

**DECISION AB no 6/2013
OF THE ADMINISTRATIVE BOARD
OF THE AGENCY FOR THE COOPERATION OF ENERGY REGULATORS**

of 20 March 2013

**ON THE REIMBURSEMENT RULES OF
TRAVEL EXPENSES FOR BOARD OF REGULATORS MEETINGS AND
REPEALING DECISION AB n° 21/2011**

THE ADMINISTRATIVE BOARD OF THE AGENCY FOR THE COOPERATION OF
ENERGY REGULATORS,

HAVING REGARD to Regulation (EC) No 713/2009 of the European Parliament and of the
Council of 13 July 2009 establishing an Agency for the Cooperation of Energy Regulators
(hereinafter 'Agency')¹, and, in particular, Article 13 thereof,

Whereas:

- (1) Decision AB No 21/2011 of 22 September 2011 laid down the rules on the reimbursement of travel expenses incurred by the attendees to the meetings of the Board of Regulators.
- (2) Ever since, the Agency has gained considerable experience in the application of such rules. Based on this experience, it has become apparent that it is necessary to adopt new rules that would make the procedure for the reimbursement of travel expenses occurred by participants to the meetings of the Board of Regulators more efficient and expeditious,

HAS DECIDED:

Article 1

¹ OJ L 211, 14.8.2009, p. 1.

The travel expenses incurred by members of the Board of Regulators, alternate members or a duly mandated proxy shall be reimbursed by the Agency according to the rules listed in Annex I.

Article 2

Decision AB n° 21/2011 of 22 September 2011 is hereby repealed.

Article 3

This decision shall enter into force on the day following that of its adoption.

Done at Ljubljana, on 20 March 2013

For the Administrative Board:

Piotr Woźniak



Chairman of the Administrative Board of the Agency

Annex to the Decision AB n° 06/2013

**GUIDE FOR THE REIMBURSEMENT OF
TRAVEL EXPENSES TO BOARD OF REGULATORS MEETINGS**

1. GENERAL REIMBURSEMENT RULES

- 1) The Agency reimburses travel expenses to representatives of the National Regulatory Authorities (NRA Representatives) attending meetings of the Board of Regulators (BoR).
- 2) Only one Representative per NRA is entitled to reimbursement of travel costs. The Chair will be reimbursed in addition to the Representative from the same NRA attending the BoR meeting. The NRA Representative can be the Member of the BoR or the Alternate member or a duly mandated proxy. The proxy should provide a power of attorney which should be sent in advance of the meeting to the Secretariat of the BoR.
- 3) The NRA Representative entitled to reimbursement should arrange their travel in a way that is compliant with sound financial management, i.e. in the most economical way possible in terms of time and money.
- 4) For each NRA Representative, travel expenses are reimbursed between the location of the seat of the NRA and the location of the venue where the BoR meeting takes place. In the case of a NRA Representative combining travel to attend a BoR meeting with other travel arrangements, travel expenses can be reimbursed from/to a location different from the seat of the NRA, provided that such expenses do not exceed the cost of travel from/to the location of the seat of the NRA, according to the rules defined in this Guide. In this case, the NRA Representative shall provide, together with the reimbursement form, a statement from the travel agency/airline indicating, for comparison purposes, the cost of travel, according to the rules defined in this Guide, between the location of the seat of the NRA and the location of the venue where the BoR meeting takes place. If this statement is not provided, or does not ensure an appropriate comparison according to the rules defined in this Guide, the Agency will run its own comparison and use it as a reference.
- 5) The time of arrival at the location of the venue where the BoR meeting takes place and the time of departure from the same location should be as reasonably close as possible to the respective starting and finishing times of the BoR meeting or of any other associated event of regulatory interest and/or closely related to BoR activities. Earlier arrival times at the location of the venue where the BoR meeting takes place and/or later departure times from the same location are admissible, provided that they do not result in higher reimbursement costs for the Agency.
- 6) For the purpose of confirming meeting attendance, the meeting secretary shall keep an attendance list which must be signed by the NRA Representative. If a NRA Representative does not attend the meeting, no reimbursement shall be made.

