



Budget Committee

Budget for the First Accounting Period of application of the Agreement on a Unified Patent Court (FAP)

(English, French and German)

Luxembourg, 09 February 2023

Executive summary

This document contains the draft budget applicable to the First Accounting Period (FAP) of the Agreement on a Unified Patent Court (UPCA) pursuant to section 2 articles 21 to 26 of the financial regulation of the Unified Patent Court (UPC) adopted 22 February 2022 by the Administrative Committee.

The present draft budget relies on assumptions considered by the Preparatory Committee from 2017 to 2022 and updated through the experience and knowledge acquired during the Provisional Application Period (PAP) as commenced in 2022.

It contains the necessary financial processes for the UPC to perform operational duties and to facilitate adaptability by its human, technical and organisational resources in order to deal with challenges and uncertainties inherent to the first months of the transition period.

It also contains the information and estimates required by article 23 of the financial rules, such as plan statement of incomes and financial position, the table of posts and recruitment plan, and estimates regarding the key financial data for the next four years pursuant to article 23.3.c of the financial regulation of the UPC from 2024 to 2027.

The call for contributions of the contracting Member States will be submitted simultaneously to the call for contributions to cover the expenses required by extension of the Provisional Application Period (PAP). The call for contributions to the working capital fund will also be sent accordingly. The detailed and total amount expected from each contracting Member State is detailed in Annex 3.

The Budget Committee is kindly requested to adopt this First Accounting Period budget and approve the application of the contribution key related to the present budget.

Résumé

Le présent document contient le projet de budget applicable au premier exercice comptable (FAP) de l'Accord relatif à une juridiction unifiée du brevet (AJUB) conformément à la section 2, articles 21 à 26, du règlement financier de la juridiction unifiée du brevet (JUB) adopté le 22 février 2022 par le comité administratif.

Le présent projet de budget repose sur des hypothèses examinées par le Comité préparatoire de 2017 à 2022 et mises à jour grâce à l'expérience et aux connaissances acquises au cours de la période d'application provisoire (PAP) qui a débuté en 2022.

Il contient les processus financiers nécessaires pour que la JUB exerce ses fonctions opérationnelles et facilite l'adaptabilité de ses ressources humaines, techniques et organisationnelles afin de faire face aux défis et aux incertitudes inhérents aux premiers mois de la période dite de transition.

Il contient également les informations et estimations requises par l'article 23 du règlement financier précité, telles que l'état prévisionnel des revenus et de la situation financière, le tableau des emplois et le plan de recrutement, et des estimations concernant les principales données financières pour les quatre prochaines années conformément à l'article 23.3 .c du règlement financier de la JUB de 2024 à 2027.

L'appel à contribution des Etats membres contractants sera soumis simultanément à l'appel à contribution pour couvrir les dépenses nécessitées par l'extension de la période d'application provisoire (PAP). L'appel à contribution au fonds de roulement en résultant sera également envoyé.

Le montant total et le détail attendu de chaque État membre contractant est repris à l'annexe 3.

Le Comité du Budget est prié d'adopter ce budget du premier exercice comptable et d'approuver l'application de la clé de contribution relative au présent budget.

Zusammenfassung

Dieses Dokument enthält gemäß Abschnitt 2 Artikel 21 bis 26 der vom Verwaltungsausschuss am 22. Februar 2022 angenommenen Finanzordnung des Einheitlichen Patentgerichts (EPG) den Haushaltsentwurf für den ersten Rechnungslegungszeitraum (FAP) des Übereinkommens über ein einheitliches Patentgericht (EPGÜ).

Der vorliegende Haushaltsentwurf stützt sich auf Annahmen, die der Vorbereitende Ausschuss von 2017 bis 2022 geprüft hat und die anhand der während des 2022 begonnenen Zeitraums der vorläufigen Anwendung (PAP) gewonnenen Erfahrungen und Erkenntnisse aktualisiert wurden.

Er enthält die notwendigen finanziellen Abläufe, damit das EPG seine operativen Aufgaben erfüllen und im Hinblick auf seine personellen, technischen und organisatorischen Ressourcen mit den Herausforderungen und Unwägbarkeiten der ersten Monate des Übergangszeitraums umgehen kann.

Er umfasst ferner die nach Artikel 23 der Finanzordnung erforderlichen Informationen und Schätzungen, wie eine Gewinn- und Verlustrechnung, eine Übersicht über die Einnahmen und die Finanzlage, den Stellen- und Einstellungsplan sowie gemäß Artikel 23 Absatz 3 Buchstabe c der Finanzordnung des EPG Schätzungen zu den wichtigsten Finanzdaten für die nächsten vier Jahre für den Zeitraum 2024 bis 2027.

Die Aufforderung zur Leistung der Beiträge der Vertragsmitgliedstaaten wird gleichzeitig mit der Aufforderung zur Leistung der Beiträge zur Deckung der durch die Verlängerung des Zeitraums der vorläufigen Anwendung (PAP) notwendigen Kosten eingereicht. Die Aufforderung zur Leistung der Beiträge zum Betriebsmittelfonds wird ebenfalls entsprechend übermittelt. Die Einzelheiten und der jeweilige von den einzelnen Mitgliedsstaaten erwartete Gesamtbetrag sind in Anhang 3 aufgeführt.

Der Haushaltsausschuss wird gebeten, diesen Haushalt für den ersten Rechnungslegungszeitraum anzunehmen und die Anwendung des Beitragsschlüssels für den vorliegenden Haushalt zu genehmigen.

Explanatory Note

The FAP Budget set out herein concerns in particular:

- Class 3 expenditures (Opex) shall be of € **9 742 654**.
- Class 4 expenditure (Capex) shall be of € **290 500**.
- Working Capital Fund of € **2 410 637**
- Total net assets (estimate at entry into force, see annex 5.4) of € **1 274 140**

The table below recall main trends since initial PAP Budget:

Budget class	Initial PAP budget	1 st Amended PAP budget	2 nd amended PAP budget	3 rd amended PAP budget	Submitted to vote FAP budget
Total Expenditures	€ 6 333 883	€ 6 304.186	€ 6 401.493	€ 10 132 857	€ 9 742 654
Class 3 Opex + fj	€ 5 765 883	€ 5 658 775	€ 5 686 033	€ 9 334 397	€ 9 452 154
<i>Working capital Fund</i>	€ 0	€ 0	€ 142 497	€ 1 000 000	€ 2 410 637
Class 4 capex	€ 568 000	€ 645 460	€ 715 460	€ 798 460	€ 290 500
Class 5 Income	€ 6 333 883	€ 6 304 185	€ 6 401 493	€ 10 132 857	€ 9 742 654
<i>51 Court fees</i>	€ 0	€ 0	€ 0	€ 0	€ 1 050 000
<i>52 MS Contributions</i>	€ 6 201 150	€ 6 201 510	€ 6 201 510	€9 889 063	€ 8 059 015
<i>53 Other Op.incomes</i>	€ 13 373	€ 102 675	€ 199 983	€243 794	€ 633 638

The Budget Committee is kindly requested to approve the decision provided in Annex I hereto adopting the First Accounting Period of the UPC Agreement.

I. EXPENDITURE/INCOME; WORKING CAPITAL FUND

1. A table relating to the expenditure and income, providing total amounts is enclosed as Annex 2.1;
2. the Working Capital Fund as cash reserve of the UPC is enclosed as Annex 2.2;
3. the contributions of contracting Member States (Opex+Capex), including the reimbursement of advances by Member States of the year 2022, are enclosed as Annex 2.3
4. The amount of Court fees is mentioned before deductions (see annex 4.13).

II. ADJUSTMENT OF THE PROVISIONAL CONTRIBUTION KEY

1. All contracting Member States to the Agreement including those not contracting to the Protocol for Provisional Application of the Agreement will be called upon for initial financial contribution. This will lead to adjustment of the repartition of the contributions of contracting Member States accordingly by due deduction of the contributions of PAP Protocol contracting Member States.
2. The present draft budget contains no adjustment of the repartition key used for the budget of the provisional application period.

3. The result in terms of amounts is enclosed in Annex 3. Annex 3 will be updated once the relevant data under Article 37(3) of the Agreement (to be provided by Member States after entry into force of the Agreement) are available, and the amounts will be recalculated according to the updated contribution key.

