

PROCEDURAL ACT OF THE ENERGY COMMUNITY SECRETARIAT

2019/06/ECS-EnC: On the adoption of the Energy Community Reimbursement Rules

The Energy Community Secretariat,

Implementing the *Procedures for the Establishment and Implementation of Budget, Auditing and Inspection of the Energy Community* as adopted by the Ministerial Council in Skopje on 17 November 2006 and amended on 23 September 2014 and particular Article 37 thereof,

Taking into account experience gained with the implementation of the Reimbursement Rules so far,

Having regard to the approved *Work Program and Energy Community budget*,

Having regard to the budgets stemming from the other sources of revenue (*extraordinary budget*),

ADOPTS THE FOLLOWING PROCEDURAL ACT:

Article 1

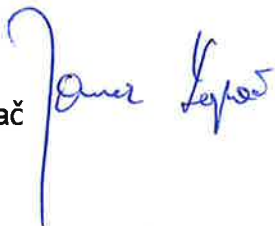
The Director of the Energy Community Secretariat adopts Reimbursement Rules as attached.

Article 2

This Procedural Act enters into force on the day of its adoption.

For the Energy Community

Janez Kopač
Director

A handwritten signature in blue ink, appearing to read "Janez Kopač".

Done in Vienna on 22 November 2019

ENERGY COMMUNITY REIMBURSEMENT RULES

Article 1 General

- 1) These Reimbursement Rules establish the procedure for reimbursement of the costs of travel for attendance of Energy Community events as specified in Article 2 below.
- 2) The principles of these Reimbursement Rules apply also to the reimbursement of the costs of travels for the attendance at the meetings organised under the specific projects ("grant contracts"; "EU funded projects")¹ as implemented by the Energy Community and its Secretariat.
- 3) Where and to the extent a Decision of the Ministerial Council under Article 92 of the Treaty provides so, representatives from Parties concerned are taken out from the scope of eligible participants under these Rules.
- 4) Without prejudice to specific rules below, the principles for reimbursement established in Articles 1 to 3 shall apply.
- 5) The reimbursement of travel costs can be either under the Energy Community or budget defined under projects depending on the type of an event as defined in Article 2 below.
In case extraordinary circumstances, i.e. health reasons, force majeure etc., so require, and subject to budget availability, the Director of the Energy Community Secretariat may grant in writing exceptional travel reimbursement beyond the provisions of these Rules
- 6) These Rules cannot contradict the approved Budget or the Energy Community *Procedures for the Establishment and Implementation of Budget, Auditing and Inspection*² which shall prevail in case of a conflict.

Article 2 Events under consideration within the Reimbursement Rules

- 1) Without prejudice to more specific rules below, participation at the meetings of the following bodies shall be eligible for reimbursement under these Rules:
 - 1.1. the Ministerial Council, the Permanent High Level Group, the Energy Community Fora (Electricity Forum, Gas Forum, Oil Forum) and the Energy Community Regulatory Board, including its Working Groups (Electricity WG, Gas WG, Customer WG);
 - 1.2. the Budget Committee;
 - 1.3. the Task Forces, Coordination Groups and other working bodies established by the decisions or conclusions of the Ministerial Council or the Director³;
 - 1.4. Energy Community Parliamentary Plenum meetings.
- 2) Participation in conferences, other fora (such as sustainability, law or dispute resolution forum, competition and state aid conferences etc.), meetings and workshops organized by the

¹ The reimbursement of travel costs for the delegates attending meetings organised specifically for the purposes of the implementation of the grant contracts, shall take place from respective projects' budgets, currently under Grant Contract ENI/2016/364-837 and Grant Contract 2016/373-263.

² Energy Community Procedures for the Establishment and Implementation of Budget, Auditing and Inspection of 17 November 2006 (Procedural At No 2006/03/MC-EnC) amended on 23 September 2014

³ Through respective *Act / Note of Establishment* signed by the Director

Secretariat in implementing the Work Program of the Energy Community, shall be eligible for reimbursement. Whether participation costs are subject to refunding or not shall be explicitly indicated in the relevant invitation.

