

DRAFT REGULATION No. ____/2024

Regulations for Missions, Travel, Allowances and Transportation

In accordance with the Founding Regulations in 2017, NOVA University Lisbon has carried out its activities by adopting either Public Administration or private legal regimes, depending on which is applicable.

In many situations, due to laws in force or the absence of an applicable private law regime, those regimes applicable to Public Administration are applied.

The regime applicable to public administration staff has been applied by analogy in the case of subsistence and transport allowances and all matters relating to missions, both in Portugal and abroad, without, however, any internal rules clarifying the form of application and the relevant procedures.

Now, the understanding that the regime applicable to civil servants would be applied by analogy has been confirmed as appropriate, since the State Budget Law for 2024, Law No. 82/2023, of 29 December, establishes that "...the regime of daily allowances, overtime and night work provided for in Decree-Law No. 106/98, of 24 April, and in the General Labour Law in Public Functions (GLLPF) shall apply to employees of public foundations, public foundations governed by private law and public entities...".

Therefore, given the lack of regulatory norms or collective labour regulation instruments on this subject at NOVA University Lisbon, in accordance with Article 17 of Law No. 82/2023, of 29 December, and exercising the powers provided for in Article 10(d) of the Statute of the Faculty of Law, I hereby approve the NSL Regulation on Missions, Travel, Allowances and Transportation, which has already been submitted for public consultation, in accordance with Article 101 of the Administrative Procedure Code and Article 110(3) of the Legal Framework for Higher Education Institutions.

The Regulation is hereby published as an Annex to this Regulation and forms an integral part thereof.

____ of ____, 2024 - Director of the Faculty of Law of NOVA University Lisbon, Prof. Dr. Margarida Lima Rego

APPENDIX

Mission, travel, subsistence and transport arrangements

General Framework

The development of teaching and research activities, as well as representation and other extension and value-added activities of higher education institutions, involves frequent official travel by teachers, researchers and non-teaching staff (workers) assigned to higher education institutions.

With regard to travel and business trips, doubts are often raised about the legal framework, both with regard to the necessary authorizations to carry out external activities and with regard to how to book travel and accommodation or how to reimburse these costs. According to Article 17 of Law No. 82/2023 of 29 December, as mentioned in the preamble, the applicable legal framework is that of the subsistence allowance, overtime and night work schemes provided for by Decree-Law No. 106/98 of 24 April and the GLLPF:

- The subsistence and transport allowance is governed by Decree-Law No. 106/98 of 24 April 1998, as amended by Decree-Law No. 137/2010 of 28 December 2010, Law No. 64-B/2011 of 30 December 2011, Law No. 66-B/2012 of 31 December 2012, Law No. 82-B/2014 of 31 December 2014 and Decree-Law No. 106/98 of 15 May 1998.

The legal system for the payment of subsistence allowances abroad is governed by Legislative Decree No. 192/95 of 28 July 1995, as amended by Legislative Decree No. 137/2010 of 28 December 2010.

In connection with the above-mentioned legislation, Council of Ministers Resolution No. 51/2006 of 5 May, Ministerial Decree No. 1553-D/2008 of 31 December and Joint Circular No. 1/2003 of the MF/DGO/DGAEP.

Article 1

Aim

The present regulation defines the rules applicable to the specific acts and formalities inherent to the payment of subsistence and transport allowances when travelling within the national territory and abroad by the Faculty of Law of NOVA University Lisbon - NOVA School of Law (NSL).

Article 2

Scope of application

1. This Regulation shall apply to all employees of NSL, regardless of whether they are in a public or private employment relationship, who travel from their place of work for work-related reasons.
2. Persons who are not employed by NSL but who meet the exceptional conditions and requirements set out in Article 14 of Legislative Decree No. 106/98 of 24 April 1998 are also entitled to the subsistence and transport allowance.
3. Retired staff who travel to NSL to take part in academic selection boards, academic examinations and the equivalence and recognition of foreign qualifications are also entitled to a subsistence and transport allowance.

Article 3

Definitions and criteria of application

For the purposes of these regulations, and in accordance with the applicable legal provisions, the following terms shall be considered:

Mission: an activity carried out as part of the teaching or research activities of NSL, or on behalf of the Faculty or its governing bodies, which involves travel by employees of NSL, in any form of public or private legal employment relationship.

