

**Board of Appeal**

**PUBLIC VERSION**

**MINUTES**

**12th Board of Appeal meeting**

**Wednesday, 4 July 2018, 14.00 – 17.30**

**Ljubljana**

**Present:**

Member	<b>Walter Boltz</b>
Member	<b>Jean-Yves Ollier (Vice- Chair)</b>
Member	<b>Andris Piebalgs (Chair)</b>
Member	<b>Mariusz Swora</b>
Member	<b>Michael Thomadakis</b>
Alternate	<b>Viorel Alicus</b>
Alternate	<b>Miltos Aslanoglou</b>
Alternate	<b>Mariano Bacigalupo Saggese (by teleconference)</b>
Alternate	<b>Erik Rakhou (except for agenda item no. 4)</b>
Alternate	<b>Dominique Woitrin</b>
Invited guest	<b>Akos Hofstadter, ACER (only for agenda item no. 4)</b>
Registrar	<b>Andras Szalay</b>

1. **Mr Andris Piebalgs**, Chair, welcomed the Board of Appeal.

The Board of Appeal approved the Agenda as follows:

**Board of Appeal**

Agenda items	BoA decision
1. De-brief on the Chairman's presentation at the meeting of the Administrative Board	yes
2. Report on the current status of the ongoing cases before the General Court of the CJEU	no
3. Report on the set-up of an Inter-Agency Appeal Proceedings Network	no
4. Discussion on potential appeal cases [restricted meeting]	no
5. Any other business	no

**2. Discussion of the items of the Agenda**

***Agenda item n° 1. – De-brief on the Chairman's presentation at the meeting of the Administrative Board***

Mr Andris Piebalgs summarized the efforts taken in requesting additional resources in order to ensure a high quality decision making performed by the Board of Appeal. As a part of this process, he made a presentation at the Administrative Board's meeting on 7 June 2018 which he summed up for the Board of Appeal. The Chair requested a mandate to clarify the current situation with the Director of the Agency.

Following the summary as well as an internal discussion, the Board of Appeal reached its decision:

**BoA Decision 1./04.07.2018**

**The Board of Appeal gives a mandate the Chairman to continue the discussion with the Director of the Agency concerning the above mentioned.**

***Agenda item n° 2. – Report on the current status of the ongoing cases before the General Court of the CJEU***

The Board of Appeal took note on the Registrar's report on the updates of the ongoing legal procedures before the General Court. Following the status report in the last meeting of 28 June 2017, two procedures have been finalized before the General Court: T-63/16, where the Court confirmed the Board's inadmissibility decision and dismissed E-Control's appeal; and T-53/17, in which APG withdrew its application and, consequently, the case has been removed from the register.

***Agenda item n° 3. – Report on the set-up of an Inter-Agency Appeal Proceedings Network (IAAPN)***

The Board of Appeal took note on the Registrar's report on the kick-off (video) meeting of the IAAPN – a consultative network of boards of appeal of the EU agencies with a view to collect best practices and benchmarks. In the meeting the first president of the Network was selected in the person of Mr Theophile Margellos, President of the Boards of Appeal at EUIPO. Accordingly, the secretariat of the Network will be provided by EUIPO. In compliance with the preferences of the participants, the Work Programme for 2018/2019 foresees two topics to be discussed: (i) evidence and the submission of belated evidence in the proceedings and (ii) the practice concerning the good administration principle in the appeal proceeding. Further to the work program, a common database will be set up with the aim to contain the procedural documents of the boards as well as data on their structure, functioning and resources.

*Agenda item n° 4. – Discussion on potential appeal cases [restricted part]*

The Board of Appeal discussed potential appeal cases.

**[restricted part]**

Then the meeting was adjourned.

*For the Board of Appeal:*

*Andris Piebalgs*

*Chairman*