

ANNEX I

1. The compensation payable to witnesses and experts in respect of travel and subsistence expenses provided for in Article 62(2) shall be calculated as follows:
 - 1.1. Travel expenses:

For the outward and return journey between the domicile or seat and the place where oral proceedings are held or where evidence is taken:

 - (a) the cost of the first-class rail transport including usual transport supplements shall be paid where the total distance by the shortest rail route does not exceed 800 km;
 - (b) the cost of the tourist-class air transport shall be paid where the total distance by the shortest rail route exceeds 800 km or the shortest route requires a sea-crossing.
 - 1.2. Subsistence expenses shall be paid equal to the daily subsistence allowance of officials as laid down in Article 13 of Annex VII to the Staff Regulations of Officials of the European Communities.
 - 1.3. When a witness or expert is summoned to proceedings at the Office he shall receive with the summons a travel order containing details of those amounts payable under points 1.1 and 1.2, together with a request form covering an advance on expenses. Before an advance can be paid to a witness or expert his entitlement must be certified by the member of the staff of the Office who ordered the evidence to be taken or, in the case of appeal proceedings, the chairman of the responsible Board of Appeal. The request form must therefore be returned to the Office for certification.
2. The compensation payable to witnesses in respect of loss of earnings provided for in Article 62(3) shall be calculated as follows:
 - 2.1. If a witness is required to be absent for a total period of 12 hours or less, the compensation for loss of earnings shall be equal to one sixtieth of the basic monthly salary of an employee of the Office at the lowest step of grade AD 12.
 - 2.2. If a witness is required to be absent for a total period of more than 12 hours, he shall be entitled to payment of further compensation equal to one sixtieth of the basic salary referred to in point 2.1 in respect of each further period of 12 hours which is commenced.
3. The fees payable to experts provided for in Article 62(3) shall be determined, case by case, taking into account a proposal by the expert concerned. The Office may decide to invite the parties to proceedings to submit their comments on the amount proposed. Fees may be paid to an expert only if he produces evidence by supporting documents that he is not a member of the staff of an Examination Office.
4. Payments to witnesses or experts for loss of earnings or fees under points 2 and 3 shall be made following certification of the entitlement of the witness or expert concerned by the member of the staff of the Office who ordered the evidence to be taken or, in the case of the appeal proceedings, the chairman of the responsible Boards of Appeal.
5. The remuneration of an agent, adviser or advocate acting as a representative of a party to proceedings as provided for in Article 76(3) and Article 76(4)(c) shall be borne by the other party to proceedings on the basis of the following maximum rates:

Status: Point in time view as at 17/09/2009.

Changes to legislation: There are currently no known outstanding effects for the Commission Regulation (EC) No 874/2009, ANNEX I. (See end of Document for details)

- (a) in the case of appeal proceedings except for the taking of evidence which involves the examination of witnesses, opinions by experts or inspection: EUR 500;
- (b) in the case of taking of evidence in appeal proceedings which involves the examination of witnesses, opinions by experts or inspection: EUR 250;
- (c) in the case of proceedings for revocation or cancellation of a Community plant variety right: EUR 250.

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