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work better for society.

DECISION n° 212

of the Management Board of the European Union Agency for Railways adopting an amendment n°2 of AB Decision n° 22/2008 adopting Rules on the reimbursement of expenses incurred by people from outside the ERA invited to attend meetings in an expert capacity and repealing AB Decision 4 dated 9 March 2006

THE MANAGEMENT BOARD OF THE EUROPEAN UNION AGENCY FOR RAILWAYS,

Having regard to the Regulation (EU) 2016/796 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Railways¹ (hereinafter referred to as “the Agency”) and repealing Regulation (EC) No. 881/2004 (hereinafter called “the Regulation”), and in particular Article 5 § 5;

Having regard to Decision n° 187 of the Management Board of the European Union Agency for Railways amending AB Decision n° 22/2008 adopting Rules on the reimbursement of expenses incurred by people from outside the ERA invited to attend meetings in an expert capacity and repealing AB Decision 4 dated 9 March 2006, dated 28 November 2018, hereafter ‘Decision n°187’;

Whereas:

- (1) The Agency was confronted with significant financial constraints in 2019 which did not allow to continue to cover reimbursement of expenses related to the participation of certain categories of experts to working parties meetings;
- (2) The Agency’s financial situation will still be uncertain and constrained in 2020 and possibly beyond;
- (3) Therefore, in order to counter the negative effects of such budget constraints, the Agency should reimburse only certain categories of experts who are assigned for a work commissioned by the Agency;
- (4) For that reason it is necessary to amend the applicable reimbursement rules in order to include the possibility to reimburse experts from trade unions that are called to assist the Agency’s working parties.

¹ OJ L 138, 26.5.2016, p. 1-43.

HAS DECIDED AS FOLLOWS:

Article 1

1. A paragraph (e) is added to Article 1 (2) of the Annex of Decision n° 187 which reads:
'(e) Representatives from trade unions who are invited to give a professional opinion in a working party or by personal invitation, wherever the location of the meeting.'
2. Article 2 paragraph 2 of Decision n° 187 is replaced by the following:
"It shall concern reimbursements to be disbursed from the budgetary year 2020."
3. All other Articles of Decision n° 187 shall remain unchanged.

Article 2

The present decision shall enter into force on 1 January 2020. It will be published on the Agency website.

Done at Valenciennes, on 27-11-2019
For the Management Board

Clio LIÉGEOIS
The Chairwoman

For reasons of convenience and clarity a Consolidated version of the *Annex of AB Decision n° 22/2008 adopting Rules on the reimbursement of expenses incurred by people from outside the ERA invited to attend meetings in an expert capacity and repealing AB Decision 4 dated 9 March 2006* is made available to the reader in order to have an comprehensive view of the provisions relevant to reimbursements rules. The original texts are the ones included in the MB Decisions on the subject-matter as amended.

CONSOLIDATED VERSION

ANNEX

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

ARTICLE 1

(1) These rules shall apply to:

- (a) members of the Agency's Board(s) of Appeal and other experts as described in Commission Implementing Regulation (EU) 2018/867 of 13 June 2018 laying down the rules of procedure of the Board(s) of Appeal of the European Union Agency for Railways
- (b) members of the Pool of Experts, including for their participation to training sessions organised by the Agency
- (c) anyone from outside the Agency, who is a person with reduced mobility and who is attending the working party meetings organised by the Agency, in particular for the PRM TSI, as well as their accompanying persons, wherever the location of the meeting
- (d) anyone from outside the Agency, who is a member of academia and who is invited to give a specific professional opinion and is attending the working party meetings organised by the Agency, wherever the location of the meeting.

(2) Experts may be Railway Sector Representatives (private-sector experts) or Experts from national authorities and bodies (government experts) or Independent Experts or Other Experts :

- (a) Private-sector experts are individuals who represent civil society or work for a private organization, as listed by the Committee referred to in article 21 of Directive 96/48/EC, who have been invited to give the European Railway Agency the benefit of their personal expertise or to represent their organizations 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 safety authority, established according to Article 16 of Directive 2004/49/EC, or as representatives of a national investigation body, established according to Article 21 of Directive 2004/49/EC who
 - i. Have been invited in meetings with the networks established by the Agency to support their activities as well as to task forces nominated by the network members after a proposal by the Agency
 - ii. Have been explicitly invited by the Agency to participate as experts in working parties established according to Article 3 of the Regulation
 - iii. Have been invited to the Agency or its working parties to provide expertise on a specific subject.

(c) Independent experts are individuals recognized as competent in the field concerned, in line with Article 3 paragraph 4 of Regulation (EC) N° 881/2004, who have been invited to provide expertise on a specific subject.

(d) Other experts are individuals recognized as competent in the field of administration who have been

invited to provide expertise on a specific subject.

(e) Representatives from trade unions who are invited to give a professional opinion in a working party or by personal invitation, wherever the location of the meeting.

ARTICLE 2

The European Railway Agency 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 European Railway Agency.

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.

As defined in Articles 3, 4 and 5 of Regulation (EC) N° 881/2004 of the European Parliament and of the Council establishing a European Railway Agency.

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 150,00.

(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 trains², 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.

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).

(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.

(7) Independent experts shall also be entitled, after a decision by the Executive Director in each individual case, to a lump sum of 600 euros per full meeting day.

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

² 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)

(2) Experts shall receive a daily allowance for each day of the meeting and, where appropriate, an accommodation allowance³ 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.

(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 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.

For the working parties 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.

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 European Railway Agency, by letter, fax or e-mail postmarked or dated no later than 30 calendar days after the final day of the meeting.

(3) The European Railway Agency 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 by delegation, failure to comply with paragraph 2 shall absolve the European Railway Agency from any obligation to reimburse travel expenses or pay any allowances.

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) 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

³ For the working parties 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.

allowance shall follow as necessary the adjustments to be made by the European Commission every two years in line with changes in the cost of living.

ARTICLE 9

The expenses of experts invited before the entry into force of these rules shall be reimbursed under the system provided for in the European Railway Agency Decision n° dated 9 March 2006 and by analogy to the European Commission rules on experts' reimbursement.