or assistance from any government, authority, organisation or person.
3. Judges shall not directly or indirectly accept any gift, advantage, privilege or reward that can reasonably be perceived as being intended to influence the performance of their judicial functions.
4. Without prejudice to Article 17 of the Agreement, the judges may not hold any political or public office.

**Article 9
Diligence**

1. Judges shall take reasonable steps to maintain and enhance the knowledge and skills necessary for judicial office at a specialized patent court.
2. Judges shall endeavour to deliver their decisions and any other rulings as quickly as possible.

**Article 10
Freedom of expression and association**

1. Judges shall exercise their freedom of expression and association in a manner that is compatible with their office and that does not affect or appear to affect judicial independence or impartiality.
2. While judges are free to participate in public debate on matters pertaining to legal subjects, the judiciary or the administration of justice, they shall not comment on pending cases and shall avoid expressing views which may undermine the standing and integrity of the Court. Judges shall preserve secrecy of deliberations.

**Article 11
Undertakings of judges after ceasing to hold office**

1. After ceasing to hold office, judges shall continue to be bound by the duty of discretion.
2. Judges shall undertake that after ceasing to hold office, they will not become involved:
 - a) in any manner whatsoever in cases which were pending before the panel of which they were a member when they ceased to hold office;
 - b) in any manner whatsoever in cases directly and clearly connected with cases, including concluded cases, which they have dealt with as judges.

**Article 12
Use of property and assets**

Judges, the Registrar and the Deputy-Registrar shall use the property and assets of the Court only for official purposes and shall exercise reasonable care when utilizing such property and assets.

**Article 13
Financial obligations**

Judges, the Registrar and the Deputy-Registrar may be required to reimburse or compensate the Court, either partially or in full, for any financial loss suffered by the Court as a result of gross negligence, malice or fraud except where this loss results from the content of a judicial decision the judge concerned has taken part in.

Article 14

Obligation to inform about relevant circumstances and financial assistance

1. Judges, the Registrar and the Deputy-Registrar shall immediately inform in writing and bring appropriate proof to the President of the Court of Appeal or, in the case of a judge of the Court of First Instance or of the Deputy-Registrar, to the President of the Court of First Instance about any change of circumstances determining entitlement to any payments according to these Regulations.
2. Judges, the Registrar and the Deputy-Registrar, whoever the recipient of such amounts, shall immediately inform the President of the Court of Appeal or, in the case of a judge of the Court of First Instance or of the Deputy-Registrar, to the President of the Court of First Instance about any financial assistance received from a different source, of the same nature or the same purpose, which shall be deducted from the payments according to these Regulations.
3. The fact that both spouses/partners are appointed by the Court does not lead to a double entitlement to benefits depending on their nature, such as family allowances.

Article 15

Limitation of claims against the Court and reimbursement of overpayments

1. Claims against the Court for payment of salary, allowances or of other sums resulting from the application of these Regulations, shall lapse two years after the date on which the payment would have been due. However, requests for allowances provided for in these Regulations shall give rise to a retroactive payment of the corresponding sums backdated to no more than one month from the date the Court received written notification of the facts determining entitlement to these payments, supported by appropriate documentation.
2. The right of the Court to recover any payment made unduly shall lapse two years after the date on which the Court became aware that the payment was undue.
3. The limitation shall be interrupted by a claim in writing submitted before the expiry of the period of limitation.
4. There shall be no limitation if the information provided was misleading or if it was withheld as a result of a lack of good faith or gross negligence.
5. Recovery shall be made by deductions from the monthly payments (e.g. salary) or other payments due to the person concerned, taking into account his social and financial situation, even after termination of employment.

