

## **THE QUESTIONS ASKED BY THE EUROPEAN OMBUDSMAN**

The strategic initiative was opened by the European Ombudsman on 3 March 2023.

The European Ombudsman's strategic inquiry SI/2/2023/KR asked the following questions:

1. Transparency can pre-empt speculation on whether interactions with interest representatives serve the public interest, or not. Directors-General are obliged to make public the details about their interactions with organisations or self-employed individuals on issues relating to policy-making and implementation in the Union within a period of two weeks following the meeting. I note that the register of meetings held by the Director-General of DG MOVE does not refer to a number of conferences for which travel costs were paid for by third parties. I also note that this may not be the only occasion where meetings involving this Director General are not recorded in the register. **Could you therefore please describe the mechanism in place to check and ensure that Directors-General of the Commission make public information on all meetings held by them with organisations or self-employed individuals on issues relating to policy-making and implementation in the Union?**
2. The Commission responded to media reports of the Director-General's missions paid for by third parties by saying that everything happened within the current rules. **Could you therefore please detail the process through which these visits were authorised within the Commission?**
3. **Could you please provide the details of what changes are proposed as regards the authorisation of missions subsidised by third parties?**
4. **Could you please confirm, and give details of, the number of cases in which travel and other costs related to missions undertaken by Commissioners and senior officials have been paid for by third parties in the years 2021, 2022 and 2023 to date?**

## **THE REPLIES OF THE EUROPEAN COMMISSION**

### General:

The Members of the Commission and its staff are required to adhere to the highest standards of professional ethics and integrity and to comply with their respective obligations embedded in the Code of Conduct<sup>1</sup>, the Staff Regulations<sup>2</sup> and Implementing Rules<sup>345</sup>, respectively. This

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<sup>1</sup> Commission Decision of 31 January 2018 on a Code of Conduct for the Members of the European Commission- C(2018)700 final

behavioural requirement applies equally to the organisation of missions and to the refusal or acceptance of hospitality offered by third parties as part of business travel (missions), which is governed by clear and detailed rules set out in the Commission Guide to Missions (Commission Decision C(2017) 5323). Furthermore, next to the specific rules for travel, guidelines exist for the refusal or acceptance of gifts and hospitalities and their registration, both for Commissioners<sup>6</sup> and for staff<sup>7</sup>.

The obligations on Commissioners, the Members of their Cabinets and Directors-General furthermore include transparency about meetings held by them with organisations or self-employed individuals on issues relating to decision-making and policy implementation in the Union, as detailed in the respective decisions and the Transparency Register<sup>89</sup>.

As regards awareness raising and information to senior managers and all staff, the Commission offers dedicated pages on its Intranet. All Members and staff are informed of their obligations via regular trainings at their entry into service, throughout their career and at their departure. In 2022 alone, a variety of trainings were organised on ethics to which more than 8500 staff participated<sup>10</sup>.

Against this background, the Commission would like to provide the following information in response to the questions raised by the European Ombudsman.

***1. Could you please describe the mechanism in place to check and ensure that Directors-General of the Commission make public information on all meetings held by them with organisations or self-employed individuals on issues relating to policy-making and implementation in the Union?***

In 2022 alone, the Commission published information on 4 416 meetings held between Members of the Commission and/or members of their Cabinet with interest representatives and 686 meetings held between Directors-General of the Commission and interest representatives. According to the provisions of Commission Decision 2014/838/EU,

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<sup>2</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A01962R0031-20140501>

<sup>3</sup> General implementing provisions on the conduct of administrative inquires and disciplinary procedures-C(2004) 1588

<sup>4</sup> Communication from Vice-President Šefčovič to the Commission on Guidelines on Gifts and Hospitality for the staff members - SEC(2012)167

<sup>5</sup> Commission Decision on outside activities and assignments and on occupational activities after leaving the Service C(2018) 4048 final

<sup>6</sup> C(2018)700 final

<sup>7</sup> Communication from Vice-President Šefčovič to the Commission on Guidelines on Gifts and Hospitality for the staff members - SEC(2012)167

<sup>8</sup> Commission Decision 2014/839/EU, Euratom of 25 November 2014 on the publication of information on meetings held between Members of the Commission and organisations or self-employed individuals (OJ L 343, 28.11.2014, p. 22); Commission Decision 2014/838/EU, Euratom of 25 November 2014 on the publication of information on meetings held between Directors-General of the Commission and organisations or self-employed individuals, OJ L 343, 28.11.2014, p. 19; [https://commission.europa.eu/about-european-commission/service-standards-and-principles/transparency/transparency-register\\_en](https://commission.europa.eu/about-european-commission/service-standards-and-principles/transparency/transparency-register_en)

<sup>9</sup> [Transparency register \(europa.eu\)](https://transparency-register.europa.eu)

<sup>10</sup> Online trainings available for all staff through the platform “EU-Learn”. These include training for all staff entering the institution, for staff in managerial positions (newly appointed Heads of Unit and acting Heads of Unit), an online training available to all staff (‘Ethics principles at the Commission’), as well as other specific trainings such as ‘Say no to Temptation’ (training by the Investigations and Disciplinary Office of the Commission – IDOC), and live outreach events the Ethical conduct unit (HR.F5) upon service request.

Euratom<sup>11</sup>, the Directors-General of the Commission are required to make public information on all meetings held by them with organisations or self-employed individuals on issues relating to policy-making and implementation in the Union. Ensuring compliance with the above-mentioned rules is primarily the responsibility of each Director-General concerned.

While no structural central monitoring is foreseen, the Commission regularly raises awareness about the obligation to ensure the timely and accurate publication of meetings of Directors-General with interest representatives. The Secretariat-General of the Commission has established guidance on the scope of application of the relevant Commission rules and the procedure to follow for the publication of the required information using the dedicated Commission IT tool ('ATMOS'). That guidance is available to all relevant staff through the Commission's corporate intranet website. In addition, the Secretariat-General ensures that for every incoming Director-General or acting Director-General a new webpage is created in ATMOS and, to that effect, it sets up the system access rights and provides all relevant guidance to the assistant(s) entrusted with entering the information on meetings in the system.

As part of its guidance and support to the relevant services, the Secretariat-General also offers a helpdesk service to the users of ATMOS, that is supported by a dedicated functional mailbox<sup>12</sup>.

***2. The Commission responded to media reports of the Director-General's missions paid for by third parties by saying that everything happened within the current rules. Could you therefore please detail the process through which these visits were authorised within the Commission?***

Commission Decision C(2017) 5323 ("Guide to missions") provides in its point 2.9 that, under specific conditions, some or part of expenses connected with a mission, that would otherwise be paid in full from the EU budget, may be covered by third parties (notably organisers of events that mission performers are attending)<sup>13</sup>.

Mission expenses may be paid by third parties to staff members only if the authorising officer by delegation (e.g. the respective Directors-General of each DG) assesses that such a payment would not raise a potential or actual conflict of interest. The assessment is done before the mission order is validated in the dedicated IT tool ('MIPS').

As a general rule, Directors-General do not assess nor decide on any conflicts of interest involving themselves. A visa chain based on the "four-eyes principle" is established for all ethical matters. Until March 2023, the practice was that Directors-General signed off on their own missions in MIPS, as they are responsible for their respective service's budget.

In case of missions with costs covered fully or partially by third parties, any actual or potential conflict of interest must be excluded before validating the mission. Acceptance of

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<sup>11</sup> Commission Decision 2014/838/EU, Euratom of 25 November 2014 on the publication of information on meetings held between Directors-General of the Commission and organisations or self-employed individuals, OJ L 343, 28.11.2014, p. 19.

<sup>12</sup> [REDACTED]

<sup>13</sup> Guide to missions, Point 2.9. Expenses paid by organisers; accommodation and meals provided by others

cost coverage is usually required for diplomatic or courtesy purposes and is declared as part of the mission order and report. The assessment of conflicts of interests was and is based in the first place on the Directors-General's sound judgement, which is grounded on their experience and is part of their responsibilities. However, in case of doubt of a potential conflict of interest, they should seek an opinion of the political level and/or of the Commission's central ethics service, based on the general rule on conflicts of interest.

As regards the missions of the former Director-General of DG MOVE, Mr ██████ was obliged to assess whether payment of the flights in question raised a potential conflict of interest before validating each mission order, in line with the Guide to missions. All the mission orders in question were indeed validated by Mr ██████. In application of the above rules, by signing each mission order, Mr ██████ acknowledged the following: *“By signing this mission the authorising officer [i.e. Mr ██████ declares to have been made aware of the fact that this mission with expenses paid by organiser does not represent a potential conflict of interest, or in the event that this is the case, that this does not cause prejudice to the independence of the Commission.”*

Moreover, after completing the mission, each mission performer (including Directors-General) needs to submit the statement of expenses. At this point, Mr ██████, had to certify the accuracy of the mission which as a standard text reads as follows: *“I certify the accuracy of the information contained in my Statement of Expenses as well as compliance with the actual conduct of the mission. I certify that the expenditure declared has actually been paid. I have read the regulations in force and am aware that, in accordance with Annex 9 of the Staff Regulations, any false statement could lead to disciplinary proceedings. I agree to keep the original supporting documents until the reimbursement of costs and acceptance of the amount received. During this period, I agree to transmit the original supporting documents to the PMO, on request.”*

The assessment of the conflict of interest was based on the own appreciation of the situation by the mission performer. As aforementioned, in case of doubt of a potential conflict of interest, Directors-General should have sought an opinion of the political level and/or of the Commission's central ethics service, based on the general rule on conflicts of interest of the Staff Regulations. What was absent in the Commission IT tool was the “four-eyes principle” for missions of Directors-General paid partly or in full by organisers or third parties. To avoid any, even perceived, conflict of interest, the Commission has implemented an enhanced policy with effect as of 7 March 2023. Since that date, the Directors-General and Heads of Service must always demonstrably consult the Head of Cabinet of the Commissioner of their policy area, when signing off on their own missions, if costs are covered partially or in full by third parties.

**3. Could you please provide the details of what changes are proposed as regards the authorisation of missions subsidised by third parties?**

On 7 March 2023, the Commission, as mentioned above, issued new instructions with immediate effect<sup>14</sup>. These will be included in the Guide to Missions, which is currently being reviewed. The current wording of these provisions is therefore without prejudice to the final decision by the College of Commissioners. The ongoing revision concerns other aspects as well, notably to achieve the greening objectives of the Commission.

In order to strengthen the implementation of the existing rules and apply them more effectively, the following clarifications were made available to Directors-General and Heads of Service on how it is expected to proceed with ongoing and future requests for missions and authorised travel paid for by organisers or third parties:

*Missions or authorised travel paid by organisers or by third parties shall be limited to cases where there is no prima facie perception of a conflict of interest. Authorising officers by delegation may only authorise the payment of missions and authorised travel by the following organisers:*

- *EU Member State authorities;*
- *EEA and EFTA country authorities;*
- *international organisations (UN) and for a (G7/G20);*
- *public or private universities when the mission is carried out for academic purposes.*

*The Commission shall cover all other missions organised by entities not mentioned above.*

*The ethical conduct unit<sup>15</sup> in DG HR is ready to provide the necessary guidance and support in the assessment of the potential or actual conflict of interest for any mission and authorised travel being paid by the organisers or third parties.<sup>16</sup>*

*In order to ensure due diligence in the application of the rules and thus exclude any potential conflict of interest, Directors-General and Heads of Service should consult the Head of Cabinet of the responsible Commissioner when acting as authorising officers by delegation while at the same time approving their own missions and authorised travels being paid, in part or fully, by the organisers or third parties.*

*Any assessment of a potential conflict of interest should be based on the European Commission's Ethics Guide<sup>17</sup>, which sets out in more detail the criteria to be taken into consideration.*

Hence, the “four-eyes principle” has now been embedded in a formal manner. For staff and Directors-General the central ethical conduct unit in DG HR is responsible for an

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<sup>14</sup> Ares (2023)1638501

<sup>15</sup> [REDACTED]

<sup>16</sup> Until MIPS is adjusted, Authorising Officers by Delegation should provide the proof of the assessment of any potential conflicts of interest in writing.

<sup>17</sup> [https://myintracomm.ec.europa.eu/sg/Documents/ethics\\_guide.pdf](https://myintracomm.ec.europa.eu/sg/Documents/ethics_guide.pdf)

interpretation of the rules, and further guidance will be issued in the form of a Q&A (in preparation).

It is furthermore noted that, for gifts and hospitalities received during missions, specific rules are in place and apply to all Commission staff members. The revision of the mission guide intends to strengthen and clarify the applicable rules, whilst highlighting the appropriate response for the staff member, namely when a gift or hospitality should be declined, in particular in sensitive situations.

In addition, particular consideration will be given in future awareness raising events to the rules on missions and on gifts and hospitalities received during missions.

