



MINUTES

24th ACER Administrative Board meeting Thursday, 17 December 2015, 9.00 – 13.00 ACER, Trg republike 3, Ljubljana, Slovenia

Present:

Mr Razvan Eugen Nicolescu, Chair, Member,

Mr Piotr Woźniak, Vice-Chair, Member,

Mr Jochen Penker, Member,

Mr Rene Tammist, Member,

Mr. Luis Martin-Oar, Member,

Mr Alfonso González Finat, Alternate member, with voting right, replacing Mr Bortoni, who resigned,

Mr Pál Kovács, Alternate member, with voting right, representing Mr Lentz,

Ms Agnieszka Kaźmierczak, Member, with proxy from Mr Dominique Ristori,

Mr Alberto Pototschnig, Director of ACER, Observer,

Lord John Mogg, Chair of the Board of Regulators, Observer,

Ms Marie-Christine Jalabert, Adviser.

Main conclusions of the meeting

1.) The Board unanimously endorsed the draft version of the PD and agreed that the draft estimate of the 2017 budget would be submitted to the AB on 28 January 2016 for adoption. It will revert to the final draft version of the PD at its next meeting in January. The Director was asked to prepare a timeline for the PD preparations process to simplify and adapt the deadlines emanating from the Financial Regulation and ACER Founding Regulation.

2.) The Board adopted ACER budget for 2016, including the establishment plan (ANNEX 1).

3.) The Board supported the terms of reference of the Memorandum of Understanding on the exchange of experts between FERC and ACER, with 7 votes in favour and 2 votes against. A press release was also issued.
4.) The Board adopted the Model decision on the appraisal of contract agents (ANNEX 2).
5.) With the textual correction of the “head of department” instead of “head of unit” in Article 3, the Board adopted the Model decision on the appraisal of temporary agents (ANNEX 3).
6.) The Board examined the question of carryovers and considered that in ACER’s case those were fully justified. The Board congratulated the Agency’s Accountant for the good performance.
7.) The Board granted Permission to the Director to engage in academic cooperation with the Florence School of Regulation in 2016 (ANNEX 4).
8.) The Board reclassified the Director to grade AD15 (ANNEX 5).
9.) The Board decided to meet on the following dates in 2016: 27-28 January (Brussels); 9 June (Ljubljana); 22 September (Ljubljana), 15 December (Ljubljana).

Opening

1. Approval of the Agenda

The following agenda of the 24th ACER Administrative Board meeting was approved:



24th ACER Administrative Board meeting
Thursday, 17 December 2015, 9.00 – 13.30
ACER, 6th floor meeting room, Trg republike 3, 1000 Ljubljana

DRAFT AGENDA V3

Agenda Topics	Accompanying documents	Rapporteur
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Agenda Topics	Accompanying documents	Rapporteur
<p>Opening</p> <p>1. Approval of the agenda</p> <p>2. Minutes of the 23rd ACER Administrative Board</p>	<p>Doc 1 for approval</p> <p>Doc 2.1 for approval</p> <p>Doc 2.2 for information</p>	<p>AB Chair</p> <p>AB Chair</p>
<p>Reporting on developments</p> <p>3. Report on ACER developments and on activities of the Board of Regulators</p>	<p>Oral Update</p>	<p>ACER Director</p> <p>BoR Chair</p>
<p>General ACER Work</p> <p>4. Programming document- preliminary draft</p>	<p>Doc 4.1 for information</p> <p>Doc 4.2 for strategic discussion</p>	<p>ACER Director</p>
<p>5. Decision on the adoption of ACER budget 2016</p>	<p>Doc 5 for adoption</p>	<p>ACER Director</p> <p>European Commission</p>
<p>6. Memorandum of Understanding (MoU) between ACER and FERC</p>	<p>Doc 6 [the terms and conditions of secondment of FERC staff to the Agency for adoption]</p>	
<p>Administrative items</p> <p>7. Model decision on the appraisal of contract agents (CA)</p>	<p>Doc 7 for adoption</p>	<p>ACER Director</p>
<p>8. Model decision on the appraisal of temporary agents (TA)</p>	<p>Doc 8 for adoption</p>	<p>ACER Director</p>
<p>9. Opinion of the Court of Auditors on the Agency's Final Accounts for the Financial year 2014, together with the Agency's reply</p>	<p>Doc 9 for information</p>	<p>AB Chairman</p> <p>ACER Director</p>
<p>10. Report on the outside activities of the Director in 2015 and Permission to the Director to engage in academic</p>	<p>Doc 10.1 for consideration</p>	<p>ACER Director</p>

Agenda Topics	Accompanying documents	Rapporteur
cooperation with the Florence School of Regulation in 2016	Doc 10.2 for adoption	
11. Decision on reclassification of the Director	Doc 11 for adoption	AB Chair European Commission
12. 2015 AB Decisions, by delegation of the Administrative Board to the Chairman via Decision AB 05bis/2010 of 21 September 2010	Doc 12.1 and 12.2 for information (decisions since the last AB meeting only)	AB Chair
AOB 13. Appointment of new Board members	Oral update	AB Chair
14. AB meetings in 2016	Doc 14 for information	AB Chair

2. Minutes of the 24th ACER Administrative Board

Comments received from the AB member appointed by the Commission were already included in the draft. The Minutes of the 24th ACER Administrative Board were approved without further comments.

3. Report on ACER developments and on activities of the Board of Regulators

The Director informed the Board that the Agency has been assigned 15 additional posts for 2016 by the Budgetary Authority. He underlined that 15 additional FTEs is not as much as ACER had hoped for, but it is a welcomed move in the right direction. He thanked DG ENER for their support and expressed ACER's appreciation of the EP's support.

On human resources, he said that most of these additional posts will be allocated to REMIT-related activities and that a new department will be established. ACER has already started recruiting for REMIT positions (reserve lists) in order to gain time once the posts have been established. In addition, the position of the Human Resources Officer – Team Leader was published.

Currently there are 22 nationalities of staff working at ACER. The number of SNEs working at ACER is shrinking: there are currently 8 SNEs, half of whom are seconded from Ofgem. 6 SNEs are working in operational departments and 2 in the Director's office.

A new Head of Department position in REMIT is going to be open.

The correction coefficient for Slovenia has dropped once again and last year dropped to 81.2% from 84.7% (3,5% drop). Therefore, even with the general positive adjustment of salaries and all other allowances +2.4%, the net result is a 1.1% reduction in salaries and allowances. These developments are threatening the ability of the Agency of continuing its operations in Ljubljana and this issue will be raised with the Slovenian government.

The AB member appointed by the Commission commented that the revision of the current method of the correction coefficient calculation is difficult to achieve. However, one option would be to disassociate the capitals from the rest of the countries in those member states where the EU agencies are headquartered. Another option could be asking for a separate clause in the mechanism to calculate the cost of living of expatriates (this is being done in Germany, in Belgium there is a separate index for the cost of living of expatriates). The decision to individualise the method would need to be taken in the Council.

A joint action with other EU agencies and the staff committee could be envisaged.

The Director reported that the European school has not yet been established, even though the Agency met with Slovenian government several times raising the issue. The Agency conveyed to the Slovenian Ministry of foreign affairs that additional 2 years is still an acceptable timeframe to set it up, however failing to meet this deadline ACER will start considering that the Slovenian government is not meeting its obligations emanating from the Seat agreement.

The AB Chairman expressed dissatisfaction with the lack of progress on the European School set-up and encouraged ACER to work closely with the Slovenian government to speed up the process.

The AB member appointed by the Commission stressed that Slovenian government made certain commitments that should not be broken, as they are the basis for the decision on the Seat of the Agency.

On network codes, the Director reported that, after the adoption last summer of the Guidelines on Capacity Allocation and Congestion Management, the Forward Capacity Allocation and the three Connection network codes have been voted in comitology. The System Operations Guideline is now entering Comitology, while the Balancing Network Code will follow in 2016.

In gas, all except one Network Code were adopted. Unfortunately ACER was not able to adopt the Harmonised Transmission Tariffs Rules Network Code, therefore the European Commission has now started working on it.

On other regulatory issues, ACER issued its Opinion on ENTSO-E Summer Outlook Report 2015 and Winter Review 2014/2015 and on the ENTSO-E Annual Report 2014. Its Opinion on ENTSO-E Work Programme 2016 was scheduled to be issued on 18 December 2015.

In Gas, ACER issued its Opinions on the Draft ENTSG TYNDP 2015, the Draft ENTSG Interconnection Agreement Template of default terms and conditions and on the Draft ENTSG 2016 Annual Work Programme. The Opinion on the Winter Supply Outlook 2015-2016 was planned to be adopted soon.

On the Appeals, the Director reported that ACER was notified by its Board of Appeal of the two Appeals brought by the E-Control and the Austrian Power Grid seeking the annulment of ACER's Opinion No 09/2015. The decision was appealed simultaneously to ACER Board of Appeal and to the European Court of Justice. He also informed the members that in the BoR, which took place the day before, a request was made that the BoR should be involved in preparing the defense. In the Director's view this would be inappropriate, given that the appellant takes part in the BoR. However, in other cases (if a third party would appeal) the BoR would certainly be involved. Another important issue of these appeals are short deadlines: while the appellant has two months to prepare the appeal, the Board of Appeal will have less than four weeks to rule.

In reply to questions from the Board on the use of internal resources involved in the appeals, the Director said that ACER has an external legal service provider (Board of Appeal registrar) assisting with document management during the „no appeal“ periods as well as during appeals. Nevertheless, the appeal is taking lots of ACER internal resources and if ACER was to receive appeals on more than one decision, the situation would become critical. The legal support for the Board of Appeal - and the corresponding budget - was indispensable and urgent. Therefore ACER is looking at upgrading the support of the external provider to cover also the legal support. Finally, ACER is also examining the assistance of the internal staff to try to reduce the costs of supporting the Board of Appeal.

On the Market Monitoring Report (MMR) launch, the Director reported that on 30 November, there was a launch event to present the findings of the report to stakeholders which was attended by approximately 60 participants and 246 followers through high-quality web-streaming. At the European Parliament (EP) the presentation was well received in the ITRE Committee. This year the presentation focused on the main highlights and key messages which was more successful.

Lord Mogg, the BoR representative, also noted the very successful presentation of the MMR to the EP and the warm words by the ITRE Chair about the Agency.

On REMIT, the data collection went live on 7 October 2015, the reporting started on 8 October 2015. Minor issues were detected at the beginning of data collection (delays in providing receipt that had to be sent out manually, even though data was always received), but those issues have been fixed. ACER discovered that there was a bug in the Oracle database functionality which is included in the Agency REMIT Information System. Oracle knew about it. Also, the quality of data is a challenge in order to prevent false alerts. ACER is still developing the 2nd phase of the reporting obligation, which will start in April 2016.

ACER has been issuing the REMIT Quarterly, a newsletter reporting the latest developments in REMIT implementation. Due to resource constraints, the conclusion of MoUs with financial market and competition authorities is being delayed. However, on the basis of the MoU signed with FERC (Federal Energy Regulatory Commission) concerning consultation, cooperation and the exchange of Information related to the monitoring of wholesale energy markets, two FERC experts were going to join ACER on 11 January for a period of 11 months (discussion under point 6 of the agenda).

On the operational side, all NRAs are either using CEREMP directly (25) or are connected via an alternative system (4) for registering market participants. As of 1 December 2015, 4436 market participants were registered. The Director noted that many more are expected in the second phase of reporting. 37 registered reporting mechanisms (RRM) have been approved of which 32 are active. There are more than 700 RRM applications currently being processed. The Board members were also updated on the latest data collection statistics. Around 1 million trade data points a day are registered from 1557 market participants. This represents twice the anticipated numbers. However, the Director noted that the problem is not the quantity, but the quality of the currently diversified data.

The Director also noted that ACER may not be able to implement the second phase as expected because of the much higher than expected number of RRM (700 vs 200). The system is scalable but this will take time and resources. The Agency will register only third party RRM to ensure „operational reliability“ (article 12(1) REMIT), while a permanent solution is found (likely to include fees).

