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safe railway system without frontiers.

## DECISION n° 331

*of the Management Board of the European Union Agency for  
Railways on reimbursements, repealing Decisions n° 22, n° 69, n°  
185, n° 187 and n°212 and amending Decision n°318*

### THE MANAGEMENT BOARD OF THE EUROPEAN UNION AGENCY FOR RAILWAYS,

#### Having regard to:

Regulation (EU) 2016/796 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Railways<sup>1</sup> (hereinafter referred to as “the Agency”) and repealing Regulation (EC) No. 881/2004 (hereinafter called “the Regulation”), and in particular Articles 5(5), 46 to 51, 53, 55(5) and 83 thereof,

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 and in particular Articles 29(3), 29(4), 35 and 36 thereof.

#### Whereas:

- (1) The Agency’s provisions on reimbursements (‘reimbursement provisions’) are mainly contained in Decisions n° 22<sup>1</sup>, n° 69<sup>2</sup>, n° 185<sup>3</sup>, n° 187<sup>4</sup>, n°212<sup>5</sup> and n°318<sup>6</sup> and in ED Decision 1681/2019<sup>7</sup>;
- (2) It would be better to consolidate those rules on reimbursements governed by the Management Board (see recital 1), which are currently within numerous MB decisions, in the Annex to a new MB decision;
- (3) Consolidating those rules on reimbursements would allow for more clarity, would provide for more financial certainty and would allow for greater ease-of-use;

<sup>1</sup> Decision of the AB n°22 adopting Rules on the reimbursement of expenses incurred by people from outside the Agency invited to attend meetings in an expert capacity and repealing Administrative Board Decision n° 4 dated 9 March 2006.

<sup>2</sup> Decision n°69 of the Administrative Board of the European Railway Agency amending the daily allowance rate foreseen in the Rules on the reimbursement of expenses incurred by people from outside the European Railway Agency invited to attend meetings in an expert capacity, dated 29 November 2011.

<sup>3</sup> Decision n°185 of 18 November 2018 of the Management Board of the European Union Agency for Railways adopting rules on reimbursement of travel accommodation expenses and subsistence allowance for members of the Board of Appeals and other persons and on fees for experts envisaged under the Board(s) of Appeal Rules of Procedure.

<sup>4</sup> 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.

<sup>5</sup> Decision n°212 of 27 November 2019 of the MB of the Agency 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, and specifically the consolidated annex thereto.

<sup>6</sup> Decision n°318 of 29 March 2023 of the Management Board of the European Union Agency for Railways establishing the Rules of Procedure of the Management Board and repealing Decision n°231.

<sup>7</sup> Decision of the Executive Director of the European Union Agency for Railways 1681/2019 of 12 March 2019 on Rules on the reimbursement of expenses incurred by people from outside the European Union Agency for Railways “The Agency” invited by the Agency to attend meetings of the EUMedRail and/or IPA projects, in an expert capacity.

(4) To achieve what is required in recital 2:

- Decisions n° 22, n° 69, n° 185, n° 187 and n°212 should be repealed and replaced; and
- Decision n°318 should be amended

by this Decision;

(5) Reimbursement provisions in Executive Director decisions should remain and should be unaffected by this Decision. More specifically, rules on the reimbursement of expenses incurred by people from outside the European Union Agency for Railways invited by the Agency to attend meetings of the EUMedRail and/or IPA projects, in an expert capacity should continue to be contained within ED Decision 1681/2019 or its successor(s).

## HAS DECIDED AS FOLLOWS:

### **Article 1** **Amendment of MB Decision n°318**

Article 20(1) of Decision n°318 shall be substituted by the following:

‘The provisions on reimbursement of expenses are set out in the Annex to Decision 331 of the Management Board of the European Union Agency for Railways on reimbursements, repealing Decisions n° 22, n° 69, n° 185, n° 187 and n°212 and amending Decision n°318’.

### **Article 2** **Annex to this Decision**

The Annex to this Decision provides for the reimbursement provisions governed by the Management Board including those previously set out in MB Decisions n° 22, n° 69, n° 185, n° 187, n°212 and n°318.

### **Article 3** **Repeals and entry into force**

Decisions n° 22, n° 69, n° 185, n° 187 and n°212 are repealed.

This Decision shall enter into force on the day following that of its adoption. It shall be published on the Agency website.

For the Management Board  
On 09/11/2023

Clio LIÉGEOIS  
The Chairwoman

Annex: The Agency’s rules on reimbursement governed by the Management Board.

