

DECISION

**by the Management Committee of the Office of the Body of European Regulators for Electronic Communications (BEREC Office)
concerning the reimbursement of travel, subsistence and other expenses incurred in the course of journeys made by persons not employed by the BEREC Office**

HAVING REGARD to the Regulation (EC) No 1211/2009 of 25 November 2009 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Office (hereinafter the Office),

HAVING REGARD to the Rules on the reimbursement of expenses incurred by people from outside the Commission invited to attend meetings in an expert capacity, adopted by the Commission on 5 December 2007. Doc. C(2007)5858,

Whereas:

The European Commission has adopted Rules on the reimbursement of expenses incurred by people from outside the Commission invited to attend meetings in an expert capacity.

BEREC and the BEREC Office regularly organise meetings such as meetings of the Board of Regulators, Management Committee, Experts Working Groups, etc. and wishes to adopt similar rules.

HAS DECIDED:

Article 1

The Rules on the reimbursement of expenses incurred by people from outside the Commission invited to attend meetings in an expert capacity, adopted by the Commission on 5 December 2007. Doc. C(2007)5858, as presented in Annex I, shall apply by analogy to the BEREC Office.

These rules shall apply to the members of the Board of Regulators, Management Committee, Expert Working Groups as well as any other persons who are invited by BEREC Office Authorising Officer to attend meetings in an expert capacity.

Article 2

These provisions shall apply from the date of financial autonomy of the BEREC Office.

Done at Barcelona, on 30 September 2011.

For the Management Committee

**Chris FONTEIJN
BEREC Chair for 2011**

COMMISSION DECISION

of 5 December 2007

Rules on the reimbursement of expenses incurred by people from outside the Commission invited to attend meetings in an expert capacity

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the rules adopted by the Commission on 24 February 1994 on the reimbursement of travel, subsistence and other expenses incurred in the course of journeys made by persons from outside the Commission who are invited to attend meetings in an expert capacity,

Whereas:

- (1) The rules and the amount of the daily allowance have not been revised since their adoption; it is necessary to adjust them in line with the changes in cost of living and, where appropriate, to provide for an accommodation allowance if the expert has to spend one or more nights at the place where the meeting is held.
- (2) For reasons of fairness it is necessary to bring the system more closely into line with that for missions by officials and other staff of the Commission, while retaining, for reasons of cost-effectiveness, the current principle of a system of flat-rate daily allowances for experts.
- (3) Given that the majority of experts are invited to three locations - Brussels, Luxembourg and Ispra – where the cost of living is similar, a single rate may be fixed for all experts, with a view to simplifying the administration.
- (4) The revision of the rules is consistent with the guidelines laid down by the Commission in its staff working paper SEC(2005)1004 of 27 July 2005 establishing a framework for Commission expert groups by laying down horizontal rules on the creation and functioning of such groups and creating a public register of them;

HAS DECIDED:

Article 1

The rules on the reimbursement of people from outside the Commission invited to attend meetings in an expert capacity, set out in the Annex, are hereby approved.

Article 2

The rules on the reimbursement of travel, subsistence and other expenses incurred in the course of journeys made by persons from outside the Commission who are invited to attend

meetings in an expert capacity, adopted by the Commission on 24 February 1994, are repealed.

Article 3

These provisions shall enter into force on 1 January 2008.

Done at Brussels, 5 December 2007.

For the Commission
S. KALLAS
Vice-President of the Commission

ANNEX

Rules on the reimbursement of expenses incurred by people from outside the Commission invited to attend meetings in an expert capacity.

Adopted by the Commission on 5 December 2007. Doc. C(2007)5858.

ARTICLE 1

- (1) These rules shall apply to:
- (a) anyone from outside the Commission who is invited to give a specific professional opinion in a committee¹, an expert group² or by personal invitation, wherever the location of the meeting;
 - (b) anyone responsible for accompanying a disabled person who has been invited by the Commission to attend a meeting in an expert capacity.
- (2) Experts may be private-sector experts or government experts:
- (a) Private-sector experts are individuals who represent civil society or work for a private organisation who have been invited to give the Commission the benefit of their personal expertise or to represent their organisations in a specific area, but not to defend the interests of a particular country.
 - (b) Government experts are individuals who have been invited as representatives of a national, regional or local public authority of a Member State or who have been appointed by such an authority to defend the point of view of their country of origin on a particular issue.

Such individuals are members of a ministry, authority or public body and may lose their status only after they have provided proof that they have ceased to work in their country's public service.

ARTICLE 2

The Commission 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 Commission.

¹ Committee governed by the 'comitology' procedure and operating in accordance with the procedures laid down in Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission. Such committees are set up by the legislator (Council acting alone or Council and European Parliament) to assist the Commission in the implementation of Community law. They adopt formal opinions on proposals for implementing measures presented by the Commission. They consist exclusively of representatives of the Member States representing their government. Their meetings are always chaired by the Commission.

