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For consideration at the 541st meeting
of the Ministers' Deputies
(19-22 June 1995, A level, item 11.3)

**REIMBURSEMENT OF THE EXPENSES OF PERSONS
TRAVELLING AT THE CHARGE
OF COUNCIL OF EUROPE BUDGETS,
AND THE PAYMENT OF OTHER ALLOWANCES**

European Court and Commission of Human Rights

During the discussion of the 1995 budget at the 523rd meeting of the Deputies (Item 11.3 - Part 1), the Committee of Ministers examined the proposals in document CM(94)170 "Reimbursement of the expenses of persons travelling at the charge of Council of Europe budgets, and the payment of other allowances". The Committee of Ministers approved the proposals contained in the document with the exception of those concerning the judges on the European Court of Human Rights and the members of the European Commission of Human Rights, which had been provisionally withdrawn by the Secretariat pending consultations with the two bodies concerned, and took the following decisions:

"Decisions"

The Deputies

4. approved:

- with the exception of the proposals for Judges of the European Court of Human Rights and members of the European Commission of Human Rights, the implementation of the revised method for the reimbursement of the expenses of

persons travelling at the charge of Council of Europe budgets, and the payment of other allowances (CM(94)170), approved, with effect from 1 January 1995, the various rates payable as they appear at Appendix 7 to the present volume of Decisions, and noted that the Secretary General would issue rules implementing the revised method with effect from 1 January 1995;

- agreed to reconsider the proposals in document CM(94)170 in respect of the European Court and Commission of Human Rights following consultation between the Secretariat and these two organs;"

Following consultations with the Court and the Commission, the Secretary General now proposes the adoption by the Committee of Ministers of revised Rules for the reimbursement of the travel and subsistence expenses of judges and members of the Commission as they appear at Appendices I and II respectively to the present document. The sole change as compared with the proposals in document CM(94)170 is that where the beneficiaries travel to a meeting on the day before it commences, or from a meeting on the day after it ends, they would receive one half of a day's duty allowance for each of the travel days concerned. This may give rise to the payment of a number of additional half day's allowance more than would have been the case under the proposals in document CM(94)170. The number of additional payments will depend on the specific travel arrangements made by the individuals concerned and is therefore unpredictable and so cannot be exactly costed. The budgetary effect will nevertheless be marginal and will be absorbed within the total of the appropriations already granted for 1995.

This proposal results from a compromise reached between the Secretary General and the Presidents of the Court and the Commission after the latter had consulted their plenary bodies. It is proposed that the Committee of Ministers adopt the revised Rules and rates of daily allowance for duty days and for work at home with effect from 1 July 1995 to 31 December 1995. The Secretary General intends to pursue his discussions with the Court and the Commission with a view to drawing up, with their agreement, proposals for a more fundamental review of the system of remunerating the judges and members of the Commission and reimbursing their expenses to be implemented as from 1996.

Document CM(94)170 also contained proposals for the adjustment of the rates of the annual retainer payable to judges and members of the Commission. The implementation of these revised rates was also suspended pending the consultations with the Court and the Commission. In view of the minimal difference in cost between the original proposals in respect of travel and subsistence costs and the revised

proposals in the present document (involving no adjustment to the budgetary appropriations), it is proposed that the revisions to the rates of the annual retainers be approved with retroactive effect as from 1 January 1995.

The Committee of Ministers is therefore requested to approve:

- the implementation of the revised Rules for the reimbursement of the travel and subsistence expenses of judges and members of the Commission as they appear at Appendices I and II to the present document for the period 1 July 1995 to 31 December 1995;
- the payment of daily allowances to judges and members of the Commission for the period 1 July 1995 to 31 December 1995, as follows:

	On Duty	Work at home
Judges	2,405 FF	1,474 FF
Members of the Commission	2,249 FF	1,318 FF

- the payment of annual retainers to judges and members of the Commission, with retroactive effect from 1 January 1995, at the following rates:

European Court of Human Rights:

- President	257,000 FF
- Vice-Presidents	229,000 FF
- Judges	199,000 FF

European Commission of Human Rights:

- President	229,000 FF
- Vice-Presidents	199,000 FF
- Members	172,000 FF

As indicated in document CM(94)170 (page 30, and Appendix II) the payment of the full amount of the annual retainer to judges is subject to their devoting a minimum number of days per year to work of the Court, including work at home, for which per diem allowances are paid by the Council of Europe.

Under the present system, the number of days allowance received in respect of distance travelled to and from meetings are counted towards the threshold governing the payment of the retainer.

