



Administrative Committee

Annex II to the Regulations Governing the Conditions of Service of Judges, the Registrar and the Deputy-Registrar of the Unified Patent Court and to the Staff Regulations of the Unified Patent Court (Pension Plan of the Court)

Luxembourg, 8 July 2022

EXPLANATORY NOTE

Annex II on the Pension Plan of the Unified Patent Court (UPC) constitutes a common annex to the Regulations Governing the Conditions of Service of Judges, the Registrar and the Deputy-Registrar of the UPC, on the one hand, and to the Staff Regulations of the UPC, on the other hand. This annex contains detailed rules on the entitlement of judges, the Registrar, the Deputy-Registrar and the staff of the UPC to benefits under the Pension Plan of the UPC.

Annex II was already approved by the Preparatory Committee of the UPC on its 19th meeting of 15 March 2017.

The Administrative Committee is invited to adopt Annex II on the Pension Plan of the Court, to the Regulations Governing the Conditions of Service of Judges, the Registrar and the Deputy-Registrar of the Unified Patent Court and to the Staff Regulations of the Unified Patent Court.

**DECISION OF THE ADMINISTRATIVE COMMITTEE OF 8 JULY 2022 ON
ANNEX II TO THE REGULATIONS GOVERNING THE CONDITIONS OF SERVICE OF JUDGES, THE
REGISTRAR AND THE DEPUTY-REGISTRAR OF THE UNIFIED PATENT COURT
AND TO THE STAFF REGULATIONS OF THE UNIFIED PATENT COURT**

THE ADMINISTRATIVE COMMITTEE

HAVING REGARD to the Agreement on a Unified Patent Court and in particular Articles 15 – 17 and 37(1) thereof;

HAVING REGARD to the Statute of the Unified Patent Court and in particular Articles 2 – 4, 6 –7, 9 – 12 and 16(2) 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;

HAVING REGARD to the Protocol on the Privileges and Immunities of the Unified Patent Court and in particular Articles 8 thereof;

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;

RECALLING THAT the Staff Regulations of the Unified Patent Court should be such as to secure for the Court the services of staff of the highest standard of independence, integrity and ability, appointed on the broadest possible geographical basis from among Contracting Member States of the Agreement on a Unified Patent Court;

HAS ADOPTED THE FOLLOWING DECISION:

**ANNEX II
PENSION PLAN OF THE COURT**

**CHAPTER I
GENERAL PROVISIONS**

Article 1 – SCOPE

1. The Pension Plan of the Court established by this Annex applies to staff, judges, the Registrar and the Deputy-Registrar, within the meaning of the Regulations Governing the Conditions of Service of Judges, the Registrar and the Deputy-Registrar and of the Staff Regulations of the Unified Patent Court, inasmuch as they contribute to the financing of the Pension Plan of the Court.

2. The Pension Plan of the Court shall not apply to other categories of personnel of the Court.
3. In this Annex, the term “Court” refers to the Unified Patent Court and the term “participant” means the persons referred to in paragraph 1 above.

Article 2 – DEFINITION OF SALARY

Unless otherwise specified, for the purposes of this Annex, salary shall mean the basic monthly gross salary of the participant in force at the time when the pension is assessed, and updated in accordance with the provisions of Article 53 of the Regulations Governing the Conditions of Service of Judges, the Registrar and the Deputy-Registrar of the Unified Patent Court.

Article 3 – DEFINITION OF THE DECIDING AUTHORITY

For the purposes of this Annex, Deciding Authority shall mean in the case of a judge of the Court of Appeal and the Registrar, the President of the Court of Appeal; 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; in the case of the staff, the Registrar.

Article 4 – DEFINITION OF SERVICE CONFERRING ENTITLEMENT TO BENEFITS

1. Subject to the provisions of Articles 5 and 59, paragraph 1, entitlement to benefits under this Annex shall be determined by the total of the periods actually served in the Court as a participant.
2. In addition to the total reckonable service thus calculated, a participant may request, on cessation of service, that those years corresponding to payment in lieu of notice periods not worked, for loss of employment and for untaken leave be taken into account, under the provisions laid down by the Instructions.
3. Periods of part-time service shall be taken into consideration in calculating entitlement to benefits under this Annex in accordance with the provisions of Article 6, paragraph 3 and of Article 10, paragraph 2.
4. The periods referred to in Article 25, paragraph 3 shall also be taken into consideration.

Article 5 – CALCULATION OF SERVICE CONFERRING ENTITLEMENT TO BENEFITS

1. Where a participant appointed by the Court has previously served with the Court, his entitlement to benefits under the terms of Article 4 shall be conditional upon his paying to the Court the amounts paid to him on leaving his previous service pursuant to Article 17 plus compound interest on such amounts at 3.5% per annum from the date when the participant received them until the date they are paid over in accordance with this paragraph. Should the participant fail to pay over the amounts in question, reckonable service shall count only as from the new appointment.
2. Where a participant appointed by the Court was previously drawing an early retirement pension in respect of service with the Court, payment of that pension shall cease.
If the participant refunds to the Court the pension payments he has received, the provisions of Article 4 shall apply on cessation of his new appointment.

If he does not make this refund, the years of service for which credit was acquired in the employment that originally entitled him to payment of the discontinued retirement pension shall be taken into account in the calculation of the retirement pension due on cessation of his new employment by reference to his last salary in such previous employment; moreover, that part of the final pension figure shall be abated under the provisions laid down by Instructions.

3. Where a participant ceases his functions at a salary lower than that which he had been paid by the Court, his entitlement to benefits under this Annex shall be determined by taking into account the total of his reckonable service and the benefits shall be calculated on the basis of the highest salary paid to him. However, a reduction shall be made in the number of years of service to be credited to him in respect of time served at a lower salary after having been paid the salary by reference to which benefits are calculated; this reduction shall be proportionate to the difference between the said salaries.

4. For the implementation of paragraphs 2 and 3 above, salaries shall be taken into account in accordance with Article 2.

Article 6 – RECKONABLE SERVICE

1. The benefits provided for under this Annex shall be calculated by reference to reckonable service consisting of:

- i) service calculated in accordance with the provisions of Articles 4 and 5;
- ii) service credited in accordance with Article 18, paragraph 1.

2. Incomplete years of reckonable service shall be taken into account on the basis of 1/12 of a year for each whole month of service. For benefit calculation purposes the period remaining shall be treated as a whole month if it is equal to or more than 15 days.

However, the period remaining shall not be taken into account for the purpose of calculating the seven years' service required for entitlement to the retirement pension provided for in Article 10.