Members were reminded that there are many post-go live activities, meaning that work of REMIT is only increasing. Work is also continuing on updating the Q&A, setting up of data quality assurance process, and looking into suggestions to improvements to CEREMP.

The Director pointed out to the first cases of breach of REMIT that were sanctioned in Estonia and in Spain (while the Estonian TSO Elering was fined 10000 euros for not complying with the obligation to publish inside information in 2014, the Spanish Iberdrola was sanctioned 25 million euros for a breach in the prohibition of market manipulation at the end of 2013).

The Board was also informed that ACER started receiving cases of potential breaches of REMIT from a wider spectrum of countries.

On infrastructure, the Board was updated about the ACER Opinion on ENTSOG TYNDP 2015 that ACER issued in October 2015, as well as the ACER Opinions on the draft regional lists of Electricity and Gas PCI that were issued on 30.10.2015.

The Director informed the Board about the envisaged timetable for developing the ACER Recommendation on improvements to future PCI selection processes which is scheduled for late December/January where ACER will look at past experience and also the long list of "recommendations" it had identified.

The Board was informed that the Agency has received a request for the decision on regarding the investment request, including the cross-border cost allocation, for Paldiski LNG terminal. The NRAs of Estonia, Latvia, and Finland have not reached an agreement on the investment request within the six-month period specified in Regulation (EU) No 347/2013, which expired on 19 November 2015. Within three months of the date of referral, the Agency is required to adopt its decision (unless additional information is required, in which case the deadline is extended by 2 months).

Finally, Lord Mogg, the BoR representative, informed the members that the BoR is conducting a reflection as regards guidance and relationship of the Director and the BoR, which would result in a proposal in the beginning of 2016.

The AB member appointed by the Commission stressed that the Agency would need to comply with the Common Approach. However, she underlined that the Agency has been working well, its governance being a workable set up for the Agency.

The Chairman concluded that the BoR reflection process should not create false expectations on the future role of ACER and stressed the importance to maintain the current governance of the Agency with its checks and balances, which has proved successful. In fact, ACER has a good system of an EU agency governance - the Administrative Board is in charge of the management of the Agency, while the Board of Regulators has been given the independence of deciding on regulatory issues. Other EU agencies should follow its example and the Common Approach should not be applied to the Agency as this means reducing its independence and efficiency.

4. Programming document- preliminary draft

The Director presented the (preliminary) draft 2017 Programming Document (PD), which included a detailed preliminary breakdown of the Agency's operational activities and tasks for 2017, and which was already discussed, in an outline form, by the BoR in October. The previous day the BoR welcomed the PD for 2017 in principle, but launched an electronic procedure in order to revise a statement on risk assessment on page 16 in line with the comments at the BoR meeting. A presentation was already held to the stakeholders at a Workshop on 5 November, and a stakeholders consultation took place in November. The draft PD consists of the multiannual programming 2017-2019 and the draft work programme 2017 together with several mandatory annexes. The PD in its complete form will be submitted to the Commission by 31 January 2016, in line with the new requirements of the Framework Financial Regulation applicable to decentralised agencies. The PD will be submitted without prejudice to the preliminary draft budget sent by the Director to the AB by 15 February, to the draft estimate of revenue and expenditure sent by the AB to the Commission by 31 March and to the approval of the Work Programme by the BoR and final adoption by the AB, as foreseen in the Agency's founding Regulation.

The Agency's Strategic Outlook for 2017 was also circulated to the AB for information, providing an indicative overview of the Agency's human resources and budgetary needs in 2017, for strategic discussion. In summary, the Agency estimates that 33 additional staff members are needed in 2017 in order to ensure that it can perform its tasks and fulfil its mandate. This will result in an additional budget request of 4 356 000 euros in Title I of the draft budget, which covers the salaries and all related costs (office space, equipment, etc.) for the estimated additional posts.

On a question regarding a possible resource reallocation after all the network codes have been adopted, Lord Mogg and the Director replied that those resources will need to continue working on the implementation of the codes, especially as the network codes envisaged lots of new tasks for ACER.

One AB member suggested to add caveats of not having sufficient resources allocated to ACER, especially if new tasks are delegated to ACER.

The AB member appointed by the Commission commented that as regards the 2016 budget, ACER was allocated additional 15 instead of requested 44 posts. Therefore the Work Programme for 2016 would need to be revised, explaining the impact the reduced resources were going to make. She explained that the Financial Regulation envisages two deadlines: 1.) On 31 January the first draft of the PD is provided to the European Parliament, the Council and to the Commission; 2.) By 1 July the Commission needs to provide its Opinion on the PD, on the basis of the draft EU budget it usually proposes in May. Therefore, the entire process of the PD adoption would need to be adapted, while keeping the deadlines of the Agency's founding Regulation.

The Director apologised that due to the REMIT go live, the revision of the Work Programme 2016 could not be ready, but expected to have it ready at the beginning of 2016.

The timeline on PD preparations with various responsibilities of different actors (a formal and informal timeline) for the year ahead would be prepared for the next Administrative Board meeting. The dates of the Boards would need to be adjusted.

Action: The Board unanimously endorsed the draft version of the PD and agreed that the draft estimate of the 2017 budget would be submitted to the AB on 28 January 2016 for adoption. It will revert to the final draft version of the PD at its next meeting in January. The Board asked the Director to prepare a timeline on the PD preparations process to simplify and adapt the deadlines emanating from the Financial Regulation and the ACER founding Regulation.

5. Decision on the adoption of ACER budget 2016

The Director underlined that following the adoption of the EU budget by the budgetary authority on 25 November, the Agency is required to align its budget for 2016 with the adopted EU budget.

The members were informed that the 2016 budget, as approved by the Budgetary Authority on 25 November, fully covers the Agency's request for funding of REMIT operations, but offers only partial cover of the necessary human resources: While the Agency appreciates that it was granted 15 additional posts, this figure still falls short of the requested 44 posts, as indicated in the ACER estimate of revenue and expenditure from 26 March 2015. All in all, the additional 15 posts are a confirmation that the Commission's assessment in its 2013 Communication called Programming of human and financial resources for decentralised agencies 2014-2020, as regards ACER resource requirements are outdated. He confirmed that the Agency will continue its efforts and will make the quest for the missing resources in the 2017 EU budget.

Action: The Board adopted ACER budget for 2016, including the establishment plan (ANNEX 1).

6. Memorandum of Understanding (MoU) between ACER and FERC

The Director explained that, following the MoU between the Agency and FERC, the proposed service level agreement provides the framework for cooperation through secondment (long-term missions) and exchanges of staff between the two Parties with the aim to share knowledge, experience and best practices, and to provide support to each other in the process of monitoring wholesale energy markets in the EU and in the USA. In terms of timing, the secondment period will be agreed on a case-by-case basis. Agency's staff may be sent on secondment to FERC for a maximum period of 6 months. The first two FERC experts are envisaged to join ACER for a period of 11 months, starting on 11 January 2016.

In terms of financial cost, the sending organisation will remain fully responsible for the payment of the salary and any other employment-related contributions to the secondee during secondment, including the travel costs to and from the place of secondment at the start and end of secondment. All other authorised travel costs during the secondment (e.g., missions required by the host organisation, etc.) will be funded by the host organisation, in line with its internal rules.

Lord Mogg, the BoR representative commented that the launch of REMIT data collection was a fine achievement, and that relationship with FERC has been very good. He suggested that AB should encourage the exchange, including the secondment of ACER staff to FERC.

The AB Chair suggested that a press release was to be issued, underlining the good cooperation between ACER and FERC in wholesale market monitoring.

The AB member representing the Commission raised some concerns regarding data sharing with the US, relevant in the context of TTIP negotiations. She also mentioned that recently the US expressed interest in gaining access to the public procurement of the Agency. The managing of the conflict of interest and the data protection is a concern and could become a delicate issue. The European Commission was not questioning the need for the exchange, but believed that the details would need to be clarified and mature.

The Director reassured the members and said that ACER has one of the strictest Col policies. Any secondee will be covered by the Col policy of the seconding institution as well as the Agency's.

Action: The Board supported the terms of reference of the MoU on the exchange of experts between FERC and ACER, with 7 votes in favour and 2 votes against. A press release was also issued.

7. Model decision on the appraisal of contract agents (CA)

The Director presented the document and said that in line with Article 110 of the Staff Regulations, and following a consultation with the ACER Staff Committee, the Model decision on the appraisal of contract agents, developed by the Commission (DG HR) with the assistance of the Agencies' Standing Working Party, is submitted to the AB for adoption. He explained that the main changes compared with the current appraisal system are:

- a.) Transition from the current points (quantitative) system to the no-points (qualitative, competency-based) system of evaluation;
- b.) Shorter period of the appraisal process (shorter deadlines for self-assessment, dialogue, appeals); and

- c.) Change of roles of the actors involved.

The AB member appointed by the Commission commented that the new system is an improvement of the current system. The Commission will be sharing its lessons learnt on the transition from the quantitative to qualitative system with the Director.

Action: The Board adopted the Model decision on the appraisal of contract agents (ANNEX 2).

8. Model decision on the appraisal of temporary agents (TA)

The Director presented the document and said that in line with Article 110 of the Staff Regulations, and following a consultation with the Staff Committee, the Model decision on the appraisal of temporary agents, developed by the Commission (DG HR) with the assistance of the Agencies' Standing Working Party, is submitted to the AB for adoption.

He explained that the main changes compared with the current system are:

- a.) Transition from points (quantitative) to no-points (qualitative, competency-based) system of evaluation;
- b.) Shorter period for the whole appraisal process (shorter deadlines for self-assessment, dialogue, appeals);
- c.) Change of roles of the actors involved.

One Board member proposed to correct "the head of unit" to "head of department" in Article 3 of the document, as ACER's units are called departments.

Action: With the textual correction of the "head of department" instead of "head of unit" in Article 3, the Board adopted the Model decision on the appraisal of temporary agents (ANNEX 3).

9. Opinion of the Court of Auditors on the Agency's Final Accounts for the Financial year 2014, together with the Agency's reply

The Director debriefed the members on the Opinion of the Court of Auditors on the Agency's Final Accounts for the Financial year 2014: In October 2015 the Agency received the final report of the European Court of Auditors, presenting once again, an unqualified opinion of the Court on the reliability of the Agency's accounts and the legality and regularity of the transactions within these accounts.

The comments made by the Court, which do not change the unqualified opinion, relate mainly to the large amount of funds from the REMIT operations carried over from one year to another to ensure continuity of the project, action which does not fully respect the principle of annuality of the budget. The delay in the establishment of a European School in Ljubljana is also mentioned in the Court comments. The Slovenian Government informed that a solution is currently analysed, but until a proper European schooling environment will be offered, the Agency will continue to support its staff as a social measure for the charges of private and public schooling.

Finally, all Court's recommendations for the Agency from previous years mentioned in this final report are deemed as closed.

The AB member appointed by the Commission requested the external audit report on the Agency's accounts, which was carried out by the external audit company.

Action: The Board examined the question of carry overs and considered that in ACER's case those were fully justified. The Board congratulated the Agency's Accountant for the good performance.

10. Report on the outside activities of the Director in 2015 and Permission to the Director to engage in academic cooperation with the Florence School of Regulation in 2016

The Director presented its report on his outside activities in 2015. The AB member appointed by the Commission underlined that the proposed permission to the Director to engage in academic cooperation with the Florence School of Regulation in 2016 is exceptional. In the future, the Commission would like to see a report on the impact of Director's external activities on ACER, as foreseen in a previous AB decision.

While providing an example of a value added of his outside activities for ACER, the Director replied that the full report of the added value for ACER will be provided in the next years report on his outside activities in 2016.

On the issue of remuneration for the outside activities the AB member appointed by the Commission underlined that outside activities are covered under the Staff Regulations and that their obligations are uniform to all staff. While the Commission can make an exception based on a specific situation, it is unwilling to open the discussion regarding the remuneration.

However, she informed the members that the Commission will start reflecting on the question of remuneration of Board members beyond the reimbursement of travel expenses. She promised that in June 2016 she will make proposals on remuneration of Board members that could be supported by the Financial Regulation.