TITLE III
CAREER OF JUDGES, THE REGISTRAR AND THE DEPUTY-REGISTRAR

Article 16
Eligibility of judges

1. All judges of the Court shall be appointed based on the criteria set out in the Agreement and Statute.
2. In accordance with Article 15 (1) of the Agreement and Article 2 (1) and (2) of the Statute judges shall satisfy the following conditions:
 - a) they shall be nationals of a Contracting Member State;
 - b) they shall have a good command of at least one official language of the EPO;
 - c) they shall be able to ensure the highest standards of competence and shall have proven experience in the field of patent litigation.
3. In accordance with Article 15 (2) of the Agreement, legally qualified judges shall possess the qualification required for appointment to judicial offices in a Contracting Member State.
4. For the purposes of paragraph 3 'qualification' is to be interpreted as the qualifications for appointment to either lower, high or highest judicial offices in the judges' respective Contracting Member States with the exception of any additional applicable national selection procedures, such as any evaluation, selection or opinion by a national committee or board.
5. In accordance with Article 15 (3) of the Agreement, technically qualified judges shall have a university degree and proven expertise in a field of technology. They shall also have proven knowledge of civil law and procedure relevant to patent litigation.
6. In accordance with Article 2 (3) of the Statute, experience with patent litigation may be acquired by the training framework of the Court.
7. Part-time judges of the Court shall not function as a member of the EPO's Boards of Appeal or as an EPO patent examiner.

Article 17
Eligibility of the Registrar and the Deputy-Registrar

The Registrar and the Deputy-Registrar shall be nationals of a Contracting Member State. They shall have a university degree or equivalent qualification and proven relevant experience. They shall ensure the highest standards of competence and shall have good command of at least one official language of the EPO.

Article 18

Age limit for appointment and re-appointment

1. Candidates for posts of legally qualified judges shall, in accordance with Article 15 (2) of the Agreement, comply with the age limit for appointment to high or highest judicial offices in the Contracting Member State of which they are a national. In case no such age limit is applicable, paragraph 2 shall apply.
2. To be eligible for appointment or re-appointment at the Court, all candidates for positions of judge, Registrar or Deputy-Registrar shall not be over 67 years of age as from the date laid down in the instrument of appointment or re-appointment.

Article 19

Medical fitness for office and examination

1. Prior to appointment, a successful candidate for the offices of judge, Registrar or Deputy-Registrar shall submit to the Appointing Authority via the intermediary of the President of the Court of Appeal or, in the case of a judge of the Court of First Instance or of the Deputy-Registrar, of the President of the Court of First Instance a certificate in one of the official languages of the EPO that he is medically fit to carry out the duties of the office. The Appointing Authority may require that the certificate be issued by a physician designated by the Administrative Committee.
2. A judge, the Registrar or the Deputy-Registrar shall be required to undergo an examination of medical fitness for office held every 3 years or any medical examination ordered as a general measure by the President of the Court of Appeal or, in the case of a judge of the Court of First Instance or of the Deputy-Registrar, by the President of the Court of First Instance.

Article 20

Appointment procedure of judges

1. Vacant judicial posts shall be publicly advertised on the Court's website. Contracting Member States shall be informed of the vacancies. Posts for part-time judges shall be advertised for both ways of appointment foreseen under Article 27 (2) a) and b) of these Regulations. The vacancy notice shall indicate the relevant eligibility criteria for the vacant post, in accordance with the Agreement and the Statute, and the necessary information on the appointment procedure. The vacancy notice shall be published at least 8 weeks before the deadline for applying for the post. The deadline for applying for the post shall be set no less than to 8 weeks before the date fixed for appointing the judge in the judicial post.
2. The Advisory Committee shall give an opinion on candidates' suitability to perform the duties of a judge of the Court in accordance with the Agreement and the Statute. Said opinion shall be based on an initial screening of the applications received from the candidates. Following this initial screening, the pre-selected candidates shall be interviewed by members of the Advisory Committee. The opinion on candidates' suitability, containing a list of most suitable candidates in order of merit shall be drawn-up thereafter.

3. In accordance with Article 16 (2) of the Agreement, the Administrative Committee shall appoint the judges of the Court by common accord after giving due consideration to the opinion of the Advisory Committee.
4. In accordance with Article 3 (3) of the Statute, the Administrative Committee shall ensure the best legal and technical expertise and a balanced composition of the Court on as broad a geographical basis as possible among nationals of the Contracting Member States, without discrimination between options set out in Article 27 (2) a) and b) of these Regulations.
5. In accordance with Article 3 (5) of the Statute, the appointing instrument shall state the instance of the Court and/or the divisions of the Court of First Instance for which each judge is appointed and in the case of technically qualified judges the field of technology for which he is appointed.
6. During the course of the entire appointment procedure, any personal data of the candidates shall be dealt with in strict confidence, and only by persons that have legitimate access to the candidates' files.