3. In the case of part-time work:

- i) reckonable service shall be calculated in accordance with the ratio between the part-time service and full-time work in the Court;
- ii) however, reckonable service shall not be reduced when the participant working part-time has contributed to the Pension Plan of the Court on the basis of full-time work, by paying, in addition to his personal contribution to the Pension Plan of the Court for the part corresponding to his part-time work, a contribution equal to 2.5 times the rate of contribution mentioned in Article 59, paragraph 3, on the difference in salary between his part-time work and the corresponding full-time work, under the provisions laid down by the Instructions.

Article 7 – PART-TIME SERVICE – EFFECTS ON THE CALCULATION OF ENTITLEMENT

1. If, when a participant's service ends, he is working part-time, the amount of the benefit due shall be calculated with reference to the full salary to be used as a basis under the provisions of this Annex.

2. However, when a participant ceasing his service in the circumstances described in paragraph 1 above had been working on a part-time basis and if the provisions of Article 6, paragraph 3 ii) are not applied, the rate of the invalidity pension provided for in Article 23, paragraph 2, and the minimum and maximum amounts that apply, shall be set in accordance with the provisions laid down by the Instructions.

Article 8 – BENEFIT PAYABLE TO A PARTICIPANT WHO HAS ONLY WORKED PART-TIME

- i) For the purpose of calculating the benefit payable under Article 7, paragraph 2, to a participant who has worked part-time, the following shall be reduced by an amount corresponding to the ratio between the part-time service and full-time work in the Court:
- a) the maximum rate of retirement pension provided for under Article 14, paragraph 3;
 - b) the rate of invalidity pension under Article 23, paragraph 2, and the minimum amount of invalidity pension provided for under Article 23, paragraph 4;
 - c) the maximum amount of invalidity pension provided for under Article 23, paragraph 4, and the salary referred to in Article 24;
 - d) the minimum amounts of survivor's pension provided for under Article 32, paragraph 3;
 - e) the amount of the reversion pension provided for under Article 32, paragraphs 4 and 5;
 - f) the minimum amounts of orphan's pension provided for the first beneficiary under Article 37, paragraphs 3 and 4, as well as the increases provided for under Article 37, paragraphs 3 and 4, for orphans in respect of the second and every further beneficiary;
 - g) the amount of the dependant's pension provided for under Article 40, paragraph 2;
 - h) the ceiling for benefits payable to survivors and orphans as defined in Article 44.
- ii) However, when a participant was recruited by the Court for part-time service, after having worked full-time for the Court, he shall be subject to the provisions of Article 9 provided he pays to the Court, if appropriate, the sums specified in Article 5, paragraph 1, or Article 5, paragraph 2, as the case may be.

Article 9 – BENEFIT PAYABLE TO A PARTICIPANT WHO, AT THE TIME OF TERMINATION OF HIS SERVICE, IS WORKING PART-TIME, HAVING PREVIOUSLY WORKED FULL-TIME

- i) For the purposes of calculating the benefit payable under Article 7, paragraph 2 to a participant working part-time for an indefinite period or for a fixed period renewable by tacit agreement, the following shall be reduced in accordance with the ratio between the part-time service and full-time work in the Court:
- a) the rate of invalidity pension under Article 23, paragraph 2, and the minimum amount of invalidity pension provided for under Article 23, paragraph 4;
 - b) the minimum amounts of survivor's pension provided for under Article 32, paragraph 3;
 - c) the amount of the reversion pension provided for under Article 32, paragraphs 4 and 5;
 - d) the minimum amounts of orphan's pension provided for the first beneficiary under Article 37, paragraphs 3 and 4, as well as the increases provided for under Article 37, paragraphs 3 and 4 for the second and every further beneficiary of an orphan's pension;
 - e) the amount of the dependant's pension provided for under Article 40, paragraph 2.
- ii) However, when a participant fulfils the conditions laid down in Article 10 at the date from which he is working part-time, the benefit resulting from application of the provisions of sub-paragraph i) above, may not be less than that to which he or persons entitled under him would have been entitled had he ceased working for the Court at that date for a reason other than invalidity or death.

CHAPTER II

RETIREMENT PENSION AND LEAVING ALLOWANCE

Section 1: RETIREMENT PENSION

Article 10 – CONDITIONS OF ENTITLEMENT

1. Subject to the provisions of paragraph 2 below, a participant who has completed at least seven years of service, within the meaning of Article 4, in the Court shall be entitled to a retirement pension.
2. Where the monthly amount of retirement pension calculated under Article 14 is lower than 35% of the lowest salary in the salary grid applicable to the staff of the Court, then the participant's benefits shall be commuted into a leaving allowance under the provisions of Article 17, or the participant shall be entitled to a transfer of pension rights under the provisions of Article 18, paragraph 2.

Article 11 – PART-TIME SERVICE

Without prejudice to Article 6, paragraph 3 i), periods of part-time service shall be considered periods of full-time service within the meaning of Article 10.

Article 12 – AGE OF ENTITLEMENT – DEFERRED PENSION AND EARLY PENSION

1. A participant shall become eligible for a retirement pension at pensionable age, set at the age of 65.
2. Pension rights shall continue to accrue to a participant continuing to be employed after pensionable age, but his pension shall not exceed the maximum laid down in Article 14, paragraph 3.
3. If a participant ceases his functions before pensionable age, payment of his retirement pension shall be deferred until he reaches that age.
4. However, a participant who retires before pensionable age may request early payment of his pension 5 years before that age at the earliest. In such a case, the Court makes an actuarial determination, by reference to the provisions laid down by the Instructions, of the ratio between the early retirement pension and the amount of pension due at pensionable age.
5. Where the Court terminates the appointment of a participant, the reduction coefficient applicable to early payment of his pension shall be 3% a year. However, this provision does not apply when the Court terminated the appointment as a result of disciplinary action or for incompetence.

Article 13 – COMMENCEMENT AND CESSATION OF ENTITLEMENT

1. Entitlement to payment of a retirement pension shall commence on the first day of the month following that in which the person concerned became eligible for payment of the pension.
2. Entitlement shall cease at the end of the month in which the pensioner dies.

Article 14 – RATE OF PENSION

1. The amount of the retirement pension shall be, per reckonable year of service within the meaning of Article 6, 2% of the salary of the participant for not less than two years before cessation of his appointment.

2. The amount of the retirement pension shall not be less than 4% of the lowest salary in the salary grid applicable to the staff of the Court, per reckonable year of service credited pursuant to Article 6.
3. The maximum rate of the pension shall be 75% of the participant's last salary as defined in Article 2.

