

DECISION AB No. [NN]/2015

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

of [DD].[Month].2015

laying down the policy and procedure for deputising

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 an Agency for the Cooperation of Energy Regulators¹, and, in particular, Article 13(4) thereof,

Whereas:

- (1) The Agency for the Cooperation of Energy Regulators (hereinafter referred to as ‘the Agency’) shall establish the most appropriate measures to ensure continuity of service when the members of the middle or senior management are unable to perform their respective duties.
- (2) The Agency’s current policy on continuity of the service covers cases of departure of the staff members and of protracted absence of its middle and senior management posts.
- (3) Before leaving his/her job, any member of the staff of the Agency must provide his/her hierarchical superior with a complete and documented hand-over file. This hand-over file should sum up the state of play of all dossiers for which the departing staff member was responsible and should include clear information on the location of all essential documentations, so that continuity of the ongoing work is ensured.
- (4) Decision AB No 07/2012 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 13 March 2012 laid down the rules for temporary postings of the Director or the Heads of Department in case of full-time and uninterrupted absence longer than three months.
- (5) Deputising arrangements provide additional guarantees for continuity of the service in case of absence of the Director and the Heads of Department, or of staff members temporarily occupying the latter posts pursuant to Decision AB No 07/2012.
- (6) The temporary postings are to be distinguished from the deputising arrangements and are not covered by this Decision,

HAS ADOPTED THIS DECISION:

CHAPTER I

THE DIRECTOR

¹ OJ L 211, 14.8.2009, p. 1.

Article 1

Deputising for the Director

1. The Chair of the Administrative Board, upon the proposal of the Head of Administration Department or of two Heads of Department, establishes when the Director should be considered as being prevented, because of serious illness or other absolute impediments, from exercising his/her functions.
2. Where the Director is prevented from exercising his/her functions, they shall be exercised by the subordinate Head of Department ('HoD') present in the highest function group with the highest grade or, in the event of equal grade, the subordinate HoD with the greatest seniority in the grade or, in the event of equal seniority, the one who is eldest.

Article 2

Decision-Making Procedure

1. Decisions are taken by means of the procedure laid down in this Article.
2. The HoD in charge of the matter at hand ('the proposing HoD') shall submit to the other HoDs a draft text for consultation and approval. The Legal Service shall at the same time be contacted for consultation.
3. For the purpose of consultation, the draft text shall be circulated in writing indicating a time limit of no less than five working days to make known any reservation(s) or proposed amendment(s).
4. Any of the consulted parties may, within the time limit set in accordance with paragraph 3, request the draft text to be discussed. In such a case, the requesting party shall send a request to the HoD deputising for the Director, who shall convene a meeting of the HoDs as soon as possible.
5. A draft text on which at least three HoDs, including the proposing HoD, have not made and maintained any reservation by the time limit set in accordance with paragraph 3 or in the meeting convened pursuant to paragraph 4 shall be considered as approved.
6. The approved draft text shall be adopted by the HoD deputising for the Director, after having obtained, where appropriate, the favourable opinion of the Board of Regulators pursuant to Articles 15(1) and 17(3) of Regulation (EC) No 713/2009.

CHAPTER II

DEPUTISING FOR HEADS OF DEPARTMENT

Article 3

1. Where a HoD is prevented from exercising his/her functions, or where the post is vacant, the functions shall be exercised by a member of the staff designated by the Director.
2. If no member of the staff has been designated by the Director, the subordinate staff member present in the department concerned in the highest function group with the highest grade or, in the event of equal grade, the subordinate staff member with the greatest seniority in the grade or, in the event of equal seniority, the one who is eldest, shall deputise.

CHAPTER III

FINAL PROVISIONS

Article 4

The Director of the Agency shall, as necessary, lay down implementing rules to give effect to this Decision.

Article 5

This Decision shall enter into force on the day following that of its adoption.

Done at Ljubljana on [DD] [Month] 2015

For the Administrative Board:

Razvan Eugen Nicolescu

Chairman of the Administrative Board