² Expert groups are set up by the Commission to assist it in proposing Community legislation or in carrying out monitoring, coordination or cooperation tasks connected with European Union policies. Such groups provide expert opinions to the Commission. They may consist of governmental experts but also of experts or interested parties from industry, non-governmental organisations, trade unions, the academic world, etc. Such groups are chaired by the Commission or by one of their members.

In particular, invited experts who use their own means of transport for travelling 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.

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) The authorising officers for commitments shall specifically try to ensure that meetings are organised 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.
- (5) 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.
- (6) Taxi fares shall not be reimbursed.

ARTICLE 4

- (1) The daily allowance paid for each day of the meeting is a flat rate to cover all expenditure at the place where the meeting is held, including for example meals and local transport (bus, tram, metro, taxi, parking, motorway tolls, etc.), as well as travel and accident insurance.
- (2) The daily allowance shall be EUR 92.00.
- (3) If the place of departure cited in the invitation is 100 km or less from the place where the meeting is held, the daily allowance shall be reduced by 50%.

- (4) Experts who have to spend one or more nights at the place where the meeting is held because the times of meetings are incompatible with the times of flights or trains³, shall also be entitled to an accommodation allowance. This allowance shall be EUR 100.00 per night. The number of nights may not exceed the number of meeting days + 1.
- (5) An additional accommodation allowance and/or daily allowance may, exceptionally, be paid if prolonging the stay would enable the expert to obtain a reduction in the cost of transport worth more than the amount of these allowances.
- (6) The daily allowance and/or accommodation allowance may be increased by 50% by reasoned decision of the responsible authorising officer by delegation for very high-level experts, with a minimum of EUR 300 when the increase applies to both the daily allowance and the accommodation allowance.

ARTICLE 5

Where, taking into account any expenses incurred by disabled experts as a result of their disability or any person accompanying them, the allowances provided for in Article 4 appear to be clearly inadequate, the expenses shall be reimbursed at the request of the responsible authorising officer on presentation of supporting documents.

ARTICLE 6

- (1) Unless stated otherwise in the letter of invitation and the request to organise the meeting, private-sector experts shall be entitled to a daily allowance for each day of the meeting and, where appropriate, an accommodation allowance, on condition that they declare on their honour that they are not receiving a similar allowance or similar allowances from the same institution or another Community institution for the same visit. The responsible authorising officer shall ensure consistency between the content of the letters of invitation and the request to organise the meeting.
- (2) Government experts shall receive a daily allowance for each day of the meeting and, where appropriate, an accommodation allowance, provided that provision for this is made in the rules of procedure of the committee or expert group⁴ and on condition that they declare on their honour that they are not receiving a similar allowance or similar allowances from their own administration for the same visit.
- (3) The authorising officer by delegation may, by reasoned decision and on presentation of supporting documents, authorise the reimbursement of expenses which invited experts have had to incur as a result of special instructions they have received in writing.

³ As a general rule, experts cannot be required:
- to leave their place of work or residence or the place where the meeting is held before 07.00 (station or other means of transport) or 08.00 (airport);
- to arrive at the place where the meeting is held after 21.00 (airport) or 22.00 (station or other means of transport);
- to arrive at their place of work or residence after 23.00 (airport, station or other means of transport).

⁴ For the committees or expert groups set up before the entry into force of these rules, "daily allowance" shall mean both the daily allowance as such and, where appropriate, the accommodation allowance.

- (4) All reimbursements of travel expenses, daily allowances and/or accommodation allowances shall be made to one and the same bank account.
- (5) 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 7

- (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, unless the instrument establishing the committee expressly states that its members will participate in its work in a personal capacity.

ARTICLE 8

- (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 Commission, by letter, fax or e-mail postmarked or dated no later than 30 calendar days after the final day of the meeting.
- (3) The Commission shall reimburse the experts' expenses within the period laid down in the rules implementing the Financial Regulation.
- (4) Unless the expert can provide a proper justification that is accepted by reasoned decision by the responsible authorising officer, failure to comply with paragraph 2 shall absolve the Commission from any obligation to reimburse travel expenses or pay any allowances.

ARTICLE 9

- (1) Travel expenses shall be reimbursed in euros, where appropriate at the rate of exchange applying on the day of the meeting.
- (2) The daily allowance and, where appropriate, the accommodation allowance, shall be reimbursed in euros at the flat rate applicable on the day of the meeting. The daily allowance and accommodation allowance shall be adjusted every two years in line with changes in the cost of living in Brussels, by decision of the Director of PMO in consultation with DG BUDG and the Secretariat-General, with effect from 1 January.

ARTICLE 10

The expenses of experts invited before the entry into force of these rules shall be reimbursed under the system provided for in the Commission Decision of 24 February 1994.

ARTICLE 11

References to the rules adopted by the Commission on 24 February 1994 in the basic instruments establishing expert groups shall be construed as references to these rules.