III. OVERALL ESTABLISHMENT PLAN OF THE UPC

IV. KEY FINANCIAL ESTIMATES FOR THE FOUR FOLLOWING YEARS (2024 to 2027)

V. FINANCIAL STATEMENTS (*article 23.3.c of the financial rules of the UPC*)

Note explicative

Le Budget pour la FAP présenté ici concerne notamment :

- Les dépenses de classe 3 (Opex) seront de **9 742 654 €**.
- Les dépenses de classe 4 (Capex) seront de **290 500 €**.
- Fonds de roulement de **2 410 637 €**
- Actif net total (estimation à l'entrée en vigueur, voir annexe 5.4) de **1 274 140 €**

Le tableau ci-dessous rappelle les principales tendances depuis le budget initial du PAP :

Classe budgétaire	budget PAP initial	1er budget PAP Amendé	2 ^{ème} budget PAP Amendé	3 ^{ème} budget PAP Amendé	Budget FAP soumis au vote
Total dépenses	6 333 883 €	6 304.186 €	6 401.493 €	10 132 857 €	9 742 654 €
Classe 3 Opex + fin	5 765 883 €	5 658 775 €	5 686 033 €	9 334 397 €	9 452 154 €
Fonds de roulement	0 €	0 €	142 497 €	1 000 000 €	2 410 637 €
Class 4 capex	568 000 €	645 460 €	715 460 €	798 460 €	290 500 €
Class 5 Income	6 333 883 €	6 304 185 €	6 401 493 €	10 132 857 €	9 742 654 €
51 Court fees	0 €	0 €	0 €	0 €	1 050 000 €
52 MS Contributions	6 201 150 €	6 201 510 €	6 201 510 €	9 889 063 €	8 059 015 €
53 Other Op. inc.	13 373 €	102 675 €	199 983 €	43 7942 €	633 638 €

Le Comité du budget est prié d'approuver la décision figurant à l'annexe I ci-jointe adoptant la première période comptable de l'Accord JUB.

I. DÉPENSES/REVENUS ; FONDS DE ROULEMENT

1. Un tableau relatif aux dépenses et aux recettes, indiquant les montants totaux, est joint en annexe 2.1 ;
2. le fonds de roulement en tant que réserve de trésorerie de la JUB est joint en annexe 2.2 ;
3. les contributions des États membres contractants (Opex+Capex), y compris le remboursement des avances par les États membres de l'année 2022, sont jointes en annexe 2.3
4. Le montant des frais de justice est mentionné avant déductions (voir annexe 4.13).

II. AJUSTEMENT DE LA CLÉ DE CONTRIBUTION PROVISOIRE

1. Tous les États membres contractants à l'accord, y compris ceux qui n'ont pas souscrit au protocole d'application provisoire de l'accord, seront appelés à verser une contribu-

tion financière initiale. Cela conduira à un ajustement de la répartition des contributions des États membres contractants en conséquence par déduction en bonne et due forme des contributions des États membres contractants du Protocole PAP.

2. Le présent projet de budget ne contient aucun ajustement de la clé de répartition utilisée pour le budget de la période d'application provisoire.
3. Le résultat en termes de montants est joint à l'annexe 3. L'annexe 3 sera mise à jour une fois que les données pertinentes au titre de l'article 37, paragraphe 3, de l'accord (à fournir par les États membres après l'entrée en vigueur de l'accord) seront disponibles et les montants seront recalculés en fonction de la clé de cotisation mise à jour.

III. SCHÉMA GÉNÉRAL DES EFFECTIFS DE L'UPC

IV. PRINCIPALES ESTIMATIONS FINANCIÈRES POUR LES QUATRE ANNÉES SUIVANTES (2024 à 2027)

V. ÉTATS FINANCIERS (article 23.3.c du règlement financier de l'UPC)

Erläuterung und allgemeine Entwicklungen

Der hier vorgelegte Haushalt für den ersten Rechnungslegungszeitraum (FAP) betrifft insbesondere:

- Die Ausgaben in Klasse 3 (Opex) belaufen sich auf **9 742 654 EUR**.
- Die Ausgaben in Klasse 4 (Capex) belaufen sich auf **290 500 EUR**.
- Betriebsmittelfonds: **2 410 637 EUR**.
- Gesamtes Nettovermögen (Schätzung bei Inkrafttreten, siehe Anhang 5.4): **1 274 140 EUR**.

In der nachstehenden Tabelle werden die wichtigsten Entwicklungen seit dem ursprünglichen Haushalt für den PAP dargestellt:

Haushalts-klasse	Ursprünglicher Haushalt für den PAP	1. Nachtrags-haushalt für den PAP	2. Nachtrags-haushalt für den PAP	3. Nachtrags-haushalt für den PAP	Zur Abstimmung vorgelegter Haushalt für den ersten Rechnungslegungszeitraum
Ausgaben insgesamt	6 333 883 EUR	6 304 186 EUR	6 401 493 EUR	10 132 857 EUR	9 742 654 EUR
Klasse 3 OPEX + fi	5 765 883 EUR	5 658 775 EUR	5 686 033 EUR	9 334 397 EUR	9 452 154 EUR
Betriebsmittelfonds	0 EUR	0 EUR	142 497 EUR	1 000 000 EUR	2 410 637 EUR
Klasse 4 Capex	568 000 EUR	645 460 EUR	715 460 EUR	798 460 EUR	290 500 EUR
Klasse 5 Einnahmen	6 333 883 EUR	6 304 185 EUR	6 401 493 EUR	10 132 857 EUR	9 742 654 EUR
51 Gerichtsgebühren	0 EUR	0 EUR	0 EUR	0 EUR	1 050 000 EUR
52 Beiträge der Mitgliedstaaten	6 201 150 EUR	6 201 510 EUR	6 201 510 EUR	9 889 063 EUR	8 059 015 EUR
53 Sonstige betriebliche Erträge	13 373 EUR	102 675 EUR	199 983 EUR	243 794 EUR	633 638 EUR

Der Haushaltsausschuss wird gebeten, den in Anhang I beigefügten Beschluss zur Annahme eines ersten Rechnungslegungszeitraums im Rahmen des EPG-Übereinkommens zu genehmigen.

I. AUSGABEN/EINNAHMEN; BETRIEBSMITTELFONDS

1. Eine Übersicht über die Ausgaben und Einnahmen mit einer Angabe der Gesamtbeträge findet sich in Anhang 2.1.
2. Der Betriebsmittelfonds als Barreserve des EPG findet sich in Anhang 2.2.
3. Die Beiträge der Vertragsmitgliedstaaten (Opex + Capex), einschließlich der Erstattung von Vorschüssen durch die Mitgliedstaaten für das Jahr 2022, finden sich in Anhang 2.3.
4. Die Gerichtsgebühren sind als der Betrag vor Abzügen ausgewiesen (siehe Anhang 4.13).

II. ANPASSUNG DES VORLÄUFIGEN BEITRAGSSCHLÜSSELS

1. Alle Vertragsmitgliedstaaten des Übereinkommens, einschließlich derjenigen, die dem Protokoll über die vorläufige Anwendung des Übereinkommens nicht beigetreten sind, werden aufgefordert, den ersten Finanzbeitrag zu leisten. Dies führt zu einer entsprechenden Anpassung der Verteilung der Beiträge der Vertragsmitgliedstaaten durch den angemessenen Abzug der Beiträge der Vertragsmitgliedstaaten des Protokolls über die vorläufige Anwendung.
2. Der vorliegende Haushaltsentwurf enthält keine Anpassung des für den Haushalt für den Zeitraum der vorläufigen Anwendung angewendeten Verteilungsschlüssels.
3. Das Ergebnis in Bezug auf die Beträge ist Anhang 3 zu entnehmen. Anhang 3 wird aktualisiert, sobald die relevanten Daten nach Artikel 37 Absatz 3 des Übereinkommens (die von den Mitgliedstaaten nach Inkrafttreten des Übereinkommens vorzulegen sind) verfügbar sind, und die Beträge werden nach dem aktualisierten Beitragsschlüssel neu berechnet.

