

DECISION No 5/2018
OF THE ADMINISTRATIVE BOARD OF THE AGENCY FOR THE
COOPERATION OF ENERGY REGULATORS
of 7 June 2018

establishing measures to support the staff of the Agency with regard to kindergarten and school fees and repealing Decision No 10/2014 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 18 September 2014 on the support granted to the staff members of the Agency in respect to kindergarten and school fees

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

Having Regard to Regulation (EC) No 713/2009 of the European Parliament and of the Council of 13 July 2009 establishing the Agency for the Cooperation of Energy Regulators¹, and, in particular, Article 13(4) thereof,

Having Regard to the Seat Agreement between the Government of the Republic of Slovenia and the Agency for the Cooperation of Energy Regulators², signed in Ljubljana on 26 November 2010, and, in particular, Article 13 thereof,

Having Regard to Decision No 22/2013 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 12 December 2013 on the adoption of the Financial regulation of the Agency for the Cooperation of Energy Regulators, and, in particular, Article 2, forth indent, thereof,

Having Regard to Decision No 10/2014 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 18 September 2014 on the support granted to ACER staff members in respect to kindergarten and school fees, and repealing Decision No 01/2011,

Having Regard to Decision No 07/2017 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 16 March 2017 amending Decision No 03/2010 of 6 May 2010 on the Rules of Procedure of the Administrative Board of the Agency for the Cooperation of Energy Regulators, and, in particular, Article 9 thereof,

After consulting the Staff Committee on 30 May 2018,

Whereas:

- (1) The Agency for the Cooperation of Energy Regulators (hereinafter referred to as the 'Agency') needs to attract, employ and retain staff of the highest standards of ability, efficiency and integrity, recruited on the broadest possible geographical basis from among nationals of EU Member States.
- (2) Staff members of EU institutions, including agencies, enjoy free access to European Schools under the condition that they have a contract of at least one year.
- (3) An Accredited European School was established in Ljubljana by the Government of the Republic of Slovenia in January 2018, according to the undertaking expressed in Article

¹ OJ L211, 14.8.2009, p.1.

² Uradni list Republike Slovenije, št. 22/30.12.2010 (Official Journal of the Republic of Slovenia, number 22 (109) of 30 December 2010)

13 of the Seat Agreement between the Agency for the Cooperation of Energy Regulators and the Government of the Republic of Slovenia. It is expected that the Accredited European School in Ljubljana will open for the School Year 2018-2019, initially offering only some classes.

- (4) Agency's staff members have so far had to rely on the Slovenian public education system or on the international schools established in Ljubljana for the education of their children. From the School Year 2018-2019, Agency's staff members will have the opportunity also to enrol their children in the Accredited European School in Ljubljana, to the extent that the latter will offer the relevant classes.
- (5) Until the Accredited European School in Ljubljana offers a complete education cycle at the pupil's level, and given the school fees charged by the international schools in Ljubljana, there is a need to address the unequal working conditions, to which the staff of the Agency is subject, compared to staff working for other European institutions, where European Schools offer a complete education cycle.
- (6) In order to make the transition period smoother and not to disrupt the education of children of Agency's staff members attending international schools, financial support to staff members, whose children are attending schools and kindergartens in the Ljubljana area, will continued to be provided, until the Accredited European School in Ljubljana offers a complete education cycle at the pupil's level. This approach is in line with the eligibility for the education allowance paid to a ceiling of twice the maximum³, as applied by the European Commission's Office for the Administration and Payment of Individual Entitlements (hereinafter referred also to as 'PMO') and as per the Internal Commission Directive (Conclusion No 257/09 revised)⁴ and under the provisions of the Staff Regulations.
- (7) While Decision No 10/2014 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 18 September 2014 granted financial support to the staff members for the international schooling of their children, it is appropriate to make the payments in respect to children eligible for such support directly to the kindergarten or school, subject to the prior conclusion of a tuition agreement with the education institution concerned.
- (8) It is appropriate that the support granted by this Decision for staff members of the Agency paid in respect of their children who are eligible for such support covers fully kindergarten and school fees,

HAS ADOPTED THIS DECISION:

Article 1
Scope

This Decision defines the support provided by the Agency in the form of a financial contribution towards kindergarten and school fees for the children of the Agency's staff members.