Article 15 – CESSATION OF SERVICE AT A SALARY HIGHER THAN THAT OCCUPIED 24 MONTHS PREVIOUSLY

Where a participant ceases his duties at a salary paid for fewer than 24 months, his pension shall be paid in accordance with the salary paid 24 months prior to the cessation of service. The salary to be taken into account shall be the one to which the participant would have been entitled had he or she not been promoted.

Article 16 – CESSATION OF SERVICE AT A LOWER SALARY

In cases where Article 5, paragraph 3 is applied, the minimum rate of the retirement pension shall be equal to 4% of the lowest salary in the salary grid applicable to the staff of the Court, per reckonable year of service, without any reduction.

Section 2: LEAVING ALLOWANCE

Article 17 – LEAVING ALLOWANCE

1. A participant whose service ceases otherwise than by reason of death or invalidity and who is not entitled to a retirement pension nor to the benefit of the provisions of Article 18, paragraph 2, shall be entitled on leaving to payment of an amount equal to 2.25 times his rate of contribution as applied to his last annual salary, multiplied by the number of reckonable years of service credited within the meaning of Article 6, paragraph 1, i).
2. The reckonable service credited in accordance with Article 18, paragraph 1 shall not be taken into account for the calculation provided in paragraph 1 above, but shall give rise to the payment of an actuarial equivalent calculated in accordance with Article 18, paragraph 2, unless the amounts initially transferred are refunded to the previous employer.
3. A participant who is re-appointed by the Court after having received a leaving allowance must pay it back if the period during which he was not employed by the Court, in whatever capacity, is less than 12 months.

Section 3: INWARD AND OUTWARD TRANSFER OF PENSION RIGHTS

Article 18 – INWARD AND OUTWARD TRANSFER OF PENSION RIGHTS

1. A participant who enters the service of the Court may arrange for payment to the Court in accordance with the provisions laid down by Instructions, of any amounts corresponding to the retirement pension rights accrued under a pension plan to which he was previously affiliated in so far as that plan allows such a transfer.

In such cases, the Court shall determine, by reference to the provisions laid down by Implementing Instructions, the number of years of reckonable service with which he shall be credited under the Pension Plan of the Court.

2. A participant who leaves the service of the Court shall be entitled to transfer to any subsequent pension fund, provided such pension fund allows such transfer:

- either the actuarial equivalent of his retirement pension rights accrued under this Annex, such equivalent being calculated in accordance with the provisions laid down by Instructions;
- or, in the absence of such rights, the amounts provided under Article 17.

CHAPTER III INVALIDITY PENSION

Article 19 – CONDITIONS OF ENTITLEMENT – INVALIDITY BOARD

1. An invalidity pension shall be payable to a participant who, at any time during the period in which he is accruing pension rights, is recognised by the Invalidity Board defined below to be suffering from permanent invalidity which totally prevents him from performing his job or any duties corresponding to his experience and qualifications which may have been proposed to him by the Court.

2. The Invalidity Board shall consist of three medical practitioners, the first two being appointed by the Court and the participant, respectively, and the third one selected jointly by the first two. Cases shall be submitted to it by the Court either on its own initiative or at the request of the participant concerned.

Article 20 – TASKS OF THE INVALIDITY BOARD

- a) To ascertain whether a participant is suffering from invalidity within the meaning of Article 19, paragraph 1;
- b) when an incident is recognised by the Court as falling within the scope of Article 23, paragraph 2 (work accident, occupational disease or public-spirited act), to decide to what extent the participant's invalidity is the result thereof;
- c) to decide whether, following an examination under Article 25, the former participant no longer fulfils the conditions for entitlement to an invalidity pension.

Article 21 – FINDINGS OF THE INVALIDITY BOARD

1. The findings of the Invalidity Board shall be determined by a majority vote. They shall be final except in the case of obvious factual errors.

2. Findings under Article 19, paragraph 1 or Article 23, paragraph 2

The findings of the Invalidity Board shall state:

- whether or not the participant suffers from permanent invalidity which totally prevents him from performing his duties or any duties proposed to him by the Court corresponding to his experience and qualifications.
- whether the invalidity results from an incident recognised by the Court as falling within the scope of Article 23, paragraph 2 (work accident, occupational disease or public-spirited act) ;
- the date on which the disability became lasting; this date may be prior to the date of the meeting of the Invalidity Board.

3. Findings under Article 25

Where the Invalidation Board meets under Article 25, its findings shall state:

- whether the former participant is incapable of performing the duties attached to his former post or any duties proposed to him by the Court corresponding to his experience and qualifications; or,
- whether it has been found that the former participant is no longer an invalid.

Article 22 – DECISIONS INVALIDITY BOARD

1. Decision under Article 19, paragraph 1, or Article 23, paragraph 2

In accordance with the findings of the Invalidation Board the Deciding Authority shall decide either:

- a) to grant to the participant concerned an invalidity pension under Article 19, paragraph 1, or Article 23, paragraph 2; this decision shall specify the date on which the pension takes effect; or,
- b) to not recognise the participant as an invalid within the meaning of this Annex.

2. Decision under Article 25

In accordance with the findings of the Invalidation Board the Deciding Authority shall decide either:

- a) to continue payment of the invalidity pension to the former participant; or
- b) to no longer recognise the participant as an invalid within the meaning of this Annex and to terminate such payment, at a date which may not be prior to the meeting of the Invalidation Board, in accordance with the conditions provided for in Article 27.

3. Obvious factual error

In the event of an obvious factual error, the Deciding Authority shall again refer the case to the Invalidation Board.

Article 23 – RATE OF PENSION

1. Subject to the provisions of Article 5, paragraph 3, the invalidity pension shall be equal to the retirement pension to which the participant would have been entitled at, for staff, the age set out in Article 31 of the Staff Regulations of the Unified Patent Court and, for judges, the Registrar and Deputy-Registrar, the age set out in Article 30 of the Regulations Governing the Conditions of Service of Judges, the Registrar and the Deputy-Registrar if he had continued to serve until that age, the requirement for a minimum of seven years' service under Article 10 not being applicable.

2. However, where the invalidity arises from an accident in the course of the performance of his duties, from an occupational disease, from a public-spirited act or from risking his life to save another human being, the invalidity pension shall be 75% of salary. In the event of invalidity resulting from a cause other than these, the invalidity pension provided for in this paragraph may not be less than the invalidity pension which would be payable under paragraph 1 of this Article.

