

DECISION AB n° 08/2012

**ON THE AGENCY'S MULTI-ANNUAL STAFF POLICY PLAN
FOR THE PERIOD 2013 - 2015**

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 a European Agency for the Cooperation of Energy
Regulators (hereafter referred to as the "Agency"), and in particular Article 23(1) thereof;

HAVING REGARD to the European Commission Guidelines on Staff Policy Plan in Regulatory
Agencies C (2005) 5304 of 16 December 2005;

HAVING REGARD to the Administrative Board Decision AB No 03/2010 of 6 May 2010
adopting its Rules of Procedure (hereafter referred to as "RoP");

Whereas:

- 1) The Administrative Board shall to transmit to the Commission, each year by 31 March, an
estimate of revenue and expenditure of the Agency for the following financial years, accompanied
by a draft establishment plan.
- 2) The draft establishment plan for the period 2013 – 2015 was submitted to the Commission
for consultation on 15 January 2012. On 12 March 2012, the Agency received a note from the
Commission presenting the outcome of the inter-service consultation.
- 3) In its meeting of 13 March 2012 the Administrative Board considered the draft
establishment plan for the period 2013 – 2015, taking into account the outcome of the inter-
service consultation with the Commission.

HAS DECIDED:

- 1) To adopt the "Multi-annual Staff Policy Plan 2013 – 2015", as detailed in the Annex to this
Decision.

2) To give mandate to the Director to transmit the "Multi-annual Staff Policy Plan 2013 – 2015" to the Commission, together with the estimate of revenue and expenditure made, pursuant to Article 23(1) of the ACER Regulation.

This Decision shall take effect on the day following that of its adoption.

Done in Ljubljana on 13 March 2012

For the Administrative Board:

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the end.

Piotr Woźniak
Chairman of the Administrative Board

Annex I

Multi-annual Staff Policy Plan 2013-2015

1 - GENERAL OVERVIEW OF THE CURRENT SITUATION OF THE AGENCY.

1.1 General information on the Agency's activities.

1.1.1 Description of the agency, its mission and programmed tasks.

Legal Basis

The tasks, organisation and operation of the Agency for the Cooperation of Energy Regulators (ACER) are set out in Regulation (EC) No 713/2009 of the European Parliament and of the Council establishing an Agency for the Cooperation of Energy Regulators of 13 July 2009 (Agency Regulation)¹. Other tasks for ACER are specified in the other legal acts forming the Third Legislative Package on the Liberalisation of the Energy Markets², in Regulation (EU) No 838/2010 and in Regulation (EU) No 1227/2011³ (REMIT). It is expected that in 2012 ACER will start, in close cooperation with the European Commission, the preparatory work for the implementation of the proposed Regulation on guidelines for trans-European energy infrastructure⁴.

Mission

According to Article 1(2) of the Agency Regulation, “[t]he purpose of the Agency is to **assist National Regulatory Authorities in exercising, at Community level, the regulatory tasks that they perform in the Member States and, where necessary, to coordinate their action.**

Programmed tasks

According to the Agency Regulation, ACER shall be an EU body with legal personality which will play a key role in the functioning of the EU markets in electricity and gas. ACER will in particular

- complement and coordinate the work of National Regulatory Authorities,

¹ Regulation (EC) No 713/2009 of the European Parliament and of the Council of 13 July 2009 establishing an Agency for the Cooperation of Energy Regulators (OJ L 211, 14.8.2009, p. 1).

² Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC (OJ L 211, 14.8.2009, p. 55), Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94), Regulation (EC) No 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003 (OJ L 211, 14.8.2009, p. 15) and Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005 (OJ L 211, 14.8.2009, p. 36).

³ Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency (OJ L 326, 8.12.2011, p. 1)

⁴ Tabled by the European Commission on 19 October 2011, COM (2011) 658 final.

- participate in the creation of European network rules,
- take, under certain conditions, binding individual decisions on terms and conditions for access and operational security for cross border infrastructure,
- give advice on various energy related issues to the European institutions, and
- monitor and report developments of the energy markets.

In carrying out its tasks ACER shall consult extensively and at an early stage with market participants, transmission system operators, consumers, end-users and, where relevant, competition authorities, without prejudice to their respective competence, in an open and transparent manner, in particular when its tasks concern transmission system operators.

Organisation

The Director leads and manages ACER and is its legal representative. The Director is accountable to the Administrative Board and, in relation to the activities carried out pursuant to the Agency Regulation, he has to follow guidance provided by the Board of Regulators within its field of competence. Opinions, recommendations and decisions on regulatory matters adopted by the Director are subject to the prior favourable opinion of the Board of Regulators.

The Administrative Board ensures that ACER carries out its mission and performs all the tasks assigned to it by the Agency Regulation. It consists of nine members: five designated by the Council and two each designated by the European Parliament and the European Commission.

The Board of Regulators comprises senior representatives of the National Regulatory Authorities and one non-voting representative of the Commission. As already mentioned, the Board of Regulators provides opinions to the Director on the opinions, recommendations and decisions considered for adoption by ACER. In addition, in relation to the activities of the ACER carried out pursuant to the Agency Regulation, the Board of Regulators, within its field of competence, provides guidance to the Director in the execution of his tasks.

In addition, ACER has a Board of Appeal which decides on appeals against decisions issued by ACER. ACER's Administrative Board appointed on 22 September 2011 six members and six alternates for a term of 5 years, which can be renewed. Members of ACER Board of Appeal and their alternates were selected from among current or former senior staff of the national regulatory authorities, competition authorities or other national or Community institutions with relevant experience in the energy sector. As stated in the regulation, they shall undertake to act independently and in the public interest. The decisions of the Board of Appeal may themselves be subject to appeal before the Court of Justice of the European Communities.

The seat of ACER is in Ljubljana, Slovenia, where ACER moved on 1 February 2011, after an initial period of operation in Brussels. The relation between the ACER and the Government of the Republic of Slovenia is governed by a Seat Agreement signed on 26 November 2010 and entered into force on 10 January 2011. According to the Agency Regulation, ACER is fully operational from 3 March 2011.

In May 2011, ACER established a liaison office in Brussels, with one member of staff posted in that office, in order to more efficiently maintain contact with the European institutions (in particular, the European Parliament and the European Commission) The need for maintaining a liaison officer in Brussels will be reviewed two years after ACER started operating in Ljubljana in March 2011.

1.1.2 Posts filled in the current year and figures reflecting staff evolution.

In 2011 ACER worked towards recruiting the remaining administrative and technical staff to support its operations and proper functioning according to the Agency Regulation. The recruitment process encountered some unexpected difficulties, related to the specificities of the positions and the limited HR resources of ACER during this initial period. Nevertheless, 41 member of staff (39 temporary agents and 2 contract agents) and 10 SNEs were recruited by the end of 2011, out of which 36 staff and 9 SNEs joined ACER in 2011 and 5 temporary agents and 1 SNE will join ACER in January and February 2012.

Staff population (category, grade, function)		Staff population actually filled at 31.12.2010	Staff population envisaged in 2011	Staff population actually filled at 31.12.2011	Staff population envisaged in 2012	Staff population envisaged in 2013	Staff population envisaged in 2014	Staff population envisaged in 2015
Officials	AD	0	0	0	0	0	0	0
	AST	0	0	0	0	0	0	0
TA	AD	6	27	26	30	34	34	34
	AST	1	13	13	13	15	15	15
Total AD+AST		7	40	39	43	49	49	49
CA GFIV		0	1	1	1	1	1	1
CA GF III		0	0	0	0	0	0	0
CA GF II		0	1	1	1	1	1	1
CA GF II Short-term		0	0	0	2 ⁵	5	5	5
CA GFI		0	0	0	0	0	0	0
Total CA		0	2	2	4	7	7	7
SNE		0	10	10	12 ⁶	16	16	16
Service providers (e.g. IT service providers, interim staff)		0	2	2	2	2	2	2

⁵ Detailed information and reference is provided on p.9, point 1.2.1. under the sub-title Contract agents on short/medium term employment

⁶ With the REMIT being approved, the number of SNEs will grow by 2 in 2012 and 4 additional SNEs in 2013.