III. STELLENPLAN DES EPG INSGESAMT

IV. ZENTRALE FINANZIELLE SCHÄTZUNGEN FÜR DIE FOLGENDEN VIER JAHRE (2024 bis 2027)

V. JAHRESABSCHLÜSSE (*Artikel 23 Absatz 3 Buchstabe c der Finanzordnung des EPG*)

ANNEX I (EN)

**Decision of the Budget Committee
of 9 February 2023**

adopting the budget of the Unified Patent Court for the First Accounting Period (FAP)

THE BUDGET COMMITTEE OF THE UNIFIED PATENT COURT,
Having regard to the Agreement on a Unified Patent Court, in particular Articles 36 and 37 thereof,
Having regard to the Statute of the Unified Patent Court, in particular Article 26 thereof,
Considering the scheduled cessation of the Provisional Application Period on 31 May 2023 24:00,
the consequent entry into force of the Agreement,
Considering the need for the Unified Patent Court to fulfil its commitments for the related period
at the time of entry into force of the Unified Patent Court,
Considering the urgency to provide the budget and financial resources thereof to the Court,

HAS DECIDED AS FOLLOWS:

Pursuant to the Articles 21 to 29 of the Decision of the Administrative Committee of the Unified
Patent Court governing the financial management of the Court,

the following are

1. adopted:

the budget of the first accounting period of the Unified Patent Court, totalling EUR 9 742 654
including the budget of the Pension and Social Security Schemes, totalling EUR 1 020 266;

2. approved:

The provisional contribution key, as set out in Annex 3;

This decision shall enter into force on 9 February 2023.

Done at Luxembourg, 9 February 2023

For the Budget Committee

Signed Bruno Leboullenger
The Chairman

ANNEXE I (FR)

**Décision du comité budgétaire
du 9 février 2023**

**adoptant le budget de la juridiction unifiée du brevet pour le premier exercice comptable
(FAP)**

LE COMITÉ DU BUDGET DU TRIBUNAL UNIFIÉ DU BREVET,

vu l'accord relatif à une juridiction unifiée du brevet, notamment ses articles 36 et 37,

vu le statut de la juridiction unifiée du brevet, notamment son article 26,

Considérant la cessation prévue de la Période d'Application Provisoire le 31 mai 2023 24h00, l'entrée en vigueur consécutive de l'Accord,

Considérant la nécessité pour la juridiction unifiée du brevet de remplir ses engagements pour la période correspondante au moment de l'entrée en vigueur de la juridiction unifiée du brevet,

Considérant l'urgence de doter la Juridiction de son budget et de ses ressources financières,

A DÉCIDÉ CE QUI SUIT.

Conformément aux articles 21 à 29 de la décision du comité administratif de la juridiction unifiée du brevet régissant la gestion financière de la juridiction, les suivants sont

1. adopté : le budget du premier exercice comptable de la juridiction unifiée du brevet, d'un montant total de 9 742 654 Euros, y compris le budget des régimes de retraite et de sécurité sociale, d'un montant total de 1 020 266 EUR;

2. approuvé : La clé de répartition provisoire, telle qu'elle figure à l'annexe 3 ;

La présente décision entrera en vigueur le [date de la décision].

Fait à Luxembourg, le [date de la décision]

Pour le Comité du Budget

Signé Bruno Leboulenger

Le président

ANHANG I (DE)

**Beschluss des Haushaltsausschusses
vom 9. Februar 2023**

**über die Annahme des Haushalts des Einheitlichen Patentgerichts für den ersten
Rechnungslegungszeitraum (FAP).**

DER HAUSHALTSAUSSCHUSS DES EINHEITLICHEN PATENTGERICHTS,
gestützt auf das Übereinkommen über ein einheitliches Patentgericht, insbesondere auf Artikel 36
und 37,

gestützt auf die Satzung des Einheitlichen Patentgerichts, insbesondere auf Artikel 26,

in der Erwägung, dass der Zeitraum für die vorläufige Anwendung am 31. Mai 2023 um 24.00 Uhr
endet und das Übereinkommen somit in Kraft tritt,

in der Erwägung, dass das Einheitliche Patentgericht seine Verpflichtungen für den entsprechenden
Zeitraum zum Zeitpunkt des Inkrafttretens des EPG-Übereinkommens erfüllen muss,

angesichts der Dringlichkeit, dem Einheitlichen Patentgericht einen Haushalt und die entsprechen-
den Finanzmittel zur Verfügung zu stellen,

HAT FOLGENDEN BESCHLUSS ERLASSEN:

Gemäß Artikel 21 bis 29 des Beschlusses des Verwaltungsausschusses des Einheitlichen Patentge-
richts über die Finanzverwaltung des Gerichts

wird Folgendes

1. angenommen:

der Haushalt für den ersten Rechnungslegungszeitraum des Einheitlichen Patentgerichts in Höhe von
insgesamt 9 742 654 EUR, einschließlich Mittel für die Renten- und Sozialversicherungssysteme in
Höhe von insgesamt 1 020 266 EUR;

2. genehmigt:

der vorläufige Beitragsschlüssel gemäß Anhang 3;

Dieser Beschluss tritt am 9. Februar 2023 in Kraft.

Geschehen zu Luxemburg am 9. Februar 2023.

Für den Haushaltsausschuss

Unterzeichnet Bruno Leboullenger

Der Vorsitzende

ANNEX II
Budget of the unified patent court

Annex 2.1: budget of the Unified Patent Court: appropriations

Section	Title	Total FAP
3	Operating and Financial Expenditure	€ 9 452 154
31	Salaries	€ 2 983 010
311	Court of Appeal	€ 401 831
312	Court of first instance	€ 1 917 946
313	Registrar & deputy registrar	€ 275 941
314	Other staff directly employed by the Court	€ 387 292
32	Pension and social security contributions	€ 683 894
321	Court of Appeal	€ 94 746
322	Court of first instance	€ 442 684
323	Registrar & deputy registrar	€ 65 519
324	Other staff directly employed by the Court	€ 80 946
325	Pension and social security contributions to national sys	€ -
33	General operating expenses	€ 2 951 604
331	IT Operating Expenditure, databases and eLibrary	€ 445 100
332	Meetings of the Committees	€ 9 660
333	Translation, publication & communication costs	€ 425 400
334	Training centre	€ 760 758
335	Mediation and arbitration centre	€ 143 750
336	Duty travel	€ 313 494
337	Consultancy and audit	€ 562 667
338	Charges for Cases and Applications	€ 220 776
339	Others	€ 70 000
34	Working Capital Fund	€ 2 410 637
341	Working Capital Fund	€ 2 410 637
35	Repayments to MS	€ 100 000
351	Asset-related repayments	€ -
352	Other repayments	€ 100 000
36	Legal aid and reimbursement to third parties	€ 317 500
361	Legal aid	€ 87 500
362	Reimbursements to third parties	€ 230 000
37	Other general operating expenses	€ 5 508
371	Non-refundable taxes & public levies	€ -
374	Foreign currency losses	€ -
375	Damages/internal appeals Damages, internal appeals	€ -
376	Bank charges	€ 5 508
38	Depreciation and amortization expense	€ -
381	Depreciation of fixed assets	€ -
382	Amortisation of intangible assets	€ -
39	Financial expenses	€ -
4	Capital expenditure	€ 290 500
41	IT Capital expenditure	€ 290 500
411	IT Capital expenditure	€ 290 500
5	Revenue	€ 9 742 654
51	Revenue from court fees	€ 1 050 000
511	Court fees	€ 1 050 000
512	Income from mediation centre	
513	Income from arbitration centre	€ -
52	Contributions by participating Member States	€ 8 059 015
53	Other operating income	€ 633 638
531	Other court fees	€ -
532	Income from training centre	€ -
533	Internal tax	€ 633 638
535	Foreign currency gains	€ -
54	Work performed and capitalised	€ -
541	Work performed and capitalised	€ -
55	Financial income	€ -
551	Financial income	€ -
6	PSSS Expenditure	€ 1 020 266
610	Payments from Social Security Schemes	€ 1 020 266
7	PSSS Income	€ 1 020 266
710	Income Social Security Schemes	€ 1 020 266

2.2 Working Capital Fund

Working Capital Fund

	PAP Budget	FAP Budget
Working Capital Fund contribution	€ 1 000 000	€ 2 410 637
./ Approved Expenditure	€ -	€ -
Final amount	€ 1 000 000	€ 2 410 637

Main expected purposes and possible triggers of the Working Capital Fund:

- meet any potential short-term liquidity problems in case of pending receipt of the budgetary assessed contributions. The FAP short-term liquidity has been valued at an amount that covers 2 months of the budgeted salaries, pension and social security contribution and general expenditure.
- meet any unavoidable expenses that could not be foreseen or could not be accurately estimated at the time of adoption of the budget. For instance and inter alia, the following expenses can be mentioned as possibly triggering the use of Working Capital Fund during FAP: additional training, translations (related to judicial activities), duty travel reimbursements, IT support for users (helpdesk for CMS), etc. These FAP expenses have been globally valued at 10% of the total budgeted general operating expenses;
- increase of working time of part time appointed judges to address ramp up of cases over assumptions;
- appointment of additional judges (from reserve list or beyond).