Article 21

Term for appointment of judges, the Registrar and the Deputy-Registrar, and modalities of re-appointment

1. In accordance with Article 4 (1) of the Statute, judges shall be appointed for a term of six years and may be re-appointed.
2. In accordance with Articles 22 (1) and 25 (1) of the Statute, the Registrar and the Deputy-Registrar shall be appointed for a term of six years and may be re-appointed.
3. Six months before the expiry of a term of office, a judge, the Registrar or the Deputy-Registrar shall inform the Appointing Authority via the intermediary of the President of the Court of Appeal or, in the case of a judge of the Court of First Instance or of the Deputy-Registrar, of the President of the Court of First Instance of any intention to seek re-appointment.
4. In the event that the caseload of the Court decreases in such a way that a reduction of the number of judges serving at the Court is required, the Administrative Committee, after having heard the Presidium and the Advisory Committee, can decide not to re-appoint a judge after expiry of his term of office or not to fill the vacancy. In this case, the Administrative Committee shall inform the Presidium and said judge without undue delay.
5. Unless the conditions for refusing the re-appointment referred to under paragraph 4 are fulfilled, the Administrative Committee shall proceed with the re-appointment upon a positive opinion from the Advisory Committee concerning the suitability of the judge for re-appointment. The Advisory Committee, before adopting its opinion, may consult the Presidium and hear the judge concerned.

Article 22
Reserve list of appointable judges

1. To ensure the continuous functioning of the Court, for situations where further appointments are necessary, the Administrative Committee shall, while performing its duty set out in Article 16 (1) of the Agreement, establish a reserve list of appointable candidates for posts of legally qualified judges.
2. The reserve list shall contain the same number of appointable candidates of the same nationality as appointed to posts of legally qualified judges.
3. Decisions to appoint a judge from the reserve list may also be taken by written procedure of the Administrative Committee.
4. Each appointable candidate on the reserve list should remain on this list for a maximum period of 6 years. The reserve list shall be updated at each recruitment, when necessary.

Article 23
Appointment procedure of the Registrar

1. The Presidium shall appoint the Registrar in accordance with Article 22 of the Statute.
2. The vacancy notice for the post of Registrar shall be published on the website of the Court at least 6 weeks before the deadline for applying for the post. The deadline for applying for the post of Registrar shall be set to no less than 8 weeks before the date fixed for appointing the Registrar.

Article 24
Appointment procedure of the Deputy-Registrar

1. The Presidium shall appoint the Deputy-Registrar in accordance with Article 25 of the Statute.
2. Article 23 (2) of these Regulations shall apply by analogy for the appointment procedure of the Deputy-Registrar.

Article 25
Oath

1. In accordance with Article 6 of the Statute, before taking up their duties, judges shall, in open court, take an oath to perform their duties impartially and conscientiously and to preserve the secrecy of the deliberations of the Court.
2. In accordance with Article 22 (3) and 25 (2) of the Statute, the Registrar and the Deputy-Registrar shall take the oath before the Presidium to perform their duties impartially and conscientiously.
3. The text of the oath shall be as follows:

“I swear that I will perform my duties impartially and conscientiously and that I will preserve the secrecy of the deliberations of the Court in accordance with the Agreement and the Statute of the Unified Patent Court, the law of the European Union and the principles of law generally recognized in the Contracting Member States.”

Article 26 **Full-time judges**

1. In accordance with Article 17 (2) of the Agreement full-time judges of the Court are legally or technically qualified judges exercising their judicial functions exclusively for the Court.
2. One year of full-time service at the Court shall consist of 220 working days.