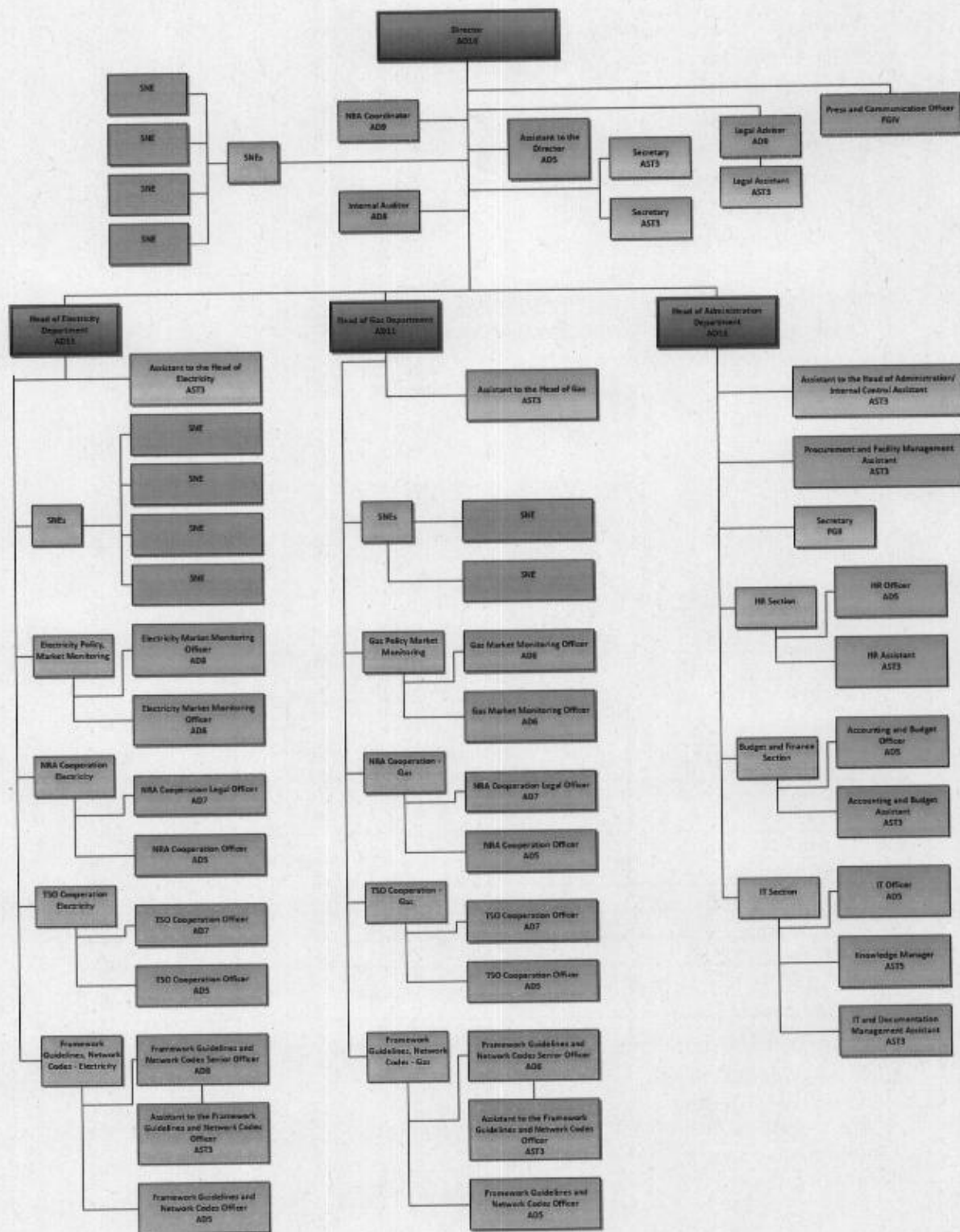
1.1.3 Current annual staff-related expenditure, in absolute terms and as percentage of the overall annual expenditure.

	2012
Salaries temporary agents	3,876,809
Salaries contract agents	104,592
Allowances SNEs	514,572
Training of staff	75,000
Contribution to schooling expenses	113,614
Recruitment expenses	54,159
Interim clerical support	50,000
PMO support charges	30,687
Socio-medical expenditure	43,500
Building expenditure (incl maintenance)	55,000
Financial/IT system expenditure	82,388
Administrative expenditure	131,000
IT, telecommunication, hardware and postal charges	126,000
	5,257,321
<i>staff expenditure as percentage of annual expenditure</i>	70.76%

The staff-related expenditure should include salary costs and related overheads for all in-house staff (contract agents and SNEs included).

	<u>Executed Budget 2011 €</u>	<u>Approved Budget 2011 €</u>	<u>2011 % execution of total approved budget €</u>	<u>2012 Approved budget €</u>
Title 1 :Staff salaries & allowances	2,294,703	3,128,981	73.34%	4,826,074
Expenditure related to staff recruitment	131,280	164,100	80.00%	54,159
Mission expenses	86,339	142,031	60.79%	168,307
Title 1 total	2,512,322	3,435,112	73.14%	5,048,540
Title 2: Infrastructure	509,309	750,888	67.83%	1,994,668
Title 3: Operating expenditure	628572	933000	67.37%	386,930
Total expenditure	3,650,203	5,119,000	71.31 %	7,430,138
Total expenditure funded by:				
EU budget subsidy		5,000,000		7,241,850
EFTA contribution		119,000		188,288
Assigned revenue		0		0
Total expenditure		5,119,000		7,430,138

1.1.4 Organisation and organisational chart at 31.12.2011



1.2 General presentation of the staff policy followed by ACER.

1.2.1 ACER's recruitment policy as regards the selection procedures, the entry grades of different categories of staff, the type and duration of employment and different job profiles.

Recruitment of temporary and contract agents

The recruitment policies for temporary and contract agents were established in the respective implementing rules that were adopted by ACER in 2011 (Administrative Board Decision AB n° 10/2011 on the adoption of general implementing provisions on the procedure governing the engagement and the use of temporary agents at ACER and Administrative Board Decision AB n° 11/2011 on the adoption of general implementing provisions on the procedures governing the engagement and the use of contract staff at ACER). All the recruitments were carried out in accordance with the above mentioned implementing provisions.

Selection procedures

- Publication of a vacancy notice on ACER website and on EPSO website, defining eligibility and selection criteria, indicating the type and duration of the contract and the recruitment grade.
- Setting up of a selection committee representing the recruiting Unit, the Human Resources unit, and the Staff Committee. As ACER does not yet have its own Staff Committee (the elections are planned for January 2012), ACER invited the Staff Committee of the Commission to participate in the selection committees for temporary and contract agents (until ACER moved to Ljubljana in February 2011).
- Pre-selection of candidates on the basis of CVs, permitting the evaluation of eligibility and selection criteria.
- Invitation of selected candidates to interviews; where necessary written tests - covering the specific competences in the area of expertise, knowledge of European Institutions, general aptitudes and language abilities - are also used.
- Assessment of candidates' interviews and written tests carried out by the selection committee against predefined criteria.
- All steps and decisions taken by the selection committee are recorded in writing in the minutes of the selection procedure.
- Selection committee proposal of a short list of successful candidates sent to the Authority Habilitated to Conclude Contracts (AHCC) who establishes the reserve lists and offers the employment contracts.
- The candidates to be recruited should pass a compulsory medical exam. Their entry grade and step, as well as their personal rights will be determined by the PMO.

Grade and function group corresponding to the tasks and to the level of the post

In 2011 long-term temporary agents, who took up long-term posts were, as a rule, recruited at levels AD5, AD6, AD7, AD8, AD9, AD11, AST3 and AST5. The Director was recruited in 2010 at AD14 level. The grades AD9-AD12 are recruitment grades for middle management and exceptionally for the recruitment of highly qualified experts.

It should be noted that ACER had to recruit a number of qualified senior experts from the energy sector, in particular with experience in regulation. Those profiles are quantitatively scarce in the labour market. In this specific sector, ACER had to compete with the attractive conditions of employment that are offered by both the private energy industry and the public national regulatory authorities.

Rules on grading of temporary and contract agents were laid down in ACER implementing rules (Administrative Board Decision AB n° 12/2011 on the general implementing provisions concerning the criteria applicable to classification in grade and step on appointment or engagement for temporary agents and Administrative Board Decision AB n° 11/2011 for contract agents).

Duration of employment

The post of the Director is a short-term temporary agent. He/she is offered a fixed-time period not exceeding five years, with the possibility of one extension for another fixed-time period not exceeding three years, on the basis of a proposal from the Commission endorsed by the Administrative Board after consultation with the Board of Regulators.

This proposed duration of employment was approved by the Commission and adopted through the implementing rules under Article 110 procedure (Article 6(3) on duration of contracts of the Administrative Board Decision AB n° 10/2011 on the adoption of general implementing provisions on the procedure governing the engagement and the use of temporary agents at ACER). It is also dependent on an unchanged ACER mandate.

Long-term temporary agents are offered a first fixed-term contract of five years. Considering the long-term or permanent nature of the regulatory tasks entrusted to ACER, the extension following the initial 5 years fixed-term contract will be for an indefinite duration (Article 6(1) on duration of contracts of the Administrative Board Decision AB n° 10/2011). All extensions of contract for temporary agents will be subject to a confirmation of the long-term need for the post, and to a thorough examination of the performance of the post holder.

Long-term contract agents are offered a first fixed-term contract of at least 3 months and not more than five years. The renewal of a contract in function groups II, III and IV shall be for another fixed period of at least three months and not more than five years. A second renewal without interruption will lead to an indefinite-duration contract, however it may only be granted if the first two contracts covered a total period of at least five years (Article 6(1) (2) on duration of contracts of contract agents the Administrative Board Decision AB n° 11/2011).