- 7) The NRA Representative must declare any reimbursement of travel expenses received for the same meeting from other sources.
- 8) The NRA Representative must inform the Agency in advance, possibly at least 10 days before the BoR meeting, via the meeting secretary, of any instances that may prevent him/her from complying with the rules defined in this Guide. At the same time, the NRA Representative should request authorisation for any derogation from these rules. The Agency will consider requests for derogations from the rules on a case-by-case basis and may authorise them when duly justified.
- 9) Travel expenses are reimbursed to the NRA on the bank account specified by the NRA in the financial identification form submitted to the Agency, as established in Sections 3.1.2 and 3.1.3 below.
- 10) This Guide does not apply to the representative of the European Commission and to representatives of the NRAs of third countries that may be invited to participate in BoR meetings.

2. TRAVEL ARRANGEMENTS

2.1. Travel by air

- 1) Air travel is admissible if the distance between the location of the seat of the NRA and the location of the venue where the BoR meeting takes place exceeds 400 km (by rail) or if the journey takes more than four hours by train (using the fastest service) or involves a sea crossing.
- 2) When travelling by air, the NRA Representative is entitled to the reimbursement of travel expenses not exceeding the cost of a non-flexible economy class flight ticket. Reimbursement of travel expenses for flights booked in business class or at a higher fare is limited to the economy class return fare calculated according to rules defined in this Guide, unless:
 - a) the journey by air involves a flight of 4 hours or more without stopovers, or
 - b) exceptional circumstances can be invoked. In such a case, the NRA Representative shall request the prior authorisation by the Authorising Officer at the Agency for any derogation from the rules defined in this Guide. Supporting documents shall be provided at the time of requesting the authorisation to demonstrate that the derogation is made necessary by circumstances beyond the control of the NRA or the NRA Representative. Late booking of travel by the NRA Representative or his/her NRA does not represent a circumstance justifying a derogation, unless the Agency requests the presence of the NRA Representative at very short notice, for example within a week before the meeting.
- 3) Exceptionally travel expenses can be reimbursed up to the cost of a flexible economy class ticket if the NRA Representative demonstrates that she/he reasonably requires flexibility.
- 4) The Authorising Officer at the Agency may scrutinise particularly closely any request for reimbursement involving abnormally expensive flights. He/she shall have the right

to carry out any checks that might be needed and to request any proof from the NRA Representative required for this purpose.

The Authorising Officer has the right, where he/she considers that the use of abnormally expensive flights is not justified, to restrict reimbursement to the rates normally applied for travelling between the location of the seat of the NRA and the location of the venue where the BoR meeting takes place.

2.2 Travel by sea

If transport including a ferry crossing is more economical than transport by air in terms of time and money, a 1st class return ticket for the ferry crossing is reimbursed. The cost of on-board cabin accommodation for night crossings is reimbursed, as long as the total cost of the journey between the location of the seat of the NRA and the location of the venue where the BoR meeting takes place does not exceed the reimbursable expenses for traveling by air on the same route.

2.3 Travel by rail

If the distance between the location of the seat of the NRA and the location of the venue where the BoR meeting takes place exceeds 400 km (by rail) and if the journey by train takes more than four hours (using the fastest service), or if transport including a rail journey is more economical than transport by air in terms of time and money, the cost of a 1st class return rail ticket is reimbursed. The cost for seat reservations is also reimbursed. For overnight travel, the cost of sleeper accommodation is reimbursed.

