



**Europäische
Patent-
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Verwaltungsrat

**European
Patent
Organisation**

Administrative Council

**Organisation
européenne des
brevets**

Conseil d'administration

SC/7/21

Orig.: en

Munich, 24.09.2021

SUBJECT: Meetings with hybrid (i.e. physical and virtual) attendance of the Select Committee of the Administrative Council – Amendment of Articles 1 and 6 of the Rules of Procedure of the Select Committee

SUBMITTED BY: Chairperson of the Select Committee

ADDRESSEES: Select Committee of the Administrative Council (for decision)

SUMMARY

This document proposes an amendment to Articles 1 and 6 of the Rules of Procedure of the Select Committee in order to enable the Committee to hold meetings with hybrid (i.e. physical and virtual) attendance.

This document has been issued in electronic form only.

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PART I

I. **STRATEGIC/OPERATIONAL**

1. Operational.

II. **RECOMMENDATION**

2. The Select Committee is requested to approve the proposed amendments to Articles 1 and 6 of its Rules of Procedure.

III. **MAJORITY NEEDED**

3. Three-quarters.

IV. **CONTEXT**

4. For its October 2021 meeting, a proposal was submitted to the Council recommending an adjustment to its Rules of Procedures (AC RoP) (CA/62/21) to offer delegations further flexibility by introducing the possibility of hybrid attendance of meetings where one or more members participate remotely in a Council meeting convened and held with physical attendance.¹
5. In 2013, in accordance with Article 14(2) of the AC RoP,² the Select Committee of the Administrative Council adopted its own Rules of Procedure (SC RoP) (SC/D 1/13). In order to offer the possibility of hybrid attendance, the Select Committee needs to adapt its RoP accordingly. As, in terms of the organisation of its meetings, the Select Committee should benefit from the same flexibilities as the Administrative Council, it is reasonable to align the amendments of the SC RoP with those of the AC RoP.

V. **ARGUMENTS**

6. The proposal for amending the SC RoP concerns Articles 1 (Members) and 6 (Other participants).
7. It is proposed to amend Article 1(6) SC RoP to provide that a member who is prevented from physically attending a meeting of the Select Committee may, as an alternative to being represented by another member of their delegation, choose to attend the meeting remotely through electronic means. This would enable a "hybrid attendance" of meetings of the Select Committee where some members attend in person and others participate virtually. This option is only conceivable and feasible in the case of meetings convened and held with physical attendance, while representation by another delegation member is possible at meetings of either of the two possible formats (physical or e-meetings).

¹ Already back in May 2020, following a successful written procedure, the Administrative Council unanimously adopted amendments to its Rules of Procedures to allow for meetings by electronic means, i.e. in the format of e-meetings (CA/D 5/20), thus enabling the Council and its subsidiary bodies to continue their activities during the COVID-19 pandemic and ensuring the functioning of the Organisation. A similar proposal has been submitted to the Select Committee in September 2021 through a written procedure.

² "[E]ach subsidiary body shall establish its own procedure on a proposal from its chairperson." Article 14(2) AC RoP.

8. Attending a physical meeting remotely through electronic means is a choice open to members where they are prevented from being physically present. It is the sole responsibility of a member to assess and decide if there is a situation preventing them from physically attending a meeting convened in that format. Such a situation may arise due to a general emergency (e.g. an air-traffic controller strike) or circumstances specific to the individual member (e.g. accident, illness).
9. Second, it is proposed to introduce a new paragraph 6 in Article 6 RoP so as to enable also other participants (i.e. not only members) to attend a physical meeting remotely through electronic means if they are prevented from being physically present.
10. To ensure the efficient organisation of meetings, participants are required to inform the Council Secretariat in advance and in writing (e.g. by email) if they decide to attend a physical meeting remotely through electronic means.

VI. ALTERNATIVES

11. N/A

VII. FINANCIAL IMPLICATIONS

12. Not applicable.

VIII. RECOMMENDATION FOR PUBLICATION

13. Yes.

PART II

Draft

DECISION OF THE SELECT COMMITTEE OF THE
ADMINISTRATIVE COUNCIL
of [date of decision] amending Articles 1 and 6 of its
Rules of Procedure

THE SELECT COMMITTEE OF THE ADMINISTRATIVE COUNCIL OF THE EUROPEAN
PATENT ORGANISATION,

Having regard to the European Patent Convention, and in particular Part IX (Special
Agreements) thereof,

Having regard to Article 9 Regulation (EU) No 1257/2012,

HAS DECIDED AS FOLLOWS:

Article 1

Article 1, paragraph 6 of the Rules of Procedure of the Select Committee of the
Administrative Council shall read as follows:

"(6) Any Member prevented from attending a meeting may arrange to be represented by
another member of their delegation (Article 2, paragraph 2). Alternatively, in the case
of a meeting with physical presence (Article 7, paragraph 2), a Member may, when
prevented from attending in person, choose to attend remotely through electronic
means. In either case, the Council Secretariat (Article 5) shall be informed of such
arrangements in advance and in writing."

Article 2

The following new paragraph 6 shall be added at the end of Article 6 of the Rules of
Procedure of the Select Committee of the Administrative Council:

"(6) Attendance of other participants

In the case of a meeting with physical presence (Article 7, paragraph 2), when other
participants within the meaning of this Article are prevented from physical attendance,
they may choose to attend remotely through electronic means. The Council Secretariat
(Article 5) shall be informed thereof in advance and in writing."

Article 3

This decision shall enter into force on [date of decision].

Done at Munich, [date of decision]

For the Select Committee of the
Administrative Council
The Chairperson

Jérôme DEBRULLE