As the payment of daily allowances for travel is abolished under the new system, it will be necessary in consequence to adjust the number of days devoted to work of the Court used to determine entitlement to the annual retainer. The Committee of Ministers is therefore invited to note that the Court proposes to fix revised modalities of payment of the retainer on the basis of the following:

- i judges who devote 95 days or more in any one year to work of the Court, including work at home, for which per diem allowances are paid by the Council of Europe will receive the full amount of the retainer;
- ii judges who devote between 75 and 94 days in any one year to the aforesaid purposes will receive a proportionately reduced retainer;
- iii judges who devote 74 days or less in any one year to the aforesaid purposes will receive a sum equal to 50% of the retainer.

Once the Court has determined these revised modalities of payment of annual retainers, they will be communicated to the Committee of Ministers for its information.

Parliamentary Assembly

On the basis of the proposals in document CM(94)170, the Committee of Ministers approved the payment, as from 1 January 1995, of daily allowances to members of the Assembly travelling at the charge of the budget at the rate of 1,510 FF. At Appendix XIV to CM(94)170, it was indicated that the Assembly would draw up a revised "*Aide mémoire*" governing the reimbursement of the travel and subsistence expenses of members of the Assembly. This "*Aide mémoire*", adopted by the Bureau of the Assembly at its meeting on 10 February 1995, is reproduced at Appendix III to the present document and the Committee of Ministers is invited to note its contents, which include the maintenance of a payment of daily allowances in respect of travel time and the reimbursement of local travel costs.

APPENDIX I

(DRAFT) RULES

**concerning the reimbursement of travel and subsistence expenses
to Judges on the European Court of Human Rights
when travelling at the charge of the Council of Europe**

I. GENERAL PROVISIONS

Article 1

1. Travelling expenses shall be reimbursed and daily subsistence allowances paid in accordance with the present Rules.
2. In unavoidable special cases, or in particular circumstances, the Secretary General may waive one or more of the provisions on the basis of a claim showing good reason and accompanied by evidence of the expenditure actually incurred. Any additional reimbursement in such cases may not exceed 20% of that provided for below.

II. MEANS OF TRANSPORT AND TRAVELLING EXPENSES

Article 2

1. Judges shall be entitled, as provided for below, to reimbursement of travel expenses incurred in travelling between their place of residence, as specified in the notice of the meeting, and the place of the meeting.
2. If, for personal or professional reasons, judges travel to or from a place further away from the meeting place than their place of residence, the refund shall be restricted to the amount of expenses they would have incurred in travelling to or from their place of residence. If however judges travel to or from a place closer than their place of residence, the refund shall be restricted to expenditure actually incurred, as provided for in these Rules.
3. Travelling expenses shall not be refunded more than once per judge per meeting.

Article 3

1. The amount of refund shall not exceed the fare for the normal route, as determined by the Secretariat according to the means of transport authorised (see appendix), irrespective of the manner in which the judge actually travels. In no case may reimbursement exceed the expenditure actually incurred. Judges shall be required to declare any reductions from which they may have benefited.
2. **All claims for reimbursement of travel expenses for all means of transport must be accompanied by the relevant ticket or a copy.**

Article 4

1. Rail travel

The reimbursement of the first class rail fare is authorised.

Where the duration of the journey is longer than 6 hours between 10 p.m. and 7 a.m., the cost of a "special" or 1st class single-berth sleeper may be reimbursed.

2. Air travel

Air travel is reimbursed up to the fare in the class immediately below first class on the normal route:

- i. if the distance between the place of departure and the place of the meeting by the shortest rail route exceeds 400 km; or
- ii. if the normal route includes a direct air connection; or
- iii. if the journey involves a sea crossing.

Excess baggage charges are not refundable unless justified on grounds of official requirements.

3. Sea travel

The reimbursement of travel by sea shall not exceed the amount of the air fare as defined in paragraph 2 above. When judges travel by car, the cost of transporting the car by sea shall not be reimbursed (see Article 6, paragraph 1).

Article 5

Transit fares in connection with changing from one means of transport to another and fares paid for travel between home or meeting place and railway station or airport as well as local travel costs incurred during meeting days are provided for within the daily allowances paid for attendance at meetings and shall not therefore be directly reimbursed.

Article 6

1. Judges travelling by car shall be refunded a lump sum based on the first class rail fare, excluding any supplements and without taking into account any other expenditure occasioned by the use of a car.
2. If two or more judges entitled to claim expenses use the same car, a refund shall be made only to the person in charge of the vehicle, with an increase of 20% for each passenger.
3. Judges travelling by car do so at their own risk. The Council of Europe disclaims all liability in respect of any accident that may occur during the journey.