3. The salary used as a basis for the calculation of the invalidity pension referred to in paragraphs 1 and 2 above shall be the salary paid to the participant in accordance with the salaries at the Court in force at the date laid down in Article 29, paragraph 1.

4. The invalidity pension shall not be less than the lowest salary in the salary grid applicable to the staff of the Court. The invalidity pension may not be more than the last salary. Salaries are those which are in force at the Court on the date laid down in Article 29, paragraph 1, subject to any adjustments provided for under Article 53.

5. In the case of invalidity deliberately brought about by the participant, the Deciding Authority shall decide whether he should receive an invalidity pension or only a retirement pension or a leaving allowance, depending on his length of effective service.

Article 24 – CONCURRENT EARNINGS

1. Where a person in receipt of an invalidity pension is nevertheless gainfully employed, this pension shall be reduced by the amount by which his pension together with the remuneration he receives for the said employment exceeds the salary paid at the time of his being recognised as invalid.
2. This reduction shall apply only up to the age of 70.

Article 25 – MEDICAL EXAMINATION – TERMINATION OF PENSION

1. While a person receiving an invalidity pension is still under the age of 70, the Deciding Authority may have him medically examined periodically to ascertain that he still satisfies the conditions for entitlement to such pension, in particular having regard to any new duties corresponding to his experience and qualifications which may have been proposed to him by the Court.
2. When a person receiving an invalidity pension who has not reached the said age of 70 ceases to satisfy the conditions for entitlement to the invalidity pension, the Deciding Authority shall terminate that pension.
3. The time during which the person concerned has received his invalidity pension shall then be reckoned, without payment of back contributions, for the calculation of the leaving allowance or retirement pension, as the case may be.

Article 26 – SUSPENSION OF INVALIDITY PENSION

If the recipient of an invalidity pension fails to submit to a medical examination as prescribed by the Deciding Authority, payment of the invalidity pension may be suspended.

Article 27 – CESSATION OF ENTITLEMENT TO AN INVALIDITY PENSION

Where the Invalidity Board, in application of Article 25, paragraph 2, declares that the person concerned who is still under the age of 70 has ceased to satisfy the conditions of entitlement to an invalidity pension, the payment of that pension shall be terminated; if the person concerned does not resume work in the Court, he shall receive either a leaving allowance based on his years of service and years of invalidity where the total is less than seven years, or a deferred or early retirement pension.

Article 28 – RE-ENTITLEMENT TO AN INVALIDITY PENSION

Where the person concerned is entitled to a deferred or early pension and subsequently suffers a relapse, while still under the age of 70, resulting from the same condition as that which had entitled him to the previous invalidity pension, the Invalidity Board, convened at the participant's request in accordance with Instruction 19.1, shall declare that he once again effectively fulfils the conditions required under Article 19, paragraph 1, insofar as he is not receiving for that same condition an invalidity benefit or pension borne by another Plan.

Article 29 – COMMENCEMENT AND CESSATION OF ENTITLEMENT

1. Entitlement to an invalidity pension shall commence on the first day of the month following the date of the beginning of the invalidity as recognised by the Invalidity Board.
2. Subject to application of Article 25, paragraph 2:
 - i) the invalidity pension payable under Article 23, paragraph 2 shall be paid for life;
 - ii) in other cases, entitlement to an invalidity pension shall terminate:
 - either at the age of 70,
 - or at the end of the month in which the recipient of such a pension dies.

Where the invalidity pension terminates because the person concerned has reached the age of 70, he shall, notwithstanding the seven-year minimum requirement provided for in Article 10, be entitled to a retirement pension calculated as follows:

- reckonable service shall be calculated as if he had remained in service until the age of 70;
- the reference salary shall be that at the time of his being recognised an invalid, updated in accordance with Article 35.

**CHAPTER IV
SURVIVOR'S AND REVERSION PENSIONS**

Article 30 – CONDITIONS OF ENTITLEMENT

1. The surviving spouse of a participant who died in service shall be entitled to a survivor's pension, provided they had been married to each other for at least one year at the time of the participant's death, unless the death resulted either from disablement or illness contracted in the performance of his duties, or from an accident.
2. A reversion pension shall be payable to the surviving spouse:
 - i) of a former participant drawing an invalidity pension, if they were married to each other for at least one year at the time of his being recognised an invalid; this condition of anteriority shall not apply if the marriage had existed for at least five years at the time of the former participant's death, or if the death resulted either from disablement or illness contracted in the performance of his duties, or from an accident;
 - ii) of a former participant drawing a retirement pension, if they had been married to each other for at least one year at the time when the former participant's appointment ceased; this condition of anteriority shall not apply if the marriage had existed for at least five years at the time of the former participant's death; or
 - iii) of a former participant entitled to a deferred pension, if they had been married to each other for at least one year at the time when the former participant's service ceased; this condition of anteriority shall not apply if the marriage had existed for at least five years at the time of his death.
3. The above-prescribed conditions of anteriority or minimum duration of marriage shall not apply where there are one or more children of the marriage or of a marriage of the participant contracted prior to the cessation of his service, inasmuch as the non-remarried surviving spouse is providing for their needs; in such case, the survivor's or reversion pension shall be payable, under the present paragraph, for so long as the children are actually being so provided for.

When they are no longer being so provided for, the survivor's or reversion pension shall nonetheless continue to be payable for so long as the surviving spouse does not have an income of his own from the

exercise of any occupation, or from any retirement pension or other survivor's or reversion pension, equal to at least the amount of the survivor's or reversion pension from the Court.

Article 31 – PARTICIPANT DYING DURING UNPAID LEAVE FOR PERSONAL REASONS

- i) When a participant who has completed at least seven years' service within the meaning of Article 4 dies during a period of leave in which no contributions were made to the Pension Plan of the Court, the surviving spouse shall be entitled to the survivor's pension under Article 32, paragraph 1, the minimum and maximum amounts of such pension being in accordance with paragraphs 3 and 4 of the same Article.
In addition, any orphans and/or dependants shall be entitled to the benefits specified in Articles 37 and 40.
- ii) Where the deceased participant had not completed seven years of service conferring entitlement, as defined in Article 4, the amounts provided for in Article 17 shall be paid to his estate.

