Article 44 E

Travaux Préparatoires
(EPC 1973)

Comment:

The collection represents purely an internal research tool for the purpose of Directorate Patent Law of the European Patent Office. No guarantee can be given for its completeness or correctness. The documents produced before 1969 cannot be provided in English as this was not an official language in the period before that date. These documents therefore are provided in French and German.
### Art. 44

**MP0**

*Mittel für unvorhergesehene Ausgaben*

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MUNICH DIPLOMATIC CONFERENCE
FOR THE SETTING UP OF A EUROPEAN SYSTEM FOR THE GRANT OF PATENTS

- 1973 -

Munich, 30 September 1973
M/ 146/R 2
Original: English/French/German

CONFERENCE DOCUMENT

Drawn up by: General Drafting Committee

Subject: Convention: Articles 27 to 54
Artikel 41
Bewilligung der Ausgaben

(1) Die in den Haushaltsplan eingesetzten Ausgaben werden für ein Haushaltsjahr bewilligt, soweit die Finanzordnung nichts anderes bestimmt.

(2) Nach Maßgabe der Finanzordnung dürfen die nicht für Personalausgaben vorgesehenen Mittel, die bis zum Ende der Durchführungszeit eines Haushaltsplans nicht verbraucht worden sind, lediglich auf das nächste Haushaltsjahr übertragen werden.

(3) Die vorgesehenen Mittel werden nach Kapiteln gegliedert, in denen die Ausgaben nach Art oder Bestimmung zusammengefaßt sind; soweit erforderlich, werden die Kapitel nach der Finanzordnung unterteilt.

Artikel 42
Mittel für unvorhergesehene Ausgaben

(1) Im Haushaltsplan der Organisation können Mittel für unvorhergesehene Ausgaben veranschlagt werden.

(2) Die Verwendung dieser Mittel durch die Organisation setzt die vorherige Zustimmung des Verwaltungsrats voraus.

Artikel 43
Haushaltsjahr


Artikel 44
Entwurf und Feststellung des Haushaltsplans

(1) Der Präsident des Europäischen Patentamts legt den Entwurf des Haushaltsplans dem Verwaltungsrat bis zu dem in der Finanzordnung vorgeschriebenen Zeitpunkt vor.

(2) Der Haushaltsplan sowie Berichtigungs- und Nachtragshaushaltspläne werden vom Verwaltungsrat festgestellt.

Article 41
Authorisation for expenditure

(1) The expenditure entered in the budget shall be authorised for the duration of one accounting period, unless any provisions to the contrary are contained in the Financial Regulations.

(2) Subject to the conditions to be laid down in the Financial Regulations, any appropriations, other than those relating to staff costs, which are unexpended at the end of the accounting period may be carried forward, but not beyond the end of the following accounting period.

(3) Appropriations shall be set out under different headings according to type and purpose of the expenditure and subdivided, as far as necessary, in accordance with the Financial Regulations.

Article 42
Appropriations for unforeseeable expenditure

(1) The budget of the Organisation may contain appropriations for unforeseeable expenditure.

(2) The employment of these appropriations by the Organisation shall be subject to the prior approval of the Administrative Council.

Article 43
Accounting period

The accounting period shall commence on 1 January and end on 31 December.

Article 44
Preparation and adoption of the budget

(1) The President of the European Patent Office shall lay the draft budget before the Administrative Council not later than the date prescribed in the Financial Regulations.

(2) The budget and any amending or supplementary budget shall be adopted by the Administrative Council.
MÜNCHNER DIPLOMATISCHE KONFERENZ
ÜBER DIE EINFÜHRUNG EINES EUROPÄISCHEN PATENTVERFAHRENS 1973
(München, 10. September bis 6. Oktober 1973)

MUNICH DIPLOMATIC CONFERENCE
FOR THE SETTING UP OF A EUROPEAN SYSTEM FOR THE GRANT OF PATENTS, 1973
(Munich, 10 September to 6 October 1973)

CONFERENCE DIPLOMATIQUE DE MUNICH
POUR L’INSTITUTION D’UN SYSTÈME EUROPÉEN DE DÉLIVRANCE DE BREVETS (1973)
(Munich, 10 septembre - 6 octobre 1973)

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VORBEREITENDE DOKUMENTE
ausgearbeitet von der
Regierungskonferenz über die Einführung eines europäischen Patentverfahrens
herausgegeben von der
Regierung der Bundesrepublik Deutschland

PREPARATORY DOCUMENTS
drawn up by the
Inter-Governmental Conference for the setting up of a European System for the Grant of Patents
and published by the
Government of the Federal Republic of Germany

DOCUMENTS PRÉPARATOIRES
élaborés par la
Conférence intergouvernementale pour l’institution d’un système européen de délivrance de brevets
et publiés par le
Gouvernement de la République fédérale d’Allemagne

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1972
The Working Party also confirmed that the Administrative Council should previously determine the limits within which the European Patent Office may request advances.