Article 27 **Part-time judges**

1. Part-time judges of the Court are legally or technically qualified judges of the Court having the possibility to exercise their judicial or other functions in accordance with Article 17 (3) or (4) of the Agreement.
2. Part-time judges may be appointed by the Administrative Committee either:
 - a) on a case by case basis; or
 - b) for a fixed percentage of their working time. With the consent of the judge concerned, the Presidium may adjust this percentage to reflect the Court’s caseload with effect as of the calendar year following the decision to adjust the percentage or sooner if agreed.
3. Part-time judges appointed under option (a) of paragraph 2 shall receive the basic salary and any applicable allowances both on a *pro rata* basis corresponding to the working days spent on the cases attributed to them. Part-time judges appointed under option (b) of paragraph 2 shall receive the basic salary and any applicable allowances both on a *pro rata* basis corresponding to the percentage of the working time they are available to the Court.
4. Part-time judges shall be entitled to the benefits from the Court’s Medical and Social Security Plan and Pension Plan to the extent they have paid contributions to those schemes.

Article 28 **End of duties**

The following reasons shall constitute an end of duties of a judge, the Registrar or the Deputy-Registrar:

- a) expiry of the term of the office pursuant to Article 4 of the Statute;
- b) resignation pursuant to Article 9 (2) of the Statute and Article 29 of these Regulations;
- c) removal from office pursuant to Article 10 of the Statute;
- d) retirement pursuant to Article 30 of these Regulations;
- e) death.

**Article 29
Resignation**

A judge, the Registrar or the Deputy-Registrar wishing to resign shall state, in a letter of resignation, a date on which he wishes to end his duties. Said date shall be no less than 3 months after the date of receipt of the letter of resignation by the President of the Court of Appeal or, in the case of a judge of the Court of First Instance or of the Deputy-Registrar, by the President of the Court of First Instance. In accordance with Article 9 (3) of the Statute, save where Article 10 of the Statute applies, a judge shall continue to hold office until that judge's successor takes up his duties.

**Article 30
Retirement**

A judge, the Registrar or the Deputy-Registrar shall retire:

- a) automatically on the last day of the month in which he reaches the age of 70. Upon request, the Appointing Authority may extend this limit until the end of the term of the judge, the Registrar or the Deputy-Registrar; or
- b) at his own request, if he has reached the age of 65, after having informed at least 3 months in advance the Appointing Authority via the intermediary of the President of the Court of Appeal or, in the case of a judge of the Court of First Instance or the Deputy-Registrar, the President of the Court of First Instance, of his intention to retire.

TITLE IV

WORKING CONDITIONS OF JUDGES, THE REGISTRAR AND THE DEPUTY-REGISTRAR

CHAPTER 1

REMUNERATION, ALLOWANCES AND REIMBURSEMENT OF EXPENSES

**Section 1
Remuneration**

**Article 31
Remuneration**

1. Unless otherwise provided, a duly appointed judge, the Registrar and the Deputy-Registrar shall be entitled to a remuneration in accordance with these Regulations.
2. A judge, the Registrar or the Deputy-Registrar may not waive his entitlement to remuneration.
3. All remuneration shall be expressed in euros and shall be paid at the end of each month for which it is due. Judges, the Registrar and the Deputy-Registrar may opt to have sums due-paid in the currency either of the country of which they are nationals or of their country of residence or of the country where the division which they serve has its seat; their choice shall remain operative for at least two years.

4. Remuneration of full-time judges, the Registrar and the Deputy-Registrar shall comprise basic salary and, if applicable, allowances.

5. Basic salary shall be understood as the salary before deduction of internal tax.

6. Judges with part-time status shall be entitled to a *pro rata* basic salary and, if applicable, *pro rata* allowances, both in accordance with Article 27(3) of these Regulations.

7. Judges who also hold national judicial office in countries where their national salary is higher than the corresponding salary they are entitled to from the Court, may choose to either receive the salary of a judge of the Court or maintain their national salary. In the latter case, they shall transfer the remuneration they are entitled to from the Court to their national government.

Article 32 **Amount of basic monthly salaries**

1. Basic monthly salaries of judges are as provided in the following table:

	<i>Gross salary (EUR)</i>
Court of Appeal	20 062
Court of First Instance	18 089

2. The President of the Court of Appeal and the President of the Court of First Instance shall have a basic monthly salary equal to 105% of that of the judges at their respective instances.