Allowances: Payments made to employees who are absent from their place of work, in Portugal or abroad, for official reasons, to cover the increased costs of travel (food and accommodation).

Subsistence allowances are granted according to the following criteria

- a. if the distance is more than 20 km from the place of residence, does not exceed a period of 24 hours or, if this period is exceeded, does not imply the need to incur new expenses, it is called daily travel;
- b. if the distance is more than 50 km and the period is more than 24 hours, they are called consecutive day trips.

Required address: the location of the institution where the employee works.

Distances are calculated from the outskirts of the town where workers are resident to the nearest point in the destination town.

By default, the number of kilometers defined in the route recommended by the Michelin Guide/Google Maps is used to calculate the kilometers to be recorded in the Itinerary Bulletins.

Request for "Equiparação a Bolseiro" (Form I), a document to be filled in before traveling, which must contain all the elements related to the mission in order for the trip to be authorized.

Itinerary Bulletin (Form II): document providing legal support for the payment of subsistence and transport allowances in accordance with the model in force at NSL.

Article 4

Authorization to travel and travelling expenses

1. All expenses must be fully covered by funds from the project or cost centre to which they relate and may not be authorized if they are ineligible or if there is no budget allocation or availability.
2. The requestor must specifically identify the cost centre that will bear the expense and obtain prior approval from the person responsible for managing the cost centre;
3. For the purposes of the preceding paragraph, the persons responsible for authorizing expenditure on travel and missions in the various cost centres shall be:

- a. The Faculty Director for participation in juries, training activities and programs and academic, scientific or staff exchanges;
- b. The Director of CEDIS for the funding of the Research Unit;
- c. Researchers in charge of the research projects;
- d. In case of doubt, the Faculty Director or the person to whom they delegate this power.

Article 5

Travel in the course of duty and travel equivalent to that of a grant holder

Depending on their duration and purpose, journeys in Portugal and abroad made by staff covered by these Regulations may be considered as equivalent to journeys made by grant holders or as journeys on official duty, in accordance with the following articles.

Article 6

Equivalent status of scholarship holders

The status equivalent to a scholarship holder shall be granted in accordance with the provisions of the Regulation on the Equivalence of Scholarship Holders (Regulation No. 690/2010 of 16 August 2010 or its successor) and shall be granted for:

- a. Those carrying out work and study programs;
- b. Attendance of courses or training courses of recognized public interest in the country or abroad;
- c. Those carrying out activities related to teaching, research or university advisory functions;
- d. Participation in events of recognized interest to NSL;
- e. Participation in activities within the framework of specific programs managed and/or financed by public or private bodies, in accordance with the relevant regulations.

Article 7

Duration of equivalence granted

1. Scholarship-equivalent status may be granted for a period of more than 30 (thirty days) and up to a maximum of 1 (one) year.
2. In exceptional cases, the maximum duration provided for in the previous paragraph may be extended to 3 (three) years.

Article 8

Exclusivity

Once a scholarship holder has been awarded a full-time paid fellowship, they shall not be permitted to hold any other paid public or private office concurrently during the period of the fellowship.

Article 9

Conditions for the approval of travel on official duty

1. Travel shall be considered to be in the interests of the service where it is recognized that the public interest is overriding, in particular for participation in congresses, seminars, meetings, travel in the context of training, research, academic, scientific or staff exchange projects and programs, and other events of a similar nature.
2. Travel within and outside the country in connection with:
 - a. Visits to institutions for the preparation of joint activities;
 - b. Participation in teaching, research or service activities and travel under and in the execution of protocols signed by NSL;
 - c. Attendance at meetings of national or international committees of which the applicant is a member;
 - d. Participation in juries in Portugal or abroad.

Article 10

Mission duration

Except in exceptional cases, no mission shall be authorized for more than thirty (30) days.

Article 11

Instructions and handling of the travel process

1. The application for authorization to travel must be made on Form I, duly completed and signed by the applicant and the Director of CEDIS or the researcher in charge, and sent to the Director of NSL in paper form, electronically or on an electronic platform.
2. Form I must be submitted to the Human Resources Management Department:

- a. At least 30 (thirty) days in advance if the travel expenses are to be paid by NSL;
- b. At least 10 (ten) days in advance if the trip does not involve any expenses for NSL;
- c. Failure to comply with the above deadlines may make it impossible to obtain the necessary prior authorization, booking and timely payment of transport and/or accommodation, making the trip unfeasible.