Action: The Board adopted the Permission to the Director to engage in academic cooperation with the Florence School of Regulation in 2016 (ANNEX 4).

11. Decision on reclassification of the Director

The AB member appointed by the Commission reported that following the latest appraisal dialogue with the Director and the positive assessment of the Director's work from 2010-2015, the Commission is of the opinion that he deserves to be reclassified from AD14 to AD15. The Commission has adapted the ACER establishment plan accordingly, providing the required budgetary resources. In its view the upgrading is justified and all formal requirements are met.

The Board congratulated the Director of the Agency for reclassification. The Director thanked the Board for the recognition of his efforts and for the support that the Board is providing to the Agency.

Action: The Board reclassified the Director to grade AD15 (ANNEX 5).

12. 2015 AB Decisions, by delegation of the Administrative Board to the Chairman via Decision AB 05bis/2010 of 21 September 2010

The Board was informed about Chairman's recent appointment decisions of the BoR members and alternates since the last Board meeting. The Board took note of these decisions.

13. AOB -Appointment of new Board members

The Chairman reported that on 15 December he received a letter from the President of the European Parliament, Mr Schulz. He was informed about the European Parliament's appointment of the new ACER Administrative Board member, Ms Romana Jordan, and the new alternate member, Mr Uwe Leprich. Both were appointed for a period of 4 years, starting from 22 January 2016.

As for the Council appointments, the Council Decision, based on the outcome of the vote that took place in Coreper on 2. December, was yet to be adopted by Coreper/Council.

The Chairman thanked ACER staff for the good work, in his view ACER has become a strong and effective institution.

Mr Gonzalez Finat made the following statement:

"As my stint as Alternate to ACER Administrative Board ends I would like to thank all my colleagues in the Board –including my former colleagues from the European Commission- for the very fruitful cooperation held during the last six years under the Chairmanship of both Nicolescu Razvan and Piotr Woźniak.

At the same time I would like to recognize the excellent work undertaken by Director Alberto Pototschnig and his team, in particular Saša Borko Grgič. In my opinion ACER has accomplished its objectives in full during this period overcoming the teething problems normal to its initial period and despite the lack of resources.

In fact, during this period ACER has been charged with new tasks further to its initial mandate with limited attention paid until very recently by the Budgetary Authority to the resources needed to accomplish the new tasks in good order.

Despite the above, its performance can in my view be considered as outstanding.

During this period I have very much supported the efforts of the Administrative Board to make the work of the Agency as smooth and efficient as possible, among others by obtaining a change in the rules of assistance of Members and Alternates to Board meetings to avoid the possible risk of lack of quorum.

Thanks to its good reputation, new tasks may be attached to ACER in the near future following the EU Energy Union objectives. I am sure that ACER will stand up to a new challenge and will constitute a lighthouse for EU energy policy.

I must also acknowledge the very good teaming with the Board of Regulators thanks to the constant and efficient care of John Mogg.

I wish ACER an everlasting success and luck to the new Administrative Board.

Alfonso González Finat

Alternate to the Administrative Board 2010-2015”

14. AOB - AB meetings in 2016

The Board has reviewed its planned meetings in 2016:

Number of the meeting	Date (s)	Timing	Place
25 th meeting	27-28 January, Wednesday-Thursday	27.1. 16. :18.00 - 19.30 28.1.16.: 9.30 – 12.00	Brussels
26 th meeting	9 June, Thursday	9.00-13.00	Ljubljana
27 th meeting	22 September, Thursday	9.00-13.00	Ljubljana
28 th meeting	15 December, Thursday	9.00-13.00	Ljubljana

For the Administrative Board:

SIGNED

Razvan Eugen Nicolescu

Chairman of the Administrative Board

ANNEX 1

DECISION AB n° 21/2015

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

of 17 December 2015

on the adoption of the budget for the financial year 2016 and of the establishment plan of the Agency for the Cooperation of Energy Regulators

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, Articles 1(1), 3 and 23(5) thereof,

HAVING REGARD to Decision AB No 22/2013 of the Administrative Board of the
Agency for the Cooperation of Energy of 12 December 2013 on the adoption of the
Financial Regulation of the Agency for the Cooperation of Energy Regulators, and, in
particular, Articles 26, 35, 36, 37 and 114 thereof,

HAVING REGARD to Decision AB No 04/2015 of the Administrative Board of the
Agency for the Cooperation of Energy of 26 March 2015 on the estimate of revenue
and expenditure of the Agency for the Financial year 2016, and, in particular, Article 1
thereof,

WHEREAS:

- (1) The budget of the Agency for the Cooperation of Energy (hereinafter referred
to as the 'Agency') shall be drawn up by the Administrative Board of the
Agency for the Cooperation of Energy (hereinafter referred to as the
'Administrative Board'), and becomes definitive after the adoption of the
general budget of the European Union.
- (2) The general budget of the European Union for the financial year 2016 has been
adopted by the budgetary authority on 25 November 2015. In this context, the
budgetary authority adopted the establishment plan of the Agency.
- (3) Pursuant to Article 114 of the Decision AB No 22/2013 of the Administrative
Board of the Agency for the Cooperation of Energy of 12 December 2013 on
the adoption of the Financial Regulation of the Agency for the Cooperation of
Energy Regulators, Article 27(7) of Decision AB No 22/2011 of the
Administrative Board of the Agency for the Cooperation of Energy Regulators
of 22 September 2011 on the adoption of the Financial Regulation of the

¹ OJ L 211, 14.08.2009, p. 1.

Agency for the Cooperation of Energy Regulators, concerning the procedure for the adoption of the budget and the establishment plan of the Agency, applies until 31 December 2015.

- (4) The Agency uses non-differentiated appropriations, thus the commitment and payment appropriations for the year are identical.
- (5) The budget for the financial year 2016 of the Agency, as approved by the budgetary authority, does include only 15 of the 44 additional human resources and their associated costs as approved by the Administrative Board of the Agency with Decision AB no 04/2015 of 26 March 2015 on the estimate of the revenue and expenditure of the Agency for the financial year 2016.

HAS ADOPTED THIS DECISION:

Article 1

The budget for the financial year 2016 of the Agency, and the establishment plan as detailed in Annex I, are hereby adopted as final.

Article 2

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

Done at Ljubljana, on 17 December 2015.

For the Administrative Board:

Razvan Eugen Nicolescu
Chairman of the Administrative Board

Annex I

Title Chapter Article Item	Heading	Executed 2014 commitment appropriation	Executed 2014 payment appropriation	Budget 2015	Total budget for the Financial year 2016	Remarks
9	REVENUE					
90	ANNUAL INCOME					
901	Subsidy from the EU general budget	9,920,496.51	7,183,986.66	10,851,000	15,164,582	This represents the annual operating subsidy from the European Union budget.
902	Others	415,000.00	415,000.00	415,000	708,000	Other revenue including surplus of year N-2.
903	Bank interest	0.00	0.00	p.m.	p.m.	This represents the interest received on the balance of the bank accounts.
	CHAPTER 9 0 — TOTAL	10,335,496.51	7,598,986.66	11,266,000	15,872,582	
	TITLE 9 — TOTAL	10,335,496.51	7,598,986.66	11,266,000	15,872,582	
	GRAND TOTAL	10,335,496.51	7,598,986.66	11,266,000	15,872,582	
	EXPENDITURE					
1	EXPENDITURE RELATING TO STAFF AND RESOURCES					
11	STAFF IN ACTIVE EMPLOYMENT					
110	Temporary staff holding a post provided in the establishment plan					
1100	Basic salaries and correction	2,512,230.43	2,512,230.43	3,099,313	3,835,127	Staff Regulations of officials and Conditions of employment of other servants of the European Communities, and in particular Articles 62 and 66 thereof. This appropriation is intended to cover basic salaries and corrections for temporary staff.
1101	Family allowances	433,005.57	433,005.57	564,830	724,894	Staff Regulations of officials of the European Communities, and in particular Articles 62, 67 and 68 thereof and section I of Annex VII thereto. This appropriation is intended to cover the household, dependent child and education allowances for temporary staff.
1102	Expatriation and foreign residence allowances	481,983.23	481,983.23	560,140	739,217	Staff Regulations of officials of the European Communities, and in particular Articles 62 and 69 thereof and Article 4 of Annex VII thereto. This appropriation is intended to cover the expatriation and foreign-residence allowances for temporary staff.
	Article 1 1 0 — Total	3,427,219.23	3,427,219.23	4,224,283	5,299,239	
111	Other agents					
1110	Contract agents	345,639.20	345,639.20	937,580	948,894	Conditions of employment of other servants of the European Communities, and in particular Article 4 and Title IV thereof. This item is intended to cover the remuneration and the employer's share of social security contributions for contract agent staff.
1111	Seconded National Experts	513,705.47	513,705.47	384,000	200,000	Various Seconded National Experts are placed at the Agency to fulfil the need for assistance to the agency's work programme. This appropriation includes their daily and monthly allowances.
	Article 1 1 1 — Total	859,344.67	859,344.67	1,321,580	1,148,894	
112	Further training, retraining and information for staff					
1120	Training and information for staff	166,459.68	94,404.24	100,000	200,000	Staff Regulations of officials of the European Communities, and in particular the third paragraph of Article 24 a) thereof. This also includes costs related to missions for training events and trainer expenses.
	Article 1 1 2 — Total	166,459.68	94,404.24	100,000	200,000	

Title Chapter Article Item	Heading	Executed 2014 commitment appropriation	Executed 2014 payment appropriation	Budget 2015	Total budget for the Financial year 2016	Remarks
113	Insurance against sickness, accidents and unemployment					
1130	Insurance against sickness	114,322.91	114,322.91	127,339	165,647	Staff Regulations of officials of the European Communities, and in particular Article 72 thereof. Rules on sickness insurance for officials of the European Communities, and in particular Article 23 thereof. This appropriation is intended to cover the employer's contribution and the official's contribution of the basic salary.
1131	Insurance against accidents and occupational disease	19,199.45	19,199.45	33,426	43,482	Staff Regulations of officials of the European Communities, and in particular Article 73 thereof. This appropriation is intended to cover the employer's contribution to insurance against accidents and occupational disease (0,875 % of the basic salary).
1132	Unemployment insurance for temporary staff	41,536.00	41,536.00	43,070	56,028	Council Regulation (ECSC, EEC, Euratom) No 2799/85 of 27 September 1985 amending the Staff Regulations of officials of the European Communities and the Conditions of employment of other servants of the European Communities. This appropriation is intended to insure temporary staff against unemployment.
	Article 1 1 3 — Total	175,058.36	175,058.36	203,835	265,158	
114	Miscellaneous allowances and grants					
1140	Birth and death grants	396.62	396.62	1,983	1,983	Staff Regulations of officials of the European Communities, and in particular Articles 70, 74 and 75 thereof. This appropriation is intended to cover: — the childbirth grant, — Death allowances payable in the event of the death of an official.
1141	Annual travel expenses from the place of work to origin	63,726.30	63,726.30	82,234	91,062	Staff Regulations of officials of the European Communities, and in particular Article 8 of Annex VII thereto. This appropriation is intended to cover the payment to staff members in each calendar year of a sum equivalent to the cost of travel from the place of employment to the place of origin for themselves and, if they are entitled to the household allowance, for the spouse and dependants.
1142	Schooling fees	156,359.41	156,359.41	100,000	280,000	This appropriation is intended to cover the additional schooling fees incurred by staff members for their children's education.
	Article 1 1 4 — Total	220,482.33	220,482.33	184,217	373,045	
115	Overtime					
1150	Overtime	p.m.	p.m.	p.m.	p.m.	Staff Regulations of officials of the European Communities, and in particular Article 56 thereof and Annex VI thereto. This appropriation is intended to cover flat-rate payments or hourly-rate payments for overtime worked by temporary agents in categories AST 1 - AST4 whom it has not been possible to compensate by flexi-hours.
	Article 1 1 5 — Total	0.00	0.00	0	0	