- 3) Meetings of different nature organized by the Secretariat related to the Secretariat's tasks under Article 67 of the Treaty, including cooperation with constitutes on drafting of the legislation, assistance under Article 2 of the Dispute Resolution Procedures⁴, enforcement, alternative dispute resolution etc.
- 4) Meetings of different nature organised within the scope of projects' implementation (like high level debates, workshops etc).
- 5) Further to the provisions of this Article, travel expenses of the applicants for the posts announced by the Energy Community who are invited for an interview with the Selection Committee shall be refunded within the scope of these Rules and within the overall limit of EUR 800.--.

Article 3 Eligible Participants

- 1) The following types of eligible participants are defined as *beneficiaries* under these rules:
 - 1.1. participants from the state authorities from the Contracting Parties (Albania, Bosnia and Herzegovina, Georgia, Kosovo*⁵, North Macedonia, Moldova, Montenegro, Serbia, Ukraine) and Observers (Armenia and Turkey) under the Treaty,
 - 1.2. participants from the state authorities and/or *private sector entities* defined as target groups under the projects ("grant contracts"),
 - 1.3. participants at EU4ENERGY meetings from a Contracting Party or of an Observer and from Belarus and Azerbaijan shall be reimbursed under project budget⁶.
- 2) Only officially nominated representatives from the eligible participants shall be reimbursed for the participation in the meeting in question.
- 3) The representatives officially nominated by their respective institutions or entities shall present with the request for reimbursement the act of nomination for the relevant event (e-mail confirmation, travel order etc.).
- 4) Without prejudice to the specified exceptions, only one representative per beneficiary party (ministry, regulatory authority, agency, entity etc.) shall be eligible for reimbursement.
- 5) The Director of the Energy Community Secretariat may allow reimbursement for more than one representative on an ad hoc basis for eligible representatives of the beneficiaries (see Art 3(1)) specific institutional set up on the ground of their political structure.
- 6) For workshops and conferences, participation of up to two representatives per Contracting Party and other beneficiary countries, as defined under Art 3(1) above, unless the Director decides otherwise.
- 7) Where only one participant is eligible, two or more participants from one beneficiary party may be reimbursed within the overall envisaged budget for one participant in accordance with the established limits.
- 8) In case two or more representatives from the same eligible authority of the beneficiary party attend the same meeting, the Secretariat shall be informed prior to the meeting by or on behalf

⁴ Rules of Procedure of 16 October 2015 on dispute settlement under the Treaty

⁵ *This designation is without prejudice to positions on status, and is in line with UNSCR 1244 and the ICJ Opinion on the Kosovo declaration of independence.

⁶ With the exception of the representatives from Bosnia & Herzegovina, based on the applicable MC Decision (see Art 1(3) of these Rules)

of the superior of the attendees about the name of the delegate eligible for reimbursement within the established limits. In case such notification is missing, reimbursement shall be made to the representative who first submitted a claim in accordance with Article 11.

- 9) In case two representatives from different eligible authorities of the same beneficiary party attend the same meeting and there is no in advance clarification on the attendee eligible for reimbursement, the Secretariat shall reimburse within the overall limits the first applicant from each of the authorities.

Article 4 Reimbursement for participation at meetings of ECRB and its Working Groups

- 1) Only one officially nominated representative from the regulatory authority from each beneficiary party shall be eligible for reimbursement.
- 2) The President in office of the ECRB will receive refund of expenditures for her/his participation at the meetings of the ECRB and other institutional meetings of the Energy Community as required for the purpose of those meetings.
- 3) Chairs of the ECRB Working Groups shall be considered as eligible for the purpose of their participation at the institutional meetings of the ECRB throughout the year.

Article 5 Reimbursement for participation at meetings of the Energy Community Fora

For participation at the Electricity, Gas, Oil, Dispute Resolution and Competition Fora of the Energy Community, one representative from the government and one representative from the regulatory authority per beneficiary party may be reimbursed in the maximum reimbursable amount as stated in Article 7.4).

Article 6 Speakers' Reimbursement for the Energy Community meetings

Requests for reimbursement of speakers at Energy Community events shall be considered eligible only if the Director of the Energy Community Secretariat has approved their reimbursement in advance. The staff member inviting a speaker shall ask the Director for confirmation in writing before making an invitation.