Article 12

Application for official travel or "equiparação a bolsheiro"

1. The application for mission or "equiparação bolsheiro" (Form I) shall be completed by the staff member and shall contain all the information relating to the mission, namely:

- a. Place of destination;
- b. Dates of the trip;
- c. Brief reasons for the travel;
- d. Estimated cost of transport, subsistence, accommodation, internal travel in the country of destination and estimated cost of other expenses associated with the trip;
- e. Budgets for transport and accommodation must be attached to Form

I.

2. The following documents shall also form an integral part of the travel application:

- a. Event Program, announcement, invitation or other justification for the trip;
- b. Registration form for the event, proof of residence in the institutions or any other appropriate document.

Article 13

Route Bulletin

1. At the end of the mission, the staff member shall submit the duly completed mission report Form II to the Human Resources Department not later than the 5th day of the month following the month to which the mission relates.

2. In duly substantiated exceptional cases and for reasons beyond the employee's control, the itinerary bulletin may be accepted until the 5th day of the second month following the month to which the journey relates.

3. No subsistence allowance or other travel expenses shall be paid after the time limits referred to in the preceding paragraph.
4. The itinerary shall be accompanied by the following documents:
 - a. Boarding cards, if travelling by air;
 - b. Expense vouchers in legal form and in the original, in the name and with the NIF of NSL, for which reimbursement has been previously authorized;
 - c. Public transport tickets in the case of land travel.
 - d. Certificate of attendance;
 - e. Mission report;
 - f. Other documentation proving actual participation in the event.

Article 14

Request for payment of allowances

1. Subsistence allowances shall be claimed on the basis of the principles of reasonableness and rigour, travel costs and time shall be limited to what is strictly necessary and only those journeys whose objectives cannot be achieved by the use of new technologies such as e-mail, videoconferencing and videophone calls shall be made.
2. It is the responsibility of the beneficiary of the allowance to submit the application, together with the documents and other appropriate evidence, in accordance with the following articles, failing which the application will be rejected.

Article 15

Subsistence Allowances in National Territory

1. Calculation of daily subsistence allowances in national territory is based on the following daily percentages of the value defined by Ministerial Order No. 1553-D/2008, of December 31, as amended by Decree-Law No. 137/2010, of December 28:
 - a. *Daily journeys, i.e. journeys lasting less than 24 hours, even if they involve 1 overnight stay:*
 - i) *If the journey covers, even partially, the period between 1 p.m. and 2 p.m. (inclusive) - 25% (to cover the cost of lunch);*
 - ii) *If the trip covers, even partially, the period between 8 p.m. and 9 p.m. (inclusive) - 25% (to cover the cost of dinner);*

- iii) If it is not possible to return home by 10 p.m. - 50% (to cover accommodation costs);*
- iv) Payment of the percentage of the allowance for accommodation (50%) provided for in the previous point may be replaced, at the option of the person concerned, by reimbursement of the cost of accommodation in a hotel of up to 3 stars or equivalent, up to a limit of €50¹, excluding any taxes or other costs.*
- b. Trips for successive days, i.e. trips for successive days that take place over a period of more than 24 hours and involve new expenses:*
- i) On the day of departure, if it takes place:*
- Up to and including 13h00 - 100%;*
- Between 1 p.m. and 9 p.m. (inclusive) - 75%;*
- After 9 p.m. - 50%.*
- ii) On the day of return, if this occurs:*
- Up to and including 1 p.m. - 0 %;*
- Between 1 p.m. and 8 p.m. (inclusive) - 25%;*
- After 8 p.m. - 50 %¹.*
- iii) On all other days, the payment of the subsistence allowance is 100%¹.*

2. The amount corresponding to the daily allowance for meals shall be deducted from the daily allowance if the expenses to be reimbursed include the cost of lunch or if lunch is provided in kind.

3. The calculations referred to in this article shall be made by the services only if the relevant procedure has been completed in time, on time and in full, including all documents and other appropriate evidence, failing which the application shall be rejected.