Contract agents for short-term functions will be recruited for time limited support and administrative functions, for time limited projects, and for compensating long absences of staff on long-term functions. They are offered an initial fixed-term contract whose duration is based on the duration of the tasks to be performed, but will certainly not exceed five years. The contract may be extended for a second fixed-term period, also not exceeding five years.

Different categories of staff

Officials

The establishment plan of ACER does not foresee permanent posts and it is not envisaged to require such posts in the future.

Temporary agents on long-term employment

The criteria of the identification of the posts as being of long-time duration are the following:

- posts covering tasks of a permanent nature as resulting from the mandate and business plan of ACER;
- posts allowing to safeguard continuous expertise in a specific field.

All tasks, both in the AD and the AST function groups, are of a permanent nature and will be carried out by the core staff that will be composed of 49 temporary agents, including the additional staff approved for REMIT. This figure is based on the current needs of ACER and maybe reviewed depending on future changes in ACER's tasks and missions. In consequence, all these temporary agent posts (with the exception of the Director) are identified as posts of long-term duration.

Temporary agents on short/medium term employment

The post of Director is considered as short-term. It may be extended once - after proposal of the Commission and assuming there is no change in ACER's mandate - for a fixed period of three years, after the initial five years fixed-term.

Contract agents on long-term employment

It is foreseen to recruit two contract agents:

- 1 CA, Function Group II (secretarial and administrative support tasks);
- 1 CA, Function Group IV (specialised horizontal profile).

Contract agents on short/medium term employment

In the last year ACER has been given new tasks, related to REMIT and is expected to be assigned additional new tasks related to the European Infrastructure Package. These new tasks have increased considerably the workload and the need for additional administrative and secretarial support. In comparison to the percentage of AST posts (including CA FG I to III) involved in the administration work, ACER is currently on a very low percentage (21%) compared to the Commission (42%). This percentage would drop even lower (16%), once the REMIT staff is recruited.

To that end, ACER needs to recruit contract agents for short-term employment as of 2012. As indicated in the already approved MSPP 2012-2014, '*ACER needs contract agents for short-term employment at certain periods of time*', specifying that the criteria used to recruit such category of staff are the following:

- Reinforcement of existing capacities in support and administrative functions when necessary.
- To work on specific, time-limited projects.
- To fill gaps during long-time absences.
- Exceptionally, to reinforce capacities in areas of work where a specific competence profile is needed for a limited time period or where a long-term requirement has not yet been defined.

Based on the recommendations from a review performed by the engaged consultant on the Internal Control Standards, ACER would significantly benefit from a centralisation of the financial functions. The centralised financial circuit would minimise the risk of error resulting from a spread of financial tasks to non-financial personnel. Furthermore, the financial tasks have so far been assigned as additional tasks to different posts (mainly to Assistants), which already resulted with 2 resignations due to the additional workload from the financial tasks. In order to centralise the financial functions 3 financial agents will be needed to perform the tasks. Within the available resources in ACER, only 1 contract agent FG II could be assigned solely for these tasks (the detailed description of tasks is provided on page 19). Therefore, 2 contract agents in Function Group II for financial support are foreseen to be recruited in 2012 in order to cover the gap.

ACER will make the necessary budget transfers within the approved budget for 2012 in order to cover for these additional contract agents position, therefore, there will be no budgetary implications.

Further 3 contract agents in Function Group II will be needed for strengthening the secretarial and administrative support tasks and are foreseen to be recruited in 2013.

Contract agents will be offered an initial fixed-term contract the duration of which is based on the duration of the tasks to be performed, but will certainly not exceed five years. The contract may be extended for a second fixed-term period, also not exceeding five years.

ACER's activities and tasks	Function/Job Title	Type & duration of the employment	Grades / Function Groups	Number of staff
Director's Office	Director	TA short term of 5 years, renewable once	AD 14	1
	Assistant to the Director	TA long-term	AD 5	1
	Strategy, Coordination and Compliance Advisor ⁷	TA long-term	AD 8	1
	Secretary/Assistant	CA short-term	Function Group II	1
	Secretary	TA long-term	AST 3	2
	NRA Coordinator	TA long-term	AD 9	1
	Legal Advisor	TA long-term	AD 9	1
	Legal Assistant	TA long-term	AST 3	1
	Press & Communications Officer	CA long-term	Function Group IV	1
	Policy Officer	4 years term	SNE	4
Electricity Department	Head of Electricity Department	TA long-term	AD 11	1
	Assistant to the Head of Electricity Department	TA long-term	AST 3	1
	Electricity Market Monitoring Officer	TA long-term	AD 6	1
	Electricity Market Monitoring Officer	TA long-term	AD 8	1
	NRA Cooperation Officer	TA long-term	AD 5	1

⁷ In the Multi annual Staff Policy Plan 2012 – 2014 this post was planned for an Internal Audit Officer. However, ACER has come to the view that, given its size and activities, it does not require a full-time Internal Audit Officer. Internal Audit will more effectively be performed by experts from other Agencies on the basis of a Service Level Agreement and by the Internal Audit Service. Therefore it is envisaged that the post will be used to equip ACER with strategic planning, coordination and compliance monitoring capabilities.

	NRA Cooperation Legal Officer	TA long-term	AD 7	1
	TSO Cooperation Officer	TA long-term	AD 5	1
	TSO Cooperation Officer	TA long-term	AD 7	1
	Framework Guidelines & Network Codes Officer	TA long-term	AD 5	1
	Framework Guidelines & Network Codes Senior Officer	TA long-term	AD 8	1
	Assistant to the Framework Guidelines & Network Codes Officers	TA long-term	AST 3	1
	<i>Secretary/Assistant</i>	<i>CA short-term</i>	<i>Function Group II</i>	<i>1</i>
	<i>Policy Officer</i>	<i>4 years term</i>	<i>SNE</i>	<i>4</i>
<u>Gas Department</u>	Head of Gas Department	TA long-term	AD 11	1
	Assistant to the Head of Gas Department	TA long-term	AST 3	1
	Gas Market Monitoring Officer	TA long-term	AD 6	1
	Gas Market Monitoring Officer	TA long-term	AD 8	1
	NRA Cooperation Officer	TA long-term	AD5	1
	NRA Cooperation Legal Officer	TA long-term	AD 7	1
	TSO Cooperation Officer	TA long-term	AD 5	1
	TSO Cooperation Officer	TA long-term	AD 7	1
	Framework Guidelines & Network Codes Officer	TA long-term	AD 5	1
	Framework Guidelines & Network Codes Senior Officer	TA long-term	AD 8	1
	Assistant to the Framework Guidelines & Network Codes Officers	TA long-term	AST 3	1
	<i>Policy Officer</i>	<i>4 years term</i>	<i>SNE</i>	<i>2</i>
<u>Market Monitoring Department</u>	Head of the Market Monitoring Department	TA long-term	AD 11	1
	Assistant	TA long-term	AST 3	1
	Assistant	TA long-term	AST 3	1
	Senior Officer	TA long-term	AD 8	1
	Officer	TA long-term	AD 7	1

	Officer	TA long-term	AD7	1
	Officer	TA long-term	AD 6	1
	Officer	TA long-term	AD 6	1
	<i>Seconded National Experts</i>	<i>4 years term</i>	<i>SNE</i>	<i>6</i>
	<i>Secretary/Assistant</i>	<i>CA short-term</i>	<i>Function Group II</i>	<i>1</i>
<u>Administration Department</u>	Head of Administration	TA long-term	AD 11	1
	Assistant to the Head of Administration /Internal Control Assistant	TA long-term	AST 3	1
	Human Resources Officer	TA long-term	AD 5	1
	Human Resources Assistant	TA long-term	AST 3	1
	Accounting and Budget Officer	TA long-term	AD 5	1
	Accounting and Budget Assistant	TA long-term	AST 3	1
	IT and Documentation Management Assistant	TA long-term	AST 3	1
	IT Resources Officer	TA long-term	AD 5	1
	IT Expert – Market Monitoring	TA long-term	AD 5	1
	Knowledge Manager	TA long-term	AST 5	1
	Facility Management Assistant	TA long-term	AST 3	1
	<i>Secretary (Budget Assistant)⁸</i>	<i>CA long-term</i>	<i>Function Group II</i>	<i>1</i>
	<i>Budget Assistant</i>	<i>CA short-term</i>	<i>Function Group II</i>	<i>2</i>
TOTAL				72

The structure presented in the table above may be changed following the implementation of REMIT.

- Temporary agents on long term employment

Examples of job profiles:

Coordinator for relations with National Regulatory Authorities

- Coordination of NRA Working Groups and relations between ACER and NRAs
- Recommendations for sharing good practices among NRAs and market players
- Development of framework for NRA cooperation
- Promotion of cooperation between NRAs and regulatory authorities at regional and EC level. If considered necessary, recommendation to Commission to propose binding rules
- Preparation of meetings of Board of Regulators (BoR)

⁸ Within the available resources for financial functions, ACER can transfer the post of Secretary (CA FG II) in the interest of the service to cover the financial tasks as described on p. 9.