3. Basic monthly salaries of the Registrar and the Deputy-Registrar are as provided in the following table:

	<i>Gross salary (EUR)</i>
Registrar	20 062
Deputy-Registrar	18 089

Article 33 **Update of remuneration**

The Administrative Committee, based on rules set out by the Administrative Committee and on a proposal from the Budget Committee, shall decide each year on the adjustment of the remuneration of the judges, the Registrar and the Deputy-Registrar.

Section 2 Allowances

Article 34 Family allowances

1. Family allowances shall comprise the following:

- a) The household allowance shall be set at a basic amount of half of the amount of the dependent child's allowance provided for under sub-paragraph c) below, plus 2% of the monthly net salary. It shall be granted to expatriate judges, expatriate Registrar and expatriate Deputy-Registrar with spouse while the spouse has no employment.
- b) The education allowance shall be granted up to a maximum of 255 EUR/child per month, to expatriate judges, expatriate Registrar and expatriate Deputy-Registrar.
- c) The dependent child's allowance shall be set at 296 EUR/child per month. It shall be granted to judges, the Registrar and Deputy-Registrar.
- d) Disabled or severely disabled child allowance and reimbursement for education and/or training costs that are related to the disability. The disabled child allowance shall be a monthly basic amount equal to the dependent child's allowance. The severely disabled child allowance shall be a monthly basic amount equal to double the disabled child allowance. Reimbursement of education and training expenses shall amount to 90% of the expenses defined in the Implementing instructions as set out in Article 53 (1) of these Regulations, on the basis of the remaining amount of expenses after the deduction of any payments that have been received from any other sources and for the same purpose.

Eligible part-time judges shall receive family allowances on a *pro rata* basis in accordance with Article 27(3) of these Regulations.

2. A judge, the Registrar or the Deputy-Registrar entitled to any of the above mentioned allowances shall be required to report to the President of the Court of Appeal or, in the case of a judge of the Court of First Instance or of the Deputy-Registrar, to the President of the Court of First Instance any payments of the same nature or for similar purpose that are received from other sources by him, his spouse or the child's other parent. The amounts of any such payments shall be deducted from the benefits paid under these Regulations.

3. In case of shared or alternate custody, the payment of the allowances shall be shared equally between the two persons employed by the Court who are the child's parents. However, the parents may decide by mutual agreement which of them will receive the allowances.

Article 35 Dependent child's allowance

1. Any child, who is born to, or adopted by a judge, the Registrar or the Deputy-Registrar or his spouse and who is dependent on a judge, the Registrar or the Deputy-Registrar or his spouse for main and continuing support, shall be considered a dependent child provided the child:

- a) is under eighteen years of age, or
- b) is between eighteen and twenty-six years of age, is receiving school or university education or vocational training, and is not gainfully employed.

2. For the purpose of paragraph 1, the child shall be considered as gainfully employed if his own income, whatever the nature, is higher than 35% of the lowest salary in the salary grid applicable to the staff of the Court.

3. Any disabled or severely disabled child who is dependent on a judge, the Registrar or the Deputy-Registrar or his spouse for main and continuing support, shall also be considered a dependent child.

Article 36

Disabled or severely disabled child allowance

1. A disabled or severely disabled child allowance and reimbursement for education and/or training costs that are related to the disability shall be paid, in addition to the dependent child's allowance, for any dependent child of any age, medically certified with a disability and necessitating either special care, supervision, special education or training, not provided free of charge, within the meaning of these Regulations.

- a) Any judge, the Registrar or the Deputy-Registrar with a child with a medically-attested disability and requiring permanent care from a third person – or if the spouse has given up work to provide the requisite care for the disabled child or has never worked in order to look after the disabled child – shall be eligible for a disabled or severely disabled child allowance.
- b) The child should be considered as dependent at the time the disability is recognised.

2. Only those expenses incurred with a view to providing the disabled or severely disabled child with access to an education or training programme designed to meet his needs in order to obtain the best possible functional capacity, and which are not otherwise covered by the provisions governing the education allowance, shall be eligible for reimbursement.

Article 37

Expatriation allowance

1. The expatriation allowance, payable to a full-time judge, the Registrar or the Deputy-Registrar, shall be equal to 10% of the first monthly net salary.

