

DECISION No 9/2021

**OF THE ADMINISTRATIVE BOARD OF THE EUROPEAN UNION AGENCY FOR
THE COOPERATION OF ENERGY REGULATORS**

of 16 June 2021

**on the reimbursement of travel and subsistence expenses incurred by the Members and
Alternate Members of the Board of Appeal and the recognition of indemnities for the
participation in appeal cases**

THE ADMINISTRATIVE BOARD OF THE EUROPEAN UNION AGENCY FOR THE
COOPERATION OF ENERGY REGULATORS,

Having regard to Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators¹, and, in particular, Article 19(1)(m) thereof,

Having regard to Decision No 8/2019 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 21 June 2019 on the adoption of the Financial Regulation of the Agency for the Cooperation of Energy Regulators, and, in particular, Article 94 thereof,

Having regard to Decision No 3/2010 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 6 May 2010, establishing the Rules of Procedures of the Administrative Board of the Agency, and, in particular, Article 9 thereof,

Whereas:

- (1) Pursuant to Article 94 of Decision No 8/2019 ('Agency's Financial Regulation') the European Union Agency for the Cooperation of Energy Regulators ('the Agency'), in application of Article 238 of Regulation (EU, Euratom) 2018/1046², may reimburse travel and subsistence expenses incurred by persons invited or mandated by the Agency, and, where appropriate, pay any other indemnities to these persons.
- (2) In light of the above, it is appropriate to maintain transparent and non-discriminatory rules for the reimbursement of the travel and subsistence expenses incurred by Members

¹ OJ L 158, 14.6.2019, p. 22–53.

² 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 of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012, OJ L 193, 30.7.2018, p. 1–222.

and Alternate Members of the Board of Appeal of the Agency in the performance of their duties.

- (3) It is also appropriate to grant an indemnity to Members of the Board of Appeal of the Agency, in the form of a remuneration taking into consideration the role and responsibilities of the Board of Appeal for each appeal proceeding.
- (4) Alternate Members of the Board of Appeal should be granted the same conditions in terms of reimbursement of the travel and subsistence expenses, as well as of provision of indemnities when acting in replacement of Members of the Board of Appeal.
- (5) For reasons of transparency and legal certainty, it is appropriate to repeal Decision No 17/2019 of the Administrative Board of the European Union Agency for the Cooperation of Energy Regulators of 26 June 2019 on the reimbursement of travel and subsistence expenses incurred by the Members and Alternate Members of the Board of Appeal and the recognition of indemnities for the participation in appeal cases,

HAS ADOPTED THIS DECISION:

Article 1

Unless covered by other means, travel and subsistence expenses incurred by the Members of the Board of Appeal in the exercise of their duties pursuant to Regulation (EU) No 2019/942, shall be reimbursed according to the rules applicable at the Agency for the reimbursement of expenses of non-remunerated experts.

Article 2

- (1) Members of the Board of Appeal shall be entitled to remuneration when they have handled an appeal proceeding.
- (2) The remuneration of Members handling an appeal proceeding case shall be 625 EUR per day, with a maximum of 5,000 EUR per case.
- (3) In the case of the Chairperson and the Rapporteur nominated to preside over an appeal proceeding, the remuneration shall be 750 EUR per day, with a maximum of 9,000 EUR per case respectively for each person.
- (4) In case the Chairperson holds also the charge of Rapporteur, the remuneration shall be 750 EUR per day, with a maximum of 9,000 EUR per case.
- (5) The indemnity is granted once for all appeal proceedings stemming from a decision adopted by the Agency submitted to the Board of Appeal.
- (6) The payment of the indemnity shall be initiated after the conclusion of all appeal proceedings before the Board of Appeal stemming from a decision adopted by the Agency and it shall follow the submission by each Member of the Board of Appeal of a time-sheet, duly completed and signed, on the basis of relevant templates provided by the Agency to that end.

- (7) The Chairperson of the Board of Appeal shall inform the Authorising Officer about the role of each Member of the Board of Appeal in the appeal proceeding(s) closed.

Article 3

- (1) Articles 1 and 2 shall also apply to Alternate Members of the Board of Appeal when replacing Members in the exercise of their duties.
- (2) In case of replacement of the Member of the Board of Appeal in the course of the appeal proceeding(s), the indemnity shall be granted to the Alternate Member.

Article 4

- (1) The Board of Appeal may be convened for an annual meeting with the participation of Members and Alternate Members, for reasons other than the handling of pending appeal proceedings.
- (2) In such circumstances, travel and subsistence expenses, incurred by the participating Members and Alternate Members of the Board of Appeal, shall be reimbursed according to Article 1 of this Decision.

Article 5

Decision No 17/2019 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 3 November 2011 on the Rules on reimbursement of travel and other expenses incurred by Members and Alternates of the Board of Appeal in the exercise of their duties is hereby repealed.

Article 6

This Decision shall enter into force on 18 October 2021 and it shall apply to the currently pending appeal proceedings.

Done at Ljubljana, 16 June 2021

For the Administrative Board

The Chair

Dr. J. PENKER