NRA cooperation, including a Legal Officer - electricity

- Decisions on terms and conditions for access to and operational security of electricity cross-border infrastructure
- Decisions on exemptions from regulatory regime for cross-border infrastructure
- Work in the context of the Inter Transmission System Operators' (TSO) compensation mechanism Guideline
- Opinion on whether a NRA decision complies with Guidelines or other relevant provisions and information of Commission or Member States concerned where NRA does not comply with opinion of ACER
- Opinion to NRA which encounters difficulties with application of Guidelines
- Opinion on decisions of NRAs on TSO certification
- Cooperation with NRAs and TSOs to ensure compatibility of regulatory frameworks between regions. If needed, appropriate recommendations
- Recommendations towards achieving compatibility of technical rules

TSO cooperation - electricity

- Opinion on draft statutes, list of members and draft rules of procedure of ENTSO-E
- Monitoring of execution of tasks of ENTSO-E
- Opinion (if need be: duly reasoned) to ENTSO-E on draft annual work programme, draft EU-wide network development plan and other relevant documents (e.g. annual summer and winter supply outlooks)
- Monitoring of progress of new inter-connector projects
- Monitoring of implementation of EU-wide Network Development Plans; investigate reasons for inconsistencies and make recommendations to TSO et al.
- Monitoring of regional cooperation of TSO
- Approval of compliance programmes for joint undertakings

Framework guidelines and network codes - electricity

- Opinion to Commission on annual priority list
- Framework guidelines
- Reasoned opinion to ENTSO-E on draft network codes, submission of draft network codes to Commission and recommendation that they be adopted
- If required, preparation of draft network codes
- If required, opinion on draft network codes prepared by Commission
- If required, proposal of amendments to network codes
- Monitoring of execution of tasks of ENTSO-E as far as network codes are concerned
- Monitoring and analysis of implementation of network codes and Guidelines by ENTSO-E, report to Commission and duly reasoned opinion to Commission where ENTSO-E failed to implement

ACER electricity policy / monitoring of Internal Electricity Market

- Monitoring of internal markets in electricity
- Preparation of annual report on results of monitoring
- If appropriate, opinion to European Parliament and Commission on how to remove barriers on Internal Market
- Preparation of annual report on the activities of ACER
- Preparation of annual work programme
- Preparation of overall ACER regulatory policy on electricity in close co-ordination with Commission
- Co-operation with third countries

NRA cooperation, including a legal officer - gas

- Decisions on terms and conditions for access to and operational security of gas cross-border infrastructure
- Decisions on exemptions from regulatory regime for cross-border infrastructure
- Opinion on whether a NRA decision complies with Guidelines or other relevant provisions and information of Commission or MS concerned where NRA does not comply with opinion of ACER
- Opinion to NRA which encounters difficulties with application of Guidelines
- Opinion on decisions of NRAs on TSO certification
- Cooperation with NRAs and TSOs to ensure compatibility of regulatory frameworks between regions. If needed, appropriate recommendations
- Recommendations towards achieving compatibility of technical rules

TSO cooperation - gas

- Opinion on draft statutes, list of members and draft rules of procedure of ENTSO-G
- Monitoring of execution of tasks of ENTSO-G
- Opinion (if need be: duly reasoned) to ENTSO-G on draft annual work programme, draft EU-wide network development plan and other relevant documents (e.g. annual summer and winter supply outlooks)
- Monitoring of progress of new interconnector projects
- Monitoring of implementation of EU-wide Network Development Plans; investigate reasons for inconsistencies and make recommendations to TSO et al.
- Monitoring of regional cooperation of TSO
- Approval of compliance programmes for joint undertakings

Framework guidelines and network codes - gas

- Opinion to Commission on annual priority list
- Framework guidelines
- Reasoned opinion to ENTSO-G on draft network codes, submission of draft network codes to Commission and recommendation that they be adopted
- If required, preparation of draft network codes
- If required, opinion on draft network codes prepared by Commission
- If required, proposal of amendments to network codes
- Monitoring of execution of tasks of ENTSO-G as far as network codes are concerned
- Monitoring and analysis of implementation of network codes and Guidelines by ENTSO-G, report to Commission and duly reasoned opinion to Commission where ENTSO-G failed to implement

ACER gas policy / monitoring of Internal Gas Market

- Monitoring of internal markets in natural gas
- Preparation of annual report on results of monitoring
- If appropriate, opinion to European Parliament and Commission on how to remove barriers on Internal Market
- Preparation of the annual report on the activities of ACER
- Preparation of annual work programme
- Preparation of overall ACER regulatory policy on gas in close co-ordination with Commission
- Co-operation with third countries

Head of Market Monitoring Department

- Lead, coordinate and manage the newly established Market Monitoring Department
- Contribute to the definition of the expected results and milestone for the effective implementation of REMIT

- Contribute to the definition of the Department's work plan, in accordance with ACER's work programme and adopt and regularly review implementation guidelines;
- Implement and follow up Department's organisation and ensure effective distribution of duties and responsibilities to staff
- Evaluate the fulfilment of objectives using relevant indicators and report to the Director on results achieved
- Verify the conformity of the Department's output and operations with official regulations and procedures including the Internal Control Standards framework

IT Expert – Market Monitoring

- Ensure the operations and infrastructure of the current IT systems
- Contribute to the definition, planning, acquisition and implementation of new technology related to the activities to be performed by ACER as defined in Market Monitoring
- Contribution in analysing and defining ACER's Information System software-hardware solutions requirements
- Coordinate and supervise partially or fully outsourced IT initiatives
- IT security and database issues
- Design test plans, test and validate the quality of the IT security infrastructure
- Control and monitor availability, maintainability, stability, performance and capacity of the IT security systems, identifying and analysing risks, anomalies and patterns that could result into issues for ACER

Director's Assistant

- Assistance in management of and coordination within ACER
- Coordination and consultation with other EU institutions, Member States and stakeholders
- Preparation of work of Administrative Board
- Coordination of preparation of annual report on the activities of ACER
- Coordination of preparation of annual and multi annual work programmes
- Coordination of preparation of preliminary draft budget
- Preparation of internal administrative instructions

Strategy, Coordination and Compliance Advisor

- Assist the Director in developing the strategic planning and reporting system of the Agency
- Assist the Director and act under his/her guidance in coordinating the activities of the Departments when required for the efficient performance of its duties and the execution of the Work Programme
- Coordinate the preparation of the Agency's Work Programme and Annual Report
- Assist the Director in the identification, development and implementation of methods of performance measurements for the Agency (i.e. KPIs), best practices and policies to improve existing processes and share innovations
- Regularly review the Agency's operations and processes to ensure compliance with applicable regulations, and develop recommendations for changes where necessary
- Follow up on the work of the EU Agencies' Performance Development Network
- Assist the Director in coordinating the Director's offices activities
- Assist the Director in any other aspect of his/her duties, including working on ad-hoc projects
- Act as an authorising officer by delegation in the Director's office
- Ensure compliance with the rules of EU law and minimum control standards established by the Agency

- Examining and evaluating reporting systems and recommending appropriate control measures to ensure system reliability and data integrity
- Contributing to the risk management process within the agency and perform annual risk assessments of agency's activities

Secretaries

- Secretarial services for Director or Administration / Gas / Electricity / Market Monitoring Departments
- Co-ordination of meetings
- Organisation of travel activities
- Administrative support to the Legal Advisor and NRA Coordinator
- Co-ordination of administrative issues related to budget and staff
- Archiving (assistance to the Knowledge Manager)
- Co-ordination of requests for access to documents
- Assistance to and secretarial services for Administration / Electricity / Gas / market Monitoring Departments
- Organisational issues related to the Working Groups with NRAs, all stakeholder consultations
- Administrative assistance to the rest of the Administration / Electricity / Gas / Market Monitoring Department staff according to needs

Legal Advisor and Legal Assistant to the Legal Advisor

- Legal advice to Director and ACER departments on all legal issues, in particular on European law, notably on internal energy market legislation
- Scrutiny of all legally binding decisions to be adopted by ACER
- Proceedings before the Board of Appeals (BoA)
- Procurement, employment contracts and other legal administrative issues

Head of Administration

- Coordination and management of Administration Department
- Responsibility for internal control and risk management issues
- Contribute to the definition of the Department's work plan, in accordance with ACER's work programme and adopt and regularly review implementation guidelines
- Verify the conformity of the Department's output and operations with official regulations and procedures including the Internal Control Standards framework and ensure that the Department meets all its obligations
- Ensure effective planning and correct management of human, budgetary, financial, informatics, and administrative resource activities as related to the activities of ACER
- Ensure compliance with all legal and regulatory requirements;
- Manage the development and maintenance of information systems developed by ACER for ACER itself
- Report, inform and / or brief the Director on policy developments, on the outcome of consultation and on coordination with other departments
- Assist the Director in setting up the internal organisation of ACER and in planning and allocating the available human resources (posts under the establishment plan and external staff)
- Establish the budget of ACER, advice the Director on the allocation within ACER and manage and control the implementation of annual budgetary resources allocated to ACER
- Verify and validate in his capacity of sub-delegated authorising officer the financial and budgetary aspects of operations carried out under his responsibility, adhering to the Financial Regulation and the Manual of Procedures