## Article 1 – Scope

- (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<sup>8</sup>.
  - b) Members of the Management Board and their Alternates.
  - c) Members of the Pool of Experts, including for their participation to training sessions organised by the Agency.
  - d) 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.
  - e) 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.
  - f) Persons accompanying those persons in (d) above.
- (2) The persons in (1) (a) to (e) above will be referred to as “Participants”.
- (3) These rules shall apply on condition that those persons in (1) (a) to (f) declare on their honour that they are not receiving a similar allowance or similar allowances from their own administration for the same visit.
- (4) 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 established by Article 21 of Directive 96/48/EC<sup>9</sup>, who have been invited to give the European Union Agency for Railways 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 safety authority, established according to Article 16 of Directive 2016/798/EC<sup>10</sup>, or as representatives of a national investigation body, established according to Article 22 of Directive 2016/798/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 5 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 recognised as competent in the field concerned, in line with Article 5(2) of the Regulation, who have been invited to provide expertise on a specific subject.
  - d) Other experts are individuals recognised as competent in the field of administration who have

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<sup>8</sup> For example, fees for experts providing services to the Board(s) of Appeal shall be the same as those set for other experts assisting the Agency as adopted by the Management Board. Other persons including experts as defined in the Board of Appeal Rules of Procedure Article 35 shall be reimbursed according to this Decision.

<sup>9</sup> See Article 51 of Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union, OJ L 138, 26.5.2016, p. 44–101.

<sup>10</sup> See Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety, OJ L 138, 26.5.2016, p. 102–149.

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.

## **Article 2 – Liability**

- (1) The European Union Agency for Railways shall not be liable for any material, non-material or physical damage suffered by invited Participants or those responsible for accompanying a disabled Participant 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 Union Agency for Railways.
- (2) In particular, invited Participants 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 5, 6, and 7 of the Regulation.

## **Article 3 – Reimbursement of travel expenses**

- (1) All Participants 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 exceptional and justified cases, the Agency may agree to a different point of departure and/or return. This agreement should be given before travel tickets are purchased. If the Agency has agreed to a different point of departure/return, it will reimburse the travel expenses from this point of departure/return. In case the point of departure/return is changed without the prior agreement of the Agency, the reimbursement will be limited to the price of a ticket to and from the member's declared address.
- (2) 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.
- (3) The authorising officers for commitments shall specifically try to ensure that meetings are organised in such a way as to enable Participants 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.
- (4) Travel expenses shall be reimbursed on presentation of original supporting documents: tickets and invoices or, in the case of online bookings, the electronic reservation and electronic boarding passes for the outward journey. The documents supplied must show the class of travel used, the time of travel and the amount paid.
- (5) The cost of travel by private car shall be reimbursed at the same rate as the first-class rail ticket.
- (6) If the route is not served by a train the cost of travel by private car shall be reimbursed at the rate of EUR 0.28 per km, which shall be increased or decreased in line with the current rate paid by the European Commission.
- (7) Taxi fares shall not be reimbursed.

## Article 4 – Daily allowance

- (1) The daily allowance shall be provided upon the attendance of the meeting, which will be supported by the signing of the presence sheet at the relevant meeting(s).
- (2) The rate of the daily allowance per meeting day for every EU member states can be found in the appendix of this decisions<sup>11</sup>.
- (3) The daily allowance is reduced by 50 % if the distance between the place of departure mentioned in the invitation and the place of the meeting is less than 100 km.
- (4) The daily allowance is made up as follows: 15 % for breakfast, 25 % for lunch, 25 % for dinner, 35 % for incidental expenses, including but not restricted to local transport (bus, tram, metro, taxi, parking, motorway tolls, etc.), as well as travel and accident insurance.
- (5) The daily allowance will be reduced by 25 % for each lunch or dinner and by 15 % for each breakfast provided.
- (6) If, for justifiable reasons, the Participant has not attended the meal provided, the authorising officer may decide not to make the deduction.
- (7) Exceptionally, upon an Executive Director's decision for each individual case, independent experts may also be entitled to a lump sum of 600 euros per full meeting day.

## Article 5 – Accommodation allowance

- (1) Participants who have to spend one or more nights at the place where the meeting is held because the time of meetings are incompatible with the times of flights and trains shall also be entitled to an accommodation allowance. The rate per night of the allowance for all EU countries can be found in the appendix of this decision. The number of nights may not exceed the number of meeting days +1.
- (2) The flat rate of the accommodation allowance per night can be found in the appendix of this decisions<sup>12</sup> and the location of the meeting shall determine the rate to use.
- (3) 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.
- (4) The allowance shall be paid upon presentation of original supporting documents: invoices detailing the price per night, including the potential inclusion of meal(s).