4. Where the conditions laid down in the preceding points are met, the subsistence allowance shall be paid only if board and lodging are not provided in kind and shall be deducted from the part provided in kind.

Article 16

Foreign and overseas travel allowances

1. Employees who travel abroad on official business shall be entitled, alternatively and at their choice, to one of the following allowances:
 - a. Daily subsistence allowance for all days of the journey (100%);
 - b. Accommodation in a three-star hotel or equivalent and a daily allowance equal to 70% of the daily subsistence allowance for all days of travel.
2. In exceptional cases, duly justified and authorized by the Director, and in accordance with Council of Ministers Resolution No. 51/2006 of 5 May 2006, accommodation in a hotel of a category higher than three stars may be considered, without prejudice to the allowance of 70% of the daily subsistence allowance.
3. Where the journey includes the provision of one or two meals a day, 30% of the daily allowance shall be deducted from each meal, but not less than 20%.
4. The daily allowance for meals shall be deducted from the subsistence allowance for each day of travel.
5. The use of private vehicles is not permitted when travelling abroad.
6. Only in exceptional cases of representation of NSL, with the express permission of the Director, will expenses for food or accommodation be reimbursed.

Article 17

Advance payment of the daily subsistence allowance for missions abroad

1. In exceptional and duly substantiated cases, staff members travelling on mission may request an advance on their subsistence allowance by making an express declaration to that effect on Form II, which must be submitted at least 30 (thirty) working days before the date of the mission.
2. If, for reasons of force majeure, the mission is not carried out, the employee must repay the advance within a maximum of 15 (fifteen) days from the date of departure.

Article 18

Joint Travel

In the case of joint journeys within Portugal and abroad, where the mission involves staff of different categories, the subsistence allowance shall be paid at the rate corresponding to the highest category. Drivers and staff undergoing training shall be exempt from the provisions of this article.

Article 19

Transportation in National Territory and when travelling abroad

All employees who work for NSL in any form of public or private employment and who travel within the national territory and abroad may benefit from the right to transport.

Article 20

Transport on National Territory

1. As a rule, the fleet of official vehicles shall be used, in which case no transport costs shall be payable.
2. At the date of publication of this regulation, NSL does not have any service vehicles, but other NOVA University Lisbon service vehicles may be used.
3. Travel by public transport:
 - a. When travelling by public transport, namely bus, train or urban and suburban metro, travel tickets must be kept and submitted together with the - Itinerary Bulletin - Form II - in order to be reimbursed for their value. When using electronic means (Lisboa Viva, Navegante, etc.), the journeys required for the journey must be loaded and the loading receipt must be presented in the name and with the NSL NIF, together with a copy of the card on which the transport tickets were loaded;
 - b. If the bus or train is used for extra-urban, intercity, national or international journeys, the journeys and respective tickets must be ordered through NSL Services;
 - c. Travel classes are allocated in accordance with Decree-Law No. 106/98 of 24 April;
 - d. In duly justified exceptional cases, taxis may be used and the user must present the respective receipt (in the name and with the NSL NIF), together with the Itinerary Bulletin - Form II, in order to be reimbursed.
4. Use of personal vehicle:
 - a. For service purposes
 - i. The use of personal vehicles is subject to the cumulative verification of the following requirements:
 1. Exceptionally, when travelling on business within the national territory;

2. In situations of proven interest, as set out in the following point.
 - ii. The use of personal vehicles always requires the agreement of the staff member and the authorization of the Director. The request must be made on Form I (in the "Use of Private Vehicle" box) before the journey and can only be made after authorization;
 - iii. Once the conditions set out in points (i) and (ii) have been checked, staff members will be entitled to a transport allowance per kilometer travelled;
 - iv. The transport allowance already includes all costs associated with the journey, namely fuel, parking and tolls.
 - b. In your own interest:
 - i. At the request of the person concerned and in their own interest, the Director may authorize the use of their own vehicle for business trips to places served by public transport which employees should normally use, in which case only the amount corresponding to the cost of the public transport ticket shall be paid;
 - ii. The request must be made in advance of the journey using Form I (in the "Use of Private Vehicle" section);
 - iii. Any other expenses resulting from the use of your own vehicle, such as fuel, parking and tolls, will not be reimbursed.
 - c. NSL is not responsible for any risk arising from the use of your own car, nor does it accept any responsibility for any damage that may occur or be caused to you or to third parties.
 - d. If two or more workers are travelling to the same location in the same vehicle, only one worker will be paid for the transport, unless the number of workers exceeds the capacity of the vehicle.
5. Use of a rental car:
- a. The use of a hire car may also be used in exceptional circumstances:
 - i. The rental contract is requested by NSL Services;

