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AGENCY FOR THE COOPERATION OF ENERGY REGULATORS

DECISION AB n° 04/2010

Adopting Rules on the reimbursement of expenses incurred by people from outside the Agency for the Cooperation of Energy Regulators invited to attend meetings in an expert capacity

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 (hereafter 'Agency Regulation' and 'Agency').

Having regard to the rules adopted by the Commission on 5 December 2007¹ on the reimbursement of expenses incurred by people from outside the Commission invited to attend meetings in an expert capacity, repealing the rules adopted on 24 February 1994;

Whereas;

Experts who participate in working parties organised by the Agency, who not belong to the Agency's staff, shall have their travel expenses met by the Agency based on the scales of the Commission's staff regulations;

¹ Doc. C(2007)5858

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HAS DECIDED:

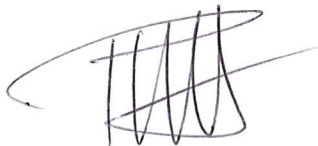
Article 1

The rules on the reimbursement of people from outside the Agency for the Cooperation of Energy Regulators invited to attend meetings in an expert capacity, set out in the Annex, are hereby approved. This Annex does not apply to Members of the Administrative Board who are reimbursed according to Article 16 of the Rules of Procedure of the Administrative Board.

Article 2

These provisions shall enter into force on the date of the adoption by the Administrative Board.

Done at Brussels, on 6 May 2010

A handwritten signature in black ink, consisting of a series of vertical and diagonal strokes, enclosed within a large, sweeping oval shape.

Piotr WOZNIAK

Chairman of the Administrative Board

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Rules on the reimbursement of expenses incurred by people from outside the Agency for the Cooperation of Energy Regulators invited to attend meetings in an expert capacity.

ARTICLE 1

These rules shall apply to:

- a) anyone from outside the Agency for the Cooperation of Energy Regulators who is invited to give a specific professional opinion in a meeting of a Board², wherever the location of the meeting;
- b) anyone responsible for accompanying a disabled person who has been invited by the Agency for the Cooperation of Energy Regulators to attend a meeting in an expert capacity.

ARTICLE 2

The Agency for the Cooperation of Energy Regulators shall not be liable for any material, non-material or physical damage suffered by invited experts or those responsible for accompanying a disabled expert in the course of their journey to or stay in the place where the meeting is held, unless such harm is directly attributable to the Agency for the Cooperation of Energy Regulators. In particular, invited experts who use their own means of transport for traveling to such meetings shall be entirely liable for any accidents that they might cause.

ARTICLE 3

- 1) All experts shall be entitled to the reimbursement of their travel expenses from the place specified in their invitation (work or home address) to the place of the meeting, by the most appropriate means of transport given the distance involved. In general, for journeys of less than 400 km (one way, according to official distance by rail) this shall be first-class rail travel, and for distances of more than 400 km economy class air travel (economy class). If the journey by air involves a flight of 4 hours or more without stopovers the cost of a business class ticket shall be reimbursed.

²

Administrative Board or Board of Regulators, defined in Articles 13 and 15 of Regulation (EC) N 713/2009 of the European Parliament and of the Council establishing an Agency for Cooperation of Energy Regulators

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- 2) The authorising officers for commitments shall specifically try to ensure that meetings are organized in such a way as to enable experts to benefit from the most economical travel rates.

The authorising officers for payments shall scrutinise particularly closely any requests for reimbursement involving abnormally expensive flights. They shall have the right to carry out any checks that might be needed and to request any proof from the expert required for this purpose. They shall also have the right, where it appears to be justified, to restrict reimbursement to the rates normally applied to the usual journey from the expert's place of work or residence to the meeting place.

- 3) Travel expenses shall be reimbursed on presentation of original supporting documents: tickets and invoices or, in the case of online bookings, the printout of the electronic reservation and boarding cards for the outward journey. The documents supplied must show the class of travel used, the time of travel and the amount paid.
- 4) The cost of travel by private car shall be reimbursed at the same rate as the first-class rail ticket. If the route is not served by a train the cost of travel by private car shall be reimbursed at the rate of EUR 0.22 per km.
- 5) The cost of transporting a car by car-ferry shall not be reimbursed.
- 6) Taxi fares shall not be reimbursed.