**4. *Could you please confirm, and give details of, the number of cases in which travel and other costs related to missions undertaken by Commissioners and senior officials have been paid for by third parties in the years 2021, 2022 and 2023 to date?***

For the purpose of this strategic initiative, senior officials, in line with the Staff Regulations, cover the following categories of types of posts:

- Directors-General or Deputy Directors-General (including officials that were called upon to occupy temporarily such posts in accordance with Article 7(2) of the Staff Regulations) and ‘Hors Classe’ Advisors who exercised these functions at any time during the last 3 years before they left the service;
- Directors (including officials that were called upon to occupy temporarily such a post in accordance with Article 7(2) of the Staff Regulations) and Principal Advisers who exercised these functions at any time during the last 3 years before they left the service;
- Heads of Cabinet who exercised this function at any time during the last 3 years before they left the service.

**The provided data, given its level of detail, is of a confidential nature.** Therefore, the Commission asks the European Ombudsman not to disclose this data contained both in the reply and in annex 1.

[REDACTED]

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■ The provided data are based on mission declarations of the officials and Members of the Commission.



## CONCLUSION

The Commission's statutory, regulatory and informational framework for missions is solid and clear. Commission's staff carrying out a mission have a precise framework, which must be interpreted in all circumstances with only the interests of the institution and the dignity of the position exercised in mind.

Mission costs are as a rule covered entirely by the EU budget. In only 0.96% of all missions performed by Commission's staff from 2021 until 2023 there have been contributions by organisers or third parties. Acceptance of such contributions is mainly for diplomatic or courtesy usage as the large majority of these missions concerned travel to Member States, to international organisations or to universities/academic events.

When staff, including Directors-General, are requested to carry out a mission, any foreseeable contribution by organisers has to be declared. Any actual or potential conflict of interest has to be assessed by the staff member concerned as well as by their hierarchical superiors in full transparency in an IT dedicated tool ('MIPS') under the four eyes principle. If any conflict is detected, the mission is covered fully from the Commission budget.

Until March 2023, Directors-General, as heads of service and responsible for their service budget (i.e. authorising officers by delegation from the College) signed off on their own missions.

The adjusted rules applicable as of 7 March 2023 take away any ambiguity as to the obligation of Directors-General to respect these principles and clarify the type of organisations from which a coverage of expense may be considered. Hence, the adjustment is transparent, proportionate, and easy to implement.

Additionally, Commissioners, the members of their Cabinets and Directors-General can only meet interest representatives registered in the Transparency Register<sup>19</sup>, and must publish information on all such meetings.

All Members and staff are well informed of their obligations via numerous regular trainings from their entry into service to their pension and throughout their entire career.

*For the Commission*  
*Johannes HAHN*  
*Member of the Commission*

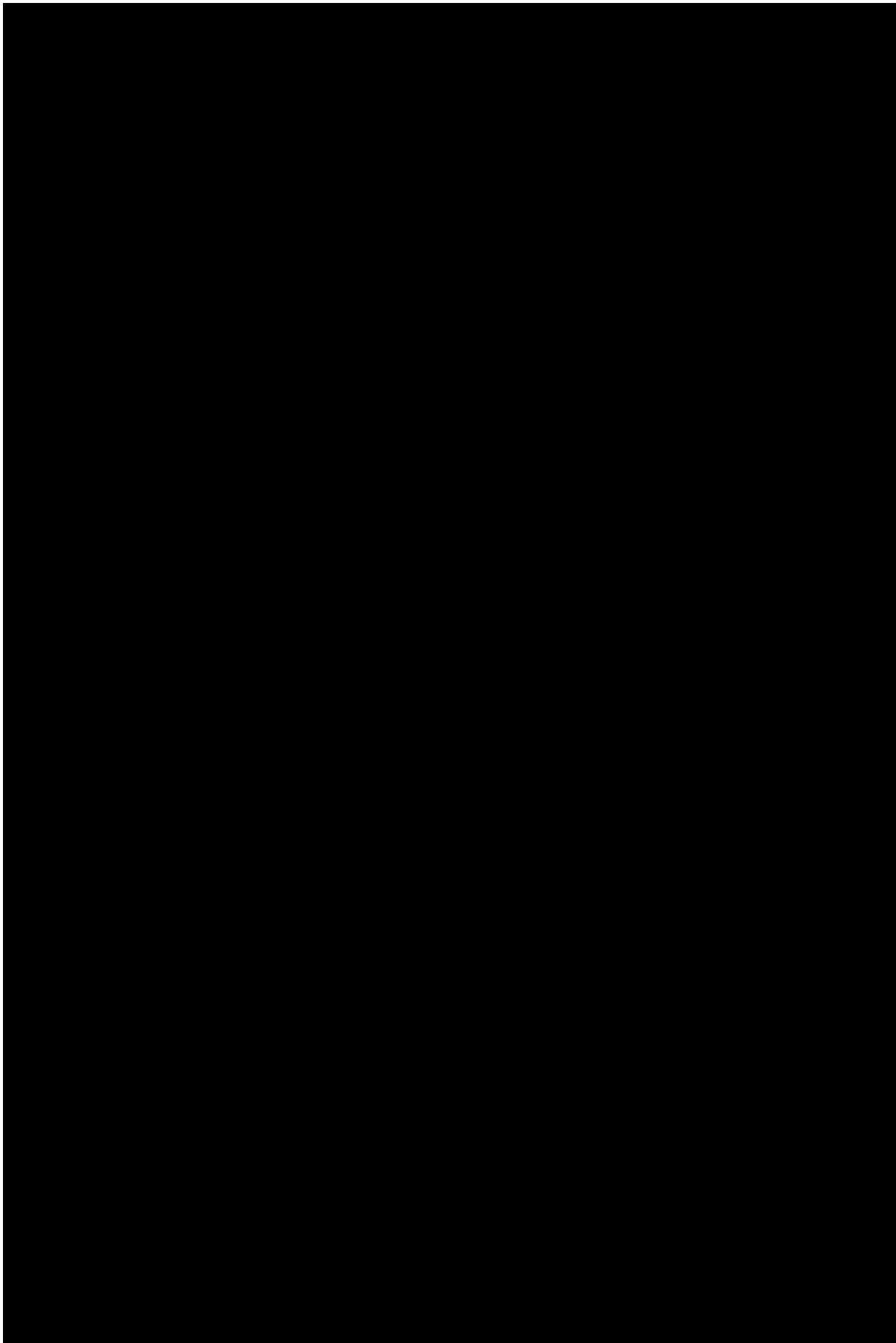
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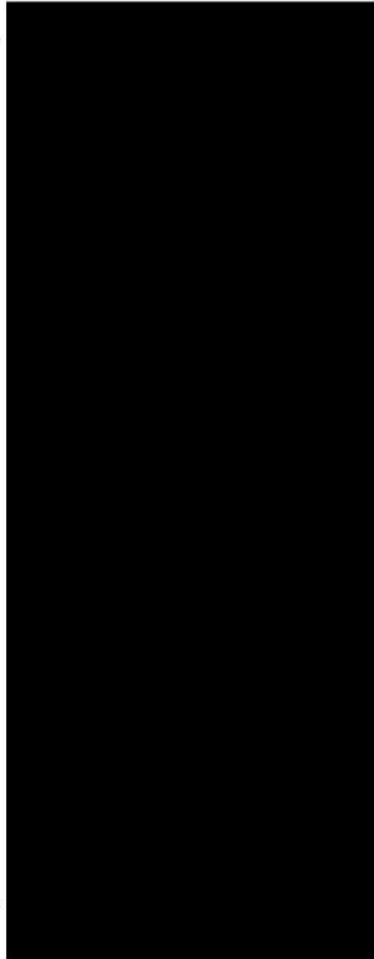
<sup>19</sup> [Transparency register \(europa.eu\)](https://transparencyregister.europa.eu)

### Annexes

1. Details of the number of cases in which travel and other costs related to missions undertaken by Commissioners and senior officials have been paid for by third parties in the years 2021, 2022 and 2023 to date
2. Ares(2023)1638501 on 07.03.2023 - Instructions on the transitory regime as regards missions and authorised travel paid for by the organisers or third parties
3. C(2017)5323 Commission Decision of 27.9.2017 on the general provisions for implementing Articles 11, 12 and 13 of Annex VII to the Staff Regulations of Officials (mission expenses) and on authorised travel Guide to missions and authorised travel
4. Annex to the Commission Decision C(2017)5323 – “Guide to missions and authorised travel
5. Communication from Vice-President Šefčovič to the Commission on Guidelines on Gifts and Hospitality for the staff members - SEC(2012)167









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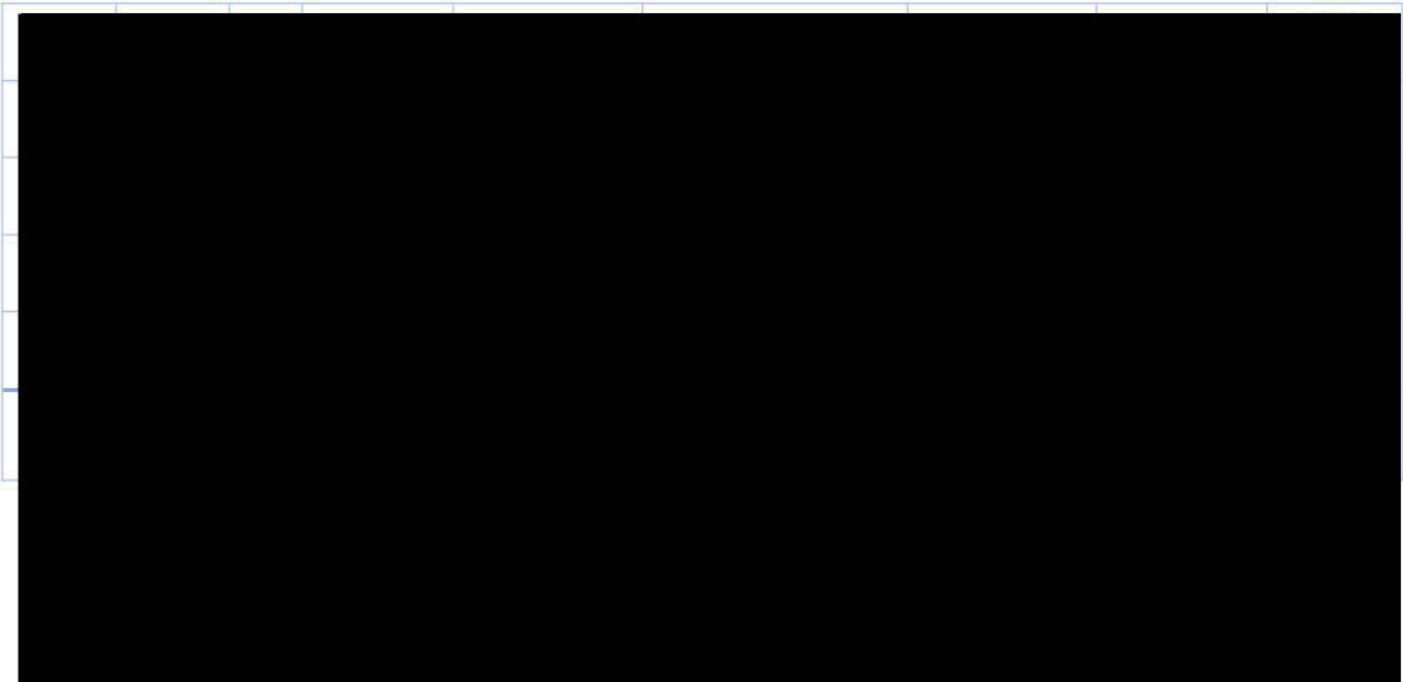
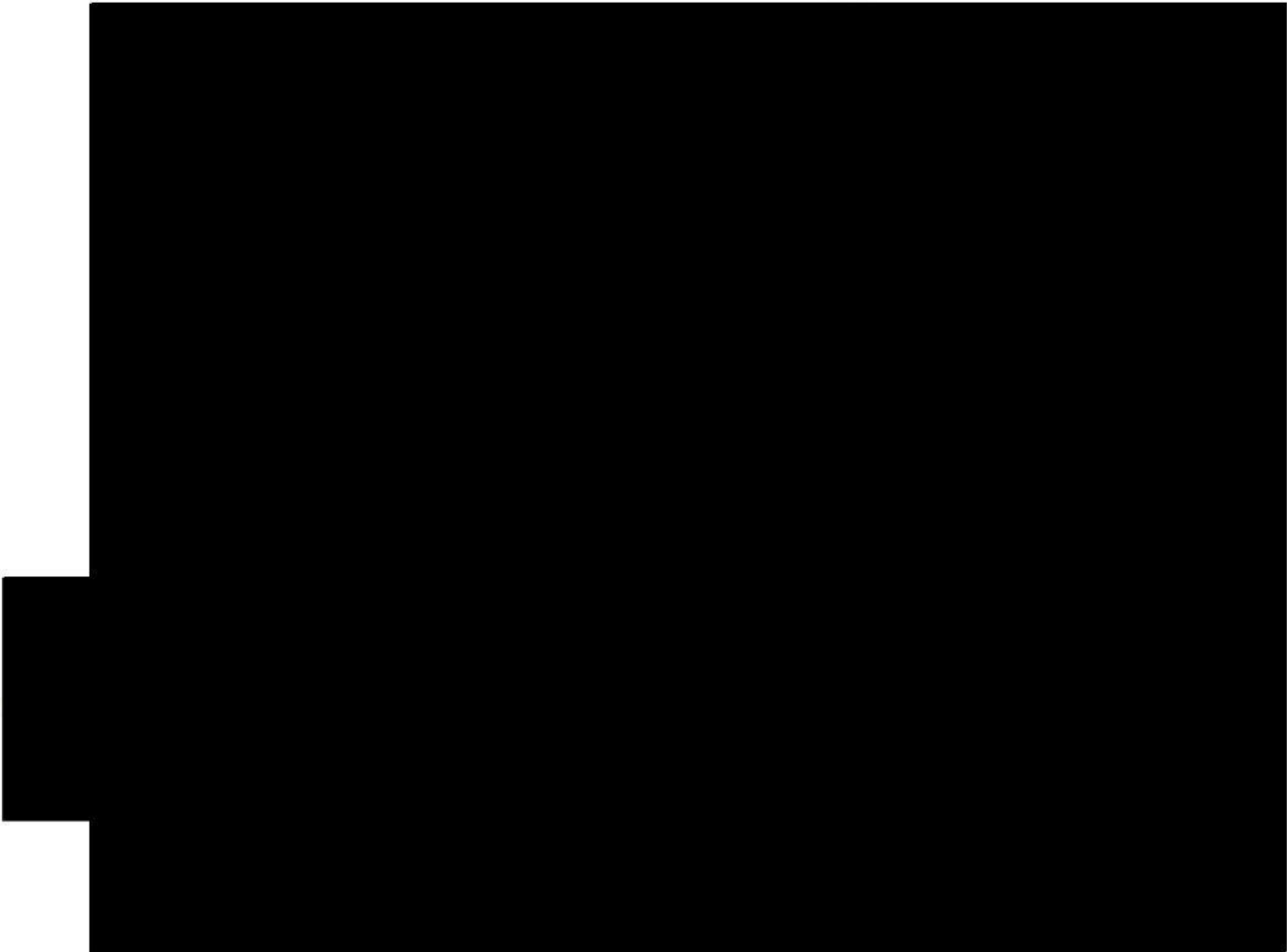
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EUROPEAN COMMISSION  
SECRETARIAT-GENERAL  
DIRECTORATE-GENERAL HUMAN RESOURCES AND SECURITY