2.3 Preliminary assumptions for the next four years

Section	Title	Total FAP	assumptions 2024	assumptions 2025	assumptions 2026	assumptions 2027
3	Operating and Financial Expenditure	€ 9 452 154	€ 19 274 011	€ 25 895 680	€ 31 587 380	€ 38 365 967
31	Salaries	€ 2 983 010	€ 8 150 654	€ 11 141 599	€ 13 673 809	€ 16 699 062
311	Court of Appeal	€ 401 831	€ 2 532 854	€ 3 256 628	€ 4 001 902	€ 5 000 601
312	Court of first instance	€ 1 917 946	€ 4 532 257	€ 6 799 428	€ 8 586 364	€ 10 612 918
313	Registrar & deputy registrar	€ 275 941	€ 473 042	€ 473 042	€ 473 042	€ 473 042
314	Other staff directly employed by the Court	€ 387 292	€ 612 501	€ 612 501	€ 612 501	€ 612 501
32	Pension and social security contributions	€ 683 894	€ 1 912 427	€ 2 622 166	€ 3 225 395	€ 3 940 942
321	Court of Appeal	€ 94 746	€ 593 579	€ 770 766	€ 947 954	€ 1 184 204
322	Court of first instance	€ 442 684	€ 1 067 766	€ 1 600 318	€ 2 026 359	€ 2 505 656
323	Registrar & deputy registrar	€ 65 519	€ 112 318	€ 112 318	€ 112 318	€ 112 318
324	Other staff directly employed by the Court	€ 80 946	€ 138 764	€ 138 764	€ 138 764	€ 138 764
325	Pension and social security contributions to national sys	€ -	€ -	€ -	€ -	€ -
33	General operating expenses	€ 2 951 604	€ 4 042 100	€ 4 959 981	€ 6 083 978	€ 7 239 241
331	IT Operating Expenditure, databases and eLibrary	€ 445 100	€ 981 000	€ 1 103 500	€ 1 176 500	€ 1 315 000
332	Meetings of the Committees	€ 9 660	€ 8 505	€ 9 135	€ 9 765	€ 10 395
333	Translation, publication & communication costs	€ 425 400	€ 713 000	€ 807 000	€ 901 000	€ 997 000
334	Training centre	€ 760 758	€ 970 935	€ 1 149 580	€ 1 377 102	€ 1 570 645
335	Mediation and arbitration centre	€ 143 750	€ 110 733	€ 116 906	€ 123 552	€ 130 708
336	Duty travel	€ 313 494	€ 607 101	€ 1 117 761	€ 1 831 781	€ 2 545 801
337	Consultancy and audit	€ 562 667	€ 427 592	€ 432 650	€ 437 818	€ 443 100
338	Charges for Cases and Applications	€ 220 776	€ 151 234	€ 151 450	€ 154 460	€ 154 592
339	Others	€ 70 000	€ 72 000	€ 72 000	€ 72 000	€ 72 000
34	Working Capital Fund	€ 2 410 637	€ 3 786 674	€ 4 529 451	€ 4 711 276	€ 5 523 555
341	Working Capital Fund	€ 2 410 637	€ 3 786 674	€ 4 529 451	€ 4 711 276	€ 5 523 555
35	Repayments to MS	€ 100 000	€ -	€ -	€ -	€ -
351	Asset-related repayments	€ -	€ -	€ -	€ -	€ -
352	Other repayments	€ 100 000	€ -	€ -	€ -	€ -
36	Legal aid and reimbursement to third parties	€ 317 500	€ 1 380 000	€ 2 640 000	€ 3 890 000	€ 4 960 000
361	Legal aid	€ 87 500	€ 150 000	€ 150 000	€ 300 000	€ 300 000
362	Reimbursements to third parties	€ 230 000	€ 1 230 000	€ 2 490 000	€ 3 590 000	€ 4 660 000
37	Other general operating expenses	€ 5 508	€ 2 156	€ 2 483	€ 2 921	€ 3 167
371	Non-refundable taxes & public levies	€ -	€ -	€ -	€ -	€ -
374	Foreign currency losses	€ -	€ -	€ -	€ -	€ -
375	Damages/internal appeals Damages, internal appeals	€ -	€ -	€ -	€ -	€ -
376	Bank charges	€ 5 508	€ 2 156	€ 2 483	€ 2 921	€ 3 167
38	Depreciation and amortization expense	€ -	€ -	€ -	€ -	€ -
381	Depreciation of fixed assets	€ -	€ -	€ -	€ -	€ -
382	Amortisation of intangible assets	€ -	€ -	€ -	€ -	€ -
39	Financial expenses	€ -	€ -	€ -	€ -	€ -
4	Capital expenditure	€ 290 500	€ 440 000	€ 544 000	€ 653 000	€ 757 000
41	IT Capital expenditure	€ 290 500	€ 440 000	€ 544 000	€ 653 000	€ 757 000
411	IT Capital expenditure	€ 290 500	€ 440 000	€ 544 000	€ 653 000	€ 757 000
5	Revenue	€ 9 742 654	€ 19 714 011	€ 26 439 680	€ 32 240 380	€ 39 122 967
51	Revenue from court fees	€ 1 050 000	€ 5 750 000	€ 11 680 000	€ 16 780 000	€ 21 750 000
511	Court fees	€ 1 050 000	€ 5 750 000	€ 11 680 000	€ 16 780 000	€ 21 750 000
512	Income from mediation centre	€ -	€ -	€ -	€ -	€ -
513	Income from arbitration centre	€ -	€ -	€ -	€ -	€ -
52	Contributions by participating Member States	€ 8 059 015	€ 12 134 886	€ 12 229 118	€ 12 332 403	€ 13 535 123
53	Other operating income	€ 633 638	€ 1 829 125	€ 2 530 562	€ 3 127 977	€ 3 837 844
531	Other court fees	€ -	€ -	€ -	€ -	€ -
532	Income from training centre	€ -	€ -	€ -	€ -	€ -
533	Internal tax	€ 633 638	€ 1 829 125	€ 2 530 562	€ 3 127 977	€ 3 837 844
535	Foreign currency gains	€ -	€ -	€ -	€ -	€ -
54	Work performed and capitalised	€ -	€ -	€ -	€ -	€ -
541	Work performed and capitalised	€ -	€ -	€ -	€ -	€ -
55	Financial income	€ -	€ -	€ -	€ -	€ -
551	Financial income	€ -	€ -	€ -	€ -	€ -
6	PSSS Expenditure	€ 1 020 266	€ 2 853 050	€ 3 911 873	€ 4 811 799	€ 5 879 286
610	Payments from Social Security Schemes	€ 1 020 266	€ 2 853 050	€ 3 911 873	€ 4 811 799	€ 5 879 286
7	PSSS Income	€ 1 020 266	€ 2 853 050	€ 3 911 873	€ 4 811 799	€ 5 879 286
710	Income Social Security Schemes	€ 1 020 266	€ 2 853 050	€ 3 911 873	€ 4 811 799	€ 5 879 286

ANNEX III

Provisional contribution key and Member States contributions

3.1 Contribution due by the contracting Member States for the first Accounting Period (7 months)

Number of accessing states			17	
Member State	Contribution key (PC/02/041114)	Ratification Yes=1,No=0	Distribution key for accessing states	Total contribution due for FAP
AT	2.66	1.00	3.22	€ 259 120
BE	3.39	1.00	4.10	€ 330 232
BG	0.14	1.00	0.17	€ 13 638
CY	0.24	0.00	0.00	€ -
CZ	0.50	0.00	0.00	€ -
DE	38.77	1.00	46.86	€ 3 776 720
DK	1.62	1.00	1.96	€ 157 810
EE	0.11	1.00	0.13	€ 10 715
FI	1.07	1.00	1.29	€ 104 232
FR	17.02	1.00	20.57	€ 1 657 977
GR	0.85	0.00	0.00	€ -
HU	0.60	0.00	0.00	€ -
IE	1.18	0.00	0.00	€ -
IT	6.44	1.00	7.78	€ 627 343
LT	0.10	1.00	0.12	€ 9 741
LU	0.63	1.00	0.76	€ 61 370
LV	0.04	1.00	0.05	€ 3 897
MT	0.01	1.00	0.01	€ 974
NL	6.66	1.00	8.05	€ 648 774
PL	1.05	0.00	0.00	€ -
PT	1.04	1.00	1.26	€ 101 310
RO	0.38	0.00	0.00	€ -
SE	2.83	1.00	3.42	€ 275 680
SI	0.20	1.00	0.24	€ 19 483
SK	0.26	0.00	0.00	€ -
UK	12.12	0.00	0.00	€ -
	99.91	82.73	100.00	€ 8 059 015

This table presents the sole contributions legally due for the first accounting period, including contribution to the working capital fund, before taking into account payments received and reimbursements to be made.