The guest speaker reimbursement eligibility shall be assumed approved in cases when the staff member included the name of the respective guest speaker into event's agenda that was approved by Director.

Article 7 Reimbursable Costs and Limits

- 1) The reimbursement shall cover the minimum necessary period of stay for the relevant event.
- 2) Only costs of travel are reimbursed. No per diems will be paid in addition to the travel expenses.
- 3) The costs of travel comprise the costs of transportation and costs of accommodation as necessary for the purposes of the meeting in question.
- 4) For all events where participation is eligible for reimbursement, the cost of travel to be reimbursed per meeting and per eligible participant from any beneficiary party may not exceed EUR 800. This maximum may be subject to changes, depending on the budgetary situation of the Energy Community.

- 5) For invoices paid in foreign currency, the conversion from the local currency to Euro should be done in line with European Commission's InforEuro exchange rate, in the month that transaction took place⁷

Article 8 Transport

- 1) As a matter of principle, reimbursement shall only be made for taking the most direct route and the most cost-effective mode of transport.
- 2) Subject to the following specifications, costs of travel by airplane, public transport and car will be reimbursed.
- 3) For travel by plane, the costs of an *economy class* return ticket will be reimbursed.
- 4) For travel by train, the costs of a 2nd class return ticket will be reimbursed.
- 6) For travel by private car, mileage costs based on the most recent scale under Austrian legislation⁸ will be reimbursed. The mileage reimbursement covers all incidentals related to the travel, like costs of petrol, insurance, toll fees, costs of parking, wearing down etc. A co-driver will not be reimbursed.
- 7) Costs for public transportation (bus, train, metro) shall be reimbursed. Taxi costs shall not be reimbursed, whenever public transportation is in place or reasonable. In exceptional cases, when taxi costs are claimed, the traveller shall enclose the invoice together with note justifying the use of taxi services. For meetings taking place in Vienna, public transportation shall be used.

Article 9 Accommodation

- 1) Accommodation costs for the number of nights necessitated by the meeting in question shall be reimbursed. Overnight stay shall not be considered necessary where travel from or back to the traveller's home destination on the day of the meeting is reasonable.
- 2) The costs of accommodation shall be reimbursed up to EUR 120 per night.
- 3) Only costs of accommodation shall be reimbursed. Any other expenditure related to the stay at the hotel shall not be reimbursed (internet, costs of phoning, copying, minibar, non-included breakfast, etc.).

Article 10 Purchase of ticket

- 1) The participants, eligible under these Rules, are required to purchase their tickets as early as possible so that the most economical fare can be obtained.
- 2) In principle, the travellers shall make bookings of the tickets individually.

Article 11 Reimbursement Procedure

- 1) Reimbursement of eligible expenditures is possible only if the claimer has previously registered to the event in question through the website of the Energy Community. This requirement does not apply currently for the events organised under the grant contacts. In order to claim the eligible expenditures under a project a specific form for reimbursement shall be used (see attachment).

⁷ The official European Commission's InforEur webpage address: <https://ec.europa.eu/budget/graphs/inforeuro.html>

⁸ Since 1.1.2011 EUR 0.42/km [<https://www.bmf.gv.at/steuern/fahrzeuge/kilometergeld.html>]

- 2) A claim for reimbursement of travel expenses has to be submitted in electronic format to the Secretariat 30 calendar days after the date of the meeting in question. The reimbursement button will stay activated through the website of the Energy Community until 30 days after the event.
- 3) Reimbursement of travel expenses under the EU4Energy grant contract shall be submitted in via email to EU4Energy@energy-community.org in a format as in the Annex (see Annex 3).
- 4) The claim must be supported by documents as evidence of the costs incurred, namely flight, railway, public transport tickets, hotel invoices etc. There will be no reimbursement of expenditures without invoices provided.
- 5) Any related correspondence regarding the reimbursement matters shall be sent in writing to accounting@energy-community.org.
- 6) Reimbursements shall be made only via bank transfer.
- 7) Reimbursement will be made in Euro to the stated **bank account of the institution** nominating the delegate.
- 8) On exceptional basis, reimbursement shall be made to private bank accounts only upon explicit and official written reasoned request by the institution nominating the participant to the meeting concerned.
- 9) Advance payment of expenditure for participants as referred to in Article 3 above in eligible events, including bookings of flights and/or hotels on behalf of the Energy Community remains limited to exceptional cases. In exceptional cases, provisions of Article 12 of these Rules shall apply.
- 10) The bank account details given have to contain the following details: name of the beneficiary (account holder), address of the account holder, bank name, bank account number (IBAN), Swift Code (BIC).