Assistant to Head of Administration/Internal Control Assistant

- Administrative assistance to the Head of Administration and the other staff of the Department according to needs
- Ensure the follow-up of the Head of Administration Department decisions and assist in organisation and management matters, including drafting of briefings and replies
- Filter and prioritise files submitted to the Head of Administration Department
- Ensure follow-up of correspondence including: oversee attribution, screen replies, draft notes, letters etc.
- Follow-up, control and dispatching of mail
- Coach less experienced staff on organisational structure, administrative procedures and processes
- Assistance to and secretarial services for the Department
- Assistance to the Head of Administration Department with internal control, risk management issues, internal communication procedures and Business Continuity Plans

Human Resources

- Personnel Administration (contracts, keeping and updating employee files, leaves and holidays etc...)
- Implementation and supervision of the HR policies of ACER (training, career and development, mobility)
- Co-ordination of the analysis and definition of present and future human resources needs of ACER
- Drafting, updating and publishing job vacancies and job descriptions and organising or supporting internal and external recruitment processes
- Setting up, coordination and participation in the work of the Selection Committees
- Integration of new staff into the service

Budget and Finance

- Manage ACER accounts and establishment of the budget
- Assist the Director with the establishment and implementation of the budget
- Prepare provisional accounts and report on budgetary and financial management over the financial year
- Monitor the implementation of Internal Control Standards
- Keep inventory of ACER's property and assets

Knowledge Manager

- Promote knowledge sharing through ACER's processes and systems by, among others, strengthening links between knowledge sharing and the information systems
- Improve integration amongst IT and document systems in ACER, to facilitate seamless exchange of information between EU institutions and National Energy Regulatory Authorities
- Promote collaborative tools, such as "virtual platforms" or activity rooms, to facilitate sharing of ideas and work among internal teams and external stakeholders
- Provide support for the establishment and nurturing of communities of practice, including workshops, knowledge fairs, site visits, troubleshooting, training sessions, preparation of brochures/presentations in co-operation with the Communications Officer
- Help monitor and evaluate the knowledge-sharing and document management systems, including external benchmarking and evaluation programs/opportunities
- Help disseminate information about the organization's knowledge-sharing programme to internal and external audiences

IT Resources and Document Management

- Install, configure, monitor and maintain computer systems and networks

- Solve network problems and solve hardware/software faults
- Provide support to the IT users, including documentation
- Run network applications to support systems and users
- Support new applications and set up new systems and users
- Ensure data protection
- Establish and maintain the ACER web site (in co-operation with the Communications Officer)

Procurement and Facility Management

- Assist in managing ACER's building, non-IT infrastructure and services
- Participating in the preparation of tender dossiers and drafting of contracts
- Assisting in the launch and administration of tendering procedures
- Coordinating opening and evaluation sessions
- Drafting evaluation reports, notification letters and associated documents
- Providing guidance and assistance to the contracting departments within ACER in the management of their tendering procedures
- Monitoring ACER's annual contractual needs
- Assisting in the management of the building and facilities at ACER headquarters
- Planning and managing office allocations and carrying out office removals
- Providing data and status reports for the preparation and monitoring of the annual building and facilities budget, and verifying invoices

- Temporary agents on short/medium term employment

Examples of job profiles:

Director

- To recruit and supervise ACER staff and to foster a good team spirit and working environment
- To prepare and participate in the work of the Administrative Board, without the right to vote
- To adopt and publish the opinions, recommendations and decisions of ACER after having received a favourable opinion of the Board of Regulators which consists of senior representatives of the National Regulatory Authorities
- To prepare the annual draft work programme of ACER as well as ACER's annual report
- To implement the annual work programme of ACER, under the guidance of the Board of Regulators of ACER, and under the administrative control of the Administrative Board
- To draw up a preliminary draft budget of ACER and to implement the budget of ACER
- To take the necessary measures, notably the adoption of internal administrative instructions and the publication of notices, to ensure the smooth functioning of ACER
- To exercise the powers conferred on the appointing authority by the Staff Regulations of Officials of the European Communities and on the authority entitled to conclude contracts by the Conditions of Employment of Other Servants of the European Communities
- To communicate with the public on all matters within ACER's remit.

- Contract agents on long term employment

Examples of job profiles:

Press & Communication Officer (CA, FGIV)

- Corporate Communication, Media and Public Relations
- Prepare meetings and liaise with Commission, MS and third parties
- Internal Communication
- Coordination of and assistance to departments on consultation processes
- Publication of all documents and minutes of consultation meetings
- Publication of information in relation to meetings of ACER Boards

Secretary (CA, FGII)

- Secretarial services for Director or Administration / Gas / Electricity / Market Monitoring Departments
- Co-ordination of meetings
- Organisation of travel activities
- Administrative support to the Legal Advisor and NRA Coordinator
- Co-ordination of administrative issues related to budget and staff
- Archiving (assistance to the Knowledge Manager)
- Co-ordination of requests for access to documents
- Assistance to and secretarial services for Administration / Electricity / Gas / Market Monitoring Departments
- Organisational issues related to the Working Groups with NRAs, all stakeholder consultations
- Administrative assistance to the rest of the Administration / Electricity / Gas / Market Monitoring Department staff according to needs

- Contract agents on short/medium term employment

Secretary (CA, FGII)

- Secretarial services for Director or Administration / Gas / Electricity / Market Monitoring Departments
- Co-ordination of meetings
- Organisation of travel activities
- Co-ordination of administrative issues related to budget and staff
- Co-ordination of requests for access to documents
- Assistance to and secretarial services for Administration / Electricity / Gas / Market Monitoring Departments
- Organisational issues related to the Working Groups with NRAs, all stakeholder consultations
- Administrative assistance to the rest of the Administration / Electricity / Gas / Market Monitoring Department staff according to needs

Budget Assistant (CA, FGII) (initiator/verifier)

- Initiating, checking, validating financial and transaction data and processes
- Supporting the monitoring and control of transaction processes and expense appropriations
- Executing commitments
- Providing assistance for the opening and closing of the financial year
- Keeping records up to date
- Liaising with the Procurement unit on contractual issues
- Ensuring compliance with relevant Regulations and rules, audits and internal control statutory/regulatory requirements

- Acting as a point of contact for queries on all operational-related issues and facilitating the circulation of relevant information within both the Unit and the organisation
- Verifying and validating financial transaction data and processes
- Acting as a back-up for any other staff member as appropriate; and carrying out any other duties required in the interests of the Unit

- Seconded national experts

According to Article 22 of the Agency Regulation, ACER should benefit from the competence and experience of staff seconded by the national regulatory authorities, the Commission and the Member States. 10 SNE posts were filled during 2011. Furthermore, the Administrative Board adopted Decision AB n° 02/2011 laying down the rules on the secondment of national experts to the Agency for the Cooperation of Energy Regulators.

The 10 Seconded National Experts from the National Regulatory Authorities, Member States and public administration work on policy and market monitoring issues, TSO cooperation or in the area of framework guidelines and network codes. Since in the course of the legislative procedure a number of additional tasks were assigned to ACER, in particular as regards the monitoring of internal markets in electricity and natural gas (REMIT), additional SNE positions will be made available in the coming years: 2 SNEs in 2012 and 4 SNEs in 2013.

1.2.2 ACER's policy as regards performance appraisal and promotion/reclassification.

The Administrative Board adopted 2 decisions on performance appraisal (Decision AB n° 25/2011 establishing the policy and procedure for the performance appraisal of staff and Decision AB n° 26/2011 concerning the appraisal of the Director of ACER for the Cooperation of Energy Regulators). The first annual performance appraisal exercise was launched in January 2012.

The first Annual Performance Appraisal Procedure of ACER was performed electronically with the Annual Performance Appraisal tool. Its purpose was to review individual performance and achievements over the last year and to identify career development prospects and objectives. The performance appraisal assessed the period from 01 January 2011 to 31 December 2011. The procedure was mandatory for all temporary and contract staff and SNEs who worked a minimum of four continuous months in 2011. For staff that worked less than four months during 2011, only objectives and training needs for 2012 were agreed with the Reporting Officer and validated by the Countersigning Officer. In order to familiarise the staff with the new procedure, a seminar on Performance Appraisal was organised and additional information presented in the Performance Appraisal Guidelines and the Performance Appraisal End User Manual.