The Secretary-General  
The Director-General

Brussels  
SG/IJ  
HR/GI

**NOTE FOR THE ATTENTION OF DIRECTORS-GENERAL AND HEADS OF SERVICE**

**Subject: Instructions on the transitory regime as regards missions and authorised travel paid for by the organisers or third parties**

Dear colleagues,

DG HR is currently reviewing Commission Decision C(2017)5323 ([‘Guide to missions’](#)). The current system contains for most cases the necessary safeguards to protect the interests of the Union and the reputation of the Commission. The missions and authorised travels are encoded in MIPS systematically and transparently.

In order to strengthen the implementation of the existing rules and apply them more effectively, we are providing the following clarifications to Directors-General and Heads of Service on how it is expected to proceed with ongoing and future requests for missions and authorised travel paid for by the organisers or third parties:

- **Missions paid by outside organisers and authorised travel paid for by third parties shall be limited to cases where there is no *prima facie* perception of a conflict of interest.** Authorising officers by delegation may only authorise the payment of missions and authorised travel by the following organisers:
  - EU Member State authorities;
  - EEA and EFTA country authorities;
  - international organisations (UN) and fora (G7/G20);
  - public or private universities when the mission is carried out for academic purposes.

The Commission shall cover all other missions organised by entities not mentioned above.

- The ethical conduct unit<sup>1</sup> in DG HR is ready to provide the necessary guidance and support<sup>2</sup> in the assessment of the potential or actual conflict of interest for any mission and authorised travel being paid by the organisers or third parties.
- In order to ensure due diligence in the application of the rules and thus exclude any potential conflict of interest, Directors-General and Heads of Service should consult the Head of Cabinet of the responsible Commissioner when acting as authorising officers by delegation while at the same time approving their own missions and authorised travels being paid, in part or fully, by the organisers or third parties.
- Any assessment of a potential conflict of interest should be based on the European Commission's Ethics Guide<sup>3</sup>, which sets out in more detail the criteria to be taken into consideration.

The above-mentioned guidance shall be implemented by DGs and Services with immediate effect.

[REDACTED]

[REDACTED]

c.c.: Heads of Cabinet ; [REDACTED]

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<sup>1</sup> [REDACTED]

<sup>2</sup> Please note that until MIPS is adjusted, authorising officers by delegation should provide the proof of the assessment of any potential conflicts of interest in writing.

<sup>3</sup> [10 FINAL SG Ethics Guide Sept2019.pdf](#)



Brussels, 27.9.2017  
C(2017) 5323 final

**COMMISSION DECISION**

**of 27.9.2017**

**on the general provisions for implementing Articles 11, 12 and 13 of Annex VII to the Staff Regulations of Officials (mission expenses) and on authorised travel**

**Guide to missions and authorised travel**

## COMMISSION DECISION

of 27.9.2017

**on the general provisions for implementing Articles 11, 12 and 13 of Annex VII to the Staff Regulations of Officials (mission expenses) and on authorised travel**

### **Guide to missions and authorised travel**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants as laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68<sup>1</sup>, and in particular Articles 11, 12 and 13 of Annex VII thereto,

Having regard to the opinion of the Staff Committee,

After consulting the Staff Regulations Committee,

Whereas:

- (1) The rules on missions laid down in Commission Decision C(2008) 6215 must be adapted. In particular, it is necessary to adopt rules on authorised travel which does not constitute a mission within the meaning of the Staff Regulations but which nevertheless entails certain entitlements for staff.
- (2) In the interests of clarity and legal consistency, Commission Decision C(2008) 6215 is replaced by this Decision,

HAS DECIDED AS FOLLOWS:

#### *Article 1 - Guide to missions and authorised travel*

The new Guide to missions and authorised travel contained in the Annex is hereby approved.

#### *Article 2 - Rendez-vous clause*

By 30 June 2018 at the latest, the application of the provisions in this Guide concerning daily subsistence allowances will be assessed and if necessary corrective measures may be taken. The staff representatives will be able to provide any information they consider useful for carrying out that assessment.

At the same time, the staff representatives may also submit their comments on the travel management procedure with the future service provider, framework contract No PMO2/PR/2013/001 concluded with Global Business Travel SPRL (in a consortium with UVET Global Business Travel SpA in the case of Italy) expiring on 31 March 2019.

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<sup>1</sup> OJ L 56, 4.3.1968, p.1.

*Article 3 - Transitional provision*


The provisions of the Guide concerning the perimeter marking the area surrounding the place of employment in the case of Brussels shall apply to Commission drivers, as referred to in Commission Decision C(2004) 1318 of 7 April 2004 on the duties of Commission drivers, only from the end of a transitional period of two and a half years starting from the date on which the said perimeter is defined by DG HR.

*Article 4 – Final provisions*

1. Commission Decision C(2008) 6215 is hereby repealed.
2. This Decision shall enter into force on the day following its adoption. It shall take effect six months after its adoption.

Done at Brussels, 27.9.2017

*For the Commission*

  
*Member of the Commission*



Brussels, 27.9.2017  
C(2017) 5323 final

ANNEX 1

## ANNEX

### **Guide to missions and authorised travel**

*accompanying the*

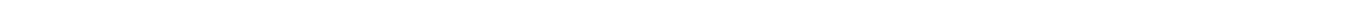
### **Commission Decision**

**on the general provisions for implementing Articles 11, 12 and 13 of Annex VII to the Staff Regulations of Officials (mission expenses) and on authorised travel**

# **EUROPEAN COMMISSION**

## **GUIDE TO MISSIONS AND AUTHORISED TRAVEL**

General implementing provisions (Article 13a of Annex VII to the Staff Regulations of Officials of the European Union) and decision on authorised travel



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# 1. INTRODUCTION

## 1.1. Scope

This guide covers both missions, covered by a mission order, and authorised travel, for example in connection with an external event.

As part of its participation in EMAS<sup>1</sup>, the Commission encourages as far as possible the use of other communication methods, and in particular the use of videoconferencing.

Any reference in this guide to a person of the male sex shall be deemed also to constitute a reference to a person of the female sex, and vice versa, unless the context clearly indicates otherwise.

A **mission (instruction to travel)** (see section 2. Missions covered by a mission order) is travel away from the place of employment solely in the interests of the service, on the instructions of a line manager or the appointing authority.

**Authorised travel (authorisation to travel)**, for example in connection with an external event (see section 3. Authorised travel), is travel on a voluntary basis, away from the Commission's buildings, primarily in the individual interests of the person concerned but which also involves some benefit for the service. It is covered by an authorisation to travel.

## 1.2. Roles<sup>2</sup>

Everyone involved in the process of organising a mission or authorised travel is under an obligation to act in good faith vis-à-vis the Commission.

In particular, they must take account of all the following factors when deciding on the arrangements for the mission or authorised travel:

- Optimum cost efficiency and the principle of sound financial management,
- The duty of care<sup>3</sup>,
- Absence of conflict of interest,
- Upholding the Commission's reputation,
- Respect for the dignity of the service,
- Respect for work-life balance.

The competent authorities empowered to authorise a mission for an official or other staff member, and powers of sub-delegation, are laid down in the internal rules<sup>4</sup> adopted by the Commission.

1. The **person concerned** is the staff member going on mission or the person carrying out the authorised travel. They may be an official, a member of the temporary staff, a member of the contract staff, a local staff member or a special adviser. The provisions of this guide apply by

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<sup>1</sup> EMAS, 'The European Eco-Management and Audit Scheme'.

<sup>2</sup> The rules set out in this section 1.2. Roles apply to missions and, by analogy, to authorised travel.

<sup>3</sup> The duty of care implies that the administrative authority which must take a decision that affects an official 'should take into consideration all the factors which may affect its decision and that when doing so it should take into account not only the interests of the service but also those of the official concerned' (see in particular the Judgment of the Court in Case 321/85, ground 18, and Judgment of the Court of First Instance in Case T-100/92, ground 58).

<sup>4</sup> Commission Decision on the Internal Rules on the implementation of the general budget of the European Union (European Commission section) for the attention of the Commission departments.

analogy to seconded national experts<sup>5</sup>, blue book trainees, and any other category specified in internal instructions by the department responsible for human resources<sup>6</sup>.

The person concerned suggests the practical arrangements for the mission or authorised travel via the draft mission order (for more information on mission orders, see section 2.1. Definition of this guide) or the draft authorisation to travel (for more information on authorisations to travel, see section 3.3.1. Organisation of travel of this guide).

2. The **line manager** of the person concerned decides whether the mission or travel is appropriate and checks that the arrangements proposed are consistent with this guide and especially the principles set out in section 1.2. Roles.

The line manager may not under any circumstances impose arrangements that are not consistent with the provisions of this guide.

However, where the regulations allow some room for manoeuvre, and if the objective conditions of the mission allow, the line manager may in particular ask the person concerned to use arrangements which provide optimum cost efficiency, even if the guide allows more expensive arrangements to be made.

On completion of the mission, the line manager countersigns the statement of expenses, taking into account the application of this guide.

3. In accordance with their charter, each **authorising officer by delegation** performs, in accordance with the Staff Regulations<sup>7</sup>, the Financial Regulation<sup>8</sup> and its Rules of Application<sup>9</sup>, the tasks conferred upon them by the delegation granted by the Commission and in accordance with the conditions laid down in the internal rules adopted each year by the Commission.

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<sup>5</sup> Commission Decision C(2008) 6866 of 12 November 2008 laying down rules on the secondment to the Commission of national experts and national experts in professional training.

<sup>6</sup> At the Commission, DG Human Resources and Security (DG HR).

<sup>7</sup> Regulation No 31 (EEC), 11 (EAEC), as last amended: Regulation (EU) No 422/2014 of 16 April 2014 (OJ L 129, 30.4.2014, p.5).

<sup>8</sup> Regulation (EU, Euratom) 2015/1929 of the European Parliament and of the Council of 28 October 2015 amending Regulation (EU, Euratom) No 966/2012 on the financial rules applicable to the general budget of the Union (OJ L 286, 30.10.2015, p. 1).

<sup>9</sup> Commission Delegated Regulation (EU) 2015/2462 of 30 October 2015, amending Delegated Regulation (EU) No 1268/2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union (OJ L 342, 29.12.2015, p. 7).