Article 32 – RATE OF PENSION

1. The survivor's pension shall be 60% of the retirement pension that would have been payable to the participant, had he not died in service, on the basis of his reckonable service credited up to the time of his death, the requirement for a minimum of seven years of service under the provisions of Article 10 not being applicable.
2. Where a participant has died as the result of an accident in the course of the performance of his duties, from an occupational disease, from a public-spirited act or from risking his life to save another human being, the survivor's pension shall be 60% of the invalidity pension to which the participant would have been entitled, had he survived, under Article 23, paragraph 2.
3. The survivor's pension shall not be less than 30% of the participant's last salary; nor shall it be less than the lowest salary in the salary grid applicable to the staff of the Court.
4. When the former participant was receiving a pension at the time of his death, the amount of the reversion pension shall correspond to the highest of the following amounts:
 - 60% of the retirement or invalidity pension to which the former participant was entitled at the time of the assessment of his pension, no account being taken of any reductions resulting from the application of Article 12, paragraph 4, or Article 24;
 - 30% of the former participant's last salary at the time of the assessment of his pension; or
 - 100% of the lowest salary in the salary grid applicable to the staff of the Court, in accordance with Article 2 of this Annex.These amounts shall be updated in accordance with the provisions of Article 53.
5. When the former participant was not receiving a pension at the time of his death, the amount of the reversion pension shall correspond to the highest of the following amounts:
 - 60% of the retirement pension to which the former participant would have been entitled had he reached the pensionable age at the time of his death;
 - 30% of the former participant's last salary, in force at the time of his death; or
 - 100% of the lowest salary in the salary grid applicable to the staff of the Court, in force at the time of the former participant's death.
6. The amount of the reversion pension shall not exceed that of the pension received by the former participant or, in cases provided for under paragraphs 4 and 5 above, the amount of the pension to which

the former participant would have been entitled had he reached, respectively, the age of 70 or the pensionable age at the time of his death.

Article 33 – REDUCTION FOR DIFFERENCE IN AGE

1. Where the difference in age between the deceased participant or former participant and his younger surviving spouse and/or former spouse, minus the length of time they have been married, is more than ten years, the survivor's or reversion pension, calculated in accordance with the preceding provisions, shall be subject to a reduction, per year of difference, amounting to:

- 1% for the years between 10 and 20;
- 2% for the years 20 up to but not including 25;
- 3% for the years 25 up to but not including 30;
- 4% for the years 30 up to but not including 35;
- 5% for the years from 35 upwards.

Article 34 – REMARRIAGE

Entitlement to a survivor's or reversion pension shall cease on remarriage.

Article 35 – RIGHTS OF A FORMER SPOUSE

1. The non-remarried former spouse of a participant or former participant shall, on the latter's death, be entitled to a survivor's or reversion pension, provided that and for as long as the participant or former participant was, at the time of his death and by virtue of decision of a national jurisdiction which has become final and binding, under an obligation to pay maintenance or compensation to the former spouse, in a personal capacity, but the survivor's or reversion pension shall not exceed the amount of such payment.

2. Where a participant or former participant dies leaving both a spouse entitled to a survivor's or reversion pension and a non-remarried former spouse fulfilling the conditions laid down in paragraph 1 above, the whole of the survivor's or reversion pension shall be divided between the before-mentioned persons in proportion to the duration of their marriages.

The amount to which a non-remarried former spouse is entitled shall however not be more than the amount of the maintenance or compensation payable at the time of the death of the participant or former participant.

3. Where one of the persons entitled to a survivor's or reversion pension renounces his share, ceases to satisfy the conditions for entitlement or forfeits his rights under Article 52, or where the amount of his pension has been restricted under the terms of the second sub-paragraph of paragraph 2 above, his share shall accrue to the share of the other person, except where pension rights revert to orphans, as provided under the last sub-paragraph of Article 37, paragraph 3, last sub-paragraph. In such a case, the restriction laid down in the second sub-paragraph of paragraph 2 above shall apply.

4. Reductions in respect of difference in age as provided for in Article 33 shall be applied separately to survivors' and reversion pensions calculated in accordance with the present Article.

Article 36 – COMMENCEMENT AND CESSATION OF ENTITLEMENT

1. Entitlement to a survivor's or reversion pension shall commence from the first day of the month following that in which the participant or former participant died. If the salary of a participant who died in service continues to be paid to a surviving spouse or former spouse, directly and in full, under the Regulations Governing the Conditions of Service of Judges, the Registrar and the Deputy-Registrar or under the Staff Regulations of the Unified Patent Court, payment of the pension of the person concerned shall be deferred accordingly.
2. Entitlement to a survivor's or reversion pension shall cease at the end of the month in which the recipient of the pension dies or ceases to satisfy the conditions for entitlement to that pension.

**CHAPTER V
ORPHAN'S PENSION**

Article 37 – RATE OF ORPHAN'S PENSION

1. Where a participant or former participant receiving a retirement or invalidity pension or entitled to a deferred pension dies, his children shall be entitled to an orphan's pension if they fulfil the conditions laid down in paragraph 2.
2. The legitimate, natural or adopted children of a participant or former participant who has died shall be entitled to an orphan's pension when the deceased or his household provided their main and continuing support at the time of death and when they satisfy the conditions required for being recognised as dependent children under the provisions of the Regulations Governing the Conditions of Service of Judges, the Registrar and the Deputy-Registrar or of the Staff Regulations of the Unified Patent Court.
The legitimate or natural children of a deceased participant or former participant who were born not more than 300 days after his death shall also be entitled to an orphan's pension.
3. Where there are one or more persons entitled to a survivor's or reversion pension, the amount of the orphan's pension shall correspond to the higher of the following amounts:
 - i) 40 % of the survivor's or reversion pension, no account being taken of reductions pursuant to Article 33; or
 - ii) 50 % of the lowest salary in the salary grid applicable to the staff of the Court, according to the salary grid applicable to the staff of the Court in force when the former participant's pension was assessed, this amount being updated in accordance with the provisions of Article 53, or, if he was not receiving a retirement or invalidity pension, according to the salary grid applicable to the staff of the Court in force at the time of death.
The orphan's pension shall be increased, in respect of the second and every further beneficiary, by an amount equal to the allowance for a dependent child.
The orphan's pension shall be brought up to the level provided for in paragraph 4 in the event of the beneficiaries of a survivor's or reversion pension dying or remarrying or losing their right to that pension.
4. Where there are no beneficiaries of a survivor's or reversion pension, the orphan's pension shall correspond to the higher of the following amounts:
 - i) 80 % of the survivor's or reversion pension, no account being taken of reductions pursuant to Article 33; or
 - ii) 100 % of the lowest salary in the salary grid applicable to the staff of the Court, according to the salary grid applicable to the staff of the Court in force when the former participant's pension was assessed, this amount being updated in accordance with the provisions of Article 53, or, if he was

not receiving a retirement or invalidity pension, according to the salary grid applicable to the staff of the Court in force at the time of death.