³ Article 3(1) of Annex VII of the Staff Regulations

⁴ Internal Commission Directive (Conclusion No 257/09 revised – Interpretation of the concept of a European school for the purposes of doubling the ceiling of the education allowance (third subparagraph of Article 3(1) of Annex VII to the Staff Regulations).

Article 2
Definitions

For the purpose of this Decision, the following definitions apply:

- (a) ‘Ljubljana area’ means any location within 15 km from the Agency headquarters (Trg republike 3, 1000 Ljubljana, Slovenia),
- (b) ‘Accredited European School in Ljubljana’ means the European School in Ljubljana, which was established in January 2018 by the Government of the Republic of Slovenia, and which is anticipated to be accredited by the approval of the Final Audit report by the Board of Governors of the European Schools, which will lead to the signature of the Accreditation Agreement by the Secretary General of European Schools in April 2019,
- (c) ‘Educational cycle’ means any of the following:
 - (i) early education (pre-school in nursery 1 to 2) cycle;
 - (ii) primary cycle (from class P1 to P5);
 - (iii) secondary cycle (from class S1 to S7).
- (d) ‘Complete educational cycle’ means that the Accredited European School in Ljubljana offers, for the specific educational cycle, all the classes in the cycle.

Article 3
Eligibility

- (1) All temporary and contract staff members of the Agency with a contract of at least one year of duration shall have access to the support granted by this Decision.
- (2) In order to be eligible for the support granted by this Decision, children of Agency’s staff members shall be:
 - (a) considered as dependent children within the meaning of Article 2(2) of Annex VII of the Staff Regulations,
 - (b) attending kindergartens or schools, other than the Accredited European School in Ljubljana, in the Ljubljana area, and
 - (c) of age corresponding to a class which does not belong to a complete educational cycle as defined in Article 2.
- (3) Notwithstanding paragraph 2 of this Article, any child of Agency’s staff members who was enrolled in the Ecole Française Internationale de Ljubljana for the School Year 2017-2018 will continue to be eligible for the support granted by this Decision:
 - (a) as long as he/she remains enrolled in the Ecole Française Internationale de Ljubljana, and
 - (b) until the Accredited European School in Ljubljana offers a French section for the class corresponding to the age of the child.

Article 4
Level of financial support paid by the Agency

- (1) The Agency will cover, for each eligible child of Agency’s staff members, kindergarten and school costs, exceeding the sum of the allowances received by staff members, as per

the Internal Commission Directive (Conclusion No 257/09 revised)⁵ and under the provisions of the Staff Regulations.

- (2) The financial contribution, as provided in this article, is subject to the Agency having concluded a tuition agreement with the kindergarten or school concerned.

Article 5

Level of financial support paid by the PMO

Agency's staff members will continue to receive the education allowance (pre-school and school), as defined by the Staff Regulations in Article 3 of its Annex VII in the context of the Internal Commission Directive (Conclusion No 257/09 revised)⁶ and determined by the European Commission's Office for the Administration and Payment of Individual Entitlements (PMO), in accordance with the Commission Decision on general implementing provisions for the grant of educational allowance (C(2013)8971 of 16 December 2013).

Article 6

Entry into force and final provisions

- (1) This Decision shall enter into force on the day following that of its adoption, with effect from the School Year 2018-2019. It shall be communicated to the staff and published on the intranet of the Agency.
- (2) The Director shall implement this Decision, pursuant to Article 17(5) of Regulation (EC) 713/2009 and shall define provisions for the financial contribution defined in Article 4 of this Decision.
- (3) In the interest of clarity and legal certainty, Decision No 10/2014 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 18 September 2014 on the support granted to ACER staff members in respect to kindergarten and school fees, and repealing Decision No 01/2011, is hereby repealed.

Done at Ljubljana, 7 June 2018.

For the Administrative Board

The Chair

Dr. R. JORDAN

⁵ Internal Commission Directive (Conclusion No 257/09 revised – Interpretation of the concept of a European school for the purposes of doubling the ceiling of the education allowance (third subparagraph of Article 3(1) of Annex VII to the Staff Regulations).

⁶ See footnote 3.