The **authorising officer for commitments** (in the Directorate-General<sup>10</sup> or service to which the person going on mission is assigned)<sup>11</sup> becomes involved when the mission or authorised travel entails a cost for the budget. It is their job to manage the resources for which they are responsible with due regard for the principles of sound financial management, legality and regularity of the transactions conducted under their responsibility.

They authorise the mission or sign the authorisation to travel based on an estimate of expenditure and take responsibility for committing this expenditure. By doing so, they confirm that the mission or the authorised travel is appropriate, approve the practical arrangements (including any requests submitted by the staff member going on mission for a derogation from the general rules applicable), and adopt a decision on the corresponding expenditure certifying that the travel itinerary of the mission or authorised travel satisfies the principles set out in section 1.2. Roles. In this connection they may ask the person concerned to make more cost-efficient arrangements, even if a more expensive option is allowed under the guide.

If necessary they may consult the Local Missions Officer (the DG's GEMI) and/or the PMO unit in charge of missions.

On completion of the mission or authorised travel, they must sign the statement of expenses, confirming that it corresponds to the mission order or authorisation to travel; if necessary, they may at this point approve expenses that were not originally planned but which are nonetheless justified (for more information see section 2.10. Statement of mission expenses).

The **Office for Administration and Payment of Individual Entitlements** (PMO) has a number of responsibilities in relation to missions:

- it acts as authorising officer for payments,
- it negotiates and concludes contracts with service providers on behalf of the Commission (the Commission's officially approved travel agency, insurance, credit cards, airlines, hotels, car hire companies, etc.) and ensures that the various service providers fulfil their commitments,
- it manages the application provided (i.e. the MIPS<sup>12</sup> tool currently in use) in line with the rules of the Guide to Missions, allowing the creation of mission orders, authorisations to travel, statements of expenses and any additions,
- the PMO provides 'direct' assistance to staff going on mission by taking care of the formalities required for obtaining visas, laissez-passer<sup>13</sup> and, if required, second passports.

**In its role as authorising officer for payments:**

- The PMO is responsible for processing, checking and reimbursing mission expenses and expenses resulting from authorised travel for all Commission staff; in this capacity it checks the supporting documents and the reality of the expenses set out in the expenses claim form (however, the task of examining whether the expense is justified remains the sole responsibility of the authorising officer for commitments),

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<sup>10</sup> The Commission's Directorates-General and Services are referred to by the term 'DG' in this guide.

<sup>11</sup> The authorising officer for commitments may in some circumstances be the same person as the line manager. In that case, he or she must decide on the political and administrative appropriateness of the mission as well as on the corresponding expenditure.

<sup>12</sup> The IT tool provided for managing missions at the Commission is called MIPS (Mission Processing System).

<sup>13</sup> Protocol (No 7) on the Privileges and Immunities of the European Union, Council Regulation (EU) No 1417/2013 of 17 December 2013 laying down the form of the laissez-passer issued by the European Union, Article 23 of the Staff Regulations of Officials of the European Union and Articles 11 and 81 of the Conditions of Employment of Other Servants of the European Union as laid down by Regulation No 31 (EEC), 11 (EAEC).

- The PMO is available to advise authorising officers for commitments and staff going on mission before any decision is taken. However, it does not take the place of the authorising officer for commitments in assessing cost efficiency,
- The PMO reimburses expenses authorised in accordance with the rules in force. It ensures that there is a mission order or authorisation to travel and a statement of expenses, and that they are consistent with one another. It must alert the authorising officer for commitments to anything that might affect the sound management of appropriations, including the legality and regularity of the information entered in the statement of expenses, and ask him or her to confirm or correct the authorisation decision as appropriate. The PMO may contact the person going on mission directly, for example if there are obvious mistakes. In the meantime, the PMO may suspend settlement or authorisation decisions,
- The PMO will systematically bring to the attention of the authorising officer for commitments any serious or repeated failure to comply with the rules in this guide.
- If fraud is suspected, the PMO will inform the authorities specified in the relevant legal provisions.

4. **Other parties** who may have a role to play in a mission or authorised travel procedure:

When a DG appoints one of its staff to the role of **missions officer (or GEMI)** to manage missions at local level within the DG, that person becomes the PMO's direct point of contact.

- Missions officers have a wide range of tasks, as they can be required to provide training and support for users (on rules or IT) and check or help to draft the mission order or authorisation to travel. In the MIPS IT tool they may, in exceptional and duly justified circumstances, resolve a problem or take action on behalf of the person concerned should that person be absent,
- They provide support to the line manager and the authorising officer for commitments with regard to any statutory checks required prior to the approval of the mission order or authorisation to travel and/or the statement of expenses,
- They may be contacted by the staff member for any question concerning preparations for the mission or authorised travel. Similarly, they must be informed of any questions sent to the PMO unit dealing with missions (in copy to an email, for example).

If a DG does not have a GEMI, the authorising officer for commitments will contact the PMO directly.

The Commission's officially approved travel agency is selected following an invitation to tender, with the aim of simplifying the organisation of staff members' trips and helping them take advantage of better 'related services'. However, staff members are not obliged to use this travel agency; they may make their own reservations and buy their own tickets.

If staff members do use the approved travel agency it must:

- provide them with all the information they need for organising the trip in a way that meets the requirements of the service, as described by the person concerned, in the most cost-effective way possible,
- provide them with tickets at the best available market conditions, based on the details with which it has been provided,
- deliver tickets ordered as quickly as possible (with the exception of tickets to be collected directly from the station, for example),
- provide assistance if there is a problem (cancelled flight, delays, etc.).

Any problem with the Commission's approved travel agency must be reported to the PMO unit responsible for missions.

## **2. MISSIONS COVERED BY A MISSION ORDER**

### **2.1. Definition**

A **mission** is travel away from the place of employment solely in the interests of the service, on the instructions of a line manager. It is normally paid for out of the budget.

Missions must be covered by a **mission order**. **Except in duly justified exceptional circumstances, the mission order is issued before the staff member leaves on mission.**

The mission order must be signed by the line manager, whose signature constitutes an instruction to the person going on mission.

The line manager may also be the authorising officer for commitments. If not, the mission order must also be signed by the authorising officer for commitments, whose signature constitutes a legal commitment within the meaning of the second paragraph of Article 85(1) of the Financial Regulation.

The following do not count as a mission:

- travel within the place of employment and its surroundings.  
For the purposes of this rule, DG HR may define, for each place of employment, a perimeter marking the limits of the 'surroundings of the place of employment'.
- travel in the interests of the service between the place of employment and the main transport infrastructure (airports, stations and ports) serving that place of employment, where the purpose of the travel is not departure on mission away from the place of employment of the person travelling. DG HR may draw up a list of the infrastructure in question for each place of employment.

When such travel takes place on written instructions from the line manager, the Commission will provide the person concerned with the corresponding ticket (for the metro, tram, bus or train, etc.). Where this is not possible, the Commission will reimburse the cost of the ticket on the basis of supporting documents.

### **2.2. Preparation**

#### **2.2.1. General information on the organisation of missions**

##### **2.2.1.1. Initiator**

Missions are organised on the initiative of the line manager of the person going on mission. To this end, the staff member concerned is asked to set out clearly all the information needed to prepare the mission and then to record it in a draft mission order as described in section 2.2.2. Mission orders orders.

##### **2.2.1.2. Booking methods**

To help them organise their missions as efficiently as possible, staff have four options:

- using applications such as the Online Booking Tool (OBT), available to Commission departments,
- contacting the Commission-approved travel agency directly,
- booking and paying for services (transport, hotel, etc.) themselves by phone, email or internet,

- booking and paying for services (transport, hotel, etc.) themselves using another travel agency; in that case, the agency fees will not be reimbursed except in exceptional circumstances, duly substantiated and approved by the authorising officer for commitments, for example if using the other travel agency would improve cost-efficiency or if the person going on mission does not have access to the approved agency.

As long as the principle of optimum cost-efficiency is observed, the person going on mission is free to choose any one of these four options (or a combination of them).

## **2.2.2. Mission orders**

### **2.2.2.1. General rules**

The person going on mission enters the draft mission order in the MIPS IT tool at the request of their line manager.

The draft is submitted to the line manager and the authorising officer for commitments (if they are different people) via the same tool. Mission orders must provide authorising officers for commitments with all the information they need to sign them in full knowledge of the facts. In particular, the draft must cover:

- the purpose of the mission, its location and the starting and finishing times of the meeting(s),
- the duration of the mission based on the means of transport used, and the times and itinerary for the round trip, including local transport where appropriate,
- accommodation arrangements,
- estimated costs involved based on optimum cost-efficiency.

The line manager and the authorising officer for commitments must give their express approval by means of an ad hoc signature in the MIPS tool in the following cases:

- changes to the mission for personal reasons,
- mission combined with leave,
- exceeding the maximum hotel allowance,
- any other specific expenditure requiring prior approval as provided for in section 2.7.2 ‘Miscellaneous expenses’ in this guide.

Once it has been signed, the mission order constitutes an instruction to staff to travel outside their place of employment for the requirements of the service.

Final reservations can be made and reservations confirmed for tickets, accommodation and any other financial commitment connected with the mission once the authorising officer for commitments has signed the mission order.

This means that:

- except in the case of derogations or force majeure, travel orders must be signed by the staff member going on mission, his or her immediate superior and the authorising officer for commitments if they are not the same person, before the expenditure is committed and before the staff member departs,
- subject to the same provisos, any financial commitment (such as hotel bookings that cannot be changed or tickets that cannot be refunded) entered into by the person going on mission without the approval of the authorising officer for commitments may be recovered either by offsetting<sup>14</sup> or by means of a recovery order in accordance with the Financial Regulation;

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<sup>14</sup> i.e. by deduction from the person’s salary or, if they are no longer working, from their pension.

where appropriate, it may be considered to be serious misconduct for which the staff member will be held financially liable.

In the interests of administrative efficiency, the line manager and authorising officer will process the draft mission order without delay so that reservations can be confirmed, thus avoiding price fluctuations affecting the mission.

The procedures for signing mission orders are subject to the Internal Rules on the implementation of the general budget of the European Union (Commission Section) for the attention of Commission departments, which may be amended each year, and to the Commission's Rules of Procedure (in particular Article 27 laying down rules on deputising).

Once the mission order has been signed by the line manager and (if it is not the same person) by the authorising officer for commitments, the arrangements it contains can no longer be altered for reasons of cost-efficiency.

#### **2.2.2.2. Missions to be paid for by another DG**

In the case of missions to be paid for by a DG other than that of the staff member concerned, mission orders should be signed by:

- the line manager of the person going on mission,
- the authorising officer for commitments in the DG for which the mission being carried out.

#### **2.2.2.3. Consultation procedure for missions outside the EU**

The DG and/or institution geographically responsible for the country concerned will be notified automatically by MIPS of any mission outside the European Union where the nature of the mission so permits.

#### **2.2.2.4. Changes made for personal reasons**

The person going on mission may be authorised to adapt the timetable, accommodation or transport arrangements for personal reasons. In that case they must include with the mission order a comparison between the proposed costs and the costs that would have been incurred without such changes. This comparison must be drawn up at the same time, using one of the methods chosen for organising the mission and based on similar conditions (see section 2.2.1.2. Booking methods).

The person going on mission will meet directly and personally (by the means notified to him by the PMO):

- any additional cost<sup>15</sup> arising from the changes made for personal reasons, including departure from and/or return to another location, if the comparison indicates an increase in the cost of the mission,
- any fees charged for carrying out the comparison, if this was done by a travel agency.

### **2.2.3. Administrative formalities**

#### **2.2.3.1. Official visas, laissez-passer and passports**

The PMO can provide staff going on mission with any information about official visas, laissez-passer and other formalities required to enter and stay in the countries to be visited.

In the case of official visas, staff members going on mission must put in a request via the PMO before they leave. The PMO is empowered to draw up and sign the Notes Verbales required to obtain an official visa. Where possible, the PMO will also obtain the visas. To do so, it must receive

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<sup>15</sup> Measured in relation to the overall cost of the mission (without the daily subsistence allowance).

applications and passports at least eight working days before the planned departure date (at least 15 working days if several visas are required) or longer for some destinations (see deadlines by country on the intranet 'Missions' page).

However, the PMO cannot provide any logistical support with obtaining a tourist visa, even if one is necessary for the mission.

The staff member's passport must be valid for at least six months after the end of the mission (as required by most countries) and must contain a sufficient number of blank pages.

When applying for a laissez-passer, please see the rules in force (and in particular Regulation No 1417/2013, see note 13 above) which lay down the conditions for obtaining and granting laissez-passer.

The following will be reimbursed on the basis of supporting documents:

- fees for obtaining a visa for the country of destination,
- the cost of photos for the visa,
- costs associated with the issue of a second passport (where this is essential in the interests of the service and necessary for ensuring the smooth operation of the mission), including the cost of photos for this second passport.

The following will not be reimbursed:

- fees for obtaining a tourist visa if the visa is not necessary to ensure the smooth operation of the mission,
- the cost of a visa for a third party,
- costs associated with the issue of the first passport, including the cost of photos.