III. DAILY ALLOWANCES

Article 7

1. For the days when judges are on duty they shall receive allowances at a daily rate determined annually by the Committee of Ministers (*the rate in force as from 1 July 1995 is 2,405 F*). This rate is the same wherever judges are on duty.
2. Where judges are called upon to represent the Court in an official capacity at meetings or events outside of the meeting programme of the Court, the daily allowance payable shall be 2,405 F*. Where they are invited to attend in a personal capacity and authorisation is given for the reimbursement of their expenses at the charge of the Council of Europe's budget the daily allowance payable shall be 975 F*.
3. These allowances shall be deemed to cover all expenditure incurred by judges, except for the travel expenses provided for above.

Article 8

The duration of the period conferring entitlement to the allowance shall be determined as follows:

1. The daily rate stipulated in Article 7, paragraph 1 shall be payable in respect of each day's or part of a day's actual attendance at meetings, as shall days of office closing or absence owing to illness at the place of meeting, duly attested by a medical certificate, but limited to the duration of the meeting. Normally the allowance shall be payable for the actual duration of the meeting. If the meeting is held on either side of a weekend, daily allowances for the Saturday (if there is no meeting) and the Sunday shall be paid at the rate of 975 F*, unless the Registrar of the European Court of Human Rights advises otherwise. Where the interval between meetings is not long enough for judges to return home, or if they prefer not to do so, they shall be entitled to an allowance at the rate of 975 F* in respect of the intervening days, subject to the proviso that, in the second case, the total amount of allowances for such days shall not exceed the amount of the authorised return fare.
2. In respect of each non-meeting day, or part thereof, spent travelling to or from a meeting members of the Court shall be paid one half of a daily allowance (1,203 F*).
3. Should public transport timetables on the normal routes oblige judges to spend further nights away from home, additional daily allowances or fractions thereof may be paid to compensate additional costs.
4. In respect of attendance at a one day meeting, where the judges' actual travel arrangements do not involve a night spent away from home the daily allowance shall be reduced by 487 F* (50% of the daily allowance).
5. Where the board and/or lodging or meals of judges are provided free of charge the daily allowance shall be reduced by the following amounts:

— Overnight accommodation	487 F *	(50% of the daily allowance)
— In respect of each main meal (lunch or dinner)	146 F *	(15% of the daily allowance)
6. The daily allowances of judges attending meetings 50 km or less from their place of residence shall be reduced by 487 F* (50% of the daily allowance) unless they produce a hotel bill attesting that they have actually incurred expenditure on overnight accommodation.

IV. SICKNESS AND ACCIDENT

Article 9

As the insurance taken out by the Council on behalf of judges is limited to the risk of accidents, they should make their own arrangements under the scheme to which they are affiliated in their own country for sickness cover during the journey and/or the meeting.

V. REIMBURSEMENT

Article 10

The expenses referred to above shall be refunded upon submission of a claim certified true and correct by the judge to which vouchers (or copies) required by Article 3, paragraph 2 must be appended.

APPENDIX II

(DRAFT) RULES

**concerning the reimbursement of travel and subsistence expenses
to Members of the European Commission of Human Rights
when travelling at the charge of the Council of Europe**

I. GENERAL PROVISIONS

Article 1

1. Travelling expenses shall be reimbursed and daily subsistence allowances paid in accordance with the present Rules.
2. In unavoidable special cases, or in particular circumstances, the Secretary General may waive one or more of the provisions on the basis of a claim showing good reason and accompanied by evidence of the expenditure actually incurred. Any additional reimbursement in such cases may not exceed 20% of that provided for below.

II. MEANS OF TRANSPORT AND TRAVELLING EXPENSES

Article 2

1. Members of the Commission shall be entitled, as provided for below, to reimbursement of travel expenses incurred in travelling between their place of residence, as specified in the notice of the meeting, and the place of the meeting.
2. If, for personal or professional reasons, members of the Commission travel to or from a place further away from the meeting place than their place of residence, the refund shall be restricted to the amount of expenses they would have incurred in travelling to or from their place of residence. If however members of the Commission travel from or to a place closer than their place of residence, the refund shall be restricted to expenditure actually incurred, as provided for in these Rules.
3. Travel expenses shall not be reimbursed more than once per member per meeting.

Article 3

1. The amount of refund shall not exceed the fare for the normal route, as determined by the Secretariat according to the means of transport authorised (see Appendix), irrespective of the manner in which the member actually travels. In no case may reimbursement exceed the expenditure actually incurred. Members of the Commission shall be required to declare any reductions from which they may have benefited.
2. **All claims for reimbursement of travel expenses for all means of transport must be accompanied by the relevant ticket or a copy.**

Article 4

1. Rail travel

The reimbursement of the first class rail fare is authorised.