Title Chapter Article Item	Heading	Executed 2014 commitment appropriation	Executed 2014 payment appropriation	Budget 2015	Total budget for the Financial year 2016	Remarks
116	Expenses on entering and leaving the service and on transfer					
1160	Expenditure related to Recruitment	85,768.56	41,785.68	50,000	50,000	Staff Regulations of officials of the European Communities, and in particular Articles 27 to 31 and 33 thereof. This appropriation is intended to cover the expenditure involved in recruitment procedures.
1161	Travel expenses taking up duty	2,046.13	2,046.13	4,000	60,000	Staff Regulations of officials of the European Communities, and in particular Articles 2 and 71 thereof and Article 7 of Annex VII thereto. This appropriation is intended to cover the travel expenses of staff (including members of their families) entering or leaving the service.
1162	Installation, resettlement and transfer allowances	58,019.49	58,019.49	9,137	179,856	Staff Regulations of officials of the European Communities, and in particular Articles 20 and 71 thereof and Article 9 of Annex VII thereto. This appropriation is intended to cover the removal costs of staff obliged to change residence after taking up their appointment or when transferred to a new place of work or when they definitively cease their duties and settle elsewhere.
1163	Temporary daily subsistence allowances	50,935.92	50,935.92	14,148	127,355	Staff Regulations of officials of the European Communities, and in particular Articles 20 and 71 thereof and Article 10 of Annex VII thereto. This appropriation is intended to cover the daily subsistence allowances due to staff able to prove that they were obliged to change their place of residence after taking up their duties (including transfer).
	Article 1 1 6 — Total	196,770.10	152,787.22	77,285	417,210	
117	Supplementary services					
1170	Supplementary clerical and interim services	120,859.58	100,903.59	145,000	147,900	This appropriation is intended to cover the services provided by interim agents employed to cover staffing needs where the establishment plan does not cover requirements as well as traineeship expenditure.
1171	Administrative Assistance	49,494.49	43,574.12	50,000	51,000	This appropriation is intended to cover the administrative assistance received from PMO in processing the salaries of temporary agents and contract agents, maintenance of the electronic personal files database and budget publication in the EU Official Journal.
1172	Trainees	0.00	0.00	0	60,000	This appropriation is intended to cover the costs of traineeship for the Agency.
	Article 1 1 7 — Total	170,354.07	144,477.71	195,000	258,900	
	CHAPTER 1 1 — TOTAL	5,215,688.44	5,073,773.76	6,306,200	7,962,445	
12	MISSIONS AND DUTY TRAVEL					
120	Mission expenses, travel expenses and incidental expenditure					
1200	Mission expenses Administrative staff	19,527.58	18,016.32	60,000	50,000	This appropriation is intended to cover expenditure related to mission of the Administrative department.
1201	Mission expenses - Director	26,731.74	23,865.35	50,000	51,000	This appropriation is intended to cover expenditure related to the missions of the Director.
1202	Mission expenses Director office staff	39,280.00	35,720.03	54,535	55,626	This appropriation is intended to cover expenditure related to missions of the Director office staff.
	Article 1 2 0 — Total	85,539.32	77,601.70	164,535	156,626	
	CHAPTER 1 2 — TOTAL	85,539.32	77,601.70	164,535	156,626	
13	SOCIOMEDICAL INFRASTRUCTURE					
130	Medical service					
1300	Medical services and equipment	38,666.30	8,731.10	30,000	50,000	Staff Regulations of officials of the European Communities, and in particular Article 59 thereof and Article 8 of Annex II plus purchase of medical supplies and equipment.
	Article 1 3 0 — Total	38,666.30	8,731.10	30,000	50,000	
	CHAPTER 1 3 — TOTAL	38,666.30	8,731.10	30,000	50,000	

Title Chapter Article Item	Heading	Executed 2014 commitment appropriation	Executed 2014 payment appropriation	Budget 2015	Total budget for the Financial year 2016	Remarks
14	SOCIAL SERVICES					
140	Social services					
1400	Special assistance grants	p.m.	p.m.	p.m.	p.m.	This item is intended to cover assistance in the form of cash which may be granted to an official, former official or survivors of a deceased official who find themselves in difficult circumstances.
1401	Social welfare of staff	18,000.00	15,431.06	27,200	27,744	This appropriation is intended to cover expenditure by the Agency on the social welfare activities of its staff, including schooling informative events.
	Article 1 4 0 — Total	18,000.00	15,431.06	27,200	27,744	
141	Staff Committee					
1410	Staff Committee	5,919.38	5,919.38	12,000	15,000	This appropriation is intended to cover the costs such as missions or other administration costs of the Staff Committee representing the staff of the Agency.
	Article 1 4 1 — Total	5,919.38	5,919.38	12,000	15,000	
	CHAPTER 1 4 — TOTAL	23,919.38	21,350.44	39,200	42,744	
	TITLE 1 — TOTAL	5,363,813.44	5,181,457.00	6,539,935	8,211,815	
2	AGENCY'S BUILDING AND ASSOCIATED COSTS					
20	AGENCY'S PREMISES COSTS					
200	Rental costs					
2000	Rent	578,493.36	578,493.36	590,410	657,753	This appropriation is intended to cover the rental costs of the Agency premises.
2001	Removal costs	3,480.00	180.00	5,000	5,100	This appropriation is intended to cover the costs related to the removal of furniture and equipment to new premises.
	Article 2 0 0 — Total	581,973.36	578,673.36	595,410	662,853	
201	Utilities and Services					
2010	Utilities	105,500.00	100,591.32	110,000	125,000	This appropriation is intended to cover the utility costs like: water, gas, electricity, waste collection.
2011	Cleaning and maintenance	88,000.00	81,860.77	110,000	100,000	This appropriation is intended to cover the costs of cleaning and maintenance of the premises.
	Article 2 0 1 — Total	193,500.00	182,452.09	220,000	225,000	
202	Insurance					
2020	Insurance	3,167.89	3,167.89	5,000	4,500	This appropriation is intended to cover the insurance policy premiums including insurance of the building occupied by the Agency and its assets.
	Article 2 0 2 — Total	3,167.89	3,167.89	5,000	4,500	
203	Security of buildings and persons					
2030	Security and surveillance of buildings	47,000.00	27,678.44	40,000	37,000	This appropriation is intended to cover expenditure on buildings connected with security and safety in particular loss, theft, unauthorized use or access, and other internal or external threats.
2031	Health and safety at work	3,718.39	2,620.47	7,000	4,000	This appropriation is intended to cover for the costs of health and safety issues at the work place.
	Article 2 0 3 — Total	50,718.39	30,298.91	47,000	41,000	
204	Other expenditure on buildings					
2040	Other expenditure on buildings	114,517.20	86,559.39	17,190	30,000	This item is intended to cover expenditures on buildings, renovations and refurbishment including the upgrade and maintenance of existing facilities.
2041	Audio & Video equipment-maintenance	4,971.01	2,121.35	18,000	18,360	This appropriation is intended to cover the repair and maintenance costs of audio/video equipment.
	Article 2 0 4 — Total	119,488.21	88,680.74	35,190	48,360	
	CHAPTER 2 0 — TOTAL	948,847.85	883,272.99	902,600	981,713	

Title Chapter Article Item	Heading	Executed 2014 commitment appropriation	Executed 2014 payment appropriation	Budget 2015	Total budget for the Financial year 2016	Remarks
21	DATA PROCESSING					
210	Equipment, data processing equipment and operating costs					
2100	Consumables	11,659.22	10,663.97	13,500	13,770	This appropriation is intended to cover the cost of consumables.
2101	Software	33,836.81	32,765.57	60,000	61,200	This appropriation is intended to cover the purchase/licensing of software.
2102	Subscriptions IT	199,954.71	62,452.50	190,000	193,800	This appropriation is intended to cover the subscription costs to various support services and shared applications such as ABAC, Business Objects, ABAC Assets etc.
2103	Disaster recovery site	85,994.23	0.00	80,000	81,600	This appropriation is intended to cover the expenditure related to the establishment and maintenance of a disaster recovery site.
	Article 2 1 0 — Total	331,444.97	105,882.04	343,500	350,370	
	CHAPTER 2 1 — TOTAL	331,444.97	105,882.04	343,500	350,370	
22	MOVABLE PROPERTY AND ASSOCIATED COSTS					
221	Purchase, hire, maintenance and repair of furniture					
2210	Purchase of furniture	26,773.73	11,777.48	76,300	48,121	This appropriation is intended to cover the purchase of furniture.
	Article 2 2 1 — Total	26,773.73	11,777.48	76,300	48,121	
222	Transportation					
2220	Transportation costs	102,000.00	99,487.76	107,500	115,000	This appropriation is intended to cover the costs of parking, cabs and hire of vehicles.
	Article 2 2 2 — Total	102,000.00	99,487.76	107,500	115,000	
223	Documentation and library expenditure					
2230	Library Acquisitions	98,520.00	42,221.92	115,000	117,300	This appropriation is intended to cover the purchase of hard copies or electronic material, e.g. books, reference works or CD's etc. to support and strengthen the knowledge of the agency.
	Article 2 2 3 — Total	98,520.00	42,221.92	115,000	117,300	
	CHAPTER 2 2 — TOTAL	227,293.73	153,487.16	298,800	280,421	
23	CURRENT ADMINISTRATIVE EXPENDITURE					
230	Stationery and office supplies					
2300	Stationery and office supplies	31,500.00	27,268.79	42,000	20,000	This appropriation is intended to cover the purchase of paper and office supplies.
	Article 2 3 0 — Total	31,500.00	27,268.79	42,000	20,000	
231	Financial charges					
2310	Bank charges	121.53	121.53	1,000	1,020	This appropriation is intended to cover bank charges in relation to the bank accounts hold by the agency.
	Article 2 3 1 — Total	121.53	121.53	1,000	1,020	
232	Legal expenses					
2320	Legal expenses	13,500.00	3,375.00	20,000	100,000	This appropriation is intended to cover legal costs and the services of lawyers or other experts.
2321	Expert consultations - MMD	559,205.29	110,408.29	p.m.	50,000	This appropriation is intended to cover the expert consultation costs of the Market Monitoring Department.
2322	Expert consultations - Gas			200,000	200,000	This appropriation is intended to cover the expert consultation costs of the Gas department.
2323	Expert consultations - Electricity			300,000	200,000	This appropriation is intended to cover the expert consultation costs of the Electricity department.
2324	Expert consultations - Administration			6,300	6,426	This appropriation is intended to cover the expert consultation costs of the Administration department.
2325	External audit expenses			8,000	6,500	This appropriation is intended to cover the expenses with the external audit of the Agency's accounts.
2326	Information security	0.00	0.00	0	75,000	This appropriation is intended to cover expenditure related to security of information for the Agency.
	Article 2 3 2 — Total	572,705.29	113,783.29	534,300	637,926	