2. The expatriation allowance shall be paid for a maximum period of 5 years to a judge, the Registrar or the Deputy-Registrar:

- a) if he is not and has never been a national of the country where he is posted, and
- b) if during the five years ending six months before the date on which he entered the service, he did not habitually reside or carry on his main occupation in that country. For the purposes of this provision, circumstances arising from work done for another country or for an international organisation shall not be taken into account.

3. A judge, the Registrar or the Deputy-Registrar who is not and has never been a national of the country in whose territory he is employed and who does not fulfil the conditions laid down in paragraph 2 shall be entitled to a foreign residence allowance equal to one quarter of the expatriation allowance.

Section 3
Reimbursement of expenses

Article 38
Installation allowance

1. A judge, the Registrar or the Deputy-Registrar shall be entitled to an installation allowance up to a maximum of 5 000 EUR.
2. The judge, the Registrar or the Deputy-Registrar shall receive an installation allowance upon providing evidence that a change in the place of residence was required in order to satisfy the requirements of these Regulations.

Article 39
Training costs of judges

The costs of the training of judges offered by the Court shall be borne by the Court. A judge participating in such training shall be entitled to the reimbursement of his travel expenses incurred in connection with such training and to daily allowance, in accordance with these Regulations and in line with the travel policy agreed upon by the Administrative Committee.

Article 40
Mission expenses

1. A judge, the Registrar or the Deputy-Registrar travelling on mission and holding an appropriate travel order shall be entitled to reimbursement of travel expenses and to daily allowance in accordance with these Regulations and in line with the rules agreed upon by the Administrative Committee.
2. The reimbursement of travel expenses shall be limited to the cost of the most appropriate but economical journey between the place of employment and the place of mission.

CHAPTER 2
LEAVE

Article 41
Annual leave

1. All full-time judges, the Registrar and the Deputy-Registrar shall accrue annual leave at the rate of 2.5 days for each calendar month of service, or any fraction thereof to the nearest half-day.
2. Annual leave may be taken in units of days or half-days.
3. All arrangements as to leave shall be subject to the exigencies of service which may require, as appropriate, that leave be taken by a judge during the period of judicial vacation under Article 17 of the Statute.

4. In exceptional cases, the President of the Court of Appeal, as appropriate, may withdraw approval for annual leave prior to its commencement. In cases of emergency, a judge, the Registrar or the Deputy-Registrar may be recalled from annual leave by the President of the Court of Appeal or, in the case of a judge of the Court of First Instance or of the Deputy-Registrar, by the President of the Court of First Instance. The Court shall reimburse any non-refundable expenses that have been incurred by reason of such withdrawal or recall.

5. For full-time judges, annual leave may be accumulated, provided that not more than 12 days of such leave are carried forward beyond 1 January of any year.

6. Any outstanding accrued annual leave, up to a maximum of 12 days, shall be paid to the judge, the Registrar or the Deputy-Registrar. Similarly, any advance annual leave outstanding upon end of duties shall be treated as indebtedness to the Court. The President of the Court of Appeal or the President of the Court of First Instance, as appropriate, may require the use of leave before a judge, the Registrar or the Deputy-Registrar leaves office.

7. Annual leave shall accrue during certified sick leave, birth leave and special leave.

8. Part-time judges shall be entitled to leave on a *pro rata* basis, in accordance with Article 27 (3) of these Regulations.

Article 42 **Birth leave**

1. Paid birth leave shall be granted to a judge, the Registrar or the Deputy-Registrar.

2. a) An expectant mother shall be entitled, on the basis of a medical certificate stating the probable date of confinement, to birth leave on full pay beginning not more than six weeks before the date indicated on the certificate and ending ten weeks after the date of the confinement.

b) Except for the cases referred to in paragraphs c) and d), when an expectant mother has already had two live births or she or the household already has at least two dependent children under age twenty living in the household, the period of leave on full pay shall be extended to eight weeks before the expected date of confinement and to eighteen weeks after the date of birth.

c) Where twins are expected, the period of leave on full pay shall be increased to twelve weeks prior to the expected date of confinement and to twenty-two weeks after the date of birth.

d) Where triplets or more children are expected, the period of leave on full pay shall be increased to twenty-four weeks prior to the expected date of confinement and to twenty-two weeks after the date of birth.

