

# ACER



Agency for the Cooperation  
of Energy Regulators

## DECISION AB n° 01/2011

### ON THE SUPPORT GRANTED TO ACER STAFF MEMBERS IN RESPECT TO KINDERGARTEN AND SCHOOL FEES

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

HAVING REGARD to the 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  
Regulators (hereafter referred to as “Agency”);

HAVING REGARD to the Seat Agreement between the Agency for the Cooperation of  
Energy Regulators and the Government of the Republic of Slovenia (hereafter referred to as  
“Seat Agreement”), signed in Ljubljana on 26 November 2010 and published in the Official  
Journal of the Republic of Slovenia, number 22 (109), of 30 December 2010;

HAVING REGARD to the Staff Regulations of Officials of the European Communities  
(hereafter referred to as “Staff Regulations”) and the Conditions of Employment of Other  
Servants of the European Communities (hereafter referred to as “CEOS”), as laid down by  
Articles 2 and 3 of Council Regulation (EEC, Euratom, ECSC) No 259/68 of 29 February  
1968 (Official Journal of the European Communities L 56, 4.3.1968 – Special Edition 1968, 1  
December 1972), as subsequently amended, and in particular to Article 3, paragraph 2 of  
Annex VII of the Staff Regulations and Articles to 21 and 92 of CEOS;

HAVING REGARD to the Commission Decision on general implementing provisions for the  
grant of education allowance (Article 3 of Annex VII to the Staff Regulations) (C(2004) 1313  
of 7 April 2004);

HAVING REGARD to the Guidelines on Staff Policy in the European Regulatory Agencies  
adopted by the European Commission on 16 December 2005 (C(2005)5304), and in particular  
of point 2.3.3 thereof;

HAVING REGARD to the Rules of Procedure (hereafter referred to as "RoP") adopted by the Administrative Board on 6 May 2010, and in particular Article 9 thereof;

Whereas:

The Agency needs to 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.

The availability of proper schooling opportunities is extremely important in attracting staff to the Agency.

At present, Ljubljana offers a limited range of opportunities for international schooling.

The Seat Agreement recognises the importance of schooling of children of Agency's staff. For this reason, according to Article 13(1), the Slovenian Government has undertaken to establish a European School within the public school network in the Republic of Slovenia, in accordance with the Convention defining the Statute of the European Schools and with the programmes of European schools.

The establishment of a European School cannot however be immediate and therefore, according to Article 13(2) of the Seat Agreement, in the transitional period the Slovenian Government shall provide appropriate schooling for children of Agency's staff through the existing international schools, either within or outside the public school network. All these schools currently charge fees.

Until a European School is established in Ljubljana, staff may decide to have their children attending school in their country of origin or of last residence before joining the Agency.

In the absence of a European School in Ljubljana, it is appropriate that the Agency provide support to staff against the cost of international schooling in Ljubljana or elsewhere, in order for staff to be able to choose the best possible solution for kindergarten and schooling of their children.

It is appropriate that the level of such support is linked to and does not exceed the likely cost that the Agency would have to cover if a European School were operating in Ljubljana, so that it will not involve an unreasonable financial burden for the Agency.

HAS DECIDED, BY WRITTEN PROCEDURE, pursuant to Article 9 (2) of the RoP:

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## **Article 1**

### ***Scope***

This decision defines the financial support afforded by the Agency to staff members, in respect to kindergarten and school fees.

## **Article 2**

### ***Eligibility***

1. All temporary and contract agents 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 must be considered as dependent children within the meaning of Article 2(2) of Annex VII to the Staff Regulations.

## **Article 3**

### ***Criteria for the determination of the support***

1. The Agency refunds kindergarten and school costs exceeding the maximum payable under the provisions of the Staff Regulations, and referred to Article 3, and up to the level defined in paragraph 2.
2. The maximum overall level of support which is granted to eligible staff members in respect to each eligible child shall be equal to the cost for the Agency of European School fees in Brussels.
3. The maximum overall level of support referred to in paragraph 2 may be adjusted by the correction coefficient applied to salaries according to the Staff Regulation.

## **Article 4**

### ***Applicability of the Staff Regulations***

Agency's staff members will continue to receive the education (pre-school and school) allowance as defined by the Staff Regulations in Article 3 of Annex VII 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 education allowance (C(2004) 1313 of 7 April 2004).

## **Article 4**

### ***Entry into force, duration and implementation***

1. This decision enters into force on the date of its adoption and applies from the date on which the Agency starts its operation in Ljubljana.
2. The support granted by this decision will be maintained until a European School is established in Ljubljana.

3. The Director implements this decision, pursuant to Article 17(5) of Regulation (EC) No 713/2009, and defines the maximum levels of support referred to in Article 2 and the way in which this support is paid.

Done at Brussels, on 11 February 2011

For the Administrative Board:

Piotr Woźniak

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Chairman of the ACER Administrative Board