Title Chapter Article Item	Heading	Executed 2014 commitment appropriation	Executed 2014 payment appropriation	Budget 2015	Total budget for the Financial year 2016	Remarks
233	Other operating expenditure					
2330	Administrative Board meetings	20,000.00	16,244.72	36,000	36,720	This appropriation is intended to cover the costs for the members of the Administrative Board participating to meetings during the year.
2331	Regulators Board meetings	120,000.00	53,442.65	157,483	128,080	This appropriation is intended to cover the costs for the members of the Regulatory Board participating to meetings during the year.
2332	Board of Appeal	15,695.51	15,695.51	15,000	49,000	This appropriation is intended to cover the costs of the Board of Appeal related to meetings, secretarial and legal support.
2333	External Participants to meetings	3,546.69	3,546.69	10,800	11,100	This appropriation is intended to cover the costs of external participants to meetings organised by the Agency.
2334	EU Agencies Network	9,179.66	8,179.66	21,500	1,930	This appropriation is intended to cover the costs of the liaison office in Brussels and of the coordination of EU agencies.
	Article 2 3 3 — Total	168,421.86	97,109.23	240,783	226,830	
	CHAPTER 2 3 — TOTAL	772,748.68	238,282.84	818,083	885,776	
24	COMPUTER INFRASTRUCTURE TELECOMMUNICATION AND POSTAGE					
240	Postal charges					
2400	Postal charges	10,000.00	7,783.49	10,000	8,000	This appropriation is intended to cover expenditure on postal and delivery charges, including parcels.
	Article 2 4 0 — Total	10,000.00	7,783.49	10,000	8,000	
241	Telecommunications					
2410	Telecommunications subscriptions and charges	46,550.00	40,736.14	67,500	83,850	This appropriation is intended to cover all telecom related running costs, including fixed lines, mobile telephones and Internet access.
	Article 2 4 1 — Total	46,550.00	40,736.14	67,500	83,850	
242	Equipment and Computer infrastructure					
2420	Hardware and other equipment	87,198.32	10,300.59	82,000	103,640	This appropriation is intended to cover the purchase of hardware and other equipment for Agency's employees.
	Article 2 4 2 — Total	87,198.32	10,300.59	82,000	103,640	
	CHAPTER 2 4 — TOTAL	143,748.32	58,820.22	159,500	195,490	
	TITLE 2 — TOTAL	2,424,083.55	1,439,745.25	2,522,483	2,693,770	
3	OPERATIONAL EXPENDITURE					
30	REPRESENTATION EXPENSES					
300	Entertainment and Representation expenses					
3000	Representation expenses - Director office	2,267.22	2,167.22	5,000	5,000	This appropriation is intended to cover costs relating to representation on behalf of the Agency.
3001	Representation expenses - Administration	2,828.41	2,828.41	3,600	3,600	This appropriation is intended to cover costs relating to representation on behalf of the Agency.
3002	Representation expenses - Electricity	2,742.71	2,742.71	6,000	6,000	This appropriation is intended to cover costs relating to representation on behalf of the Agency.
3003	Representation expenses - Market Monitoring	2,591.64	2,591.64	6,000	6,000	This appropriation is intended to cover costs relating to representation on behalf of the Agency.
3004	Representation expenses - Gas	1,745.21	1,745.21	5,000	5,000	This appropriation is intended to cover costs relating to representation on behalf of the Agency.
	Article 3 0 0 — Total	12,175.19	12,075.19	25,600	25,600	
	CHAPTER 3 0 — TOTAL	12,175.19	12,075.19	25,600	25,600	

Title Chapter Article Item	Heading	Executed 2014 commitment appropriation	Executed 2014 payment appropriation	Budget 2015	Total budget for the Financial year 2016	Remarks
31	OPERATIONAL MISSIONS					
310	Missions					
3100	Operational Missions - Gas Department	60,734.37	58,900.79	110,000	95,000	This appropriation is intended to cover costs of missions related to operational issues of the Gas department.
3101	Operational Missions - Electricity Department	78,030.75	62,969.00	101,000	95,000	This appropriation is intended to cover costs of missions related to operational issues of the Electricity department.
3102	Operational Missions - Market Monitoring Department	77,276.65	69,827.30	125,000	75,000	This appropriation is intended to cover costs of missions related to operational issues of the Market Monitoring department.
	Article 3 1 1 — Total	216,041.77	191,697.09	336,000	265,000	
	CHAPTER 3 1 — TOTAL	216,041.77	191,697.09	336,000	265,000	
32	STAKEHOLDER INVOLVEMENT, PUBLIC RELATIONS AND WEBSITE					
320	Stakeholder Involvement, Public Relations & Website					
3200	Public hearings, workshops, conferences	75,396.00	66,128.94	135,900	135,900	This appropriation is intended to cover the cost of public relations activities including workshops organised by the Agency.
3201	Website set-up and maintenance	0.00	0.00	59,500	59,500	This appropriation is intended to cover the costs of setting-up and maintenance of the website as primary communication tool with external party in the co-operation process.
3202	Publications, information material	33,234.20	32,154.20	60,600	60,600	This appropriation is intended to cover the cost of promotional material informing the public on the Agency's activities and any reports production and distribution.
	Article 3 2 0 — Total	108,630.20	98,283.14	256,000	256,000	
	CHAPTER 3 2 — TOTAL	108,630.20	98,283.14	256,000	256,000	
33	TRANSLATIONS					
330	Translation of documents					
3300	Translation at CDT	30,920.35	26,920.35	70,500	70,500	This appropriation is intended to cover the translation of materials or other operational needs of the Agency.
	Article 3 3 0 — Total	30,920.35	26,920.35	70,500	70,500	
	CHAPTER 3 3 — TOTAL	30,920.35	26,920.35	70,500	70,500	
34	PROFESSIONAL INDEMNITY					
340	Liability Insurance					
3400	Insurance	5,000.00	5,000.00	8,000	6,000	This appropriation is intended to cover the liability insurance costs.
	Article 3 4 0 - Total	5,000.00	5,000.00	8,000	6,000	
	CHAPTER 3 4 - TOTAL	5,000.00	5,000.00	8,000	6,000	

Title Chapter Article Item	Heading	Executed 2014 commitment appropriation	Executed 2014 payment appropriation	Budget 2015	Total budget for the Financial year 2016	Remarks
35	REMIT OPERATIONS					
350	REMIT Operations					
3500	Hosting deployment and operations	399,937.01	149,989.81	100,000	2,000,000	This appropriation is intended to cover the expenditure related to the REMIT hosting services.
3501	ARIS development, support, licences, subscriptions and fees	911,700.00	348,201.39	407,482	1,007,482	This appropriation is intended to cover the expenditure related to the development of REMIT applications.
3502	Surveillance and BI tools customisation, licences and consultancy	0.00	0.00	500,000	450,000	This appropriation is intended to cover the expenditure related to REMIT monitoring software.
3503	IT and expert consultancy	863,195.00	145,617.44	500,000	886,415	This appropriation is intended to cover the expenditure related to consultancy services for REMIT.
3504	REMIT hardware	p.m.	p.m.	p.m.	p.m.	This appropriation is intended to cover the costs related to IT hardware purchase for REMIT.
	Article 3 5 0 - Total	2,174,832.01	643,808.64	1,507,482	4,343,897	
	CHAPTER 3 5 - TOTAL	2,174,832.01	643,808.64	1,507,482	4,343,897	
	TITLE 3 — TOTAL	2,547,599.52	977,784.41	2,203,582	4,966,997	
	GRAND TOTAL	10,335,496.51	7,598,986.66	11,266,000	15,872,582	

Establishment plan of the Agency for the Cooperation of Energy Regulators			
Function group and grade	2014	2015	2016
	Actually filled as at 31 December	Authorised under the Union budget	Authorised under the Union budget
	Temporary post	Temporary post	Temporary posts
AD 16			
AD 15			1
AD 14	1	1	
AD 13			
AD 12	1		
AD 11	3	4	5
AD 10	1		
AD 9	4	2	2
AD 8	5	6	10
AD 7	4	6	10
AD 6	7	7	7
AD 5	11	13	19
AD total	37	39	54
AST 11			
AST 10			
AST 9			
AST 8			
AST 7			
AST 6			
AST 5	1	1	1
AST 4	3	1	1
AST 3	11	13	13
AST 2			
AST 1			
AST total	15	15	15
Total staff	52	54	69

ANNEX 2

DECISION AB n° 22/2015
OF THE ADMINISTRATIVE BOARD
OF THE AGENCY FOR THE COOPERATION OF ENERGY REGULATORS
of 17 December 2015

**on general provisions for implementing Article 87(1) of the Conditions of Employment
of Other Servants of the European Union and implementing the first paragraph of
Article 44 of the Staff Regulations**

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

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Staff Regulations of Officials of the European Union ('Staff Regulations') and the Conditions of Employment of Other Servants of the European Union ('CEOS'), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68², and in particular Article 110(2) of the Staff Regulations and Articles 87(1) and 92 of the CEOS,

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 Regulators³, and, in particular, Article 28(2) thereof,

Having regard to the Communication C(2014)6543 final of 26 September 2014 from Vice-President ŠEFČOVIČ to the Commission on the guidelines on the implementation of the Article 110(2) of the Staff Regulations with regard to the implementing rules applicable in the agencies, and in particular Point 2.B thereof,

Having regard to Decision AB 03/2010 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 6 May 2010 on the Rules of Procedure of the Administrative Board, and, in particular, Article 8 thereof,

Having regard to the agreement of the European Commission pursuant to Article 110 (2) of the Staff Regulations C(2015)1456 final of 4 March 2015,

After consulting the Staff Committee,

Whereas:

- 1) On 16 May 2014, the Commission informed the Agency for the Cooperation of Energy Regulators that it adopted Decision C(2014)2226 of 7 April 2014 on general

² OJ L 56, 4.3.1968, p. 1, as last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013, OJ L 287, 29.10.2013, p.15.

³ OJ L 211 14.8.2009, p. 1.

provisions for implementing Article 87(1) of the CEOS and implementing the first paragraph of Article 44 of the Staff Regulations.

- 2) Article 110(2) of the Staff Regulations states that the implementing rules referred to in Recital 1 shall apply by analogy to the Agency for the Cooperation of Energy Regulators. By way of derogation, an agency may request the Commission's agreement to the non-application of certain implementing rules. The Commission may, instead of accepting or rejecting the request, require the agency to submit for its agreement implementing rules which are different from those adopted by the Commission.
- 3) Commission Decision C92014)226 is suitable to apply to the Agency for the Cooperation of Energy Regulators contract staff provided that certain adjustments are made to take into account the peculiarities of the Agency. Those adjustments concern particularly the identification of roles and rank of the actors in the procedure and specific cases laid down in the Annexes to that decision.
- 4) The appraisal system applicable to the staff of the Agency for the Cooperation of Energy Regulators is intended to provide regular and structured feedback in order to improve performance and contribute to future career development.
- 5) Under Article 43 of the Staff Regulations, applicable to contract staff by virtue of Article 87(1) of the CEOS, the annual report has to contain a statement as to whether the jobholder's performance has been satisfactory. Given the importance of this statement for the jobholder's career and remuneration, a procedural framework should be put in place.
- 6) Under Article 44 of the Staff Regulations, which applies by analogy to contract staff under Article 3a of the CEOS, in accordance with Article 92 of the CEOS, a staff member's advancement in step is subject to their performance having not been deemed unsatisfactory during their last annual report. An annex to this Decision should set out in more detail how to put this rule into practice.
- 7) For the sake of clarity and legal certainty, Decision AB 25/2011 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 22 September 2011 establishing the policy and procedure for the performance appraisal of staff, laying down general provisions for implementing Article 87(1) of the CEOS should be repealed at the end of the 2014 appraisal exercise⁴ and replaced by this Decision⁵,

HAS DECIDED AS FOLLOWS:

⁴ Assessing the period from 01 January 2014 to 31 December 2014.

⁵ With regard to its provisions related to contract agents.

Article 1 – Scope

These general provisions shall apply to members of the contract staff employed under Article 3a of the CEOS (hereinafter referred to as ‘staff members’) by the Agency for the Cooperation of Energy Regulators (hereinafter ‘the Agency’).

Article 2 – Annual appraisal exercise

1. Every year, a report covering the period from 1 January to 31 December of the previous year (hereinafter referred to as ‘the reporting period’) must be drawn up for each member of the contract staff engaged for a period of one year or more who has been in active employment for a continuous period of at least one month during the reporting period.
2. Each report shall include an individual qualitative appraisal of the staff member’s efficiency, ability and conduct in the service. It shall cover all the staff member’s professional activities.
3. Each report shall also include a conclusion on whether the staff member’s performance has been satisfactory. The conclusion that the jobholder's performance has been unsatisfactory shall be based on factual elements.

Article 3 – Respective roles and rank

1. The reporting officer shall be the staff member's direct superior and, as a general rule, the staff member’s Head of Department on 1 December of the reporting period.

The Head of Agency as referred to in the act(s) establishing the agency (hereinafter ‘Director’) shall assume the role of reporting officer for staff members of whom he/she is the direct superior.
2. The appeal assessor shall be the direct superior of the reporting officer at the time of the superior’s first intervention in the appraisal procedure as laid down in Article 6.

Where the Director acts as reporting officer, the appeal assessor shall be the Commission representative on the Administrative Board who is the most senior in the highest grade.

A staff member who has provided information under Article 22a(1) and (2) of the Staff Regulations, applicable to contract staff by virtue of Article 81 of the CEOS, may, at the time of his or her reasoned refusal to accept the report, provided for in Article 7(1), request that the Commission representative on the Administrative Board who is the most senior in the highest grade act as appeal assessor.