The orphan's pension shall be increased, in respect of the second and every further beneficiary, by an amount equal to twice the allowance for a dependent child.

5. The total amount of the orphan's pension shall be divided equally among all the orphans.

Article 38 – RATE OF PENSION FOR ORPHANS DEPENDENT ON A NON-REMARIED FORMER SPOUSE

Subject, where appropriate, to the provisions of Instructions 41.1/1 and 41.1/2, the provisions of Article 37, paragraph 3 shall apply where a participant or former participant dies leaving a non-remarried former spouse entitled to a survivor's or reversion pension under Article 35. In such a case, the orphan's pension shall be fixed without having regard to the reductions provided for in Articles 33 and 35.

Article 39 – RATE OF PENSION FOR ORPHANS BELONGING TO ANOTHER FAMILY GROUP

Subject to the provisions of Instructions 41/1.1 and 41/2.1, the provisions of Article 37, paragraph 4 shall also apply where a participant or former participant dies leaving a surviving spouse or former spouse on one side and orphans belonging to another family group on the other side.

Article 40 – COMMENCEMENT AND CESSATION OF ENTITLEMENT

1. The pensions provided for under Article 37 shall be payable from the first day of the month following that in which the participant or former participant died. If the salary of a participant who died in service continues to be paid to a surviving spouse or former spouse, directly and in full, under the Regulations Governing the Conditions of Service of Judges, the Registrar and the Deputy-Registrar or under the Staff Regulations of the Unified Patent Court, payment of the pensions shall be deferred accordingly.

2. The pensions under Article 37 shall cease to be payable at the end of the month in which the child ceases to satisfy the conditions for recognition of such status under the Regulations Governing the Conditions of Service of Judges, the Registrar and the Deputy-Registrar or the Staff Regulations of the Unified Patent Court.

Article 41 – BENEFICIARIES OF MORE THAN ONE CATEGORY

1. Where a participant or former participant leaves a spouse or former spouse, on the one hand, and children, on the other, with entitlement to a pension, the total pension, calculated as if for a surviving spouse having all these persons dependent on him, shall be apportioned among the various categories of persons concerned in proportion to the pensions which would have been payable to each category if treated separately.

2. Where there are children from different family groups, with entitlement to a pension, the total pension, calculated as though all were from the same family group, shall be apportioned among the various categories of beneficiaries in proportion to the pensions which would have been payable to each category if treated separately.

**CHAPTER VI
FAMILY ALLOWANCES**

Article 42 – GENERAL PROVISIONS

1. Household allowance, dependent child's allowance, disabled child allowance and education allowance are granted according to the modalities and conditions of entitlement provided for under the Regulations Governing the Conditions of Service of Judges, the Registrar and the Deputy-Registrar or under the Staff Regulations of the Unified Patent Court as well as under the present Rules :
 - i) to the recipient of a retirement pension as from the age of 65;
 - ii) to the recipient of an invalidity pension;
 - iii) to the recipient of a survivor's or reversion pension, in respect of the sole beneficiaries who were or would have been recognised as depending on the participant or the former participant if he had not died.
2. The double entitlement regulations apply to any allowance of a same nature, regardless of its name.
3. a) The household allowance shall be calculated by reference to the pension of the recipient.
b) Where the recipient of a survivor's or reversion pension is a participant in the Pension Plan of the Court or is in receipt of a pension under the Pension Plan of the Court, only one household allowance shall be granted.
c) Where the spouse of a person entitled to a pension referred to in paragraph 1 is a participant in the Pension Plan of the Court or is in receipt of a pension under the Pension Plan of the Court, the household allowance shall only be paid to one of the spouses.
d) Where the spouse of the recipient of a pension referred to in paragraph 1 is entitled, under another plan, to an allowance of a same nature than the household allowance, only the difference between the amount of the allowance under the Pension Plan of the Court and that of the allowance received by the spouse under the other plan shall be paid to the recipient of the pension.
4. Where the recipient of a pension referred to in paragraph 1, or his household or the beneficiary concerned, is entitled to allowances referred to in paragraph 1 and also, under another plan and for the same person, to a dependent child's allowance or an allowance of a same nature than those referred to in paragraph 1, the Court shall only pay the difference between the amount of the allowances granted under the Pension Plan of the Court and that of the allowances received under the other plan.
5. The deduction of family allowances received under another plan, referred to in Article 42, paragraphs 3 and 4, shall be automatic, save where the recipient produces evidence that the other plan makes a deduction of the amounts received under the Pension Plan of the Court.
6. The amount of the dependent child's allowance payable to the recipient of a survivor's or reversion pension shall be twice the normal amount.
7. Entitlement to the education allowance shall be maintained for the recipient of a pension referred to in paragraph 1, provided the participant maintains residence in the country of last posting and for a duration limited to the time needed to complete, in the same establishment, the educational cycle in progress at the time of the participant's termination of service.
8. Entitlement to the allowances provided for in this Article shall cease at the end of the month in which the conditions for entitlement to those allowances under the Regulations Governing the Conditions of Service of Judges, the Registrar and the Deputy-Registrar or under the Staff Regulations of the Unified Patent Court are no longer satisfied.

Article 43 – EDUCATION ALLOWANCE

In the event of the death of a participant or of the recipient of a retirement or invalidity pension, without any survivor's or reversion pension being awarded, or in the event of the death of the recipient of a survivor's or reversion pension, any education allowance which was being paid at the time of the death shall continue to be paid unchanged in its amount, under provisions identical to those laid down in Article 42, paragraph 7.

**CHAPTER VII
CEILING ON BENEFITS**

Article 44 – CEILING ON BENEFITS

1. Where a participant dies, the total amount payable in respect of survivor's and orphan's pensions and of family allowances shall not exceed the maximum of the retirement pension referred to in Article 14, paragraphs 2 and 3. In any event, this total shall not exceed the last salary received by the participant.
2. Where a former participant receiving a retirement pension dies, the total amount payable in respect of reversion and orphan's pensions and of family allowances shall not exceed the amount of the pension and of family allowances received by the former participant.
3. Where a former participant entitled to a deferred or invalidity pension dies, the total amount payable in respect of reversion and orphan's pensions and of family allowances shall not exceed the amount of the retirement pension and of family allowances he would have received if he had reached the age of 70 at the time of his death.
4. The amounts payable in respect of survivor's, reversion and orphan's pensions and of family allowances shall, where applicable, be reduced in proportion to the share of each beneficiary.