#### **2.2.3.2. Credit card**

The Commission provides staff going on mission with a credit card. Payments are charged to the staff member's account. The Commission will under no circumstances be liable for payments made using this card.

The terms and conditions of issue and payment are nonetheless laid down in a contract concluded between the Commission and the issuing institution. These terms and conditions are available on the intranet, under 'Missions'.

Because, for safety reasons, staff on mission must not carry more cash than is absolutely necessary, the Commission recommends that they use the credit card provided.

Payments using the card are not debited until a certain number of days<sup>16</sup> after the end of the month in which the payment was made and are taken from the account into which the cardholder's salary is paid and mission expenses reimbursed.

The credit card should be the preferred means of paying for mission expenses (hotels, restaurants, congresses, conferences, local transport, taxis, etc.). The staff member remains directly liable for any amounts not paid to the card issuer.

A credit limit has been placed on the use of the card. This limit may be increased temporarily on application by the card holder, stating reasons, to the head of the unit in the PMO responsible for missions. The reasons must be exclusively professional.

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<sup>16</sup> Agreed by contract with the credit card company.

### **2.2.3.3. Advances**

Staff members going on mission may request an advance (via MIPS):

- if they have not been issued with a credit card provided by the Commission and the mission is going to last more than 72 hours,  
or
- if they have a Commission credit card but are unable to use it (e.g.: technical constraints, registration fees for a conference, security for rentals, etc.),  
or
- if the average time normally taken by the institution to reimburse the card holder is greater than the repayment period laid down for the credit card.

In no circumstances may the advance exceed 80 % of the estimated total amount to be paid by the staff member as indicated in the travel order. Any sums paid by way of an advance will be deducted from the amounts reimbursed to cover mission expenses.

If an advance has been paid which proves to be greater than the actual cost of the mission, the surplus will be recovered in a single payment from a subsequent salary payment to the person carrying out the mission.

If an advance has been paid to a staff member for a mission that is subsequently cancelled, the amount of the advance will be automatically deducted from a subsequent salary payment.

## **2.3. Changes to a mission**

### **2.3.1. Prior to departure**

#### **2.3.1.1. Cancellation**

If the mission is cancelled, the staff member must:

- record the cancellation in MIPS,
- immediately cancel the tickets and reservations issued by the travel agency, in writing, even if they are not refundable (airport taxes can often be reclaimed),
- take the necessary steps to cancel and obtain reimbursement of tickets acquired directly by another means,
- immediately cancel hotel reservations and car-rental bookings, in writing,
- draw up a statement of expenses incurred as a result of the cancellation. This declaration is essential to allow the file to be closed in MIPS. If no costs have been incurred, the staff member concerned must draw up a statement of expenses entering the amount as “zero”.

If the cancelled ticket is not refundable, the staff member must record the fact in MIPS; proof of purchase and the conditions for cancellation are required in order to request payment by the Commission.

The Commission will reimburse the staff member irrespective of the means of reservation used in accordance with section 2.2.1.2 ‘Booking methods’.

#### **2.3.1.2. Changes to the dates of the mission**

If any changes are to be made to the dates specified in the original mission order prior to departure, a new mission order must be issued. In all other cases, and especially where the changes were not foreseen, the mission dates must be altered in the statement of expenses. The staff member is entitled

to reimbursement of all expenses resulting from this change except where it has been made for personal reasons.

### **2.3.2. During the mission**

#### **2.3.2.1. Extension**

Missions may have to be extended as a result of unforeseen circumstances. If the duration of the mission initially indicated on the mission order is extended, leading to additional costs, this must be mentioned on the statement of expenses.

#### **2.3.2.2. Interruption**

A mission may be interrupted for the requirements of the service, for reasons of force majeure or for personal reasons of a serious nature, recognised as such by the authorising officer for commitments.

The interruption must be authorised in advance by the line manager or the authorising officer for commitments except in cases of extreme urgency or if the line manager or authorising officer cannot be reached. It must be substantiated by the line manager and the budgetary aspects approved by the authorising officer for commitments.

All expenses resulting from an interruption on the grounds listed above will be covered by the Commission and reimbursed as part of the mission.

The staff member sent on mission (or, if he or she is prevented from doing so by exceptional circumstances, the authorising officer for commitments) must contact the PMO to determine whether the costs incurred as a result of the interruption of the mission can be reimbursed under the Commission's insurance policy. If such expenses are not covered by the insurance policy they will be met out of the Missions budget.

#### **2.3.2.3. Leave interrupted by a mission**

If a mission is organised for dates on which the person concerned has applied for leave and had it validated by their line manager, he or she may either cancel their leave or keep it and depart on mission from the place where they are on leave.

All costs resulting from this interruption of leave, including those incurred as a result of changing or cancelling leave, are reimbursed by virtue of Article 5 of Annex V to the Staff Regulations, subject to validation by the authorising officer for commitments when the mission order is signed.

In that case, the staff member will depart on mission from the place where they are on leave, and return either to the place of employment or to the place where they were on leave, as they prefer.

#### **2.3.2.4. Recall from leave**

Officials or other staff members on leave may be recalled to duty at their place of employment or for a mission.

In either event, all costs arising from this recall from leave (including for accompanying family) are reimbursed by virtue of Article 5 of Annex V to the Staff Regulations.

#### *Recall to duty at the place of employment*

If an official is recalled from leave to return to work at their place of employment, it is considered to be a mission. A mission order must be filled in (after the event if need be) containing all the costs arising as a result of this recall.

A recall from leave to the place of employment entitles the staff member to a daily subsistence allowance solely for the duration of the journey. No daily allowance is paid at the place of employment, and accommodation at the place of employment is not reimbursed unless the person's own accommodation is temporarily unavailable, as certified by a declaration on their honour from the staff member and accepted by the authorising officer for commitments. In that case, reimbursement of accommodation costs incurred may be granted on the basis of supporting documents.

#### *Recall from leave to go on mission*

The person concerned may choose to depart on mission either from the place where they are on leave or from the place of employment; the same applies to the return.

## **2.4. Rules on transport**

### **2.4.1. Departure / return**

A staff member going on mission will travel to the place of the mission at the time and using the means of transport that the authorising officer for commitments considers the most appropriate to meet the needs of the mission and the interests of the service while respecting the principles listed in section 1.2. Roles. To enable the line manager and the authorising officer for commitments (if they are not the same person) to take their decision in full possession of the facts, the staff member may be required to submit possible timetables and prices for the means of transport.

However, a staff member going on mission cannot be required to leave before 8:00 or arrive after 22:00, either at the place of employment or at the place of the mission, unless the line manager adopts an *ad hoc* decision, giving reasons, which respects the principles set out in section 1.2. Roles. In this context, departure and arrival are taken to be the departure and arrival times of the main means of transport, that is to say take-off or landing in the case of an aircraft, and the times of departure and arrival of all other forms of transport.

The return journey must be commenced in principle:

- in the case of travel by air, not more than three and a half hours after the end of the meeting(s);
- in the case of travel by any other means of transport, not more than two hours after the end of the meeting(s).

The specific needs of a staff member going on mission who has a disability within the meaning of the Staff Regulations, or a health problem certified by the Medical Service, will be taken into account in determining the most appropriate means of transport and the terms of travel.

For missions that are organised well in advance and are unlikely to be cancelled, staff should book their tickets at the earliest opportunity in order to take advantage of the best rates available.

To reduce the risk of price increases affecting the mission, and in the interests of administrative efficiency, the line manager and, where this is a different person, the authorising officer for commitments must take a decision without delay on the draft mission order.

In theory, all departures on mission are from - and all returns to - the place of employment. Transport costs are normally reimbursed on the basis of the price of the means of transport between the place of employment and the place(s) of the mission that the authorising officer for commitments considers most appropriate in the light of the principles in section 1.2. Roles.

Where significantly justified in the interests of the mission, or for compelling service reasons, the authorising officer for commitments may, on an exceptional basis, authorise a departure from (and/or

return to) a location other than the place of employment (see in particular the third paragraph of section 2.6.1. Duration of the mission).

Authorisation may also be granted for personal reasons. In that case, section 2.2.2.4. Changes made for personal reasons of this guide will apply.

In cases where departure is from a location other than the place of employment, transport costs to and from the place of departure may be reimbursed based on the cost of the means of transport that the authorising officer for commitments considers to be most appropriate taking into account optimum cost-efficiency.

#### **2.4.2. Transfers to/from airports, ports and stations at the place of employment**

Ideally, staff should use public transport. However, transfers by taxi may be authorised by the authorising officer for commitments if they are justified in accordance with the principles in point 1.2. Roles, especially when two or more staff going on mission share the taxi. The corresponding costs are reimbursed on presentation of the supporting documents.

Use of a private vehicle may be authorised provided that it is justified under the principles set out in 1.2. Roles. In that case, reimbursement is limited to parking fees (at the airport, station or port) on presentation of supporting documents<sup>17</sup>.

#### **2.4.3. Travel at the place where the mission is to take place**

As a general rule, travel at the mission location should be by public transport.

Use of a taxi is nevertheless permitted if public transport is not an appropriate alternative (on security grounds, for example). By signing the mission order or statement of expenses of the staff member concerned, the authorising officer for commitments is acknowledging this fact. The costs will be reimbursed on presentation of supporting documents.

The same rules apply to transfers to and from airports, stations and ports at the place of the mission.

#### **2.4.4. Transport between the place of employment and the place of the mission**

##### **2.4.4.1. Travel by rail**

The cost of rail travel is reimbursed on the basis of the first class rail fare for the shortest route (either by distance or in terms of time) between the place of employment and the place of the mission. The cost of seat reservations and any supplements necessary for the mission to run smoothly will also be reimbursed on presentation of the supporting documents (ticket, or booking confirmation in the case of 'ticketless' reservations).

Any rail ticket that cannot be refunded and/or has not been issued to a named traveller can be used by a member of staff other than the person for whom it was reserved provided that this is mentioned in the files of both staff members.

##### **2.4.4.2. Travel by air**

Staff going on mission are automatically authorised to travel by air if the outward and return journeys by rail would total at least 800 kilometres. Air travel is permitted for shorter distances when justified on grounds of cost-efficiency.

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<sup>17</sup> In the case of some places of employment where access to the main transport infrastructure (particularly airports) may be problematic, DG HR may adopt an ad hoc decision permitting the authorising officer for commitments to grant an allowance by kilometre. This kilometre allowance is the same as that granted when staff members use their own car to travel to the place where the mission is to take place.

Direct flights are normally preferred. However, the authorising officer for commitments may refuse to authorise a direct flight if it would represent a manifestly unreasonable expense given the arrangements for the mission. The principles set out in the section on ‘Roles’ must be duly taken into account when assessing whether an expense is manifestly unreasonable.

As a general rule, air travel may be booked:

- 1) in economy class or equivalent, including cases where the ticket in question cannot be exchanged or refunded, at the lowest available rates, taking into account the times of meetings and/or special features of the mission,
- 2) in economy class or equivalent, at the lowest available rates for flexible tickets, taking into account the times of meetings and/or special features of the mission, if there is an appreciable risk that the mission will be cancelled or amended.
- 3) in business class or equivalent, at the lowest available rates, taking into account the times of meetings and/or special features of the mission, if the outward or return journey includes at least one segment involving at least four hours’ continuous flying time.

By derogation to points (1) - (3), if there are overriding service-related reasons, staff travelling on mission may be authorised to travel in the same class as the Member of the Commission they are accompanying.

If boarding is denied (as a result of overbooking, for example), staff members are required to take all appropriate measures, in particular those described below under ‘Air passengers’ rights’.

Staff members covered by a signed mission order may make ticket reservations with a low-cost airline. Payment will be made directly via the internet and will be reimbursed through the statement of mission expenses on presentation of supporting documents (proof of payment, ticket, etc.).

The authorising officer for commitments authorises any additional travel cost which may be necessary for the purposes of the mission (e.g. a charge for excess baggage or a seat reservation). The staff member is reimbursed on the basis of supporting documents.

### **Air passengers’ rights**

If the staff member travelling on mission is denied boarding or if his flight is cancelled or delayed, he may be covered by the rules on air passengers’ rights<sup>18</sup>. Staff on mission are not allowed to accept vouchers if this would disrupt the smooth operation of the mission.

If the delay in boarding threatens the normal completion of the mission, the staff member must decide whether or not to continue the mission.

Their statement of expenses must include any nights in a hotel or any meals paid for by the airline; these will be taken into account when settling the mission expenses.

If the airline does not honour its obligations, staff must, if possible, obtain a signed acknowledgement in writing of this refusal addressed to the PMO which, with the assistance of the Commission-approved travel agency (if the ticket was purchased through the agency), will ensure that the appropriate steps are taken.

#### **2.4.4.3. Travel by boat**

Decisions on the choice of class and any cabin supplements will be made on a case-by-case basis, taking into account the needs of the service, the length and cost of the trip, and the principles set out in section 1.2. Roles.