Where the duration of the journey is longer than 6 hours between 10 p.m. and 7 a.m., the cost of a 1st class single-berth sleeper may be reimbursed.

2. Air travel

Air travel is reimbursed up to the fare in the class immediately below first class on the normal route:

- i. if the distance between the place of departure and the place of the meeting by the shortest rail route exceeds 400 km; or
- ii. if the normal route includes a direct air connection; or
- iii. if the journey involves a sea crossing.

Excess baggage charges are not refundable unless justified on grounds of official requirements.

3. Sea travel

The reimbursement of travel by sea shall not exceed the amount of the air fare as defined in paragraph 2 above. When members of the Commission travel by car, the cost of transporting the car by sea shall not be reimbursed (see Article 6, paragraph 1).

Article 5

Transit fares in connection with changing from one means of transport to another and fares paid for travel between home or meeting place and railway station or airport as well as local travel costs incurred during meeting days are provided for within the daily allowances paid for attendance at meetings and shall not therefore be directly reimbursed.

Article 6

1. Members of the Commission travelling by car shall be refunded a lump sum based on the first class rail fare, excluding any supplements and without taking into account any other expenditure occasioned by the use of a car.
2. If two or more members entitled to claim expenses use the same car, a refund shall be made only to the person in charge of the vehicle, with an increase of 20% for each passenger.
3. Members of the Commission travelling by car do so at their own risk. The Council of Europe disclaims all liability in respect of any accident that may occur during the journey.

III. DAILY ALLOWANCES

Article 7

1. For the days when members of the Commission are on duty they shall receive allowances at a daily rate determined annually by the Committee of Ministers (the rate in force as from 1 July 1995 is 2,249 F). This rate is the same wherever members of the Commission are on duty.
2. Where members are called upon to represent the Commission in an official capacity at meetings or events outside of the meeting programme of the Commission, the daily allowance payable shall be 2,249 F*. Where they are invited to attend in a personal capacity and authorisation is given for the reimbursement of their expenses at the charge of the Council of Europe's budget the daily allowance payable shall be 975 F*.
3. These allowances shall be deemed to cover all expenditure incurred by members of the Commission, except for the travel expenses provided for above.

Article 8

The duration of the period conferring entitlement to the allowance shall be determined as follows:

1. The daily rate stipulated in Article 7, paragraph 1 shall be payable in respect of each day's or part of a day's actual attendance at meetings, as shall days of office closing or absence owing to illness at the place of meeting, duly attested by a medical certificate, but limited to the duration of the meeting. Normally the allowance shall be payable for the actual duration of the meeting. If the meeting is held on either side of a weekend, daily allowances for the Saturday (if there is no meeting) and the Sunday shall be paid at the rate of 975 F*, unless the Secretary of the European Commission of Human Rights advises otherwise. Where the interval between meetings is not long enough for members of the Commission to return home, or if they prefer not to do so, they shall be entitled to an allowance at the rate of 975 F* in respect of the intervening days, subject to the proviso that, in the second case, the total amount of allowances for such days shall not exceed the amount of the authorised return fare.
2. In respect of each non-meeting day, or part thereof, spent travelling to or from a meeting members of the Commission shall be paid one half of a daily allowance (1,125 F*).
3. Should public transport timetables on the normal routes oblige members of the Commission to spend further nights away from home, additional daily allowances or fractions thereof may be paid to compensate additional costs.
4. In respect of attendance at a one day meeting, where members' actual travel arrangements do not involve a night spent away from home the daily allowance shall be reduced by 487 F* (50% of the subsistence element of the daily allowance).
5. Where the board and/or lodging or meals of members of the Commission are provided free of charge the daily allowance shall be reduced by the following amounts:

— Overnight accommodation	487 F *	(50% of the daily allowance)
— In respect of each main meal (lunch or dinner)	146 F *	(15% of the daily allowance)
6. The daily allowances of the members of the Commission attending meetings 50 km or less from their place of residence shall be reduced by 487 F* (50% of the subsistence element of the daily allowance) unless they produce a hotel bill attesting that they have actually incurred expenditure on overnight accommodation.

IV. SICKNESS AND ACCIDENT

Article 9

As the insurance taken out by the Council on behalf of members of the Commission is limited to the risk of accidents, they should make their own arrangements under the scheme to which they are affiliated in their own country for sickness cover during the journey and/or the meeting.

V. REIMBURSEMENT

Article 10

The expenses referred to above shall be refunded upon submission of a claim certified true and correct by the member to which vouchers (or copies) required by Article 3, paragraph 2 must be appended.