20. In the view of the Working Party the European Patent Office should be able, for the purpose of covering short-term financial needs, not only to request advances from the Contracting States, but also to obtain bank loans, with the approval of the Administrative Council. However, the Working Party decided not to lay down this option, which, in its view, went without saying in view of the legal personality of the European Patent Office, in a particular Article, in order to avoid unnecessarily limiting the powers of action of the European Patent Office in this respect by a restrictive text.

21. The Working Party decided not to include in the Convention a provision to the effect that belated payment of advances was to be subject to interest. In its view it would be a mistake to attach too great importance to this problem. Paragraph 2 was therefore deleted.

Article 42f (now Article 42e) – Appropriations for unforeseeable expenditure

22. The Working Party retained this provision, whereby appropriations for unforeseeable expenditure may be contained in the budget, in the same form as in BR/GT IV/31/70. As observed by the Working Party, this Article together with other provisions makes the setting up of an operational fund and a reserve fund superfluous.

BR/GT IV/41 e/70 lor/RT/1b
MINUTES

of the third meeting of Working Party IV
(Luxembourg, 13-15 October 1970)

1. The third meeting of Working Party IV was held in Luxembourg, from 13 to 15 October 1970, with Mr. E. ARMITAGE, Comptroller General, Patent Office, London, in the Chair.

The representatives of the International Patent Institute at The Hague and of WIPO/BIRPI took part in the meeting as observers. The representative of the General Secretariat of the Council of Europe apologised for his absence. (1)

2. The Working Party began by examining, on the basis of various working documents (BR/GT IV/31/70 and BR/GT IV/36/70 with Addendum), the financial provisions of the First Preliminary Draft Convention establishing a European System for the Grant of Patents (Articles 42-53 and Article 187). It adopted these provisions as set out in BR/56/70.

(1) The list of participants is given in the Annex.

BR/GT IV/41 e/70 lor/RT/fm
Article 42e

11. Article 42e regulates the conditions under which the European Patent Office can ask for advances. Working Party IV examined the principle of the matter and agreed to continue the examination during its meeting in October.

Article 42f

12. Still with the object of allowing the European Patent Office to meet all the situations which might arise and, more particularly, to put it in a position to deal with any unforeseeable expenditure during the running-in period, Article 42f makes it possible to introduce an item for unforeseeable expenditure into the EPO's budget, the employment of the appropriations assigned to this item being subject to a prior decision by the Administrative Council.

Article 42g

13. Article 42g applies to the transitional period and provides for a recourse to special repayable contributions during the running-in period. This Article also refers to procedures for repaying these contributions. The members of Working Party IV agreed that these provisions, which are provisionally placed in an Article 42g, should appear in the transitional provisions.

The delegations agreed to study this Article in more detail during their meeting in October.
M I N U T E S
of the second meeting of Working Party IV
(Luxembourg, 6 - 9 July 1970)

1. The second meeting of Working Party IV was held in Luxembourg, from 6 to 9 July 1970 with Mr. E. ARMITAGE, Comptroller General of the Patent Office, London, in the chair.

As at the first meeting, the representatives of the International Patent Institute at The Hague took part in the meeting as observers. The representatives of the Council of Europe and of WIPU/DIRII apologised for their absence (1).

I. ORGANISATION OF THE WORK

2. On the proposal of the Chairman, Working Party IV decided to organise its work as follows:

(1) The list of participants is annexed to this document.
Article 42f
Appropriations for unforeseeable expenditure

Text drawn up by the Drafting Committee of Working Party IV

(1) The budget of the European Patent Office may contain appropriations for unforeseeable expenditure.

(2) The employment of these appropriations by the European Patent Office is subject to a prior decision by the Administrative Council.
Preliminary Draft Convention

For a European System for the Grant of Patents

Articles 42 to 47, 49, 53 and 187

Texts either approved in principle by Working Party IV or drawn up by its Drafting Committee (meeting 6 to 9 July 1970)

Compared synoptically with the financial provisions of the Draft Convention relating to a European Patent Law as drafted by the EEC "Patents Working Party"
Article 44

Appropriations for unforeseeable expenditure

(1) The budget of the Organisation may contain appropriations for unforeseeable expenditure.

(2) The employment of these appropriations by the Organisation shall be subject to the prior approval of the Administrative Council.