ACER's policy on the reclassification of temporary agents is based on the relevant implementing rules, which are yet to be adopted by Administrative Board and which will be submitted to the Commission in the context of the procedure under Article 110 of the Staff Regulations. The first drafts of the relevant implementing rules on the reclassification of temporary agents and contract agents were submitted to the Administrative Board for its

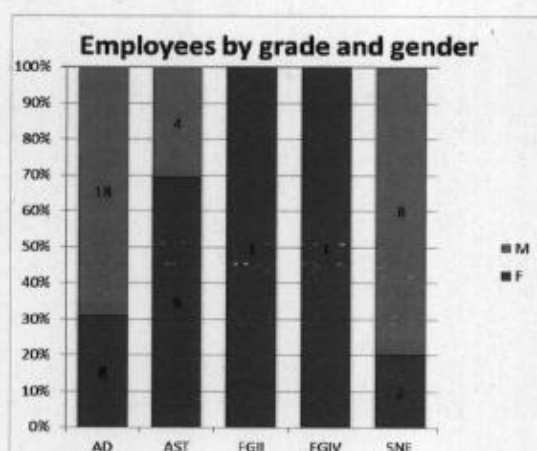
consideration in December 2011 and afterwards to DG HR to launch the inter-service consultation.

Long-term temporary agents for assistant positions can be reclassified up to the grade of AST11 and administrative positions will, as a rule, be reclassified up to grade AD14 in line with the draft Decision AB establishing the policy and procedure for the reclassification of temporary agents.

1.2.3 Statistics and general orientations to promote equal opportunities and concrete measures planned in order to ensure equal treatment among the staff members.

In accordance with Article 1d of the Staff Regulations and Articles 12(1) and 82(1) of the CEOS, ACER will apply the equal opportunities policy for its staff, while making provision for measures and actions promoting equal opportunities. Its targets can be broken down into several types of measures:

- to remove barriers to the career development of women in recruitment, training and their career paths;
- to reconcile personal and working life (e.g. implementing provisions on teleworking are in the process of being adopted);
- to raise awareness on issues of gender equality;
- to protect the dignity of the person in the workplace.

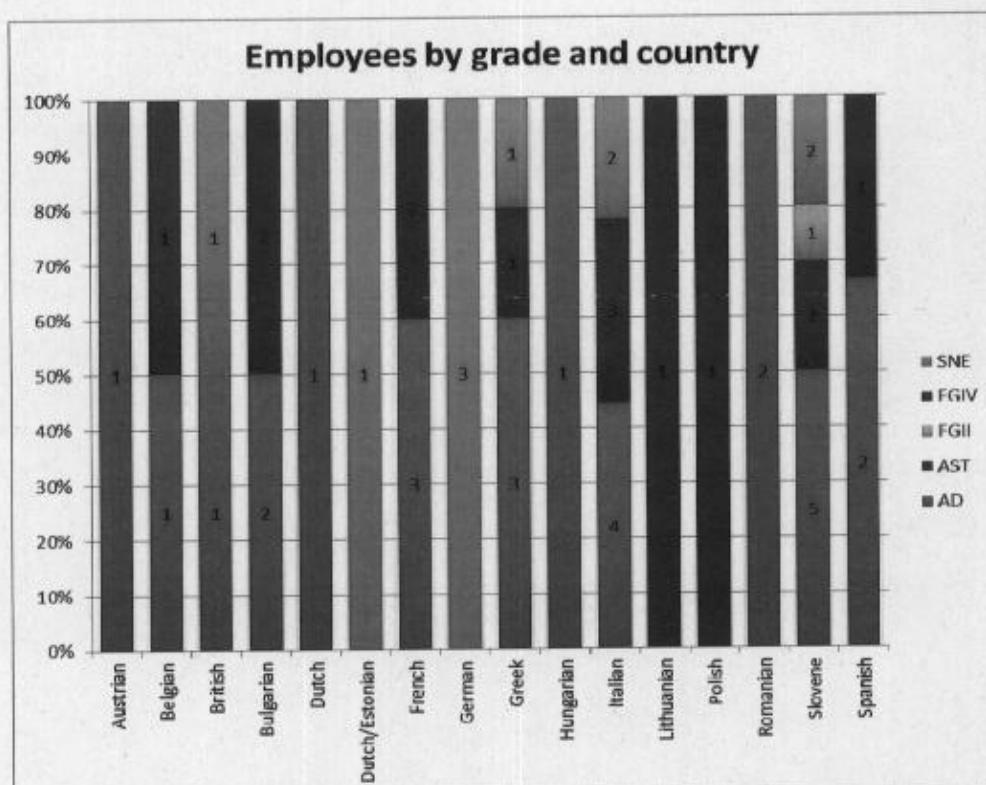


1.2.4 Statistics on geographical balance.

ACER currently employs 41 staff members and has 10 SNEs of different geographical origin. Staff and SNEs are coming from 16 different EU countries: Slovenia, Italy, Greece, France, Bulgaria, Germany, Spain, Romania, the Netherlands, the United Kingdom, Belgium, Austria, Estonia, Hungary, Lithuania and Poland.

	AD	AST	FGII	FGIV	SNE	Grand Total
Austrian	1					1
Belgian	1			1		2
British	1				1	2
Bulgarian	2	2				4
Dutch	1					1
Dutch/Estonian					1	1

French	3	2				5
German					3	3
Greek	3	1			1	5
Hungarian	1					1
Italian	4	3			2	9
Lithuanian		1				1
Polish		1				1
Romanian	2					2
Slovene	5	2	1		2	10
Spanish	2	1				3
Grand Total	26	13	1	1	10	51



1.2.5 Mobility policy in regard to the different types of employment.

Mobility within ACER.

ACER started with recruitment procedures only in 2010 and continued to recruit the remaining staff in 2011, therefore, mobility within ACER and the publication of vacant posts internally has not been foreseen yet.

Mobility among agencies (Inter-agency Job Market).

ACER started with recruitment procedures only in 2010 and continued to recruit the remaining staff in 2011, therefore, the agreement on the Inter-agency Job Market has not been signed yet. However, ACER will look into this possibility and will request to join the agreement on the Inter-agency Job Market.

Mobility between the agencies and the institutions.

Out of 41 staff members recruited in 2010 and 2011, 12 staff members came from other institutions (5 from EU agencies and 7 from EC).

2 - OVERVIEW OF THE SITUATION OVER NEXT THREE YEARS.

2.1 Turnover due to retirement or termination of employment (N/A)

2.1.1 Turnover in ACER because of retirement. (N/A)

2.1.2 Turnover in ACER because of termination of employment.

In 2011, 1 temporary agent (AST3) decided to resign from the post at ACER. In order to fill out the vacant position as soon as possible, the reserve list was used to recruit a new Assistant successfully.

2.2 Workload.

With respect to the proposed policy to reduce staff in all EU institutions and bodies by 5% by 2018, it is important to stress that ACER has not yet finished with the initial recruitment of its staff. Therefore, it is foreseen that the staff numbers will still grow in the years 2012 and 2013 in order to reach the approved number of staff according to the current Establishment Plan. Furthermore, ACER is being assigned new significant responsibilities under REMIT and is likely to be given additional tasks by the Regulation on guidelines on trans-European energy infrastructure, recently tabled by the Commission. As a consequence, it is expected that ACER's staff will still grow beyond 2013. Therefore, ACER cannot be considered as an agency at 'cruising speed', but an agency with new tasks.

The current internal structure of ACER is based on two technical departments – the Electricity and the Gas Departments – and an Administration Department. The organisation of the technical work separately for the two sectors (electricity and gas) reflects their specificities in the area of regulation.

However, trading in wholesale energy products increasingly involve both gas and electricity and therefore the new responsibilities assigned to ACER under REMIT will be mostly entrusted to a new Market Monitoring Department which will cover both the electricity and gas sectors.

The new Market Monitoring Department, which will be established in 2012/2013, will be composed of 8 experts, supported by 6 SNEs.

Short-term contract agents will be budgeted for the possibility to help with the performance of new activities, especially in the initial phase when the workload is particularly significant and to bridge the gap in the recruitment process and to assist in providing administrative, financial and secretarial support in the departments and Director's office, so that the ACER will be able to fulfil its newly assigned tasks.

2.3 Consequences of 2.1 and 2.2 on the number of staff in ACER for the next 3 years.

41 staff members (39 temporary and 2 contract agents) were recruited in 2010 and 2011 in accordance with the Establishment Plan. This Plan was defined on the basis of the tasks and responsibilities assigned to ACER by the Third Legislative Package.

At present, 15 additional staff members are envisaged in the *Fiche Financière* attached to REMIT (COM(2010) 726 final). ACER, however, estimates that a larger staff will be required for properly implementing REMIT. In the REMIT implementation phase, ACER counts on the support of NRAs to make up for the shortage of staff to devote to the new tasks. It is however clear that NRAs, which are themselves facing additional responsibilities under REMIT and are subject to severe resource limitations in the Member States, will not be able to provide support to the extent required for properly operating the monitoring system envisaged by REMIT. Therefore, ACER will need to be authorised to recruit additional staff, if it were to effectively monitor wholesale energy markets.