3. In exceptional cases, justified by the desire to act in the interests of the staff member or in the event of a change in the organisation chart of a service, the Director may derogate from paragraphs 1 and 2 above to take account of the specific context arising from the circumstances or the change respectively.
4. Subject to the agreement of his or her Director and after notifying the staff members concerned, the Head of Department may delegate the role of reporting officer to temporary staff members who manage and supervise the contract staff members and whom he or she considers capable of taking on this role. In that case, the Head of Department shall approve the appraisal report and the Head of Department's direct superior shall act as appeal assessor. The Head of Department may at any time withdraw the delegation of the role of reporting officer and perform that role himself/herself.

Heads of Department may, without relinquishing their role as reporting officer, delegate the preparatory work for the appraisal of staff members in their department to member of the temporary staff assigned to the department whom they consider, in the light of the duties he or she performs within the department and his/her abilities, to be capable of assuming that role.

5. Where a report needs to be drawn up and the reporting officer and/or appeal assessor, as defined in paragraphs 1 and 2 above, have in the meantime left the Agency definitively, the Director shall designate the most appropriate reporting officer and/or appeal assessor, taking into account the interests of the staff members concerned, and shall notify the staff members accordingly.
6. In the event of derogation from the provisions of paragraphs 1 and 2, staff members shall be told the name of the persons who are to act as reporting officer and appeal assessor.

Article 4 – Responsibilities in the case of an assessment of the staff member's performance as unsatisfactory

1. A report concluding that the staff member's performance has been unsatisfactory needs to be confirmed by a countersigning officer, except where the Director acts as reporting officer.
2. The countersigning officer shall be the direct superior of the reporting officer, except when the direct superior is the Director, in which case the countersigning officer shall be the Head of Department in the Agency who is the most senior in the highest grade. Article 3, paragraphs (3), (5) and (6), shall apply mutatis mutandis.
3. The appeal assessor shall be the Director carrying out this duty at the time of his first intervention in the appraisal procedure. In the event that the Director acts as reporting

officer, the appeal assessor shall be the Commission representative on the Administrative Board who is the most senior in the highest grade.

Article 5 – Basis of the appraisal

The individual qualitative appraisal shall be based on the ability, efficiency and conduct in the service of the staff member, taking account of the context within which they have performed their duties. The individual qualitative appraisal shall not include a comparison with the performance of other staff members taken individually.

Article 6 – Appraisal procedure

1. The appraisal exercise shall be launched by the Agency entity in charge of human resources by publication of an administrative notice. It shall be administered by means of a secure electronic⁶ system.
2. For each staff member, the appraisal report is launched electronically⁷. Once the report has been launched, a request to produce a self-assessment is automatically sent to the staff member. Within eight working days of receiving this request, the staff member must submit a self-assessment, which will be entered in the appropriate heading of the report. The purpose of this self-assessment is to prepare for the dialogue provided for in paragraph 3.

If the staff member does not submit a self-assessment within that time, without having been prevented from doing so by a justified absence, the reporting officer may immediately proceed to the formal dialogue provided for in paragraph 3.

3. The reporting officer shall then hold a formal dialogue with the staff member. With the agreement of the staff member, the reporting officer may ask one or more other officials or members of the contract or temporary staff who have supervised the staff member's work to take part in the dialogue. If the reporting officer agrees, the staff member may arrange for another staff member within the meaning of the CEOS to assist him or her during the dialogue.

This dialogue shall constitute one of the reporting officer's basic management duties. In the course of this dialogue, the reporting officer shall, jointly with the staff member:

assess the staff member's performance during the reporting period. The reporting officer shall, jointly with the staff member, consider the latter's efficiency, the

⁶ Where the Agency does not have an electronic based system, the procedure shall be carried out manually and the relevant provisions shall be applied mutatis mutandis.

⁷ See footnote 5.

ability he or she has demonstrated and his or her conduct in the service during the reporting period;

- (a) identify the staff member's training needs.
4. If the staff member does not act on the invitation to take part in the formal dialogue, without having been prevented from doing so by a justified absence, the reporting officer may immediately draw up an individual qualitative appraisal as provided for in paragraph 5.
 5. Within ten working days of the formal dialogue, the reporting officer shall draw up an individual qualitative appraisal of the staff member's efficiency, ability and conduct in the service. For this purpose, the staff member's justified absences may not be used to his or her disadvantage.
 6. In the cases referred to in Article 4(1) the report shall then be transmitted to the countersigning officer.

The countersigning officer shall verify whether the appraisal procedure has been respected and whether the report has been drafted in a coherent manner, in accordance with these general implementing provisions and consistent with the staff member's performance. He shall confirm, complete or modify the report.

7. In cases other than those referred to in Article 4(1) or after completion of the procedure provided for in paragraph 6, the report shall then be sent to the jobholder.
8. Within five working days of the date on which the staff member is invited to consult his or her report, he or she may accept the report with or without comments or refuse to accept the report, stating the reasons for refusal.

If the staff member does not refuse to accept the report within the deadline mentioned in the paragraph above, the report will be considered to have been accepted and become final.

Article 7 – Appeal procedure

1. A reasoned refusal by the staff member to accept the report in accordance with Article 6(8) shall automatically lead to the matter being referred to the appeal assessor. The staff member may withdraw his or her reasoned refusal to accept the report at any time.
2. At the request of the staff member, expressed in his or her reasoned refusal to accept the report, the appeal assessor shall hold a dialogue with the staff member within ten working days of the reasoned refusal. The staff member may be assisted during the

dialogue by an official or other servant within the meaning of the CEOS, with the exception of the reporting officer. The appeal assessor may ask an official or other servant within the meaning of the CEOS, other than the reporting officer, to be present at the dialogue.

3. Within 20 working days of the reasoned refusal to accept the report and following the dialogue provided for in paragraph 2, the appeal assessor shall confirm the report or amend it, giving reasons.

In the case of a report assessing the staff member's performance as unsatisfactory, the appeal assessor shall consult the Agency entity in charge of human resources before taking his decision; the latter may in turn consult the Joint Committee.

The decision of the appeal assessor may not be based on facts which the staff member has not yet had an opportunity to comment upon in the course of the appraisal or the appeal procedure, unless he or she is given an opportunity to do so by the appeal assessor in good time.

4. The report shall become final by decision of the appeal assessor. The staff member shall be notified, by e-mail or other means, that the decision rendering the report final has been adopted, pursuant to this Article or Article 6, and that the report may be consulted in the electronic⁸ system. If the decision rendering the report final was adopted under this Article, the staff member shall at this point also have access to the appeal assessor's decision. Such notification constitutes communication within the meaning of Article 25 of the Staff Regulations. The period of three months in which to lodge a complaint, provided for in Article 90(2) of the Staff Regulations, starts to run on communication of the information.

Article 8 – Time limits

1. The time limits referred to in Articles 6 and 7 as they concern the staff member shall be calculated only from the time when the relevant decision has been notified to the person concerned or, at the latest, when the latter, acting as a diligent member of staff, may be expected to be aware of the content of this decision and the reasons for it.
2. These time limits will be suspended, however, if and for as long as the staff member is unable to use the electronic⁹ system, for example because of a justified absence.

Article 9 – Final provisions

⁸ See footnote 5.

⁹ See footnote 5.

1. In addition to the general rules laid down above, specific rules governing certain aspects of the appraisal procedure are defined in Annex I. These provisions shall apply by way of derogation from Articles 1 to 8.
2. The consequences for the advancement in step of an appraisal report concluding that the staff member's performance level was unsatisfactory are set out in Annex II.
3. Commission Decision C(2014)2226 does not apply by analogy to the Agency for the Cooperation of Energy Regulators.
4. This Decision shall take effect on the date of its adoption and apply to reports established as of the 2015 appraisal exercise.

Done at Ljubljana, 17 December 2015.

For the Administrative Board:

Razvan Eugen Nicolescu

Chairman of the Administrative Board

1. ANNEX I

2. SPECIAL CASES

1 – Specific situations

- 1.1. If, at the time when the appraisal exercise is launched, the staff member has left the service in application of Article 119 or Articles 47-50 of the CEOS, it is only necessary to draw up a report if the staff member submits an express request to that effect, in writing, to the appropriate reporting officer or to the Agency entity in charge of human resources, in the three weeks following the end of his or her employment at the latest. By derogation from Article 6(1) of these general implementing provisions, such a report may be drawn up on paper.
- 1.2. If, at the time when the appraisal exercise is launched, a decision has been taken leading to the termination of the employment of the staff member in application of Article 119 or Articles 47-50 of the CEOS and taking effect during the year covered by the exercise, the provisions of the preceding paragraph shall apply mutatis mutandis on the understanding that the staff member must make his or her request within three weeks following the launch of the exercise. If such a decision is withdrawn or cancelled, the appraisal procedure shall automatically resume for the staff member concerned, even if he or she has not requested that a report be drawn up.
- 1.3. Staff members who, at their own request, have been granted unpaid leave on personal grounds in accordance with Articles 17 and 91 of the CEOS shall receive a report covering the reporting period until the date on which the leave takes effect. Following their reinstatement a report shall be drawn up on such staff members covering the period from reinstatement until the end of the reporting period. If the period covered by these reports is too short for the staff member to be fully appraised during the reporting period concerned, the reporting officer will draft the report but make a note of this specific circumstance.
- 1.4. Where a staff member was unable to carry out his or her duties for an extended period by reason of illness, accident, parental leave or family leave, maternity leave or leave for military service, and as a result the period covered by the report was too short for the staff member to be fully appraised during the reporting period concerned, the reporting officer will draft the report but make a note of this specific circumstance.

2 – Mobility

If, during the reporting period but not less than four months after the period covered by the previous report or by the previous contribution included in the report,

- the staff member is moved to another post within the Agency, his or her direct superior will draft a contribution on the staff member's performance, which will be incorporated in the report;
- the staff member leaves the Agency to take up employment as referred to in Article 3a of the CEOS, in the same grade of the same function group, his or her direct superior of the Agency of origin will draft a contribution on the staff member's performance, which will be incorporated in the report;
- a member of the temporary staff leaves a post by virtue of which he or she would have been called upon to carry out the duties of reporting officer with respect to a staff member, he or she shall draw up a contribution on the staff member's performance, which will be incorporated in the report.

3 – Staff representatives

- 3.1. Reports on staff members who are assigned full-time or 50% part-time¹⁰ as staff representatives shall be drawn up by the Chair of the Staff Committee who shall act as the reporting officer. In the case of the Chair of the Staff Committee, the report shall be drawn up by another member of the Staff Committee as decided in writing and notified to the staff member by the Staff Committee and that member of the Staff Committee shall act as the reporting officer.
- (1)
- 3.2. A report on a 50% part-time assignment shall be incorporated into the main report prepared pursuant to Article 6 of these general implementing provisions and the countersigning officer and appeal assessor shall be defined in accordance with Articles 3 and 4 of these general implementing provisions. The report shall cover the part of the staff member's activity which is devoted to staff representation activities.
- (2)
- 3.3. If no assignment takes place or when staff members dedicate less than 50% of their time to staff representation activities, a relevant contribution to the report referred to in Article 6 of these general implementing provisions shall be drawn up only upon request by the staff member to the Staff Committee. That contribution shall be sent to the staff member's reporting officer pursuant to Article 6 of these general implementing provisions.

¹⁰ In cases of assignment established by a framework agreement.

3. ANNEX II - BLOCKING OF ADVANCEMENT IN STEP

1. In application of Article 92 and Article 20(4) of the CEOS, and also the first paragraph of Article 44 of the Staff Regulations, a staff member shall not advance to the next step in his grade if the last finalised report concluded that his performance was unsatisfactory.
- (3) In the cases referred to in point 3.2 of Annex I, the consequences mentioned in the preceding subparagraph shall apply if either of the two reports to be established assesses the staff member's performance as unsatisfactory.
2. If the advancement in step is blocked pursuant to point 1, the jobholder shall again become due for an advancement after one year, subject to the provisions of point 1.
3. Four years after his/her entry into the grade or his/her last advancement in step, the staff member shall reach the step regardless of the reports.