APPENDIX III

AIDE-MEMOIRE

**concerning the reimbursement of travel and subsistence expenses
of the members of the Parliamentary Assembly
at the charge of Council of Europe budgets**

I. GENERAL PROVISIONS

1. Travelling expenses shall be reimbursed and daily subsistence allowances paid in accordance with the present aide-mémoire.
2. In unavoidable special cases, or in particular circumstances, the Clerk may waive one or more of the provisions of the present aide-mémoire on the basis of a claim showing good reason and accompanied by evidence of the expenditure actually incurred. Any additional reimbursement in such cases may not exceed that provided for below by more than 20%.

II. MEANS OF TRANSPORT AND TRAVELLING EXPENSES

3. Members of the Parliamentary Assembly shall be entitled, as provided for below, to reimbursement of travel expenses incurred in travelling between their place of residence and the place of the meeting.
4. If, for personal or professional reasons, members of the Parliamentary Assembly travel to or from a place further away from the meeting place than their place of residence, the refund shall be restricted to the amount of expenses they would have incurred in travelling to or from their place of residence. If however members of the Parliamentary Assembly travel from or to a place closer than their place of residence, the refund shall be restricted to expenditure actually incurred, as provided for in this aide-mémoire.
5. Travel expenses shall not be reimbursed more than once per meeting.
6. The amount of refund shall not exceed the fare for the normal route, as determined by the Secretariat according to the means of transport authorised, irrespective of the manner in which the member of the Parliamentary Assembly actually travels. In no case may reimbursement exceed the expenditure actually incurred. Members of the Parliamentary Assembly shall be required to declare any reductions from which they may have benefited.
7. **All claims for reimbursement of travel expenses for all means of transport must be accompanied by the relevant ticket or a copy.**

8. *Rail travel*

The reimbursement of the first class rail fare is authorised.

Where the duration of the journey is longer than 6 hours between 10 p.m. and 7 a.m., the cost of a 1st class single-berth sleeper may be reimbursed.

9. *Air travel*

Air travel is reimbursed on the basis of the fare in the most economical class (tourist class or equivalent) on the normal route, irrespective of the class and route actually used.

Excess baggage charges are not refundable unless justified on grounds of official requirements.

The President of the Assembly may be reimbursed on the basis of the first class air fare should travel be effected in this class.

10. ***Sea travel***

The reimbursement of travel by sea shall not exceed the amount of the air fare as defined in paragraph 9 above.

11. ***Travel by car for personal convenience***

Members of the Parliamentary Assembly travelling by car shall be refunded a lump sum based on the first class rail fare, excluding any supplements and without taking into account any other expenditure occasioned by the use of a car.

If two or more members of the Parliamentary Assembly entitled to claim expenses use the same car, a refund shall be made only to the person in charge of the vehicle, with an increase of 20% for each passenger.

Members of the Parliamentary Assembly travelling by car do so at their own risk. The Council of Europe disclaims all liability in respect of any accident that may occur during the journey.

12. Transit fares in connection with changing from one means of transport to another and fares paid for travel between home or meeting place and railway station or airport will be reimbursed on the basis of the amount of the fare of the existing public means of transport.

III. DAILY ALLOWANCES

13. During the meeting, members of the Parliamentary Assembly shall be entitled to receive an allowance at a daily rate determined annually by the Committee of Ministers (*the rate in force as from 1 January 1995 is 1,510 F*). This rate is the same wherever the meeting takes place.

14. This allowance shall be deemed to cover all expenditure incurred by members of the Parliamentary Assembly in attending meetings, except for the travel expenses provided for above.

15. The duration of the period conferring entitlement to the allowance shall be determined as follows:

a. the subsistence allowance is payable for each 24-hour period within the duration of a mission. Part-days totalling 12 hours give entitlement to the full allowance and parts totalling between 6 and 12 hours to half the allowance ; parts totalling less than 6 hours give no entitlement;

b. the duration of a mission is calculated according to the day and hour of departure from and return to the usual place of residence. The allowance covers all expenses incurred with the exception of travelling expenses mentioned in the above paragraphs.

IV. SICKNESS AND ACCIDENT

16. As the insurance taken out by the Council of Europe on behalf of the members of the Parliamentary Assembly is limited to the risk of accidents, they should make their own arrangements under the scheme to which they are affiliated in their own country for sickness cover during the journey and/or the meeting.

V. REIMBURSEMENT

17. The expenses referred to above shall be refunded upon submission of a claim certified true and correct by the member of the Parliamentary Assembly, according to the reimbursement form to which vouchers (or copies) required in paragraph 7 must be appended.