In 2012, ACER will start to recruit its staff for REMIT tasks. Of the 15 additional staff members already authorised in the *Fiche Financière* of REMIT, who will support the development phase, 5 (3 temporary agents and 2 SNEs) will be recruited in 2012. ACER staff will therefore total 57 (43 temporary agents, 2 contract agents and 12 SNEs) in 2012 with an additional 10 posts will be filled in 2013 (6 temporary agents and 4 SNEs).

As per the *Fiche Financière* of REMIT additional staff is needed for maintaining and supervising system developments, validating the data gathered, analysing the data, drafting reports, running investigative teams. The maintenance and the supervision of the developments includes, among others, the management of contracts with data providers and developers (financial and contractual), the drafting of technical specifications, the testing of the environment, the user management and support, etc. Two persons are needed to give the required support to the team. The validation of the data gathered is another essential task, and involves at least three persons considering the number of data providers (200 providers with hourly/daily data). Analysing the data will require at least six persons. Drafting of reports, preparing the cases to the monitoring board, running the investigative groups will involve three persons. One staff will be required to manage the monitoring team.⁹

As specified and approved in the MSPP 2012-2014 (page 17, p.2.3), these posts will be allocated to the different REMIT tasks as follows:

- Head of Department (1 AD11 and 1 AST3 for secretarial support)
- management and maintenance of the data collection and reporting platforms (1 AD5 and 1 AST3);
- validation of collected or reported data (1 AD6 and 2 SNEs)
- monitoring methodologies, data analysis and initial assessment (1 AD8, 2 AD7 and 3 SNEs)
- reporting (1 AD6 and 1 SNE).

ACER acknowledges the fact that, in general, recruitment for administrators' posts should occur at AD5 level. In this respect, the posts for REMIT include 1 AD5 post. Recruitment of experts at grades above the AD5 level will occur, on an exceptional, basis to respond to the specific job profiles and expertise needed for the implementation of REMIT.

⁹ Pp.30-31, COM(2010) 726 final

Three temporary agent positions will be filled in 2012: 1 AD11, 1 AD8 and 1 AD5. In 2012 ACER will also aim to select 2 SNEs.

2.4 Energy Infrastructure Package – implications for ACER

As indicated in the Legislative Financial Statement covering the proposed regulations for Connecting Europe Facility (CEF) and the Energy Infrastructure Priorities guidelines (TEN-E guidelines), ACER is expected, in line with its internal market mandate, to execute tasks related to regulatory cost allocation and monitoring of the priority corridors and areas.

The legislative acts proposed by the Commission are currently under inter-institutional negotiations with their entry into force expected for 1 January of 2013 (for TEN-E guidelines) and in 2014 for the CEF; hence certain elements, e.g. regarding budgets, remain to be agreed on. Since this Staff Policy Plan covers this period, it is important to indicate the estimated staffing impact:

- ACER is uniquely placed to intervene in the regulatory cost allocation process for cross-border projects, as laid out in Article 12 of the TEN-E guidelines. It will call for an estimate of 4 FTE¹⁰ AD level staff.
- ACER, with its pan-EU perspective, shall monitor the implementation of the priority corridors and areas (in line with Article 5 of the TEN-E guidelines). This will require 8 FTE AD level staff and a minimum of 2 AST to assist the process.

¹⁰ Full Time Equivalent

3 - SCHOOLING.

There are three private international schools in Ljubljana:

1. **QSI International School of Ljubljana**, an American school operating in Ljubljana since 1995, offers education from pre-school through secondary school (4-17 years of age).
2. **British School International** is a newly established school for students aged 3-18. It also offers Cambridge International Examinations and A-level qualification in the Secondary section.
3. **Ecole Française de Ljubljana** is part of AEFÉ (Agency for teaching French abroad) network for 2 to 11 years old children. Lessons in English, French and Slovenian language.

There are international sections in the national school system, both at primary (OŠ Danila Kumar) and secondary level (Gimnazija Bežigrad).

OŠ Danila Kumar has been offering an international programme since 1993 for children of foreign nationals living in Slovenia. The Ministry of Education subsidises the school, covering more than half of the operational costs. International programmes exist also at the kindergarten level. School tuition fees for international schools costs between 5.355 and 6.322 EUR. The fees for kindergarten programme (food included) amount to 7.557 EUR per year.

Gimnazija Bežigrad started with its two international programmes in 1993. Both programmes are offered by the International Baccalaureate Organization. The Middle Years Program (MYP) is for students in grades 9 and 10 and the Diploma Program (DP) for grades 11 and 12. School tuition fees for the international programme are around 4.800 EUR.

ACER will find the best possible solutions for the schooling of children of ACER's staff together with the Slovenian Government. As established in the Seat Agreement (Article 13) between the Slovenian Government and ACER, the Government will undertake to establish a European School within the public school network in Slovenia, in accordance with the Convention defining the Statute of the European Schools and with the programmes of European schools.

Until the European school system is established, ACER will help the staff with a financial contribution towards kindergarten and school fees. In particular, ACER offers a top-up school allowance based on the reference price of the European schools in Brussels (for children under 5 years and between 5 and 18 years enrolled in primary/secondary fee-charging school) applying the coefficient for Slovenia. The allowance will be paid annually for 12 months at the beginning of each school year or when staff members submit the application form and supporting documents for the real costs incurred. The costs will only be reimbursed up to a defined threshold, after the allowances to which staff members are entitled according to the Staff Regulations are deducted.

In the absence of a European School in Ljubljana, it is appropriate that the Agency provides support to staff towards the cost of international schooling, in order for staff to be able to choose the best possible solution for kindergarten and schooling of their children. Furthermore, having in mind Article 1(e) of the Staff Regulations, a measure of social nature

is needed to pair the unequal working conditions to which the staff of ACER is subject compared with the other staff working for the European Union where European Schools are available.

According to Article 4(3) of the Administrative Board decision on the support granted to ACER staff members in respect to kindergarten and school fees, the Director implements the Administrative Board's decision, pursuant to Article 17(5) of Regulation (EC) No 713/2009, and defines the maximum levels of financial support and the way in which this support is paid and revises the decision on an annual basis. Since the number of children of ACER staff in Ljubljana is relatively low, the Agency does not have the negotiating power with regards to reducing the schooling fees by signing the direct service agreements with the international schools in Ljubljana.

In both cases (European section or international school programmes), ACER includes the budgetary credits necessary to cover its financial contribution in the provisional draft budget sent to the budgetary authority in the framework of the annual budgetary procedure. ACER also transmits full information on the measures planned to the budgetary authority.

There are also four universities in Slovenia, amongst others the University of Ljubljana with 23 faculties and 3 art academies.

4 - STATE OF PLAY OF IMPLEMENTING RULES ADOPTED BY ACER CONSISTENT WITH ITS STAFF POLICY.

ACER's objective is to adopt all the implementing rules consistent with its Staff Policy. The launch of the first procedures of adoption took place in the beginning of 2011 with the aim of adopting:

- at least the implementing rules related to recruitment of staff and individual rights by end of 2011;
- all implementing rules by the end of 2013.

The table hereunder gives a provisional roadmap for the adoption of the Implementing Rules:

STAFF REGULATIONS	DECISION	YEAR OF ADOPTION
Art. 1 V§4 - Definition of the handicap	C(2004)1318 69-2004	Adopted by analogy in 2011: Decision AB n° 09/2011
Art. 42bis – Parental leave	C(2010)7572	Adopted by analogy in 2011: Decision AB n° 09/2011
Art. 42ter – Special leave in case of serious illness of a family member	C(2010)7494	Adopted by analogy in 2011: Decision AB n° 09/2011
Art. 59, 60 and Art. 16, 59, 60 and 91 du RAA - Vademecum for sick leave	C(2004)1597 92-2004	Adopted by analogy in 2011: Decision AB n° 09/2011
Art. 67 and Art.1§2 d) of Annex VII – Household Allowance	C(2004)1364 51-2004	Adopted by analogy in 2011: Decision AB n° 09/2011
Art. 2 §4 of the Annex VII – Allowances for persons considered as dependent children	C(2004)1364 50-2004	Adopted by analogy in 2011: Decision AB n° 09/2011
Art. 3 of the Annex VII – School Allowance	C(2004)1313 53-2004	Adopted by analogy in 2011: Decision AB n° 09/2011
Art. 7§3 of the Annex VII – Place of Origin	C(2004)1364 57-2004	Adopted by analogy in 2011: Decision AB n° 09/2011
Art. 8 of the Annex VII – Refund of travel expenses to place of origin	C(2004)1588 56-2004	Adopted by analogy in 2011: Decision AB n° 09/2011
Article 4 of Annex VIII concerning the taking into account, for purposes of calculating pension rights, of periods of activity previously completed by staff	C(2004)1364 61-2004	Adopted by analogy in 2011: Decision AB n° 09/2011
Articles 11 and 12 of Annex VIII to the Staff Regulations on transferring pension rights	C(2011)1278	Adopted by analogy in 2011: Decision AB n° 09/2011
Article 26 of Annex XIII to the Staff Regulations on transferring pension rights –	C(2004)1588 62-2004	Adopted by analogy in 2011: Decision AB n° 09/2011