ANNEX 3

DECISION AB n° 23/2015

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

of 17 December 2015

**laying down general provisions for implementing Article 43 of the Staff Regulations and
implementing the first paragraph of Article 44 of the Staff Regulations for temporary
staff**

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

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Staff Regulations of Officials of the European Union ('Staff Regulations') and the Conditions of Employment of Other Servants of the European Union ('CEOS'), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/6811, and in particular Articles 43, 44 and 110(2) of the Staff Regulations and Article 15(2) and Article 20(4) of the CEOS,

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 Regulators, (hereinafter referred to as the "Agency"), and, in particular, Article 28(2) thereof,

Having regard to the Communication C(2014)6543 final of 26 September 2014 from Vice President Šefčovič to the Commission on the guidelines on the implementation of Article 110(2) of the Staff Regulations with regard to the implementing rules applicable in the agencies, and in particular Point 2.B thereof,

Having regard to Decision AB 03/2010 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 6 May 2010 on the Rules of Procedure of the Administrative Board, and, in particular, Article 8 thereof,

Having regard to the agreement of the European Commission pursuant to Article 110(2) of the Staff Regulations C(2015)1513 final of 4 March 2015,

After consulting the Staff Committee,

Whereas:

- 1) On 17 December 2013, the Commission informed the Agency for the Cooperation of Energy Regulators that it adopted Decision C(2013)8985 of 16 December 2013 laying down general provisions for implementing Article 43 of the Staff Regulations and implementing the first paragraph of Article 44 of the Staff Regulations.
- 2) Article 110(2) of the Staff Regulations states that implementing rules referred to in Recital 1 shall apply by analogy to the Agency for the Cooperation of Energy Regulators. By way of derogation, an agency may request the Commission's agreement to the non-application of certain implementing rules. The Commission may, instead of accepting or rejecting the

request, require the agency to submit for its agreement implementing rules which are different from those adopted by the Commission.

- 3) Commission Decision C(2013)8985 is suitable to apply to the Agency for the Cooperation of Energy Regulators provided it is made clear that its scope covers temporary staff under Article 2(f) of the CEOS and certain adjustments are made to take into account the peculiarities of the Agency. Those adjustments concern in particular the identification of roles and rank of the actors in the procedure and specific cases laid down in the Annexes to that Decision.
- 4) The appraisal system applicable to the staff of the Agency for the Cooperation of Energy Regulators is intended to provide regular and structured feedback in order to improve performance and contribute to future career development.
- 5) Under Article 43 of the Staff Regulations, applicable to temporary staff by virtue of Article 15(2) of the CEOS, the annual report has to contain a statement as to whether the jobholder's performance has been satisfactory. Given the importance of this statement for the jobholder's career and remuneration, a procedural framework should be put in place.
- 6) Under Article 44 of the Staff Regulations, applicable to temporary staff by virtue of Article 20(4) of the CEOS, the jobholder's advancement in step is made conditional on his performance not having been evaluated as unsatisfactory in the last annual report. An annex to this Decision should set out in more detail how to put this rule into practice.
- 7) For the sake of clarity and legal certainty, Decision AB 25/2011 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 22 September 2011 establishing the policy and procedure for the performance appraisal of staff, laying down general provisions for implementing Article 43 of the Staff Regulations, should be repealed at the end of the 2014 appraisal exercise¹² and replaced by this Decision¹³,

HAS DECIDED AS FOLLOWS:

Article 1 - Scope

1. The general implementing provisions laid down by this Decision shall apply to temporary staff within the meaning of Article 2 of the CEOS, with the exception of Heads of agencies (hereinafter 'Director') as referred to in the act(s) establishing the Agency.
2. The temporary staff as defined above are referred to hereinafter as 'jobholders', unless otherwise specified.

¹² Assessing the period from 01 January 2014 to 31 December 2014.

¹³ With regard to its provisions related to temporary staff.

Article 2 - Annual appraisal exercise

1. Every year, a report covering the period from 1 January to 31 December of the preceding year (hereinafter referred to as 'the reporting period') shall be drawn up for each jobholder who was in active employment or seconded in the interests of the service for a continuous period of at least one month during the reporting period.
2. Each report shall include an individual qualitative appraisal of the jobholder's efficiency, ability and conduct in the service. The report shall be concerned with all the jobholder's professional activities.
3. Each report shall also include a conclusion on whether the jobholder's performance has been satisfactory. The conclusion that the jobholder's performance has been unsatisfactory shall be based on factual elements.

Article 3 - Respective roles and rank

1. The reporting officer shall be the jobholder's direct superior and, as a general rule, the jobholder's Head of Department on 1 December of the reporting period.

The Director shall assume the role of reporting officer for jobholders of whom he is the direct superior.

2. The appeal assessor shall be the direct superior of the reporting officer at the time of the superior's first intervention in the appraisal procedure as laid down in Article 6.

Where the Director acts as reporting officer, the appeal assessor shall be the Commission representative on the Administrative Board who is the most senior in the highest grade.

A jobholder who has provided information under Article 22a(1) and (2) of the Staff Regulations, applicable to temporary staff by virtue of Article 11 of the CEOS, may, at the time of his reasoned refusal to accept the report, as provided for in Article 7(1), request that the Commission representative on the Administrative Board who is the most senior in the highest grade act as appeal assessor.

3. In exceptional cases, justified by the desire to act in the interests of the jobholder or in the event of a change in the organisation chart of a service, the Director may derogate from paragraphs 1 and 2 above to take account of the specific context arising from the circumstances or the change respectively.
4. In departments comprising more than 20 temporary staff, Head of Department may, subject to the agreement of his Director and after notifying the jobholders concerned, delegate the role of reporting officer to AD officials or temporary agents who manage and supervise AST or AST/SC jobholders and whom he considers capable of taking on this role. In that case, the head of department shall approve the appraisal report and the head of department's direct superior shall act as appeal assessor. The Head of Department may at any time withdraw the delegation of the role of reporting officer and perform that role himself.

Heads of Departments may, without relinquishing their role as reporting officer, delegate the preparatory work for the appraisal of jobholders in their department to an official or a temporary agent assigned to the department whom they consider, in the light of the duties he performs within the department and his abilities, to be capable of assuming that role.

5. Where a report needs to be drawn up and the reporting officer and/or appeal assessor, as defined in paragraphs 1 and 2 above, have in the meantime left the Agency definitively, the Director shall designate the most appropriate reporting officer and/or appeal assessor, taking into account the interests of the jobholders concerned, and shall notify the jobholders accordingly.
6. In the event of a derogation from the provisions of paragraphs 1 and 2, jobholders shall be told the name of the persons who are to act as reporting officer and appeal assessor.

**Article 4 -
Responsibilities in case of an assessment of the jobholder's performance as
unsatisfactory**

1. A report concluding that the jobholder's performance has been unsatisfactory needs to be confirmed by a countersigning officer, except where the Director acts as reporting officer.
2. Countersigning officer shall be the direct superior of the reporting officer, except when the direct superior is the Director, in which case the countersigning officer shall be the Head of Department in the Agency who is the most senior in the highest grade. Article 3, paragraphs 3, 5 and 6, shall apply mutatis mutandis.
3. The appeal assessor shall be the Director carrying out this duty at the time of his first intervention in the appraisal procedure. Where the Director acts as reporting officer, the appeal assessor shall be the Commission representative on the Administrative Board who is the most senior in the highest grade.

Article 5 - Basis of the appraisal

The individual qualitative appraisal shall be based on the ability, efficiency and conduct in the service of the jobholder, taking account of the context within which the jobholder has performed his duties. The individual qualitative appraisal shall not include a comparison with the performance of other individual jobholders.

Article 6 - Appraisal procedure

1. The appraisal exercise shall be launched by the Agency entity in charge of human resources by publication of an administrative notice. It shall be administered by means of a secure electronic¹⁴ system.
2. For each jobholder, the appraisal report is launched electronically¹⁵. Once the report has been launched, a request to produce a self-assessment shall automatically be sent to the jobholder. Within eight working days of receiving this request, the jobholder shall submit a self-assessment, which will be entered in the appropriate section of the report. The

¹⁴ Where the agency does not have an electronic system, the procedure shall be carried out manually and the relevant provisions shall be applied mutatis mutandis

¹⁵ See footnote 4

purpose of this self-assessment is to prepare for the dialogue provided for in paragraph 3.

If the jobholder does not submit a self-assessment within the allotted time, without having been prevented from doing so by a justified absence, the reporting officer may immediately proceed to the formal dialogue provided for in paragraph 3.

3. The reporting officer shall then hold a formal dialogue with the jobholder. With the agreement of the jobholder, the reporting officer may ask one or more other jobholders who have supervised the jobholder's work to take part in the dialogue.

This dialogue shall constitute one of the reporting officer's basic management duties. In the course of this dialogue, the reporting officer shall, jointly with the jobholder:

- a) assess the jobholder's performance during the reporting period. The reporting officer shall, jointly with the jobholder, consider the latter's efficiency, the ability he has demonstrated and his conduct in the service during the reporting period;
 - b) identify the jobholder's training needs.
4. If the jobholder does not act on the invitation to take part in the formal dialogue, without having been prevented from doing so by a justified absence, the reporting officer may immediately draw up an individual qualitative appraisal as provided for in paragraph 5.
 5. Within ten working days of the formal dialogue, the reporting officer shall draw up an individual qualitative appraisal of the jobholder's efficiency, ability and conduct in the service. For this purpose, the jobholder's justified absences may not be used to his disadvantage.
 6. In the cases referred to in Article 4(1) the report shall then be transmitted to the countersigning officer.

The countersigning officer shall verify whether the appraisal procedure has been respected and whether the report has been drafted in a coherent manner, in accordance with these general implementing provisions and consistent with the jobholder's performance. He shall confirm, complete or modify the report.

7. In cases other than those referred to in Article 4(1) or after completion of the procedure provided for in paragraph 6, the report shall then be sent to the jobholder.
8. Within five working days of the date on which the jobholder was invited to consult his report, he may either accept the report, with or without adding comments in the appropriate section, or refuse to accept the report, stating the reasons for refusal.

If the jobholder does not refuse to accept the report within the time limit referred to in the preceding subparagraph, the report shall become final.

Article 7 - Appeal procedure

1. The jobholder's reasoned refusal to accept the report in accordance with Article 6(8) shall automatically mean referral of the matter to the appeal assessor. The jobholder may withdraw his reasoned refusal to accept the report at any time.
2. Upon a request by the jobholder expressed in his reasoned refusal to accept the report, the appeal assessor shall hold a dialogue with the jobholder within ten working days of the date of

the reasoned refusal. The jobholder may arrange for another jobholder, other than the reporting officer, to assist him during the dialogue. The appeal assessor may ask another jobholder, other than the reporting officer, to assist him at the dialogue.

3. Within 20 working days of the date of the reasoned refusal to accept the report and following the dialogue provided for in paragraph 2, the appeal assessor shall confirm the report or amend it, giving reasons.

In the case of a report assessing the jobholder's performance as unsatisfactory, the appeal assessor shall consult the Agency entity in charge of human resources before taking his decision; the latter may in turn consult the Joint Committee.

The decision of the appeal assessor may not be based on facts which the jobholder has not yet had an opportunity to comment upon in the course of the appraisal or the appeal procedure, unless he is given an opportunity to do so by the appeal assessor in good time.

4. The report shall become final by decision of the appeal assessor. The jobholder shall be notified, by e-mail or other means, that the decision rendering the report final has been adopted, pursuant to this Article or Article 6, and that it may be consulted in the electronic system¹⁶. If the decision rendering the report final was adopted under this Article, the jobholder shall at this point also have access to the appeal assessor's decision. Such notification constitutes communication within the meaning of Article 25 of the Staff Regulations. The period of three months in which to lodge a complaint, provided for in Article 90(2) of the Staff Regulations, starts to run on communication of the information.