3.2 Contributions to be called by the Chair of the Budget Committee

From contributions due to contribution called									
Member State	Gross contribution due for PAP (e)	Total contribution due for FAP (f)	Contribution received in 2022 for PAP (h)	Reimbursement of advances by deduction to FAP contribution (i)	Net 3rd amended PAP to be called =e-h (j)	Net FAP Contribution to be called = f-i (k)	Total net contribution to be called (PAP+ FAP) =j+k (L)	Net PAP+ FAP due 3 months before entry into force UPCA	Total due by 4 weeks after entry into force UPCA (4 MS non PAP)
AT	€ 317 961	€ 259 120	€ 199 396		€ 118 565	€ 259 120	€ 377 685	€ 377 685	€ -
BE	€ 405 221	€ 330 232	€ 254 117	€ 224 000	€ 151 104	€ 106 232	€ 257 335	€ 257 335	€ -
BG	€ 16 735	€ 13 638	€ 10 495		€ 6 240	€ 13 638	€ 19 878	€ 19 878	€ -
CY	€ -	€ -	€ -		€ -	€ -	€ -	€ -	€ -
CZ	€ -	€ -	€ -		€ -	€ -	€ -	€ -	€ -
DE	€ 4 634 340	€ 3 776 720	€ 2 906 232	€ 713 112	€ 1 728 109	€ 3 063 608	€ 4 791 716	€ 4 791 716	€ -
DK	€ 193 645	€ 157 810	€ 121 437		€ 72 209	€ 157 810	€ 230 019	€ 230 019	€ -
EE	€ 13 149	€ 10 715	€ 8 246		€ 4 903	€ 10 715	€ 15 619	€ 15 619	€ -
FI	€ 127 902	€ 104 232	€ 80 208		€ 47 693	€ 104 232	€ 151 926	€ 151 926	€ -
FR	€ 2 034 472	€ 1 657 977	€ 1 275 833	€ 609 411	€ 758 638	€ 1 048 566	€ 1 807 204	€ 1 807 204	€ -
GR	€ -	€ -	€ -		€ -	€ -	€ -	€ -	€ -
HU	€ -	€ -	€ -		€ -	€ -	€ -	€ -	€ -
IE	€ -	€ -	€ -		€ -	€ -	€ -	€ -	€ -
IT	€ 769 800	€ 627 343	€ 482 748	€ 230 000	€ 287 052	€ 397 343	€ 684 395	€ 684 395	€ -
LT	€ 11 953	€ 9 741	€ -		€ 11 953	€ 9 741	€ 21 695		€ 21 695
LU	€ 75 307	€ 61 370	€ 47 225		€ 28 081	€ 61 370	€ 89 452	€ 89 452	€ -
LV	€ 4 781	€ 3 897	€ -		€ 4 781	€ 3 897	€ 8 678		€ 8 678
MT	€ 1 195	€ 974	€ -		€ 1 195	€ 974	€ 2 169		€ 2 169
NL	€ 796 098	€ 648 774	€ 499 239	€ 180 000	€ 296 858	€ 468 774	€ 765 632	€ 765 632	€ -
PL	€ -	€ -	€ -		€ -	€ -	€ -	€ -	€ -
PT	€ 124 316	€ 101 310	€ -		€ 124 316	€ 101 310	€ 225 626		€ 225 626
RO	€ -	€ -	€ -		€ -	€ -	€ -	€ -	€ -
SE	€ 338 282	€ 275 680	€ 212 139	€ 136 492	€ 126 143	€ 139 188	€ 265 331	€ 265 331	€ -
SI	€ 23 907	€ 19 483	€ 14 992		€ 8 915	€ 19 483	€ 28 397	€ 28 397	€ -
SK	€ -	€ -	€ -		€ -	€ -	€ -	€ -	€ -
UK	€ -	€ -	€ -		€ -	€ -	€ -	€ -	€ -
	€ 9 889 063	€ 8 059 015	€ 6 112 307	€ 2 093 015	€ 3 776 756	€ 5 966 000	€ 9 742 757	€ 9 484 589	€ 258 168

This Table aims to present a clear picture of contribution to be called upon, according to the present draft budget calculations, taking into account the contributions received for PAP period and of reimbursements to six advancing Member States.

It reflects the two different legal deadlines mentioned by the financial rules of the UPC for contracting Member States, whether they are contracting parties or not to the PAP Protocol.

ANNEX IV
Table of posts for the UPC (1)

Chapter 31: Salaries**1°) Amount of salaries**

Period	FAP 1	FAP 2	FAP 3	FAP 4	FAP 5	FAP 6	FAP 7	Total
President Court of Appeal	€ 21 711	€ 21 711	€ 21 711	€ 21 711	€ 21 711	€ 21 711	€ 21 711	€ 151 977
Court of Appeal - Judges	€ 38 694	€ 35 194	€ 35 194	€ 35 194	€ 35 194	€ 35 194	€ 35 194	€ 249 855
President Court of First Instance	€ 19 628	€ 19 628	€ 19 628	€ 19 628	€ 19 628	€ 19 628	€ 19 628	€ 137 394
Court of First Instance - Judges	€ 298 079	€ 247 079	€ 247 079	€ 247 079	€ 247 079	€ 247 079	€ 247 079	€ 1 780 551
Registrar	€ 20 702	€ 20 702	€ 20 702	€ 20 702	€ 20 702	€ 20 702	€ 20 702	€ 144 914
Deputy Registrar	€ 18 718	€ 18 718	€ 18 718	€ 18 718	€ 18 718	€ 18 718	€ 18 718	€ 131 027
<i>Total judges and registrars</i>	€ 417 531	€ 363 031	€ 363 031	€ 363 031	€ 363 031	€ 363 031	€ 363 031	€ 2 595 718
Director Arbitration Centre	€ 16 179	€ 11 179	€ 11 179	€ 11 179	€ 11 179	€ 11 179	€ 11 179	€ 83 253
Director Training Centre	€ 11 179	€ 11 179	€ 11 179	€ 11 179	€ 11 179	€ 11 179	€ 11 179	€ 78 253
Secretary Arbitration Centre	€ 21 474	€ 11 474	€ 11 474	€ 11 474	€ 11 474	€ 11 474	€ 11 474	€ 90 315
Secretary Training Centre	€ 10 737	€ 5 737	€ 5 737	€ 5 737	€ 5 737	€ 5 737	€ 5 737	€ 45 157
IT engineers	€ -	€ -	€ -	€ -	€ -	€ -	€ -	€ -
Case managers	€ 21 474	€ 11 474	€ 11 474	€ 11 474	€ 11 474	€ 11 474	€ 11 474	€ 90 315
Clerks	€ -	€ -	€ -	€ -	€ -	€ -	€ -	€ -
Secretaries	€ -	€ -	€ -	€ -	€ -	€ -	€ -	€ -
Accountants	€ -	€ -	€ -	€ -	€ -	€ -	€ -	€ -
Total salaries: EUR 2 983 010	€ 498 573	€ 414 073	€ 414 073	€ 414 073	€ 414 073	€ 414 073	€ 414 073	€ 2 983 010

2°) Number of staff (Full time equivalents)

Period	FAP 1	FAP 2	FAP 3	FAP 4	FAP 5	FAP 6	FAP 7
President Court of Appeal	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Court of Appeal - Judges	1.7	1.7	1.7	1.7	1.7	1.7	1.7
President Court of First Instance	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Court of First Instance - Judges	13.2	13.2	13.2	13.2	13.2	13.2	13.2
Registrar	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Deputy Registrar	1.0	1.0	1.0	1.0	1.0	1.0	1.0
<i>Total judges and registrars</i>	<i>18.9</i>	<i>18.9</i>	<i>18.9</i>	<i>18.9</i>	<i>18.9</i>	<i>18.9</i>	<i>18.9</i>
Director Arbitration Centre	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Director Training Centre	1.0	1.0	1.0	1.0	1.0	1.0	1.0
Secretary Arbitration Centre	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Secretary Training Centre	1.0	1.0	1.0	1.0	1.0	1.0	1.0
IT engineers	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Case managers	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Clerks	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Secretaries	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Accountants	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total no. of staff (FTE)	25.9	25.9	25.9	25.9	25.9	25.9	25.9

ANNEX IV**Table of posts for the UPC (2) (income tax & recruitment)****3°) Income Tax***(unchanged since BC decision of 07/09/2022)***Tax rate**

monthly	from	to	%
Tax 1	€ 127	€ 2 234	8.0%
Tax 2	€ 2 234	€ 3 077	10.0%
Tax 3	€ 3 077	€ 3 526	12.5%
Tax 4	€ 3 526	€ 4 004	15.0%
Tax 5	€ 4 004	€ 4 453	17.5%
Tax 6	€ 4 453	€ 4 889	20.0%
Tax 7	€ 4 889	€ 5 338	22.5%
Tax 8	€ 5 338	€ 5 774	25.0%
Tax 9	€ 5 774	€ 6 223	27.5%
Tax 10	€ 6 223	€ 6 659	30.0%
Tax 11	€ 6 659	€ 7 108	32.5%
Tax 12	€ 7 108	€ 7 544	35.0%
Tax 13	€ 7 544	€ 7 993	40.0%
Tax 14	€ 7 993	€ -	45.0%

4°) Recruitment plan

The present draft Budget reflects the recruitments schedule anticipated during the First Accounting Period and the measures taken to adapt such a plan in the context of uncertainties regarding the case workflow volume during the same period, combined with the necessity for the Court to be capable of taking on all cases in a timely manner.