ARTICLE 4

- 1) Where, taking into account any expenses incurred by disabled experts as a result of their disability or any person accompanying them, the travel allowance provided for in these Rules appears inadequate, expenses shall be reimbursed on presentation of supporting documents.
- 2) Reimbursements of the costs of government experts shall be paid into an account in the name of the Member State, one of its ministries or a public body, in the absence of any derogation from the Member State, one of its ministries or a public body.

ARTICLE 5

- 1) Upon request of the director, the authorising officer may grant external experts also a daily allowance and/or an accommodation allowance in line with Annex VI to the Commission Staff Regulations where this is exceptionally necessary to obtain an expertise, in particular for experts from outside Europe.

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ARTICLE 6

- 1) The maximum number of experts per meeting, whether or not entitled to reimbursement of their expenses, shall be one per Member State invited as a government expert, and a number of private-sector experts equal to the number of Member States.
- 2) The authorising officer by delegation may depart from this rule, by reasoned decision, in the following cases:
 - (a) joint meetings of several committees or expert groups;
 - (b) committees or expert groups where the number of members or participants, whether or not entitled to reimbursement of their expenses, has not been laid down by the instrument establishing them and is thus a matter for the authorising officer by delegation to determine.

The authorising officer by delegation may also depart from this rule where the number of statutory members of the committee or expert group is more than one per Member State.
- 3) National, regional or local public officials may only be invited in a personal capacity in special cases, duly justified by the responsible authorising officer by delegation, unless the instrument establishing the committee expressly states that its members will participate in its work in a personal capacity.

ARTICLE 7

- 1) The payment order shall be drawn up on the basis of the request for reimbursement, duly completed and signed by the expert and by the secretary of the meeting responsible for certifying the expert's presence.
- 2) Experts must provide the secretary of the meeting with the documents necessary for their reimbursement, as required by the financial rules applicable in the Agency for the Cooperation of Energy Regulators, by letter, fax or e-mail postmarked or dated no later than 30 calendar days after the final day of the meeting.
- 3) The Agency for the Cooperation of Energy Regulators shall reimburse the experts' travel expenses within the period laid down in the rules implementing the Financial Regulation.

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- 4) Unless the expert can provide a proper justification that is accepted by reasoned decision by the responsible authorising officer by delegation, failure to comply with Article 7 paragraph 2 shall absolve the Agency for the Cooperation of Energy Regulators from any obligation to reimburse travel expenses.

ARTICLE 8

- 1) Travel expenses shall be reimbursed in euros, where appropriate at the rate of exchange applying on the day of the meeting.
- 2) A postal address will be required for mailing purposes in order to send information on reimbursement and confirmation of registered bank data.
- 3) The financial department may at any time crosscheck the statements made in an application for reimbursement with other signatories of the application.
- 4) The recipient will be required to repay any sums paid in error.

Administrative formalities

1. Application form for reimbursement

For *each* meeting, an application form shall be filled in and signed by the expert.

2. Bank identification³

In order to register a new bank account (i.e. for the *first* payment by the Agency into *this* account) or to amend banking data, the following **must** be submitted in paper form to the meeting secretary:

- either a document (or copy) issued by the bank and containing the following data: the number and holder of the bank account (account statement, proof of opening of the account *or* account identification number, ...), together with the financial identification form duly completed and signed by the account holder;
- Or, if the above is not possible, the financial information form duly completed and signed by the account holder and the bank.

This/These document(s) must be provided to enable the Agency to reimburse costs.

³ For States representatives, a governmental bank account should be given

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3. **Legal entity file**

It is requested from the experts who take part in meetings organised by the Agency, whether it be on a private basis or as a representative of a private or public company, to fill out and sign one of the legal entity form and to join the necessary supporting document(s) (depending on which case applies: copy of identity card or passport for a private person, extract from the trade/VAT register if representative of a private company, etc...).