3. Following the birth of his child or children, a judge, the Registrar or the Deputy-Registrar who is a new parent and who is not the parent who has given birth shall be entitled to non-fractionable birth leave on full pay of 14 calendar days in the event of a single birth and 21 calendar days in the event of a multiple birth. This leave must be taken within 4 months of the birth or it will be lost. A similar leave shall be granted following the adoption of the child. Such leave may not, however, be cumulated with the adoption leave referred to in paragraph 4 of this Article.

4. A judge, the Registrar or the Deputy-Registrar with whom a child is placed for adoption by an adoption service recognised by the legislation of the country of residence shall be entitled to ten weeks leave on full pay, or twenty-two weeks leave on full pay in the event of a multiple adoption, starting from the date of the child's (or children's) arrival in his home.

Article 43 Parental leave

1. A judge, the Registrar or the Deputy-Registrar shall be entitled to up to 120 working days parental leave for every dependent child – born or adopted after the date of appointment – to be taken before the child's twelfth birthday. This entitlement shall be doubled for single parents.

2. During parental leave, the judge, the Registrar or the Deputy-Registrar shall cease to be entitled to remuneration, but shall be paid a monthly allowance equal to 1.100 €. Part-time judges shall be entitled to a monthly allowance on a *pro rata* basis. They shall continue to be entitled to the dependent child allowance and the education allowance, but shall not accrue annual leave.

3. During parental leave, a judge, the Registrar or the Deputy-Registrar shall remain member of the Court's Medical and Social Security Plan, if applicable. Contributions to the Court's Medical and Social Security Plan shall be borne in full by the Court, calculated on the basis of the remuneration (without allowances) immediately before the parental leave.

4. During periods of parental leave a judge, the Registrar or the Deputy-Registrar's membership of the Court's pension scheme, if applicable, shall be suspended, unless he asks to become a voluntary member thereof. The judge, the Registrar or the Deputy-Registrar shall then pay his contribution to the pension scheme in full, calculated on the basis of conditions immediately before the parental leave.

Article 44 Sick leave

1. A judge, the Registrar or the Deputy-Registrar, who provides evidence of being unable to carry out his duties by reason of illness or accident shall be entitled to sick leave.

2. The judge, the Registrar or the Deputy-Registrar concerned shall produce a medical certificate if he is unable to carry out his duties for more than three days. Failing this, and unless failure to produce the certificate is due to reasons beyond his control, the judge, the Registrar or the Deputy-Registrar shall not be considered entitled to sick leave.

3. Sick leave shall be granted for an initial period of up to four months during any one year of service, but not more than four consecutive months.

4. A judge, the Registrar or the Deputy-Registrar may be entitled to an extended sick leave for a period of not more than 20 months upon the expiry of their sick leave provided for in paragraph 3 above.

5. A judge, the Registrar or the Deputy-Registrar who has absented himself from duty for reasons of sickness or accident and who does not produce the medical certificate required under Instruction 44/1

shall forfeit annual leave entitlement equal to the number of days of uncertified absence or, if the judge, the Registrar or the Deputy-Registrar has exhausted his entitlement to annual leave, shall forfeit his entitlement to salary for the same period.

6. A judge, the Registrar or the Deputy-Registrar placed on extended sick leave:
- a) shall not be entitled to annual paid leave, or, in general, to any other right based on length of service with the Court;
 - b) shall continue to pay contributions to the Pension Plan of the Court; and
 - c) shall be entitled to any benefits payable in accordance with Article 48 of these Regulations.

7. Where a judge, the Registrar or the Deputy-Registrar on extended sick leave is declared medically fit for service as a result of the medical examination by a designated physician designated by the Appointing Authority:

- a) the President of the Court of Appeal or, in the case of a judge of the Court of First Instance or of the Deputy-Registrar, the President of the Court of First Instance shall, for a period of three months as from the declaration of fitness, look for available functions within the Court corresponding to his qualifications and experience, unless the judge, the Registrar or the Deputy-Registrar renounces thereto in writing.
- b) During the period of research referred to in paragraph a), the judge, the Registrar or the Deputy-Registrar shall be placed on special leave.
- c) If functions corresponding to the qualifications and experience of the judge, the Registrar or the Deputy-Registrar are available during the period of research, those functions shall be assigned immediately to him. If, at the end of the period of research, no functions corresponding to the qualifications and experience of the judge, the Registrar or the Deputy-Registrar are available, the Appointing Authority shall terminate his appointment.