Article 12 Exception Rules on advanced payments of travel expenses

- 1) The Director may decide - on case by case basis - based on request submitted to him/her in writing from the nominating authority about the advanced payment of travel related expenditures (incl. accommodation).
- 2) The eligible representative of the beneficiaries has to submit the request for advanced payment in writing to the Secretariat, to the dedicated email address – accounting@energy-community.org (in accordance with Annex 1), at least 21 calendar days before the date of the event. The late submission can serve as a justification for a rejection of the request.
- 3) The application has to include the written justification (description of the exceptional circumstances) for the application of the procedure and the official authorization of the relevant business trip by the responsible authority (within the relevant institution). The participant has to register online to the event, as requested by the Secretariat.
- 4) Further to the request, and in accordance with the draft agenda for the event, the Secretariat shall arrange upon own discretion a flight ticket and hotel accommodation to the participant to the event. The Secretariat will submit to the eligible representative via email bookings confirmations for the ticket and accommodation required.

- 5) With the application for the advanced payment of travel expenditures, the participant guarantees that he/she will take part in the meeting in question.
- 6) In case that the eligible representative of the Beneficiary is not in the position to participate to the event - for reasons, which lie not within the responsibility of ECS - the Beneficiary shall indemnify the Secretariat for the costs undergone in relation to the organization of the trip (e.g. costs of tickets booked incl. cancellation fees etc).

Article 13 Administrative and final provisions

- 1) The Head of Administrative and Finance Unit of the Energy Community Secretariat shall be responsible for proper implementation of these Rules.
- 2) The assistant assigned shall be responsible for adequate filing and archiving of the full set of documentation, concerning the reimbursement, including documents related to exceptional treatment.
- 3) The Reimbursement Rules shall be made public through the website of the Energy Community upon their adoption.
- 4) These rules repeal any previous versions of the Reimbursement Rules.

ANNEX 1:

APPLICATION FOR ADVANCED PAYMENT OF TRAVEL EXPENDITURES

1. Traveller's Details – please fill in ALL fields marked with [*]

Last Name*:		
First Name*:		
Name of the Organization/Institution:		
Function:		
Passport Number* (required for booking purposes):		
Contact Phone No.:		
E-mail:		
Title and Place of Event to be attended		
Dates of the Event:	From:	To:
Flight Route:	Departing from:	Arriving to:

2. Request for Booking - please cross the relevant box:

FLIGHT/TRAIN TICKET

HOTEL

Remarks:

Date, place:

Traveller's Signature

Date, place:

Direct Superior Signature

IMPORTANT NOTES FOR APPLICANTS:

- This form serves a basis for travel arrangements made by the Energy Community Secretariat on behalf of traveller. It shall be approved in advance by the traveller's direct superior and submitted in a scanned form to the Secretariat's to the mailbox: accounting@energy-community.org
- Traveller is solely responsible for the correctness of submitted details and bears full responsibility for incomplete or erroneous data which might result in cancellation, impossibility to travel, change of booking details and/or additional related charges.
- All the extra costs (use of mini-bar in the hotel, parking fees, additional nights etc.) will be paid solely by the traveller.

FOR ECS INTERNAL USE:

Estimated Costs (in EUR)		Approval
Air Ticket Price		
Hotel Accommodation Price		
Total Costs		



EU4Energy



ANNEX 2:

EU4ENERGY - APPLICATION FOR ADVANCED PAYMENT OF TRAVEL EXPENDITURES

1. Traveller's Details – please fill in ALL fields:

Last Name:		
First Name:		
Gender, Salutation: Mr/Ms./Mrs.		
Name of the Organization/Institution:		
Function:		
Passport Number (required for booking purposes):		
Contact Phone No.:		
E-mail:		
Title and Place of Event to be attended		
Dates of the Event:	From:	To:
Flight Route:	Departing from:	Arriving to:

2. Request for Booking - please cross the relevant box:

- FLIGHT/TRAIN TICKET
- FLIGHT LUGGAGE
- HOTEL

3. Refunding Clause in accordance with Energy Community Reimbursement Rules Art 12(5):

I, the undersigned, confirm that I am aware of the refunding clause laid down in the applicable Energy Community Reimbursement Rules, in its Art. 12(5): In case that the eligible representative of the Beneficiary is not in the position to participate to the event - for reasons, which lie not within the responsibility of EnS - the Beneficiary shall indemnify the Secretariat for the costs undergone in relation to the organization of the trip (e.g. costs of tickets booked incl. cancellation fees etc).

Remarks:

Date, place:

Traveller's Signature

Date, place:

Traveller's Direct Superior
Signature

IMPORTANT NOTES:

- This form serves as basis for travel arrangements made by the EU4ENERGY on behalf of traveller. It shall be approved in advance by the traveller's direct superior and submitted (**21 calendar days in advance**) in a scanned form to the following e-mail: EU4Energy@energy-community.org
- Traveller is solely responsible for the correctness of submitted details and bears full responsibility for incomplete or erroneous data which might result in cancellation, impossibility to travel, change of booking details and/or additional related charges.
- All the extra costs (use of mini-bar in the hotel, parking fees, additional nights etc.) will be paid solely by the traveller.
- Traveller is obliged to keep all the boarding passes/travel tickets as proof of incurred travel and upon return he/she is asked to send the scanned copies to the email specified above
- The Secretariat will make travel arrangements within the available air flights and hotel offers on the market that match the ECS Reimbursement Rules limits and rates



EU4Energy



- The hotel bookings are possible with limited number of contracted hotels and upon availability of rooms.

FOR Energy Community Secretariat/ INTERNAL USE:

1. Booking Information

Flight Ticket Price (in EUR)	
Hotel Accommodation Price (in EUR)	

2. Director's Approval

<input type="checkbox"/> Approved <input type="checkbox"/> Not Approved	Remarks:
--	----------



EU4Energy
ANNEX 3:



EU4ENERGY - TRAVEL REIMBURSEMENT REQUEST

Please scan and send as PDF document by email to EU4Energy@energy-community.org

1. MEETING DETAILS						
Description of the meeting:					Place:	
Date:	No. of days:					
2. PARTICIPANT						
FAMILY NAME:			FIRST NAME:			
INSTITUTION:			TITLE:			
COUNTRY:						
E-MAIL:			TEL:			
3. BANK DETAILS – please provide full IBAN and SWIFT/BIC code						
NAME AND ADDRESS OF ACCOUNT HOLDER (INSTITUTION): <i>(please indicate the name of owner/beneficiary of the bank account in this field)</i>						
BANK NAME						
Account Number						
SWIFT (BIC) Code						
IBAN						
4. ACCOMODATION						
DATES OF STAY		From:		To:		
Total number of hotel nights (max. rate of 120 €/night) <i>Please attach a copy of the hotel receipt/invoice</i>			Number:		Total (€*):	
5. TRAVEL EXPENSES						
Air plane, train, long distance bus, etc.	From	To	Class	Amount	Currency	In €*
<i>Itinerary</i>						
<i>Continue on separate sheet if required</i>						
<i>Please attach a copy of the available receipts/invoices, including boarding passes for flights/train/bus tickets</i>						
CAR	From:		To:		To (return):	
Proof of distance attached (copy of the route from GoogleMaps or ViaMichelin.com, to be submitted in PDF or JPG format) <input type="checkbox"/>					Km (both ways):	
Mileage (fixed) rate 0,42 € / km				Total (€*):		
LOCAL TRANSPORT (city public transport tickets, local shuttle trains etc) – <i>receipts required</i>						
TAXI (if local public transport was not available) – <i>Receipts required; additional justification necessary</i>				Amount	Currency	€*
TOTAL AMOUNT CLAIMED in EURO						
Other Remarks:						
I certify that this travel claim is a true statement of travel expenses incurred by me. I have not been and will not be reimbursed for these expenses from any other source nor have I included any expenses paid or to be paid directly from another source.						
Date:			PARTICIPANT SIGNATURE:			