Article 45 – CEILING IN THE EVENT OF THE DEATH OF A PERSON DRAWING AN INVALIDITY PENSION UNDER ARTICLE 14, PARAGRAPH 2

In the event of the death of a former participant drawing an invalidity pension under Article 23, paragraph 2, the ceiling to be applied shall be the amount of the pension he was receiving at the time of his death.

Article 46 – STATUTORY MINIMUM AMOUNTS

The minimum amounts laid down shall not apply to survivors', reversion and orphans' pensions reduced in accordance with the provisions of Article 44.

CHAPTER VIII PROVISIONAL PENSIONS

Article 47 – CONDITIONS OF ENTITLEMENT

1. Where a participant or former participant entitled to a retirement or invalidity pension has been missing for more than one year in circumstances justifying a presumption of death, the persons entitled under him may provisionally be awarded a survivor's, reversion and orphan's pension, as appropriate.
2. The provisions of paragraph 1 above shall apply *mutatis mutandis* to persons recognised as dependants of a person in receipt of a survivor's or reversion pension, who has been missing for more than one year.
3. Provisional pensions under paragraphs 1 and 2 above shall be converted into definitive pensions when the death of the participant, former participant, spouse or former spouse has been established officially or when that person has been declared missing by a final decision of a national jurisdiction.

CHAPTER IX DETERMINATION OF THE AMOUNTS OF BENEFITS

Section 1: ASSESSMENT OF ENTITLEMENT

Article 48 – ASSESSMENT OF BENEFITS

1. The assessment of the benefits payable under this Annex shall be made by the Registrar with the assistance of the International Service for Remunerations and Pensions.
2. A detailed statement of the assessment shall be communicated to the participant or the persons entitled under him after approval by the Registrar.
3. Until this approval has been given, pensions shall be paid on a provisional basis.

Article 49 – NO DOUBLE ENTITLEMENT

1. Without prejudice to the application of Articles 4 and 5, the following may not be paid concurrently out of the budget of the Court:
 - i) a retirement and an invalidity pension as provided for in this Annex;
 - ii) two retirement pensions.
2. Recipients of a retirement or invalidity pension under the present Rules may not be granted the status of participant in the meaning of Article 1.

Article 50 – BASIS OF CALCULATION

1. Pensions shall be calculated at the time of their assessment by reference to the salary defined in Article 2 and to the salary grids applicable to the staff of the Court applicable to the country of the last posting of the participant or former participant.
2. However, where the participant has served the Court in several countries of posting, the pension shall be calculated on the basis of the salary grid applicable to the staff of the Court of each country of posting, pro rata to the former participant's length of service in each country.

3. Application of the calculation method provided under paragraph 2 above shall not result in the payment of pension benefits the amount of which would be higher than the participant's or former participant's last salary, according to the salary grid applicable to the staff of the Court in force in his country of last posting when the participant's or former participant's pension was assessed, this amount being updated in accordance with the provisions of Article 53.
4. Where pension benefits are calculated on the basis of the statutory minimum amounts, the calculation shall be solely based on the salary grid applicable to the staff of the Court of the country in which the participant or former participant had his longest posting.
5. The provisions of paragraph 2 also apply to the benefits under Article 17.

Article 51 – RE-ASSESSMENT – CANCELLATION

1. The benefits provided for under the Pension Plan of the Court may be re-assessed at any time in the event of error or omission of any kind. Any undue payments must be reimbursed. They may be deducted from the benefits payable to the person concerned or to the persons entitled under him or from the amounts due to his estate. The reimbursement may be spread over a period.
2. Benefits shall be subject to modification or cancellation if their award was contrary to the provisions of this Annex.

Article 52 – REQUIREMENT OF EVIDENCE – FORFEITURE OF RIGHTS

1. Persons who are eligible for benefits under this Annex shall notify the Court or the International Service for Remunerations and Pensions of any facts which may affect their entitlement to benefits and to furnish such supporting evidence as may be required of them.
Should they fail to comply with these obligations, they may be deprived of the right to benefits under Pension Plan of the Court; save in exceptional circumstances, they shall refund any sums received to which they were not entitled.
2. Where the surviving spouse or orphans of a deceased participant or former participant fail to apply for their pension within 12 months from the date of his death, payment of the benefits under this Annex may, at the discretion of the Court, be postponed until the first day of the month following that in which they make their application.
3. Where a participant's or former participant's former spouse referred to in Article 35 fails to apply for benefits under the Pension Plan of the Court within 12 months from the date of his death, his rights may, at the discretion of the Court, be wholly forfeited.

Section 2: ADJUSTMENT OF PENSIONS

Article 53 – ADJUSTMENT OF PENSIONS

1. The Court shall adjust pensions, every year, in accordance with the revaluation coefficients based on the consumer price index for the countries for which the Court has implemented a salary grid applicable to the staff of the Court.
It shall also adjust pensions in the course of the year, for any given country, when prices in that country show an increase of at least 6 %.
2. Each pension shall be adjusted in accordance with the revaluation coefficients for the country in which the pensioner has settled his principal and effective residence.

Where a pensioner settles his principal and effective residence in a country for which the Court has not approved a salary, the pension is adjusted in accordance with the revaluation coefficients for the participant's or former participant's country of last posting. Should the Court adopt a salary for the country in which the pensioner has settled his principal and effective residence, the adjustments following the date of implementation of salary shall be based on the revaluation coefficients for this country.

3. Where a person receiving a pension dies, and reversion or orphan's pensions are due, the following calculation shall be made:

- pensions shall be calculated with reference to the salary in force at the date of assessment of the entitlement of the deceased pensioner;
- the amounts thus determined shall be updated, as from that date until the date of assessment, by application of the pensions revaluation coefficients for the country of residence at the date of assessment or, where the Court has not adopted a salary for this country, by application of the pensions revaluation coefficients for the former participant's country of last posting.

4. Where a person receiving an invalidity pension not awarded under Article 23, paragraph 2 reaches the age of 70, his invalidity pension shall be converted, in accordance with Article 29, paragraph 2, to a retirement pension calculated using the method referred to in paragraph 3 above.

5. At regular intervals, the Registrar shall establish a comparison of the difference between increases in salary and increases in pensions, and may, where appropriate, propose measures to reduce it.

Section 3: PAYMENT OF BENEFITS

Article 54 – MODE OF PAYMENT

1. Subject to the provisions of Article 17 and unless otherwise provided under this Annex, benefits provided for under the present Rules shall be paid monthly in arrears.
2. These amounts shall be paid by the Court, or by the International Service for Remunerations and Pensions if it has been empowered to do so.
3. Benefits shall be paid in the currency used in their calculation in accordance with Article 50.
4. Benefits shall be paid to the recipient by bank transfer to an account in the country of one of the salary grids applicable to the staff of the Court that was used for calculating these benefits, or in the country in which he resides.