Article 45 Special leave

In addition to annual leave, a judge, the Registrar and the Deputy-Registrar may, on application, be granted up to 10 days special leave *per annum* by the President of the Court of Appeal or, in the case of a judge of the Court of First Instance or of the Deputy-Registrar, by the President of the Court of First Instance. A limited number of additional days of special leave may be granted in exceptional and duly justified circumstances. Part-time judges shall be entitled to special leave on a *pro rata* basis, in accordance with Article 27 (3) of these Regulations.

Article 46 Official holidays

Lists of official holidays, including public holidays, shall be drawn up by the President of the Court of Appeal.

Article 47
Other aspects of the working conditions

The President of the Court of Appeal, having heard the Presidium and after approval by the Administrative Committee may enact provisions implementing the rules of these Regulations related to aspects of the working conditions.

TITLE V
MEDICAL AND SOCIAL SECURITY AND PENSION BENEFITS

Article 48
Medical and Social security Plan and Pension Plan

A judge, the Registrar and the Deputy-Registrar of the Court shall be entitled:

- a) to benefits in case of sickness, maternity, work accident, invalidity or death, under the Medical and Social Security Plan of the Court, in accordance with Annex I;
- b) to benefits under the Pension Plan of the Court, in accordance with Annex II.

TITLE VI
DISCIPLINARY MEASURES

Article 49
Disciplinary measures

1. If a judge of the Court of First Instance, or the Deputy-Registrar, during his term of office, does not respect the obligations arising from his office, pursuant to the Agreement, the Statute, these Regulations and the Code of Conduct according to Article 7 (3) of these Regulations, the President of the Court of the First Instance, after hearing the person concerned, may formally in writing put the person on notice of such failure. If the person continues not to fully respect the obligations of his office, the President of the Court of First Instance shall ask the Presidium to decide on further disciplinary measures.
2. Paragraph 1 shall apply to a judge of the Court of Appeal and the Registrar. The President of the Court of Appeal shall perform the functions attributed in paragraph 1 to the President of the Court of First Instance.
3. If a judge, after having ceased to hold office, does not act in accordance with Article 11 of these Regulations, the Presidium, after hearing the person concerned, shall impose any disciplinary measures that it deems necessary, given the circumstances.
4. Disciplinary measures shall take one of the following forms:
 - a) written warning;
 - b) reprimand;
 - c) reduction of salary or of pension;
 - d) removal from office.

**TITLE VII
INTERNAL APPEALS**

**Article 50
Appeal against a disciplinary decision**

A decision of the Presidium under Article 49 of these Regulations may be appealed in writing to the Administrative Committee.

**Article 51
Review of and appeal against an administrative decision**

1. Complaints against administrative decisions of the Court, pertaining to the application of these Regulations may be filed with the Presidium.
2. The decision of the Presidium may be appealed to the Administrative Committee.

**Article 52
Revision of a recruitment decision for a judicial post**

In cases where a candidate for a judicial post at the Court considers that the merits of his candidacy have not been rightfully assessed, said candidate can file a petition for review to the Administrative Committee.

**TITLE VIII
FINAL PROVISIONS**

**Article 53
Detailed implementation**

1. The Implementing instructions of articles in these Regulations and of articles in Annexes I and II shall be set and amended by the Registrar, after having informed the Administrative Committee about any intended amendment.
2. In case of conflict between the provisions of articles in these Regulations and of articles in Annexes I and II and of the Implementing instructions, the provisions of the articles in these Regulations and of the articles in Annexes I and II shall prevail.

Article 54
Entry into force

These Regulations shall enter into force on 22 February 2022.

For the Administrative Committee

[Signatures and name of the Chairperson] The Chairperson