Compared to the former budgets for the Provisional Application Period (PAP) adopted by the Budget committee, the present draft budget presents a high increase in the budget section devoted to salaries. This is because the PAP budget only provided funds for salaries for the Presidium, the Registrar and Deputy Registrar and director of Training and Mediation Centres. On the entry into force of the UPCA, all appointed Judges (85 in total) become salaried employees of the UPC. The draft budget also takes in account the set-up of the Mediation and Arbitration Centre (salary of the Director and four officers (two for each premise)).

Regarding the need of reactivity in Human Resources Management, the draft budget also contains margins to allow the Presidium to upgrade, if necessary, the amount of time devoted to the Court by part time judges, legally qualified and technically qualified judges likewise.

The draft budget contains funds to carry out additional recruitment processes if necessary (including meetings of the advisory committee). The reserve list of 45 judges will be used as required.

If necessary, the working capital fund will be applied, in compliance with the rules governing the use of such fund including information of the Budget Committee.

ANNEX IV

Table of posts for the UPC (3) (salary & PMSSP)

5°) Salary payments

The calculation of salaries is based on the Regulations Governing the Conditions of Service of Judges, the Registrar and the Deputy-Registrar of the Unified Patent Court and the Staff Regulations of the Unified Patent Court and the internal tax of the abovementioned regulation (see rates in Annex 4.3). Net salaries were calculated taking into account updated internal tax, social security contributions and average allowances.

6°) Chapter 32 Pension and Social security schemes

Pension Plan

The present FAP budget is built on the principles and rates recorded for the first amending budget according to the decisions of the Administrative Committee meeting held on 8 July 2022.

In the absence of an updated actuarial study, it is noted that the Pension Plan expenses do not consider the potential impact of change from the actuarial assumptions and their impact on any additional required pension costs. An update of the pension cost will be taken into account in the 2024 budget including any retrospective impact.

Medical and social scheme

The present FAP budget includes the approved proposal for a medical and social scheme, with parameters identical to those recorded in the 2nd amended budget. The detailed rates included in the Budget are:

- 3,80% for medical and social coverage, 1/3 from the salary (1,73%) and 2/3 (2,37%) paid by the Court.
- 0,3% for management fee, borne in full by the UPC applying the general principle that management costs are borne by the employer.
- 35% discount for entitled part time judges (50%) who are encouraged to rely on their national scheme for primary coverage.
- 5,5% for invalidity/death risk, applied to all UPC staff and borne in full by the Court.

Scheme	Staff Contribution	UPC Contribution %
Pension	10.80%	16.20%
Health	1.27%	2.83%
Invalidity/Death	0.00%	5.50%
Long-term care	0.00%	0.00%

All contributions are calculated on the gross salary.

ANNEX IV**Table of posts for the UPC (4) (operating expenditures)****7°) Chapter 33: General operating expenditure**IT operating expenditure

The FAP budget accounts for the updated IT operating expenditure needs with an amount of € 445k (reminder: 3rd amended PAP was € 679k). This reduction reflects the expected shift from expenses arising in the establishment of the three critical IT systems (Case Management, Human Resources, Finances) to operational expenses once everything is up and running.

Training

The amended Budget takes into consideration the continuing need of training expenses during the FAP for the different categories of relevant stakeholders and employees of the UPC. The present Budget confirms the strong scheduled training program for judges and staff after entry into force.

Same as for the PAP amended budget, expenditure for the training centre represents the full training costs for the appointed judges (including travel cost and daily allowance for the trainees).

It is to be noted that additional training requirements beyond the assumptions made to build this draft budget may become necessary in the general context of set up requirements during the first accounting period. Such needs may in particular be related to adapting skills of UPC judges and clerks in using the Case Management System after experiencing the first actual litigation cases. An exchange of views will be held soon after the entry into force to provide feedback for the purposes of knowledge and decision making in this regard.

It is foreseen in the future that the training centre will generate revenue to the UPC by providing seminars and trainings to external users. As these revenue are negligible the first years, they are no included in the current Budget.

Mediation and arbitration centre (Centre)

The Centre shall provide facilities for mediation and arbitration of patent disputes falling within the scope of the Agreement on the UPC.

The Centre's budget is part of the budget of the UPC. However, the director of the Centre shall prepare the draft annual budget for approval by the Budget Committee of the UPC.

As the director of the centre has not been appointed yet, the operating costs of the Centre have been included in the present Budget

ANNEX IV**Table of posts for the UPC (5) (duty travels & opt out)**Duty Travel

The present draft budget shows a strong increase of expenses associated with duty travel. This reflects the incoming additional needs according to the judicial activity of the Court as required by the Agreement. The attention of Member State delegates is called to the uncertainty regarding the actual needs of such duty travels and thus to the reimbursements that may be requested by the judges accordingly.

Same as for PAP amended budget, and pursuant to the UPC Agreement (art 37.1) the present draft budget takes into account only the costs to be borne by the Court: duty travels of the Presidium, the Judges, the members of the Advisory Committee, the registrar and, as appropriate, deputy registrar and the training centre director and salaries of the arbitration and remediation centre director.

Duty travel costs of Member States delegates and of UPC staff provided by the Member States pursuant to the Agreement for the transition period are still borne by Member States.

The current draft budget presents amounts calculated to implement the duty travel rules adopted by the Administrative Committee on 8 July 2022. It includes a margin resulting of the first return of experience (an average factor of 1,5 has been applied to the time of duty event in order to calculate the actual full time requested and entitlement to reimbursement according to the rules). This factor will have to be monitored and if necessary updated to reflect actual experience.

Additional external factors such as travelling and accommodation costs are currently subject to strong inflationary pressures that affect the duty travel costs, when compared to the rules and previous budget assumptions.

Considering the impact of both those uncertainties on actual costs and the crucial need to provide a fair scheme for reimbursing the duty travel costs for Judges of the Court, while a reasonable cost control, the Presidium would like to draw the attention of the delegates to the need for a regular review of the duty travel rules.

9°) Opt out and other Case Management operations

Case management operation will trigger operational unitary fees pursuant to the applicable contract between the UPC and the service provider signed before the PAP. The present budget reflects these costs, based in particular on the assumed number of "Opt out" requests following the cessation of the Sunrise period. The same budget line is used for payment of fees for managing the Opt Out and other Case Management operations.

ANNEX IV**Table of posts for the UPC (6) (chapters 34, 39, 51)****10°) Chapter 34: Working Capital Fund (see also comments in Annex 2.2)**

The present draft budget increases the amount of the Working Capital Funds from EUR 1 million initially established by the Amended PAP budget to € 2 410 K. The calculation of such amount is based on standard ratios.

Specifically regarding the UPC, the Working Capital Fund aims in particular to:

- meet unavoidable and legitimate expenses that cannot be accurately estimated at the time of adopting the Budget
- provide funds for unexpected needs of increasing budget lines without requiring additional contributions from Member States, based on decisions of the Presidium pursuant to the financial rules.

11°) Chapter 39: Financial Expenses

This line had increased during time of negative interests that no longer occur. It reflects mainly the managing costs of payments and incomes by the Bank.

12°) Chapter 41: IT Capital Expenditure

IT investments recorded in the FAP budget for EUR 290 k are anticipated to cover the completion and update of the UPC IT systems after the entry into force. It has been reduced compared to the considered figures in the PAP period due to the maturity of the investment programs for the IT infrastructures of the UPC.