2.4 Travel by car

1) When the NRA Representative chooses to use his/her own vehicle, the reimbursement shall be made at a rate of EUR 0.22 per km for the distance between the location of the seat of the NRA and the location of the venue where the BoR meeting takes place and vice-versa. The distance is determined by the “fastest route” distance as calculated by the Michelin route planner ViaMichelin. Other expenses (motorway tolls, ferry crossing etc.) involved in the “fastest route” indicated by the Michelin route planner ViaMichelin will also be reimbursed on presentation of the corresponding supporting documents.

When the NRA Representative chooses to use a hired vehicle, with or without a driver, the cost is reimbursed, provided that it does not exceed the reimbursable expenses for traveling by air on the same route.

2) Costs incurred for using a private car to drive to and from a station/airport, including parking fees, will not be reimbursed.

3) Persons using their own vehicle or a hired vehicle will remain fully liable for any accidents in which they may be involved during the trip.

2.5 Local transport

Local transport and transfers to/from the airport/rail station at the place of the meeting and place of origin, including taxi fares, will not be reimbursed.

3. ADMINISTRATIVE RULES AND PROCEDURE

3.1. Documentation required

3.1.1. Application form for reimbursement

For each meeting, an application for reimbursement shall be filled in, dated and signed by the NRA Representative requesting the reimbursement.

3.1.2. Financial identification form

Travel expenses are only reimbursed to the NRA on the Bank account specified by the NRA in the financial identification form submitted to the Agency. A financial identification form fully completed and duly signed must be submitted prior to the first request for reimbursement. The forms to be used can be found in all EU languages on the following web-site:

http://ec.europa.eu/budget/execution/ftiers_en.htm

3.1.3. Legal Entity File

In order to register a new legal entity, the completed and duly signed Legal Entity File form for the NRA must be submitted. The forms to be used can be found in all EU languages on the following web-site:

http://ec.europa.eu/budget/execution/legal_entities_en.htm

The NRA Representative is not required to fill in a Legal Entity File form as long as its NRA has not altered its bank account details.

3.1.4. Supporting documents for reimbursement

Prior to the first reimbursement, NRAs have to submit the financial identification form and the Legal Entity File form as indicated under paragraphs 3.1.2. and 3.1.3.

For each meeting, an application for reimbursement shall be filled in, dated and signed by the NRA Representative requesting the reimbursement and submitted in original together with supporting documents. Travel expenses shall be reimbursed on the presentation of the original round trip tickets or invoices, or the printout of the electronic reservation in case of online bookings.

The documents supplied must clearly indicate the name of the person travelling (for air travel), the class of travel used, the time of travel and the actual price paid.

The original boarding cards are not required if the other supporting documents provided contain all the information necessary to process the reimbursement request.

Supporting documents proving that the journey took place by car do not have to be submitted together with the request of reimbursement whenever it is considered reasonable to use the car on the distance travelled. However supporting documents must be provided for the

reimbursement of other expenses related to the use of the car, such as highway tolls and ferry crossings.

3.2. Time limit for claiming reimbursement

The NRA Representative should provide the meeting secretary with all the necessary documents for reimbursement before leaving the meeting, whenever possible. If for some reason this is not possible, the NRA Representative shall send the duly signed reimbursement form and the required supporting documents at the latest within 30 calendar days of the date of the meeting to the meeting secretary indicated in the invitation. If, by this deadline, not all the necessary documents have been received, the Agency will proceed with payment based on the documents available, if any.

The Agency will inform the participant concerned about any cancellation or restriction of payment due to lack of information provided within the deadline.

3.3. Method of reimbursement

Reimbursement of expenses will be made by bank transfer only to the Bank account specified by the NRA in the financial identification form submitted to the Agency. When the order for payment is made, the Agency shall indicate the name and date of the meeting and the NRA Representative name in the reference field.

3.5. Events outside the influence of the Representative

In the case of flight, train or ferry cancellations that are outside the influence of the NRA Representative, the Agency may compensate additional travelling costs incurred subject to justification and where not covered by the carrier and/or travel insurance.

3.6. Refund of unduly paid sums

The recipient will be required to refund any sums paid in error or if received from other sources.