- ii. Fuel and tolls will be reimbursed on presentation of the relevant invoices/receipts (in the name and with the NIF of NSL) attached to the - Itinerary Bulletin - Form II;
6. Requests made under this Article shall be subject to timely, punctual and complete notification of the procedure concerned, including all documents and other appropriate evidence, without which the procedure shall be rejected.

Article 21

Transport when travelling abroad

1. If air travel is requested by NSL services, staff members must attach the relevant budget to Form I, specifying departure and arrival times and airports, as well as the time constraints of the trip, in order to book alternative flights in the event of unavailability or to comply with legal requirements.
2. Classes of travel will be allocated in accordance with the provisions of Legislative Decree No. 106/98 of 24 April.
3. The use of public transport is compulsory, except for the use of taxis to and from the airport, which must be justified on Form II and approved by the Director. Expenses can only be considered if the invoices/receipts are made out in the name and with the NIF of NSL, attached to Form II.
4. When travelling abroad, tickets and invoices/receipts for the trips made (in the name and with the NIF of NSL) must be submitted with Form II in order for reimbursement to be authorized.

Article 22

Subsistence and transport allowances for funded teaching and research activities

1. The rules contained in this Regulation shall apply to the granting of subsistence and transport allowances supported by specific funding in the fields of teaching and research.
2. The rules laid down by the funding bodies for the payment of subsistence and transport allowances shall apply, if they are more restrictive.
3. Subsistence and transport costs must be provided for in the financial structure/cost centre of the funded teaching and research activities.

4. Expenses resulting from missions not covered by the previous point must be covered by another financial structure/cost centre that allows them and must be approved by the Director.
5. The request for mission or fellowship - Form I - signed by the applicant and/or the responsible researcher must be submitted to CEDIS for validation and approval if the mission is funded by the R&D Unit.
6. By the 5th day of the month following the month to which the travel relates, the applicant and/or the responsible researcher must submit to CEDIS a duly completed travel report - Form II.

Article 23

Miscellaneous Provisions

1. Travel expenses related to the participation of NSL lecturers in selection boards under the University Teaching Career Statute and in selection boards for doctoral and aggregation exams shall be borne by NSL in accordance with the CRUP recommendations in force or the applicable legal and regulatory provisions.
2. Travel expenses related to the participation of NSL lecturers in Master's juries will be covered by the inviting institution, in accordance with CRUP Recommendation No. 2/2012 of 10 July 2012.
3. Travel expenses related to the participation of retired staff in juries for competitions and academic exams may be borne by NSL, upon prior request for authorization, provided that it is duly authorized by the Director of NSL.
4. Service providers are not entitled to travel expenses for services rendered to NSL.

Article 24

Liability

Workers who have unduly received allowances for subsistence and transport shall be obliged to repay them, without prejudice to any disciplinary or other liability that may arise.

Article 25

Doubts and omissions

In the event of doubt or omission in the application of these Regulations, reference shall be made to the legislation in force.

Article 26

Forms and platform for submission of applications

1. This Regulation is accompanied by the following Annexes:
 - a. Form I: Request for mission trips or to be treated as a scholarship holder;
 - b. Form II: Itinerary Bulletin.
2. Applications are submitted via the electronic travel application platform.
3. Without prejudice to the provisions of the previous paragraph, forms may also be made available in electronic format, and application shall be submitted via the electronic platform, whenever it is available.

Article 27

Entry into force and updating

1. These Regulations and the Annexes thereto may be amended and updated at any time by the Director.
2. These Regulations and their Annexes shall enter into force on the day following their publication in the Diário da República.

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Forms I and II

Please check the Portuguese Version

PUBLIC CONSULTATION VERSION