transitional provisions		
Article 22 (4) of Annex XIII to the Staff Regulations	C(2004)1588 59-2004	Adopted by analogy in 2011: Decision AB n° 09/2011
Articles 67 and 68 of the Staff Regulations and Articles 1, 2 and 3 of Annex VII	C(2004)1364 52-2004	Adopted by analogy in 2011: Decision AB n° 09/2011
Transitional measures required by the revision of the Staff Regulations and CEOS	C(2004)1613 88-2004	Adopted by analogy in 2011: Decision AB n° 09/2011
Art. 2§3 of Annex IX (cf. Art. 30 of the same annex) – Disciplinary procedure	C(2004)1588 86-2004	Planned for 2012
Art. 29, 30, 31 and 32 of Staff Regulations and Art. 15 of CEOS – Entry grade and step	C(2004) 1313 55-2004	Adopted in 2011: Decision AB n° 12/2011
Art. 71 and Art. 11 to 13a Annex VII – Missions Guide	C(2008)6125	Adopted by analogy in 2011: Decision AB n° 09/2011
Art. 39 of CEOS – Early retirement (temporary agents)	C(2004)1588 63-2004	Planned for 2013
Art. 55bis Annex IVbis – Part Time	C(2010)7573	Adopted by analogy in 2011: Decision AB n° 09/2011
Art. 55ter – Job sharing	C(2004)1314 67-2004	Planned for 2012
Art. 15 – Outside Activities	C(2004)1597 85-2004	In the process revision – planned for 2012
Art. 40 – Leave on personal grounds	C(2004)1597 82-2004	Adopted by analogy in 2011: Decision AB n° 09/2011
Art. 51 – Underperformance	C(2004)1597 87-2004	Planned for 2012
Art. 57 and 58 – Vademecum of leaves	C(2010)7495	Adopted by analogy in 2011: Decision AB n° 09/2011
Art. 2, 4, 5, 7 and 29 – Middle Management	C(2004)1597 73-2004	Adopted in 2011: Decision AB n° 24/2011
Art. 7§2 – Interim for management posts	C(2004)1597 83-2004	Final version with EC – planned adoption in the beginning of 2012
Art. 9 – Staff Committee	Decision of 23/12/97	Adopted in 2011: Decision AB n° 27/2011
Art. 12 bis – Moral or Sexual Harassment	C(2006) 1624/3	Planned for 2012
Art. 24 bis – Training	IA 839/94 (no decision of the Commission)	Final version with EC – planned adoption in the beginning of 2012
Art. 43 – Evaluation	DGE du 23/12/2004 / C(2008) 3026/ Decision concerning the appraisal for the director	Adopted in 2011: Decision AB n° 25/2011 (staff) Adopted in 2011: Decision AB n° 26/2011 (Director)
Art. 45 – Promotion or reclassification	DGE du 23/12/2004 / C(2008) 3028	Draft decision submitted to EC for ICS – planned adoption in 2012
Art. 45bis – Certification	C(2005)1940 51-2005 / C(2007) 5694	Not applicable since no officials are forecasted to join ACER.

Art. 10§3 of Annex XIII – Attestation	C(2006) 5788	Not applicable since no officials are forecasted to join ACER.
Art. 8 and Art. 12 of CEOS – New policies in terms of recruitment of temporary agents		Adopted in 2011: Decision AB n° 10/2011
Art. 79§2 and Art. 82 of CEOS – contract agents (Recruitment)	C(2004)1313 49-2004	Adopted in 2011: Decision AB n° 11/2011
Art. 87 § 1 of CEOS – Evaluation of contract agents	Decision similar to that for the temporary agents	Adopted in 2011: Decision AB n° 25/2011
Art. 5 of SR and Art.10 of CEOS – Types of employment of temporary agents	Model of decision to be established	Planned for 2013
Art. 80§3 of CEOS – Job Descriptions of contract agents	Model of decision to be established	Planned for 2013
Art. 87§3 of CEOS – Reclassification of contract agents	Model of decision to be established	Draft decision submitted to EC for ICS – planned adoption in 2012
Teleworking	C(2009)10224	Final version with EC – planned adoption in the beginning of 2012

Establishment plan posts

Category and grade	Establishment plan 2011		Posts actually filled at 31.12.2010		Posts filled in by external publication in 2011		Promotion / reclassification in 2011 N/A		Departures 2011		Posts actually filled at 31.12.2011	
	perm	temp	perm	temp	perm ¹¹	temp ¹²	perm	temp	perm	Temp	perm	temp
AD 16												
AD 15												
AD 14		1		1								1
AD 13												
AD 12												
AD 11		3 ¹³		1		2						3
AD 10												
AD 9		2				2						2
AD 8		5				4						4
AD 7		4				4						4
AD 6		3 ¹⁴				2						2
AD 5		9		4		6						10
Total AD		27		6		20						26
AST 11												
AST 10												
AST 9												
AST 8												
AST 7												
AST 6												
AST 5		1				1						1
AST 4												
AST 3		12		1		11				1		12
AST 2												
AST 1												
Total AST		13		1		12				1		13
Total		40		7		32				1		39

¹¹ Recruitment + transfer

¹² All new contracts, including the inter-agency job market

¹³ The Administrative Board approved the modification of +2 AD11, -2 AD9 with the adoption of the MSPP 2010-2013 in the Administrative Board Decision number 05/2010 from 22 June 2010.

¹⁴ ACER recruited 10 AD5 posts and only 2 AD6 posts in 2011 (1 AD6 post was used for AD5 post).

Grade	Year 2013																
	2012			Staff evolution							Organisational evolution			Establishment Plan 2013			
	Establishment plan			Promotion / Career advancement in global figures				Turn-over in global figures (departures/arrivals)			New posts			Provisional planning			
	PERM	TEMP	TOTAL	Officials	TA - LT	TA - ST	Officials	TA - LT	TA - ST	Perm	Temp - LT	Temp - ST	Perm	Temp	Total		
AD16															0		
AD15															0		
AD14		1	1											1	1		
AD13															0		
AD12														1	1		
AD11		4	4		1									3	3		
AD10					-1										0		
AD9		2	2											2	2		
AD8		6	6											6	6		
AD7		4	4											6	6		
AD6		2	2		4							2		8	8		
AD5		11	11									2		7	7		
Total AD	0	30	30	0	5	0	0	0	0	0	4	0	0	34	34		
AST11															0		
AST10															0		
AST9															0		
AST8															0		
AST7															0		
AST6															0		
AST5		1	1											1	1		
AST4															0		
AST3		12	12									2		14	14		
AST2															0		
AST1															0		
Total AST	0	13	13	0	0	0	0	0	0	0	2	0	0	15	15		
Overall Total	0	43	43	0	5	0	0	0	0	0	6	0	0	49	49		

The 3 additional AD posts (AD5, AD8 and AD11) included in the establishment plan 2012 will be covered under the REMIT.

Year 2014																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			
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	Establishment plan			Promotion / Career advancement in global figures				Turn-over in global figures (departures/arrivals)				New posts				Provisional planning																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																			
	Provisional planning			Officials		TA - LT		TA - ST		Officials		TA - LT		TA - ST		Perm		Temp - LT		Temp - ST		Perm		Temp		Total																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
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The 4 additional AD posts (2AD6, and 2 AD7) and 2 additional AST posts (2 AST3) included in the establishment plan 2013 will be covered under the REMIT.

Please refer to p.24 above for justification of the grades of the additional REMIT posts.

Additional 12 AD posts and minimum 2 AST posts will be added to the establishment plan 2013 and 2014 in line with the Articles 12 and 5 of TEN-E Guidelines, as specified on page 24.

Grade	Year 2015																
	2014																
	Establishment plan																
	Provisional planning			Promotion / Career advancement in global figures				Turn-over in global figures (departures/arrivals)				New posts			Establishment Plan 2015		
	PERM	TEMP	TOTAL	Officials	TA - LT	TA - ST	Officials	TA - LT	TA - ST	TA - ST	TA - ST	Perm	Temp - LT	Temp - ST	Perm	Temp	Total
AD16																	0
AD15																	0
AD14		1	1													1	1
AD13																	0
AD12		1	1		2											3	3
AD11		3	3	-2												1	1
AD10		1	1													1	1
AD9		3	3		2											5	5
AD8		6	6	-2	2											6	6
AD7		5	5	-2	2											5	5
AD6		9	9	-2	3											10	10
AD5		5	5	-3												2	2
Total AD	0	34	34	0	0	0	0	0	0	0	0	0	0	0	0	34	34
AST11																	0
AST10																	0
AST9																	0
AST8																	0
AST7																	0
AST6																	0
AST5		1	1													1	1
AST4		5	5		5											10	10
AST3		9	9	-5												4	4
AST2																	0
AST1																	0
Total AST	0	15	15	0	0	0	0	0	0	0	0	0	0	0	0	15	15
Overall Total	0	49	49	0	0	0	0	0	0	0	0	0	0	0	0	49	49