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<sup>18</sup> [http://europa.eu/youreurope/citizens/travel/passenger-rights/air/index\\_en.htm](http://europa.eu/youreurope/citizens/travel/passenger-rights/air/index_en.htm)

#### 2.4.4.4. Travel by hire car or official car

In line with the EMAS policy, staff are encouraged to use public transport. The use of a car is nevertheless authorised where, in view of the specific features of the mission, it improves the cost effectiveness of travel and/or of the mission itself, particularly where the vehicle is shared by a number of colleagues.

- Car hire

A car may be hired only with the specific prior authorisation of the authorising officer for commitments. However, authorisation may be obtained at a later date in exceptional circumstances, in particular in the case of unforeseen events or serious difficulty for the staff member in contacting the authorising officer. The category of vehicle must correspond to the requirements of the mission, taking account of the number of passengers, the distance to be travelled and the place of mission.

For missions within the European Economic Area, staff members who decide on their own initiative to hire a car must make sure that the hire charge includes only the following types of insurance cover:

- TPL (third party liability): compulsory,
- CDW (collision damage waiver): damage cover with non-waivable excess,
- TP (theft protection): cover for theft/vandalism with non-waivable excess,
- If the driver is not an EU official or other staff member, PAI (personal assistance insurance) in addition to TPL.

If the mission is taking place outside the European Economic Area, staff members must ensure that the hire charge includes additional insurance covering all damage with no excess; if not, they must take out such insurance except where it is not available. The costs associated with the additional insurance will be included in the statement of expenses.

The following rules apply, irrespective of where the mission is taking place:

- Unless it is impossible to do so, the car must be hired from a company approved by the Commission, using the code corresponding to the preferential rate granted to the Commission.
- In the event of loss or damage, the excess will be paid from the missions budget. Staff members using a hire car for mission-related travel remain fully liable for any traffic offence they commit. In particular, the Commission will not under any circumstances reimburse fines associated with the use of the vehicle.
- Where a staff member takes leave during the mission, the cost of car hire is calculated in proportion to the actual number of days of the mission.

- Travel by official car

Commission staff may use official cars to transport people and goods. The terms of use are laid down by the department responsible (for Brussels by the OIB<sup>19</sup> and for Luxembourg by the OIL<sup>20</sup>).

#### 2.4.4.5. Travel by private car

In line with the EMAS policy, staff going on mission are encouraged to use public transport.

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<sup>19</sup> Office for Infrastructure and Logistics in Brussels.

<sup>20</sup> Office for Infrastructure and Logistics in Luxembourg.

As a general rule, the use of a staff member's own car is authorised only when the mission is taking place in special circumstances in which the use of public transport presents clear disadvantages. Explicit authorisation must be granted before the start of the mission except, as an exception, in the case of unforeseen events or where the staff member has serious difficulty in contacting the authorising officer for commitments, in which case authorisation may be granted subsequently.

In all cases in which a staff member uses their own car, reimbursement is based on a kilometre allowance of €0.28 per kilometre driven. This is a flat-rate reimbursement of travel expenses taking into account the costs generally associated with the use of the vehicle (fuel, insurance, etc.). Motorway tolls and parking fees are reimbursed separately on presentation of supporting documents.

The amount of the kilometre allowance is revised periodically by the Director of the PMO, in agreement with DG HR, and published on the Commission's intranet site.

The distance in kilometres is calculated on the basis of the fastest route between the place of employment and the place of the mission<sup>21</sup>. The staff member must declare the names of any other persons going on mission who also travelled in the car.

Members of staff going on mission are required to use appropriate, safe and properly serviced vehicles, insured in accordance with the legislation of the country in which the vehicle is registered. They must comply with the relevant safety rules.

Members of staff remain fully liable for any accidents involving their vehicle and for any traffic offences. In particular, the Commission will not under any circumstances reimburse fines associated with the use of the vehicle. Reimbursement of costs for insurance cover is included in the kilometre allowance referred to above. The Commission will not accept any requests for compensation or reimbursement for damage caused to the staff member's car or to a third party.

## **2.5. Rules on accommodation**

If the length of the mission means that staff must spend one or more nights away from their place of employment, they must ensure that the accommodation they book is appropriate and is in line with the principles set out in section 1.2. Roles. Staff may choose their own accommodation, taking into account the ceilings for the reimbursement of accommodation expenses. To assist them in this task, the PMO provides a list of approved hotels where the charge per night is equal to or less than the ceiling.

If the maximum hotel allowance is exceeded, the amount will not be reimbursed unless it has been explicitly authorised by the authorising officer for commitments.

Accommodation costs will be reimbursed, on presentation of the invoice, up to the ceiling for the place of the mission or, if authorisation to exceed the ceiling has been granted by the authorising officer, the full amount of the invoice will be reimbursed.

If the accommodation expenses include breakfast, the ceiling is increased by an amount equal to 15 % of the daily subsistence allowance. The daily allowance is then reduced by the same amount.

If the staff member's accommodation has been provided by or reimbursed by one of the EU Institutions or by another administration, organisation or third party, no reimbursement will be due<sup>22</sup>.

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<sup>21</sup> The fastest route will be calculated using appropriate software for calculating distances.

<sup>22</sup> This includes the case of a staff member on mission being provided with accommodation by the Head of Representation or an administrator employed in one of DG COMM's representations who receives the accommodation allowance introduced in 2015.

If staff going on mission share their hotel room with someone not involved in the mission they must declare the fact. In that case, the hotel bill must indicate the single occupancy rate for the room and this will be the only amount considered for reimbursement. If it does not do so, 25 % of the price of the double room will be deducted from the room price.

## **2.6. Rules on the daily subsistence allowance**

### **2.6.1. Duration of the mission**

With due regard for the rules on transport, the authorising officer for commitments will specify the times of the outward and return journeys so as to reduce the duration of the mission to a minimum. However, the duration of the mission may nevertheless be extended:

- to obtain cheaper travel,
- to guarantee the smooth operation of the mission. Thus, if the total duration of the flights is at least ten hours (tiring journey), the authorising officer for commitments may decide to grant the staff member up to 24 hours' rest; this rest period must be spent at the place of the mission or, where appropriate, the place of transit before the start of the mission, and may not be postponed until a later date,
- in the interests of the service, where a return to the place of employment is not justified under the principles set out in section 1.2. Roles. This could apply in the case of several meetings to be held in the same place of mission but with a certain time between them, or missions close together in time but in different places, for example,
- for personal reasons, in particular where the staff member wishes to combine the mission with leave; in that case, the mission order will indicate the period to be deducted from the duration of the mission, i.e. the difference between the actual duration and the duration that the authorising officer for commitments would have authorised if the mission had not been extended for personal reasons.

### **2.6.2. Calculation of the daily subsistence allowance**

The daily subsistence allowance is made up as follows: 15 % for breakfast, 25 % for lunch, 25 % for dinner, 35 % for incidental expenses.

The Commission grants staff going on mission a flat-rate daily subsistence allowance (see scales for mission expenses in Annex VII to the Staff Regulations).

For missions not exceeding 24 hours, the daily subsistence allowance is calculated as follows:

- up to and including six hours: 0.2 daily allowance;
- more than six hours but not more than twelve hours: 0.5 daily allowance;
- more than 12 hours but not more than 24 hours: a full daily allowance.

For missions lasting more than 24 hours, the daily subsistence allowance is calculated pro-rata of the actual duration declared in the statement of expenses (including extra time needed for travel to stations, ports and airports).

Under Article 13(1) of Annex VII to the Staff Regulations, the daily subsistence allowance is a flat-rate sum to cover all expenses incurred by the person on mission: breakfast, two main meals and incidental expenses, including local travel.

In the interests of administrative simplification, the following rules apply:

- Breakfast is assumed to represent 15 % of the daily allowance.

- Unless the invoice for accommodation states otherwise, it is assumed that breakfast is not included in the price of the room and will be covered by the daily allowance.
- Where breakfast is included in the price of the room, the daily allowance is reduced by 15 % and the maximum hotel allowance is increased by a corresponding amount.
- In cases where the maximum hotel allowance (increased, where applicable, by 15 % of the daily allowance) has been exceeded solely because local taxes on accommodation have been added to the price of the room, a derogation is deemed to have been granted for that amount.
- For the calculation of daily subsistence allowances, the times for the start and the end of the mission correspond to the actual departure and arrival times of the main means of transport. To allow time to get to the station, port or airport, a fixed amount of time is included in the duration of the mission before the departure and after the arrival of the main means of transport. This amount of time is one hour in the case of travel by rail, rising to two hours in the case of travel by plane or boat. To take account of special circumstances, however, the line manager may, by means of a reasoned decision (in MIPS), grant the staff member on mission more time to reach the station, airport or port.

Days spent at the place of mission between meetings, provided they are justified by the requirements of the mission itself, entitle staff to a daily subsistence allowance.

The daily allowance rates and ceilings for the reimbursement of accommodation costs are subject to periodic review.

In the case of missions to EU Member States, the Commission re-examines the amounts every two years, and takes its decision by delegated act in accordance with Articles 111 and 112 of the Staff Regulations. For missions outside the EU, the appointing authority sets and periodically adjusts the rates. Each adjustment is notified to all staff.

### **2.6.3. Reduction of the daily subsistence allowance**

If the mission includes a meal provided by or reimbursed by one of the EU Institutions or by another administration or organisation, staff members must mention the fact in their statement of expenses. The daily subsistence allowance will be reduced by 25 % for each lunch or dinner and by 15 % for each breakfast provided. If the staff member is receiving only part of the daily subsistence allowance because of the length of the mission, this deduction is made from the amount he or she receives.

If, for justifiable reasons, the staff member has not attended the meal provided, the authorising officer may decide not to make the deduction.

### **2.6.4. Waiving the right to payment of the daily subsistence allowance**

Staff members on mission may not, as part of the mission, waive their right to payment of the daily subsistence allowance.

## **2.7. Rules on other expenses incurred during the mission**

### **2.7.1. Registration fees for conferences, seminars, etc.**

Registration fees for a conference, seminar, etc. will be reimbursed if a mission order has been drawn up.

### **2.7.2. Incidental expenses**

If the incidental expenses incurred by a staff member exceed 35 % of the total amount paid in daily subsistence allowances for the entire mission, the staff member may obtain reimbursement of the amount exceeding the flat-rate amount. Such expenses may include:

- local travel,

- local taxes, other than those connected with accommodation,
- communications for business purposes (telephone and internet in particular),
- photocopies and other reproductions of official documents,
- access to waiting facilities,
- rental of office space or a meeting room,
- translation of official documents.

Only incidental expenses incurred in the interests of the service will be taken into consideration, and supporting documents must be provided.

Any costs in connection with currency conversions at unfavourable exchange rates and the use of the credit card in the interests of the service will be reimbursed separately on the basis of supporting documents.

Other costs incurred, which must be strictly linked to the interests of the service, will be reimbursed only if they have been approved in advance - or subsequently if necessary - by the authorising officer for commitments. These include taxi fares, where travel by taxi at the place of the mission has been authorised by the authorising officer for commitments.

## **2.8. Long-stay missions**

A mission lasting 60 consecutive calendar days or more in the same place is regarded as a long-stay mission. Interruptions to a long-stay mission for the purposes of leave, training or a normal mission do not change its nature.

Several consecutive missions at the same place, each lasting less than 60 days, are considered to be a single long-stay mission if their combined duration is more than 60 days and they are covered by the same mission order.

A staff member may be sent on a normal mission while on a long-stay mission.

In the absence of a specific decision by the Commission, the rules on accommodation and the daily subsistence allowance set out below will apply.

### **2.8.1. Accommodation**

When on a long-stay mission, the staff member will try to find appropriate accommodation, with due regard for the principles set out in section 1.2. Roles, which takes account of the length of the mission. This obligation continues to apply, even if there are brief interruptions during the first 59 days of the mission.

Staff members may stay at a hotel for the first 59 days of the mission, taking care to observe the maximum hotel allowance. They must use this time to find more cost-efficient accommodation arrangements for the remainder of the mission.

Unless, under exceptional circumstances, the line manager and the authorising officer for commitments agree to an explicit derogation, as of the 60th day of the mission at the latest, staff on mission are entitled to only 50 % of the maximum hotel allowance (see scales relating to mission expenses in Annex VII to the Staff Regulations), payable on presentation of supporting documents, whether they choose to move to rented accommodation or to negotiate more favourable terms with the hotel. If they choose to rent accommodation for the duration of their mission they must also provide a copy of the lease (or its renewal) and proof of payment.

Reasonable expenses in connection with the rented accommodation (such as charges for water, electricity, gas, heating oil, internal maintenance of the accommodation, insurance and any agency

fees) may be reimbursed up to the maximum hotel allowance on presentation of supporting documents.

