

15/03/2023

Subject: Temporary suspension of powers of AIPN/AACC

Dear Mr Hanski,

On 07/03/2023, all EUIPO staff were informed of your decision “to temporarily suspend the powers of the appointing authority (AIPN) and of the authority authorised to conclude contracts of employment (AACC), delegated by the Management Board to the Executive Director”.

It hardly needs to be said that this decision has caused concern among staff and speculation about the reasons behind taking it. While the lack of contact with and inclusion of the Staff Committee as a partner in social dialogue and a body elected by staff to convey opinion to the administration is regrettable, we are glad to accept the invitation to a meeting to be held with you on 28 March 2023.

In preparation for the meeting, we would like to outline our principal concerns.

First, the situation of suspension of powers should not impede fluid and healthy social dialogue. The Staff Committee has so far not received any information regarding how social dialogue will be conducted during the period of temporary suspension of powers. There are many issues of concern for staff where we are unable to provide any assurances that past commitments will be kept. These issues include, but are not limited to, first and second contract renewals for temporary agents, renewals and upgrading of contract agents, recruitment from reserve lists and renewal of reserve lists, promotions and reclassifications, the organisation of the EPSO IP competition, appointment of officials from ESPO reserve lists and transfers from other institutions.

Second, we would like to understand the circumstances under which the AIPN and AACC powers delegated to the Executive Director may be suspended. Article 153(2) EUTMR mentions the need to define the conditions under which the delegation of appointing authority powers can be suspended and refers to ‘exceptional circumstances’ leading to a temporary suspension of powers, while Article 4 of Decision No MB-17-01 of the Management Board of the European Union Intellectual Property Office refers to ‘exceptional cases’ where the Management Board may decide to temporarily suspend the delegation of powers to the Executive Director. However, the same decision does not define what these ‘exceptional cases’ are. Therefore, we would appreciate an explanation of the conditions to be met in order for a temporary suspension of powers to take place.

We look forward to receiving your clarification of the issues outlined above and to being able to discuss these matters with you in person in the meeting foreseen. We are certain that fluid communication between the Staff Committee and the Management Board is an aim we share.



**PERSONALVERTRETUNG • COMITE DE PERSONAL • STAFF COMMITTEE
COMITÉ DU PERSONNEL • COMITATO DEL PERSONALE**

Best regards,

Lucinda Carney

Chairperson of the Staff Committee