The attention of delegates is directed to the uncertainty regarding the status of the assets recorded in the former and present budget when related to the period before PAP. The UPC is currently performing a detailed review of the related expenses and counterparts pursuant to IPSAS rules. An update of these records, including a reclassification of these former expenses as operational expenses (OPEX) will be submitted to the relevant governing bodies in due course.

CMS	€	91 000
Corporate Web site	€	35 000
Central Mail & Document Sharing	€	21 000
Other	€	70 000
Corporate Functions modules	€	73 500
Total	€	290 500

ANNEX IV

Table of posts for the UPC (7) (Court fees & MS contributions)

13°) Chapter 51 Court Fees

The present draft budget has adopted a prudent approach regarding the expected incomes related to Court fees, considering the uncertainties in the ramp up of the activity, and the nature of the first cases. The resulting calculation is amounted to € 1050k but the net income after expected deductions (budgeted as liabilities to third parties) is € 820 k.

Court fees					
	FAP Budget	assumptions 2024	2025	2026	2027
Procedural fees	€ 1 050 000	€ 5 750 000	€ 11 680 000	€ 16 780 000	€ 21 750 000
./. SME reductions	-€ 50 000	-€ 300 000	-€ 680 000	-€ 980 000	-€ 1 250 000
./. Single-judge reimbursements	-€ 30 000	-€ 100 000	-€ 130 000	-€ 230 000	-€ 330 000
./. Early-settlement reimbursements	-€ 150 000	-€ 830 000	-€ 1 680 000	-€ 2 380 000	-€ 3 080 000
Total court fees	€ 820 000	€ 4 520 000	€ 9 190 000	€ 13 190 000	€ 17 090 000

14°) Chapter 52 Contribution from Member States

The present draft budget relies on the provisional contribution key as for initial and amended PAP budgets, notwithstanding the update of the contribution key to be carried out in parallel after gathering the relevant data from the years 2020, 2021 and 2022. These contributions are calculated pursuant to art 6.1 a to d of the financial rules for the provisional application period

The contributions due and their payment take into account the differences of status, for instance initial financial contribution period are due for all Contracting Member States, but only those applying the PAP protocol were called to pay the PAP contribution at the opening of PAP. The contracting Member States non-applying PAP protocol will be called on for their contribution (including initial financial contribution to the PAP) according to the decision of the Budget Committee regarding the present FAP budget. The amount paid during PAP by Contracting Member States will be deducted from the amount called for both PAP and FAP. Member States entitled to reimbursement of their advances, as recorded in PAP budget, and who have chosen to be paid by deduction to their contribution to the first accounting period, will see their contribution deducted accordingly.

On the other hand, no incoming contracting Member State has been recorded at the date of presenting this draft budget and the present draft budget does not include any change in this regard.

Preliminary Assumptions regarding evolution of the contributions from Contracting Member States for the year 2024 to 2027 have to be considered as theoretical at this stage. It is recalled that adopting the present draft budget does no commit neither UPC nor Member States regarding those preliminary assumptions.

Considering the complexity of the latter, the presentation of the contributions due by contracting Member States is split up into different tables in Annex 3 (3.1. & 3.2).

All these contributions will be revised in due time according to the updated contribution key and implemented at the accurate accounting period (likely budget for year 2024).

ANNEX IV

Table of posts for the UPC (Other Operating incomes)

15°) Chapter 53: Other Operating Income

Internal Tax

Income from internal tax is scheduled for the FAP recording income tax to be paid by UPC staff actually recruited and paid during FAP a minimum of 85.

16°) Chapter 61: PSSS Expenditure and incomes

The budget reflects PSSS Expenditure, which is for planning purposes considered equivalent to the Contributions of the Court and the Staff (assumption that expenditure is equivalent to income).

The budget reflects PSSS Income, which is equivalent to the Contributions of the Court and the Staff.

ANNEX V
Financial Statements of the Court

The accrual financial statements of the UPC will be essential to provide information relevant to assess the long-term sustainability of the UPC. According to the Financial Regulations of the UPC, the International Public Sector Accounting Standards (IPSAS) are the general accepted accounting principles referred to in article 26, paragraph 1 and article 33, paragraph 2 (d) of the Statute. IPSAS is used to assess accountability through an evaluation of the UPC's financial performance and position aiming to aid decision making and enforcement of accountability. The plan statement of financial performance (5.3.) and plan statement of financial position (5.4.) of the FAP budget are estimates and are for illustrative purpose only. Further significant work from the UPC will be needed to implement IPSAS. In particular, information about the Defined Benefit Obligation projections is pending and impairments of assets for IT investments made prior to the PAP and during the PAP will have to be assessed.

The following tables presenting the Plan statement of Resources (5.1), the plan statement of Estimated Income (5.2), the statement of financial performance (5.3) and the statement of financial position and of the Court (5.4) pursuant to the articles of the financial regulation of the Unified Patent Court are recorded at the date of 31 May 2023, equivalent to a period of 16 months.

5.1. Plan statement of Resources

Plan Statement of Resources

First Accounting Period: 01/06/2023-31/12/2023

in EUR

	Cash in EUR	Transition to Accrual in EUR	Accrual in EUR
31 Salaries	2 983 010	- 934 700	2 048 310
(i) salaries of			
the President of the Court of Appeal,	151 977	- 53 683	98 293
the President of the Court of First Instance,	137 394	- 46 954	90 440
the other judges,	2 030 406	- 666 726	1 363 680
the Registrar and the Deputy Registrar	275 941	- 94 440	181 501
any other staff directly employed by the Court	387 292	- 72 897	314 395
32 Pension and social security contributions	683 894	301 062	984 956
(ii) pension and social security contributions of			
the President of the Court of Appeal,	36 176	- 23 888	12 288
the President of the Court of First Instance,	32 619	- 21 539	11 080
the other judges,	468 635	- 309 452	159 183
the Registrar and the Deputy Registrar	65 519	- 43 264	22 255
any other staff directly employed by the Court	80 946	- 53 451	27 495
Current service costs (Defined Benefit Obligations)	-	752 655	752 655
33 General operating expenses	2 951 604	156 000	3 107 604
(iii) costs incurred by the Committees of the Court including cost of meetings, as well as translation and communication costs;	435 060	-	435 060
(iv) costs incurred for setting up the Court, the Training Centre for Judges and the Patent Mediation and Arbitration Centre, in particular the initial assets of the Court;	2 516 544	156 000	2 672 544
34 Working Capital Fund	2 410 637	- 2 410 637	-
(v) resources to be allocated to the Working Capital Fund.	2 410 637	- 2 410 637	-
35 Repayments to MS	100 000	- 100 000	-
36 Legal aid and reimbursement to third parties	317 500	- 230 000	87 500
37 Other general operating expenses	5 508	-	5 508
38 Depreciation and amortization expense	-	126 213	126 213
39 Financial expenses	-	-	-
41 IT Capital Expenditure	290 500	- 290 500	-
SUBTOTAL Court	9 742 654	- 3 382 563	6 360 090
61 Payments from Social Security Schemes	1 020 266	- 1 020 266	-
SUBTOTAL PSSS	1 020 266	- 1 020 266	-
TOTAL Court + PSSS	10 762 920	- 4 402 829	6 360 090

5.2. Plan statement of Estimated Income

First Accounting Period: 01/06/2023-31/12/2023		Cash	Transition	Accrual
in EUR		in EUR	to Accrual	in EUR
		in EUR	in EUR	in EUR
51	Revenue from court fees	1 050 000	- 1 050 000	-
52	Contributions by participating Member States	8 059 015	- 2 410 637	5 648 378
	(i) contribution to Operating expenses	5 648 378	-	5 648 378
	(ii) contributions to the Working Capital	2 410 637	- 2 410 637	-
53	Other operating income	633 638	- 633 638	-
	(iv) any other income of the Court	633 638	- 633 638	-
54	Work performed and capitalised	-	-	-
55	Financial income	-	-	-
SUBTOTAL Court		9 742 654	- 4 094 276	5 648 378
71	Income Social Security Schemes	1 020 266	- 1 020 266	-
SUBTOTAL PSSS		1 020 266	- 1 020 266	-
TOTAL Court + PSSS		10 762 920	- 5 114 542	5 648 378