Communication charges (telephone, internet connection, etc.) and costs for the outside maintenance of the accommodation (swimming pool, gardening services, etc.) are not reimbursable, however. The line manager and the authorising officer for commitments may nevertheless decide to reimburse the proportion of the communication charges that relates to the mission.

If the staff member's accommodation has been provided by or reimbursed by one of the EU Institutions or by another administration or organisation, no reimbursement will be due.

### **2.8.2. Daily subsistence allowance**

Unless the line manager and the authorising officer for commitments agree to an explicit derogation, and by way of an exception, the daily subsistence allowance will be reduced in stages. From the 60th day of the mission until the 180th day of the mission in the same place, the daily subsistence allowance is reduced by 25 %. From the 181st day to the 365th day of the mission, the allowance is reduced by 50 %. After 365 consecutive days of mission in the same place, staff members are entitled to 25 % of the normal daily allowance (75 % reduction of the allowance).

If a staff member on a long-stay mission takes leave during the mission, he or she must declare it and will not receive the daily subsistence allowance for the duration of the leave.

## **2.9. Expenses paid by organisers; accommodation and meals provided by others**

If all or part of the expenses connected with a mission are to be met by outside organisers, the authorising officer by delegation must check in advance that there are no potential conflicts of interest and confirm the fact when drawing up the mission order.

If no conflict of interest has been identified and the mission order has been signed by the line manager, the question of conflict of interest may only be examined by investigating authorities, in exceptional circumstances.

If meals, accommodation and/or subsistence expenses are provided by an EU Institution or another administration or organisation, staff members must declare the fact in their draft mission order and without fail in their statement of expenses. A corresponding deduction will be made.

In compliance with the relevant ethical rules, any fees or other payments received from other bodies, including any subsistence allowance, must also be declared in the draft mission order and/or statement of expenses and will be deducted from the balance for the mission (see also section 4.2. GIFTS OR PAYMENTS OFFERED TO STAFF).

## **2.10. Statement of mission expenses**

### **2.10.1. General rules**

On their return from mission, staff members must draw up a statement of mission expenses and enter it in the MIPS tool, together with the relevant supporting documents, without delay and in any case within three months of the date of their return. If they are late the PMO will send them reminders.

Statements of expenses should be completed carefully and correctly. The actual routes and departure and arrival times of the transport used must be indicated. Staff members must also declare if they have attended a meal or stayed in accommodation provided by or reimbursed by one of the EU Institutions or by another administration or organisation.

This declaration will be signed by the line manager to whom authority has been delegated and, where this is not the same person, by the authorising officer for commitments.

If the staff member on mission does not provide supporting documents, or provides supporting documents that are incomplete or incorrect, processing of the reimbursement of expenses will be suspended until the PMO receives additional, complete and correct documents in support of the statement of expenses; this must be done within three months of the date on which it was submitted. At the end of three months, the PMO will commence recovery of any advance payment or agency fees.

Costs incurred during the mission in a currency other than the euro will be reimbursed at the monthly accounting exchange rate for the euro (InforEuro)<sup>23</sup> in force on the first day of the mission. Conversion will be based on the currency in which the payment was made; the costs of a double conversion will not be met.

### **2.10.2. Supporting documents to be attached to the statement of expenses**

The supporting documents to be attached are:

- for all expenses, where the staff member pays the costs in advance, the invoice, the receipt, the ticket or the booking confirmation indicating the price,
- for accommodation, the invoice in the name of the staff member on mission, specifying the price per night and currency of payment (where appropriate, stating specifically that the price includes breakfast),
- in the case of a mission combined with leave or involving departure from or return to somewhere other than the place of employment, a comparison with the mission as it would have been without the changes made for personal reasons,
- in the case of a mission paid for by the organisers, the letter of invitation and supporting documents relating to the expenses and daily allowances paid by the organiser, and a declaration certifying the absence of a conflict of interest if the mission was originally entered as a normal mission,
- certificate from the medical service entitling the holder to benefit from specific conditions relating to the organisation of the mission on health grounds.

Any exceptional circumstances leading to costs that were not covered by the mission order must be explained in the statement of expenses to enable the authorising officer to decide whether they are justified and, if appropriate, authorise them *ex post*.

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<sup>23</sup> Produced by the Commission's Accounting Officer and published by DG BUDG at the end of the last working day of the month (at: [http://ec.europa.eu/budget/contracts\\_grants/info\\_contracts/inforeuro/inforeuro\\_en.cfm](http://ec.europa.eu/budget/contracts_grants/info_contracts/inforeuro/inforeuro_en.cfm), and entered into ABAC).

### **3. AUTHORISED TRAVEL**

#### **3.1. General rules**

Authorised travel, for example in connection with an external event, is travel on a voluntary basis, away from the Commission's buildings, primarily in the individual interests of the person concerned but which also involves some benefit for the service. It is covered by an authorisation to travel.

The application for authorisation to travel must be based on:

- a framework decision adopted by the Commission and must take the form of a reply to a call for an expression of interest,  
or
- a personal initiative by the official or other staff member.

In any event, authorised travel requires the consent of the person concerned and may under no circumstances be imposed by the line manager.

In addition, authorisation to travel must never lead to discrimination between colleagues. If a group of colleagues are taking part in the same event, it is not permitted, as a matter of principle, to issue a mission order for some and an authorisation to travel for others, as all colleagues must be treated equally. However, if the colleagues are not all in the same situation as regards the proposed travel, the line manager may decide to treat them differently; a detailed explanation of the reasons, based on the interests of the service, must be provided. The reasons must never be based on budgetary considerations.

Authorisation to travel may cover, among other things, programmes under an ad hoc Commission decision (see section 3.2. Programmes covered by an ad hoc Commission decision) or participation in an external event at which the Commission does not wish to be officially represented (see section 3.3. Participation in other external events).

Depending on the extent to which the event may be considered to be in the interests of the service, the institution may: not finance the authorised travel at all, finance it in part, or finance it in full (financing may include transport costs, attendance fees for an outside event, and/or daily subsistence allowances). Authorisation to travel may, if necessary, entail a cost for the budget.

The signature of the authorising officer for commitments (if this role is not performed by the line manager of the person concerned) is required only if there is a cost for the budget.

Authorisations to travel are managed in MIPS.

The following may not be covered by an authorisation to travel because they fall automatically within the scope of a mission: any travel required in the interests of the service, irrespective of any personal interest in the trip on the part of the person concerned; any travel imposed on the person concerned by his or her line manager in the interests of the service.

#### **3.2. Programmes covered by an ad hoc Commission decision**

Authorisation to travel may be granted in connection with programmes adopted by the Commission, such as Back to School, EU Fellowships or language courses. This list is not exhaustive and DG HR may decide that other types of programme are admissible and adopt the rules that will apply.

The rules on the reimbursement of expenses for authorised travel in connection with such programmes are laid down in the decision setting up the programme. They may not be more favourable than the rules for mission orders.

In the absence of specific rules, the rules referred to in section 3.3. Participation in other external events below will apply by analogy.

Anyone wishing to apply for authorisation to travel is reminded of their obligations as regards declarations under the rules on ethics. More information can be found on the intranet.

### **3.3. Participation in other external events**

Any member of staff may request authorisation to travel to take part in an external event (for example, to speak at or attend a conference). Such authorisation may be granted where the Commission has no particular interest in being officially represented but feels that it has no reason to oppose the presence of a member of its staff, and that there is a general interest for the service (training for the colleague, visibility of the Commission in scientific forums, image, etc.).

As long as the relevant ethical rules are observed, the transport and/or accommodation costs of the person undertaking the authorised travel may be met by the organiser of the conference.

#### **3.3.1. Organisation of travel**

Anyone wishing to travel in connection with an outside event must submit an authorisation request in MIPS. This application clearly sets out all the preparatory details for the trip:

- the purpose of the travel, including the place and starting and finishing times of meetings, activities, etc.,
- the interest for the person concerned,
- the interest for the service,
- the duration of the trip based on the means of transport used, and the times and itinerary for the round trip, including local transport where appropriate,
- accommodation arrangements,
- estimated costs involved and who is to meet them (the Commission, the person going on the authorised trip, a third party),
- changes made for personal reasons (trip combined with leave or involving departure from or return to somewhere other than the place of employment, etc.).

The authorisation request must provide the line manager with all the details they need to take an informed decision. For the practical organisation of authorised travel, the same rules apply as for missions.

#### **3.3.2. Administrative arrangements**

If they wish, staff undertaking authorised travel may request assistance from the PMO with regard to laissez-passer, second passports or official visas. They may not obtain an advance, however.

#### **3.3.3. Rules on transport**

Whether the cost is to be met by the Commission, the person going on the authorised trip or a third party, the most appropriate means of transport for achieving the purposes of the authorised travel and corresponding to the interests of the service must be used, with due regard for the principles set out in section 1.2. Roles. The general rule is that staff members undertaking authorised travel for an external event must present the same image to the outside world as if they were on mission.

When the travel expenses are to be met by the Commission, the rules applicable to missions apply.

When the travel expenses are to be met by the person going on the trip or a third party, the staff member must ensure that as far as possible the same rules are followed and must keep in mind the dignity of his or her office.

When the travel expenses are to be met by a third party, the staff member must inform the third party in writing of any detour for private reasons and must offer to pay the additional costs incurred.

#### **3.3.4. Rules on accommodation**

If the authorisation to travel provides for the reimbursement of accommodation costs, the same principles apply *mutatis mutandis* as in section 2.5. Rules on accommodation.

When the accommodation expenses are to be met by a third party, the staff member must inform the third party in writing of any prolongation of their stay for private reasons and must offer to pay the additional costs incurred. They must also inform the third party if they propose to share their room with one or more persons not involved in the authorised travel and must offer to pay the additional costs.

#### **3.3.5. Rules on the daily subsistence allowance**

If the authorisation to travel provides for the payment of a daily subsistence allowance, the rules applicable to missions apply.

If the authorisation to travel does not provide for the payment of a daily subsistence allowance by the Commission, but does allow the reimbursement by a third party of the corresponding expenses, the staff member will ensure that such reimbursements cannot be perceived as incompatible with the dignity of his or her office. The same applies to invitations.

Staff undertaking authorised travel may choose to waive the payment of a daily subsistence allowance.

#### **3.3.6. Rules on other expenses incurred during the authorised travel**

If the authorisation to travel provides for the reimbursement of other expenses, the same principles apply *mutatis mutandis* as in section 2.7. Rules on other expenses incurred during the mission.

### **3.4. Forms and budgetary rules**

#### **3.4.1. Authorisation to travel**

##### **3.4.1.1. Request for authorisation to travel**

The authorisation to travel must be signed by the line manager and, if the travel involves a cost for the budget, by the authorising officer for commitments (if this is not the same person as the line manager).

The request for authorisation to travel must be submitted via the MIPS tool by the person wishing to travel and must contain the information set out in section 3.3. Participation in other external events. In particular, it must specify, for each of the following, whether the staff member is requesting reimbursement from the Commission, and, if not, who will meet the corresponding cost:

- transport,
- local travel,
- accommodation,
- breakfasts and other meals,
- remuneration from an outside activity within the meaning of Article 12b of the Staff Regulations,
- other expenses.

The request for authorisation to travel must provide the line manager and, where necessary, the authorising officer for commitments, with all the details they require to assess the personal interest

and the interest for the service, as well as any risk of conflict of interest in the case of expenses paid by third parties.

Once the authorisation has been signed by the staff member's line manager and, if necessary, by the authorising officer, the staff member is formally authorised to travel and incur expenses within the limits set out in the authorisation.

The final reservation of tickets, accommodation and any other financial commitment connected with the trip is therefore made after the authorisation has been signed.

The rules applicable to mission orders apply *mutatis mutandis* to travel authorisations.

#### **3.4.2. Statement of expenses (if applicable)**

In the absence of an ad hoc decision by the Commission (see section 3.2. Programmes covered by an ad hoc Commission decision), the rules on statements of mission expenses apply *mutatis mutandis* to statements of expenses for authorised travel.

In the case of travel without expenses, the person concerned must provide proof that the travel took place (attendance certificate).

If the authorisation to travel was approved without expenses and the line manager and authorising officer for commitments ultimately wish to cover the cost of reimbursing certain expenses incurred by the person concerned, the authorisation to travel must be cancelled. A new authorisation to travel with expenses must be entered and approved by the persons concerned.

## **4. HORIZONTAL PROVISIONS**

Horizontal provisions apply by analogy to authorised travel, including in the matter of insurance.