## Article 6 – Disability

Where, taking into account any expenses incurred by disabled Participants as a result of their disability or a person accompanying them, should the allowances provided for in Articles 4 and 5 appear to be clearly inadequate, the expenses shall be reimbursed at the request of the responsible authorising officer on presentation of supporting documents.

## Article 7 – Reimbursement modalities

- (1) The authorising officer by delegation may, by reasoned decision and on presentation of supporting

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<sup>11</sup> The daily allowance shall follow as necessary the adjustments to be made by the European Commission.

<sup>12</sup> The accommodation allowance shall follow as necessary the adjustments to be made by the European Commission.

documents, authorise the reimbursement of expenses which invited Participants had to incur as a result of special instructions they have received in writing.

- (2) All reimbursements of travel expenses, daily allowances and/or accommodation allowances shall be made to one and the same bank account.
- (3) For those Participants to whom this provision applies, reimbursements of their costs 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.
- (4) 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 organiser of the meeting responsible for certifying the Participant's presence.
- (5) Participants must provide the organiser of the meeting with the documents necessary for their reimbursement, as required by the financial rules applicable to the European Union Agency for Railways<sup>13</sup>, by letter or e-mail postmarked or dated no later than 30 calendar days after the final day of the meeting.
- (6) Unless the Participant can provide a proper justification that is accepted by reasoned decision by the responsible authorising officer by delegation, failure to comply with paragraph 5 shall absolve the European Union Agency for Railways from any obligation to reimburse travel expenses or pay any allowances.
- (7) The travel expenses, daily allowance and, where appropriate, the accommodation allowance, shall be reimbursed in euros at the rate of exchange applying on the day of the meeting<sup>14</sup>.

### **Article 8 – Provisions on payments to beneficiaries for reimbursement and monitoring in respect of Board of Appeal**

- (1) In accordance with Article 80(3) of the Regulation payments to the beneficiaries for reimbursements should be charged to the income generated by the Agency from fee-related activities.
- (2) The Board(s) of Appeal shall introduce a system to monitor the attribution of days of work of its members, the planning and number of meetings/hearings/deliberations related to cases as well as other meetings and report to the Management Board regularly.
- (3) A common system for the monitoring in paragraph 2 shall be established when there are more than one Board of Appeal.

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<sup>13</sup> Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget and Decision n°206 of the Management Board of the European Union Agency for Railways adopting the new ERA financial regulation.

<sup>14</sup> The exchange rate applied will be found on InforEuro.

## Appendix to the Annex

The list hereunder presents the rates fixed by the European Commission<sup>15</sup>. Different locations have different rates, as shown in this list. This appendix shall be changed from time to time, guided, for example, by updated rates set by the European Commission. Such change would be notified by Executive Director decision and published on the Agency's website.

| Country        | Daily allowance | Accommodation allowance |
|----------------|-----------------|-------------------------|
| Austria        | 102             | 132                     |
| Belgium        | 102             | 148                     |
| Bulgaria       | 57              | 135                     |
| Croatia        | 75              | 110                     |
| Cyprus         | 88              | 140                     |
| Czech Republic | 70              | 124                     |
| Denmark        | 124             | 173                     |
| Estonia        | 80              | 105                     |
| Finland        | 113             | 142                     |
| France         | 102             | 180                     |
| Germany        | 97              | 128                     |
| Greece         | 82              | 112                     |
| Hungary        | 64              | 120                     |
| Ireland        | 108             | 159                     |
| Italy          | 98              | 148                     |
| Latvia         | 73              | 116                     |
| Lithuania      | 69              | 117                     |
| Luxembourg     | 98              | 148                     |
| Malta          | 88              | 138                     |
| Netherlands    | 103             | 166                     |
| Poland         | 67              | 116                     |
| Portugal       | 83              | 101                     |
| Romania        | 62              | 136                     |
| Slovakia       | 74              | 100                     |
| Slovenia       | 84              | 117                     |
| Spain          | 88              | 128                     |
| Sweden         | 117             | 187                     |

<sup>15</sup> The scale provided for in Article 1 of Commission Delegated Regulation (EU) 2016/1611 of 7 July 2016 on reviewing the scale for missions by officials and other servants of the European Union in the Member States.