5.3. Statement of Financial Performance

Statement of Financial Performance

in EUR

	Entry into PAP 19/01/2022	End of PAP 19/01/2022- 31/05/2023 (16 Months)	End of FAP 01/06/2023- 31/12/2023 (7 Months)	2024	2025	2026	2027
	in EUR	in EUR	in EUR	in EUR	in EUR	in EUR	in EUR
5 Revenue							
51 Revenue from court fees	-	-	-	1 050 000	5 750 000	11 680 000	16 780 000
52 Contributions by participating Member States	-	8 889 063	5 648 378	8 348 212	7 699 667	7 621 127	8 011 568
Total revenue	-	8 889 063	5 648 378	9 398 212	13 449 667	19 301 127	24 791 568
3 Expenses							
31+32 Employee benefits	-	1 085 859	3 033 266	8 233 956	11 233 203	13 771 228	16 802 160
33 General operating expenses	2 432 502	4 028 119	3 107 604	4 112 100	5 031 981	6 162 978	7 320 241
36 Legal aid and reimbursement to third parties	-	-	87 500	380 000	1 380 000	2 790 000	3 890 000
37 Other general operating expenses	-	3 063	5 508	2 156	2 483	2 921	3 167
38 Depreciation and amortization expense	-	52 381	126 213	254 060	309 658	395 262	518 354
39 Financial expenses	-	13 000	-	-	-	-	-
Total expenses	2 432 502	5 182 422	6 360 090	12 982 273	17 957 325	23 122 388	28 533 922
Net surplus/(deficit) for the period	- 2 432 502	3 706 642	- 711 713	- 3 584 060	- 4 507 658	- 3 821 262	- 3 742 354

5.4. Statement of Financial Position

Statement of Financial Position

in EUR

	Entry into PAP 19/01/2022	End of PAP 31/05/2023 (16 Months)	End of FAP 31/12/2023 (7 Months)	2024	2025	2026	2027
	in EUR	in EUR	in EUR	in EUR	in EUR	in EUR	in EUR
1 Assets							
11 Non-current assets							
112 Intangible assets	848 188	1 274 140	1 382 427	1 498 367	1 660 709	1 839 447	1 997 093
114 Other non-current assets (financial and non-financial)	-	271 130	1 023 786	3 128 495	6 014 303	9 563 991	13 901 169
Total non-current assets	848 188	1 545 270	2 406 213	4 626 861	7 675 012	11 403 438	15 898 262
12 Current assets							
121 Cash and cash equivalents	-	1 544 613	3 410 637	7 197 311	11 726 762	16 438 038	21 961 594
Total current assets	-	1 544 613	3 410 637	7 197 311	11 726 762	16 438 038	21 961 594
Total assets	848 188	3 089 883	5 816 850	11 824 172	19 401 774	27 841 476	37 859 856
2 Liabilities and equity							
21 Non-current liabilities							
211 Liability towards Member States and others States	-	1 000 000	3 410 637	7 197 311	11 726 762	16 438 038	21 961 594
212 Defined Benefit Obligations	-	271 130	1 023 786	3 128 495	6 014 303	9 563 991	13 901 169
Total non-current liabilities	-	1 271 130	4 434 423	10 325 806	17 741 065	26 002 029	35 862 763
22 Current liabilities							
221 Payables	3 280 689	544 613	-	-	-	-	-
226 Prepaid Fees (current)	-	-	820 000	4 520 000	9 190 000	13 190 000	17 090 000
227 Other current liabilities	-	-	-	-	-	-	-
Total current liabilities	3 280 689	544 613	820 000	4 520 000	9 190 000	13 190 000	17 090 000
Total liabilities	3 280 689	1 815 743	5 254 423	14 845 806	26 931 065	39 192 029	52 952 763
23 Net Assets / Equity Attributable to the Member States							
232 Other reserves	-	-2 432 502	-2 432 502	-2 432 502	-2 432 502	-2 432 502	-2 432 502
233 Accumulated surplus/(deficit)	-2 432 502	3 706 642	2 994 929	-589 131	-5 096 789	-8 918 051	-12 660 405
Total net assets/equity	- 2 432 502	1 274 140	562 427	- 3 021 633	- 7 529 291	-11 350 553	-15 092 907

5.5. Forecasted Cash flow Statement

Direct Method Cash Flow Statement

in EUR

	End of PAP 31/05/2023 (16 Months)	End of FAP 31/12/2023 (7 Months)	2024	2025	2026	2027
Cash flows from operating activities						
Cash receipts from Court	€ -	€ 1 050 000	€ 5 750 000	€ 11 680 000	€ 16 780 000	€ 21 750 000
Cash receipts from Member States	€ 8 889 063	€ 5 648 378	€ 8 348 212	€ 7 699 667	€ 7 621 127	€ 8 011 568
<i>Total operating cash receipts</i>	€ 8 889 063	€ 6 698 378	€ 14 098 212	€ 19 379 667	€ 24 401 127	€ 29 761 568
Payments of Employees benefits	-€ 1 085 859	-€ 3 033 266	-€ 8 233 956	-€ 11 233 203	-€ 13 771 228	-€ 16 802 160
Payments to suppliers of goods and services	-€ 4 044 181	-€ 3 430 612	-€ 5 494 256	-€ 7 674 464	-€ 10 055 899	-€ 12 283 408
<i>Total operating cash payments</i>	-€ 5 130 040	-€ 6 463 878	-€ 13 728 212	-€ 18 907 667	-€ 23 827 127	-€ 29 085 568
Cash Flow from operating activities	€ 3 759 023	€ 234 500	€ 370 000	€ 472 000	€ 574 000	€ 676 000
Cash flows from investing activities						
Acquisition of tangible and intangible assets	-€ 478 334	-€ 234 500	-€ 370 000	-€ 472 000	-€ 574 000	-€ 676 000
Cash flow from investing activities	-€ 478 334	-€ 234 500	-€ 370 000	-€ 472 000	-€ 574 000	-€ 676 000
Cash flows from financing activities						
Cash receipts from Member States	€ 1 000 000	€ 2 410 637	€ 3 786 674	€ 4 529 451	€ 4 711 276	€ 5 523 555
Payments to Member States	-€ 2 736 076	-€ 544 613	€ -	€ -	€ -	€ -
Cash flow from financing activities	-€ 1 736 076	€ 1 866 024	€ 3 786 674	€ 4 529 451	€ 4 711 276	€ 5 523 555
Net increase/(decrease) in cash and cash equivalent	€ 1 544 613	€ 1 866 024	€ 3 786 674	€ 4 529 451	€ 4 711 276	€ 5 523 555
Cash and cash equivalents net at the beginning of the Period	€ -	€ 1 544 613	€ 3 410 637	€ 7 197 311	€ 11 726 762	€ 16 438 038
Cash and cash equivalents net at the end of the Period	€ 1 544 613	€ 3 410 637	€ 7 197 311	€ 11 726 762	€ 16 438 038	€ 21 961 594

5.6 Financial Statements explanatory note

In the present budget approach, the contributions due by all contracting Member States are covering all the financial needs of the Court and it is assumed, for simplification purpose, that the expenses budgeted are implemented and paid during the same budget year.

Intangible assets

Intangible assets are stated at historical cost less accumulated amortization and any impairment losses.

Amortization is provided over the estimated useful life using the straight-line method.

The estimated useful life for intangible asset classes is as follows:

- SAGE (Accounting Software) 5 years;
- CMS (Case Management System) CMS 7 years.

The attention of delegates is called upon the uncertainty regarding the status of the assets recorded in the former and present budget when related to the period before PAP amounting to EUR 2.9 million. A first assessment of these assets led to the conclusion that EUR 2.09 million should likely be reclassified as OPEX. An update of these records will be submitted to the relevant governing bodies in due time with the PAP audited financial statements.

Defined Benefit Obligation

UPC makes pension contributions on behalf of its employee in accordance with Annex II to the Service and Staff Regulations (Pension Plan of the Court) AC/09/08072022. The contributions are treated as payments to a defined benefit pension plan.

The attention of delegates is called upon the fact that in the present absence of an actuary valuation study and of a current pension investments strategy, the expected costs of the pension benefits are valued at the current pension contributions made by the UPC and its employee and does not reflect the real benefit plan obligations. An update of these cost will be submitted to the relevant governing bodies in due time.

Non-Current Liability-Liability towards Member States and others States

These are the advances made by the contracting member states to the working capital fund as stipulated in Art 63 of the Financial regulation.

Current Liability-Payable

The UK's advances in relation the Pre-PAP will be dealt with in a separate decision and is expected to be realized by the end of the FAP.

Current Liability-Prepaid Fees

Prepaid Fees are liabilities in relation to the payments received for the court services for which no service has yet been performed. The estimated prepaid fees consist of the FAP judicial income estimates. It is assumed that the duration of the court proceeding and therefore the performance of the court service obligation is around one year.