Article 55 – SUMS OWED TO THE COURT

1. Any sum owed by a participant, former participant or pensioner to the Court at the date when the benefits are payable under this Annex shall be deducted from the amount of these benefits or from the benefits payable to those entitled under him. The deduction may be spread over a period.

Article 56 – BUYING BACK RIGHTS – CREDIT FOR PAST SERVICE

Any amounts remaining due on the death, recognition of invalidity or termination of service of a participant, in respect of pension rights bought back under Article 5, shall constitute a debt owed to the Court by the participant or the persons entitled under him or the estate.

Payment to the Court of any amounts thus owing shall be made pursuant to the special condition agreed to by the participant at the time of his application to buy back or to be credited with pension rights; this

condition shall give the Court a preferential right to deduct such amounts from the capital sums due at the time of death or recognition of invalidity, or of termination of service, where appropriate, under the conditions provided for in Instructions 5.1.

Article 57 – RIGHT OF SUBROGATION

1. Where a participant's invalidity or death is attributable to a third party, the award of the benefits provided for in this Annex shall in principle be made subject to the beneficiary assigning to the Court his claims against such third party, up to the amount of such benefits.
2. However, the Court may waive its right to take action pursuant to such subrogation against the third party concerned where special circumstances justify such a waiver.

CHAPTER X FINANCING THE PENSION PLAN

Article 58 – CHARGE ON BUDGETS

1. Benefits paid under this Pension Plan of the Court shall be charged to the budget of the Court, pursuant to Article 48.
2. The Contracting Member States jointly guarantee the payment of the benefits.
3. In the event of a merger, reconstitution or other transformation or in the event of dissolution of the Court, the Administrative Committee or any ad hoc body set up, where required in one of the aforementioned cases, shall take the necessary measures to ensure uninterrupted payment of the benefits of the Pension Plan of the Court until the cessation of entitlement of the last beneficiary.
4. Should a country, being a Contracting Member State or a former Contracting Member State, fail to comply with its obligations under this Article, the other countries shall meet the cost thereof in proportion to their contribution to the budget of the Court as fixed annually from and after the said country's default.

Article 59 – PARTICIPANT'S CONTRIBUTION – COSTING THE PENSION PLAN OF THE COURT

1. Participants shall contribute to the Pension Plan of the Court.
 2. The participant's contribution shall be calculated as a percentage of their salaries and shall be deducted monthly.
 3. The rate of the participant's contribution shall be set so as to represent the cost, in the long term, of 40% of the benefits provided under this Annex. The rate shall be 10.8%. This rate shall be reviewed on 1st January 2028 and thereafter every five years or whenever necessary, on the basis of an actuarial study, the procedures for which are appended hereto. After that date, the staff contribution rate shall be adjusted, with effect from the fifth anniversary of the preceding adjustment, the rate being rounded to the nearest first decimal.
- However, in the event of exceptional circumstances, the Administrative Committee could recommend that the date of that study, and of any adjustment of the contribution rate resulting therefrom, be advanced.

In such a case, the normal 5-year interval between two studies and any adjustment of contributions resulting therefrom shall begin as from the date of that supplementary study except for a new application of the provisions of the preceding sub-paragraph.

4. Contributions properly deducted shall not be recoverable. Contributions improperly deducted shall confer no rights to pension benefits; they shall be refunded at the request of the participant concerned or those entitled under him without interest.

Article 60 – ILLNESS

The participants' contribution to the Pension Plan of the Court shall be paid during sick leave and during periods of temporary incapacity following such leave if the participant concerned continues to receive an allowance equal to the whole or part of his emoluments. This contribution shall be calculated in relation to the portion of the allowances corresponding to salary, but reckonable service shall be counted at the full rate, subject to the provisions applicable in the event of temporary incapacity during a period of part-time service.

Article 61 – LEAVE FOR PERSONAL REASONS

A participant may not contribute to the Pension Plan of the Court during periods of leave for personal reasons of more than six months' duration, and during such periods the participant shall not acquire any pension rights.

However, the persons entitled under him shall be entitled to receive benefits under the conditions set out in Article 31.

CHAPTER XI FINAL PROVISIONS

Article 62 – DETAILED IMPLEMENTATION

1. Instructions for the implementation of this Annex and in accordance with them shall be drawn up by the Registrar, in accordance with Article 53 of the Regulations Governing the Conditions of Service of Judges, the Registrar and the Deputy-Registrar of the Unified Patent Court and with Article 42 of the Staff Regulations of the Unified Patent Court.

Article 63 – ENTRY INTO FORCE

This Annex shall enter into force on 8 July 2022.

For the Administrative Committee

The Chairperson

ANNEX TO ARTICLE 59 – ACTUARIAL STUDIES

Method

1. Calculation, as at the effective date of the study, of the rate of contribution payable by participants in order to finance 40% of benefits provided under the Pension Plan of the Court, establishing the present value of the fund, as well as past and future entitlements and salaries.
2. Past entitlements and projections of annual amounts of future entitlements will be calculated, on the one hand, for participants affiliated to the Pension Plan of the Court at the date of the study and, on the other hand, for the population of participants who will be recruited and affiliated to the Pension Plan of the Court in the years to come. Projections of salaries for these populations will also be established year by year. Each of these amounts will be projected over a period of 80 years and discounted to present worth. The market value of the fund at the date of the valuation will also be taken into account, recognising the assets already collected with regard to accrued past benefits.
3. Combining these results will make it possible to determine the rate of contribution needed to finance 40% of benefits provided under the Pension Plan of the Court.

Demographic and salary-related assumptions

4. The demographic assumptions are derived from detailed demographic studies for the Court. These studies examine past experience, where the information is available, and also take account of available forecasts regarding future staff numbers.
5. The assumptions relating to salaries are based on detailed observation of the past, where the information is available, and also take account of practices and forecasts available in this field.

Economic assumptions

6. The discounting process is based on observed rates of return on long-term government bonds issued in Germany, France and Luxembourg. The source of this information is the publicly available OECD Monthly Monetary and Financial Statistics (MEI).
7. A discount rate net of inflation shall be used. It shall be equal to the arithmetical average of average real rates observed over the thirty years preceding the date when the actuarial study is conducted.
8. The average real rate for a given past year is obtained from the real rate, calculated as the difference between the rate of gross return on bonds and the corresponding rate of inflation, as shown by the national consumer price index.