### **4.1. Medical aspects**

#### **4.1.1. Ill health during a mission**

If, for reasons of ill health, a staff member on mission is unable to carry out their mission or their authorised travel, is obliged to extend it or is unable to return to their place of employment, Article 59 of the Staff Regulation and the internal rules on absences and leave apply. Article 59 of the Staff Regulations reads as follows:

‘The official concerned shall notify his institution of his incapacity as soon as possible and at the same time state his current address. He shall produce a medical certificate if he is absent for more than three days. This certificate must be sent on the fifth day of absence at the latest, as evidenced by the date as postmarked. Failing this, and unless failure to send the certificate is due to reasons beyond his control, the official's absence shall be considered as unauthorised.’ »

A staff member who is on sick leave during a mission will continue to receive the daily subsistence allowance for the planned duration of the mission. Any extension will be covered by the mission insurance (reimbursable real costs on the basis of supporting documents up to the amount of the daily subsistence allowance). In the event of hospitalisation during a mission, daily mission allowances will no longer be paid; however, the hospitalisation costs will be reimbursed under the Joint Sickness Insurance Scheme.

#### **4.1.2. Vaccinations**

Officials and other staff travelling frequently on mission are advised to make sure that their vaccination certificates are up to date before departure. The cost of the vaccination and the medical consultation will be reimbursed at the rate of 100 % on presentation of supporting documents. These expenses must be entered on the statement of mission expenses (under miscellaneous).

Staff going on mission to whom particular circumstances apply (health problems, pregnancy, etc.) must see a doctor before they leave to make sure that they can have vaccinations or prophylactic treatment, for instance against malaria.

## **4.2. GIFTS OR PAYMENTS OFFERED TO STAFF**

The rules on ethics are published and regularly updated on My IntraComm.

### **4.3. Security**

Staff members on mission must ensure their own safety and that of any personal effects and money they are carrying.

As part of its duty of care, the Commission takes appropriate steps to ensure the safety of its staff on mission.

In the case of high-risk destinations, staff members automatically receive travel advice following the submission in MIPS of their mission orders or requests for authorisation to travel, informing them of security constraints in the countries they will be visiting; it is also a good idea to contact the Delegation in the country in question and follow their advice.

#### **4.4. Additional travel insurance**

Staff members on mission are covered by travel insurance taken out by the Commission. Details are available on the intranet, under 'Missions'.



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**COMMUNICATION TO THE COMMISSION**

**Communication from Vice-President Šefčovič to the Commission on Guidelines on Gifts  
and Hospitality for the staff members**

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# **Guidelines on Gifts and Hospitality**

## **PURPOSE OF THE GUIDELINES AND DEFINITIONS**

### **1. PURPOSE OF THE GUIDELINES**

The European civil service is expected to live up to the highest standards of professional ethics, and to remain independent at all times. This is why the Staff Regulations, specifically Article 11 (2), provide that an official shall not accept any favour, gift or payment from sources outside of the institution without the permission of the Appointing Authority. In these guidelines, the term "official" includes officials, temporary agents, contractual agents and special advisors.

The current guidelines are addressed to staff members covered by Article 35 of the Staff Regulations, i.e. in active employment, on secondment, on leave on personal grounds, on parental or family leave, and on military leave.

However, for officials who are not in active employment in the Commission, any gifts and hospitality that they might receive which are not related, and may not be reasonably perceived to be related, in any way to their capacity as officials, (including, for example, gifts received in a new professional capacity while they are on leave on personal grounds) are not deemed to be covered by Article 11 of the Staff Regulations or by these guidelines.

Although staff members who have left the service are not obliged to seek authorisation under Article 11 (and are not subject to these guidelines), Article 16 (1) of the Staff Regulations provides that they continue to be bound by the duty to behave with integrity and discretion as regards the acceptance of certain benefits.

It is the responsibility of all staff members to ensure that their conduct is in line with the Staff Regulations in both letter and spirit. The purpose of these guidelines is to enable staff to comply with their statutory obligations with respect to gifts and hospitality offers.

### **2. DEFINITION OF GIFTS**

A gift is understood to mean:

- a sum of money or any physical object, or
- the possibility to participate for free in events which are open to the public or are private in nature, are only accessible in return for payment and represent a certain value (such as complimentary tickets for sports events, concerts, theatre, conferences, etc.), or
- any other advantage with a pecuniary value such as transport costs.

Low value items given for purely information purposes (brochures, booklets, catalogues...) are not considered as gifts in this context.

Indirect gifts are those which are not offered directly to staff members, but to a third party that is close to the staff member.

Gifts that are offered to the institution (Article 19 of the Financial Regulations) are not covered by these guidelines.

### **3. DEFINITION OF HOSPITALITY**

Article 11 of the Staff Regulations furthermore refers to favours. These guidelines deal with hospitality offers, which are considered to be one particular type of favour. Hospitality is defined as an offer of food, drink, accommodation and/or entertainment from any source outside the institution.

## **PRINCIPLES**

### **4. GENERAL CONSIDERATIONS**

**It should be stressed that as a general rule, staff members should not accept any direct or indirect gifts or hospitality offered by third parties.**

This is most evident where gifts are offered by persons, authorities or organisations which are involved in or are seeking official action by the Commission especially in a sensitive area in which the staff member is, has been or will likely be active in the foreseeable future. All such gifts should be in principle refused. In addition, the rules apply to "indirect" gifts or hospitality offered to a third party that is close to the staff member. In any event, any situation where the acceptance of a gift or hospitality may lead to real, potential or perceived conflict of interest should be absolutely avoided. Any gifts entailing a sum of money, regardless of the amount, must always be refused.

Acceptance of gifts or hospitality may, exceptionally be authorised (within the limits indicated under "Specific provisions related to Gifts" below) when it is clear that this will not compromise or reasonably be perceived to compromise the staff member's objectivity and independence and will not damage the Commission's public image. This evaluation can only be based in the first place on sound judgement from the staff member in the given circumstances, and then should be confirmed by the Appointing Authority in the relevant cases.

### **5. RELEVANT CRITERIA**

Criteria to be considered in this context are, in particular, if the acceptance of the gift or hospitality is counter to the interest of the service or presents a real or perceived conflict of interest for the staff member concerned, or if such acceptance would be in accordance with diplomatic and courtesy usage.

In this respect, certain factors may point towards the likelihood that authorisation could be granted, for instance when the offer of a gift or hospitality has a low value or is addressed to a large number of persons. On the other hand, there are factors which may point towards the

likelihood that authorisation would be refused, for instance when the offer of a gift or hospitality has a high value or, is addressed to a single staff member.

In general terms, for the purposes of the assessment of a given request, the following factors could be relevant – it being understood that the factors mentioned are not exhaustive, and that they will be neither individually nor collectively decisive but form part of a case-by case analysis:

- depending on the context, the nature of the source offering the gift or hospitality (private/public);
- the apparent motive behind the offer of the gift or hospitality;
- the link between the entity offering the gift or hospitality and the Commission (for example procurement procedures, cases under investigation, financial interests in a special EU policy, etc);
- the nature and estimated value of the gift or hospitality, including whether there have been one or several offers from the same source;
- the individual or collective destination of the offer;
- the functions of the staff member;
- the benefits for the service expected from the participation of the staff member at the event in question.

Gifts and hospitality motivated solely by a family relationship or personal friendship, or in a context not related in any way to the staff member's duties do not, in principle, fall under the provisions of Article 11 of the Staff Regulations. However, even here situations may arise when acceptance can be perceived as compromising the staff member's independence.

## SPECIFIC PROVISIONS

### 6. SPECIFIC PROVISIONS RELATED TO GIFTS

In the first place staff members should always remember that **they should not accept any gifts** as a general rule and should make use of sound judgement in order to assess, in the given circumstances, if acceptance could be envisaged.

Subject to the general principles set out in points 1, 2, 4 and 5 above, gifts should therefore only be accepted if in line with or if required by social, courtesy or diplomatic usage. In that case, the following administrative arrangements apply:

- *(1) Prior permission by the Appointing Authority is presumed to be granted, in accordance with Article 11 of the Staff Regulations and in the interest of expedient administrative procedures for a gift worth up to €50.*

In this respect it is important to stress that this threshold does not mean that any staff member may consider himself or herself at liberty to accumulate a number of gifts below the set value,

bearing in mind that an accumulation may be seen to compromise the staff member's objectivity and independence, or may damage the Commission's public image.

- (2) *Explicit prior permission by the Appointing Authority is required for a gift worth between €50 and €150.*

If the Appointing Authority authorises acceptance, the gift may be kept. Again, it is stressed that this threshold does not mean that any staff member may consider himself or herself at liberty to accumulate a number of gifts – which will also be an element that will be taken into consideration by the Appointing Authority.

- (3) *Authorisation for gifts with a higher than €150 value will be refused by the Appointing Authority.*

Such gifts must thus be refused. For the sake of transparency, the staff member should inform the immediate hierarchical superior, preferably in written form, that the gift or sum of money has been offered and refused.

Offers of any sum of money must always be refused by the staff member.

- (4) *General considerations.*

In general terms, the following applies:

- If the Appointing Authority refuses to authorise acceptance or if a gift is unwanted, it can be returned to the source, if this is feasible.
- Alternatively it can be sent to the OIB. The gifts transmitted by the staff members based in any location, are donated by OIB to an appropriate charitable organisation.
- As far as gifts returned to the source or sent to OIB are concerned, such action shall not be considered as "acceptance" in the meaning of the Staff Regulations, provided that the staff member immediately informs his immediate hierarchical superior.
- As a courtesy, the staff member should inform the sender, unless this would be diplomatically inappropriate, that the gift cannot be accepted and will be transmitted to charity,
- Where the staff member is in doubt as to whether the refusal of a gift would be contrary to social, courtesy or diplomatic usage or might create otherwise embarrassing situations, he/she should bring the matter to the attention of the Appointing Authority which will decide on a possible refusal.

Finally, the value amounts mentioned above should be estimated in good faith.

## 7. SPECIFIC PROVISIONS RELATED TO HOSPITALITY

### (a) Hospitality in general

In the first place staff members should always remember that **they should not accept any hospitality** as a general rule and should make use of sound judgement in order to assess, in the given circumstances, if acceptance could be envisaged.

Subject to the general principles set out in points 1, 3, 4 and 5 above, hospitality should therefore only be accepted if in line with or if required by social, courtesy or diplomatic usage. In that case, the following administrative arrangements apply:

- (1) *Prior permission by the Appointing Authority is presumed to be granted, in accordance with Article 11 of the Staff Regulations and in the interest of expedient administrative practice:*
  - of hospitality in the form of lunches or dinners strictly linked to the function of the official, and as such not prejudicial to the interests and public image of the Commission, and in which the official participates in agreement with his hierarchy and in the interest of the service;
  - of occasional offers of simple meals, refreshments, snacks etc.

Even if such hospitality offers can be accepted without prior formal authorisation, in the interest of transparency and in the interest of the person concerned, some Directorates-General, given the specific nature and sensitivity of their work, may wish to introduce additional rules such as a recommendation that staff inform their immediate hierarchical superior in writing/by e-mail of the acceptance of an offer.

As in the case of gifts, it is important to stress that this presumption of authorisation does not mean that any staff member may consider himself or herself at liberty to accumulate a number of hospitality offers, bearing in mind that an accumulation may be seen to compromise the staff member's objectivity and independence, or may damage the Commission's public image.

- (2) *Explicit prior permission by the Appointing Authority is required:*

As a general rule staff members should keep in mind that there is no such a thing as a free lunch. In cases not covered by the previous heading, or if the staff member judges that there is a doubt as to the appropriateness of accepting or refusing a hospitality offer, prior authorisation should be received from the Appointing Authority. If prior authorisation is not feasible, the Appointing Authority' agreement should be sought as soon as possible subsequent to the event. In any event the official's immediate superior should be informed.

Again, it is stressed that that this does not mean that any staff member may consider himself or herself at liberty to accumulate a number of hospitality offers – which will also be an element that will be taken into consideration by the Appointing Authority.

In any case of doubt, staff members are invited to consult their hierarchy or their local ethics correspondent.

#### (b) **Hospitality offered during missions**

The mission order will as a rule cover all predictable offers of hospitality, based on the mission programme – notably meals, accommodation and transport. These will not be considered as hospitality offers if the programme of the mission and the participation of the official has been authorised – as they form part of the performance of his duties in the interest

of the service. The acceptance of these offers will then be declared in the mission expense statement.

Particular prudence is necessary in sensitive situations. For instance staff members participating in inspections and similar missions should whenever possible inform their immediate superior or team leader on an *ad hoc* basis, and in accordance with any other specific provisions, when hospitality is offered in the course of such missions. If this is impossible, they should exercise their individual judgement and act according to the principles set out in these guidelines. Any hospitality thus accepted should be declared in the mission expense statement

In this respect, it is within the discretion of each Directorate-General to give practical advice, in addition to the general approach as defined in points 1 and 2 above, on what can be considered as usual and acceptable practice in view of avoiding real or perceived potential conflicts of interest, based on its own specific experiences in the domain.

## **8. ENFORCEMENT**

Staff members are reminded that infringements of Article 11 expose them to the risk of disciplinary action on the basis of Article 86 and Annex IX of the Staff Regulations.

## **9. REVISION**

The practical application and effectiveness of the guidelines on gifts and hospitality will be evaluated after two years following its adoption. In the light of this evaluation, these guidelines may be revised as appropriate.