Article 8 - Time limits

1. The time limits referred to in Articles 6 and 7 as they concern the jobholder shall be calculated only from the time when the relevant decision has been notified to the person concerned or, at the latest, when the latter, acting as a diligent agent, may be expected to be aware of the content of that decision and the reasons for it.
2. These time limits shall be suspended, however, if and for as long as the jobholder is unable to use the electronic¹⁷ system.

Article 9 - Final provisions

1. Alongside the general rules laid down above, specific rules governing certain aspects of the appraisal procedure are defined in Annex I. These provisions shall apply by way of derogation from Articles 1 to 8.
2. The consequences for the advancement in step of an appraisal report concluding that the jobholder's performance level was unsatisfactory are set out in Annex II.
3. The Commission Decision C(2013)8985 of 16 December 2013 does not apply by analogy

¹⁶ See footnote 4

¹⁷ See footnote 4

at the Agency for the Cooperation of Energy Regulators.

4. This Decision shall take effect on the day following that of its adoption and shall apply to reports established as of the 2015 appraisal exercise.

Done at Ljubljana, 17 December 2015.

For the Administrative Board:

Razvan Eugen Nicolescu

Chairman of the ACER Administrative Board

ANNEX I - SPECIAL CASES

1 - Specific situations

- 1.1. If, in the course of the reporting period referred to in Article 2 of the general implementing provisions laid down by this Decision or during the year following the reporting period, the jobholder has left the service definitively under Article 47 of the Staff Regulations, or the jobholder's employment has been terminated under Articles 47 to 50 of the CEOS, it is only necessary to draw up a report if the jobholder submits an express request to that effect, in writing, to the reporting officer referred to in Article 3(1) of these general implementing provisions, in the three weeks following the launch of the appraisal exercise.
- 1.2. Jobholders who, at their own request, have been granted unpaid leave on personal grounds in accordance with Article 40 of the Staff Regulations, or unpaid leave on compelling personal grounds in accordance with Article 17 or 52 of the CEOS shall receive a report covering the reporting period until the date on which the leave took effect. Following their reinstatement, a report shall be drawn up on such jobholders covering the period from reinstatement until the end of the reporting period. If the period covered by these reports is too short for the jobholder to be fully appraised during the reporting period concerned, the reporting officer will draft the report but make a note of this specific circumstance.
- 1.3. Where a jobholder was unable to carry out his duties for an extended period by reason of illness, accident, parental leave or family leave, maternity leave or leave for military service, and as a result the period covered by the report was too short for the jobholder to be fully appraised during the reporting period concerned, the reporting officer will draft the report but make a note of this specific circumstance.

2 - Mobility

If, during the reporting period but not less than four months after the period covered by the previous report or by the previous contribution included in the report,

- (i) the jobholder is moved or transferred to another post within the Agency or seconded under the terms of Article 51 of the CEOS, his direct superior shall draw up a contribution on the jobholder's performance, which will be incorporated in the report;
- (ii) a jobholder leaves a post by virtue of which he would have been called upon to carry out the duties of reporting officer with respect to another jobholder, he shall draw up a contribution on the jobholder's performance, which will be incorporated in the report;
- (iii) a jobholder is employed by another Agency or body of the Union, a contribution on the jobholder's performance shall be drawn up.

3 - Staff on secondment

- 3.1. Reports on jobholders who, at the time when the appraisal procedure is launched, are seconded by the appointing authority under Article 51 of the CEOS shall be drawn up in accordance with the procedure set out in Article 6 of the general implementing provisions laid down by this Decision by a reporting officer appointed by the Director of the Agency of origin. The Director shall appoint the most appropriate person in the Agency to act as reporting officer in view of the jobholder's tasks and activities and career so far.
- 3.2. If the reporting period includes a period of secondment of four months or more, the reporting officer shall ask the host department to ensure that the jobholder's superiors within that department provide a contribution on the jobholder's performance for inclusion in the appraisal report.

4 - Staff representatives

- 4.1. Reports on jobholders who are assigned full-time or 50 % part-time¹⁸ as staff representatives shall be drawn up by the Chair of the Staff Committee, who shall act as the reporting officer. In the case of the Chair of the Staff Committee, the report shall be drawn up by another member of the Staff Committee as decided in writing and notified to the jobholder by the Staff Committee, and that member of the Staff Committee shall act as the reporting officer.
- 4.2. A report on a 50% part-time assignment shall be incorporated into the main report prepared pursuant to Article 6 of the general implementing provisions laid down by this Decision and the countersigning officer and appeal assessor shall be defined in accordance with Articles 3 and 4 of the general implementing provisions laid down by this Decision. The report shall cover the part of the jobholder's activity which is devoted to staff representation activities.
- 4.3. If no assignment takes place or when jobholders dedicate less than 50 % of their time to staff representation activities, a relevant contribution to the report referred to in Article 6 of the general implementing provisions laid down by this Decision shall be drawn up only upon request by the jobholder to the Staff Committee. That contribution shall be sent to the jobholder's reporting officer pursuant to Article 6 of the general implementing provisions laid down by this Decision.

ANNEX II - BLOCKING OF ADVANCEMENT IN STEP

1. In application of the first paragraph of Article 44 of the Staff Regulations and of Article 20(4) of the CEOS, a jobholder shall not advance to the next step in his grade if the last finalised report concluded that his performance was unsatisfactory.
In the cases referred to in point 4.2 of Annex I, the consequences mentioned in the preceding subparagraph shall apply if either of the two reports to be established assesses the jobholder's performance as unsatisfactory.
2. If the advancement in step is blocked pursuant to point 1, the jobholder shall again become due for an advancement after one year, subject to the provisions of point 1.
3. Four years after his entry in the grade or his last advancement in step, the jobholder shall

¹⁸ In cases of assignment established by a framework agreement

advance in step regardless of his reports.

ANNEX 4

DECISION AB n° 24/2015
OF THE ADMINISTRATIVE BOARD
OF THE AGENCY FOR THE COOPERATION OF ENERGY REGULATORS
of 17 December 2015

**GRANTING PERMISSION TO THE DIRECTOR TO ENGAGE IN
ACADEMIC COOPERATION WITH THE FLORENCE SCHOOL OF
REGULATION AT THE EUROPEAN UNIVERSITY INSTITUTE FOR THE
YEAR 2016**

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, to Article 28 thereof;

HAVING REGARD to the Staff Regulations of Officials of the European Communities, laid down by Council Regulation (EEC, EURATOM, ECSC) No 259/68, (hereafter referred to as the "Staff Regulation") and, in particular, Article 12b thereof, and Article 11 of the Conditions of Employment of Other Servants of the Communities;

HAVING REGARD to Commission Decision C(2004) 1597 of 24 April 2004 on outside activities and assignments;

HAVING REGARD to Administrative Board Decision AB n° 23/2012 of 5 December 2012 on outside activities and assignments,

WHEREAS:

- Article 12b of the Staff Regulations requires “an official wishing to engage in an outside activity, whether paid or unpaid, or to carry out any assignment outside the Communities shall first obtain the permission of the Appointing Authority” and

envisages that “permission shall be refused only if the activity or assignment in question is such as to interfere with the performance of the official’s duties or is incompatible with the interest of the institution”;

- Article 6 of Administrative Board Decision AB n° 23/2012 provides that “teaching and other educational activities, whether gainful or not, shall in principle be authorised for one year provided that their duration does not exceed 100 hours per academic year” and that “in exceptional circumstances, where the activity is clearly in the interest of the institution, the educational activities may be extended to academic activities, including research”.
- Article 9 of Administrative Board Decision AB n° 23/2012 provides that “the maximum annual ceiling for net remuneration, including any fee received, which an official may receive in connection with all his assignments or outside activities combined, shall be € 4.500”, that “the reimbursement of costs (e.g. transportation, etc.) shall not be taken into account for this purpose”, that “the official shall hand over to the Appointing Authority amounts exceeding the sum of € 4.500” and that “royalties received for publications shall be excluded from the calculation of net remuneration”.
- The Florence School of Regulation (hereafter referred to as the "School") is a partnership between the European University Institute (EUI) - Robert Schuman Centre for Advanced Studies (RSCAS), the Council of the European Energy Regulators (CEER) and the Independent Regulators Group (IRG), and it works closely with the European Commission. It is a European forum dedicated to economic regulation;
- The objectives of the School are to organise policy events dealing with key regulatory issues, to provide state-of-the-art training for practitioners, to produce analytical and empirical research in the field of regulation and to promote networking, through documents and ideas exchanges;
- Mr Alberto Pototschnig has been cooperating with the School since its foundation in 2004, therefore well before his appointment as Director of the Agency;
- At the School, Mr Pototschnig has been acting as Adviser to the Director on the School’s activities in the energy policy area, as well as participating, as instructor, to the Training Courses organised by the School;
- Through its activities, the School contributes to enhancing and spreading best practices in regulation, including for the energy sector;
- The Administrative Board, with its Decisions AB n° 34/2011 of 2 December 2011, AB n° 24/2012 of 5 December 2012, AB n° 23/2013 of 12 December 2013 and AB n° 18/2014 of 18 December 2014, granted permission to Mr Pototschnig to engage in academic cooperation with the School for the years 2012, 2013, 2014 and 2015, respectively;
- The involvement of Mr Pototschnig in the activities of the School, in his current role of

adviser to the Director of the School, ensures that the School focuses on the most relevant issues in the regulation of the European energy sector, thus ensuring that the activities of the School also benefit the Agency;

- It is therefore of utmost important for the Agency and in the interest of the service that Mr Pototschnig maintains his current role as Adviser to the Director of the School and is involved in other related activities, including, as an instructor, in training courses organised by the School;
- In granting permission to Mr Pototschnig to engage in training and academic activities with the School, compliance with Commission Decision C(2004) 1597 should be ensured;
- Given the importance for the Agency of Mr Pototschnig's activities as Adviser to the Director of the School, exceptional circumstances are deemed to exist for permission to be extended to include academic and research activities as well, up to a total of 200 hours per year.

HAS DECIDED:

- 1) To grant permission to Mr Alberto Pototschnig to continue in 2016 in his role of adviser to the Director of the School and with his activities of instructor at the School;
- 2) That the permission is granted for the period from 1 January 2016 to 31 December 2016;
- 3) That the activities for which permission is granted shall be carried out for a maximum of two hundred (200) hours during 2016.
- 4) That the activities for which permission is granted, to the extent that they are carried out during working hours with a limit of 100 hours, are considered to be carried out in the interest of the service within the meaning of article 6, paragraph 2, of the Administrative Board Decision AB n° 23/2012;
- 5) That permission is granted subject to the condition that no costs shall be incurred by the Agency;
- 6) That, given the governance and mission of the School, the activities for which permission is granted do not raise any conflict of interest;
- 7) That Mr Pototschnig shall receive no remuneration in connection with the activities for which permission is granted to the extent that they are carried out during working hours. To the extent that these activities are carried out outside working hours, Mr Pototschnig shall hand over any remuneration received in excess of EUR four thousand five hundred (4,500). Such limit shall apply to net remuneration and shall exclude any royalties or similar utilities received for publications, as well as any reimbursement of expenses;
- 8) Mr Pototschnig will report to the Administrative Board on his activities at the School at the end of the period;
- 9) To give mandate to the Chairman for the implementation of this Decision and for any procedural step related to the permission granted with this Decision.



This Decision shall take effect on 1 January 2016.

Done at Ljubljana, on 17 December 2015

For the Administrative Board:

Razvan Nicolescu
Chairman of the ACER Administrative Board

ANNEX 5

DECISION AB n° 25/2015

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

of 17 December 2015

**on the Reclassification of the Director of the Agency for the Cooperation of Energy
Regulators after the Performance Appraisal Procedure for the Year 2014**

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 Regulators¹⁹,
and, in particular, to Articles 1(1), 16, and 28 thereof,

Having regard to AB decision n° 26/2011 of the Administrative Board of the Agency for the
Cooperation of Energy Regulators of 22 September 2011 concerning the appraisal of the
Director of the Agency for the Cooperation of Energy Regulators,

Having regard to AB Decision n° 10/2015 of the Administrative Board of the Agency for the
Cooperation of Energy Regulators of 8 July 2015 on the reappointment of the Director of the
Agency for the Cooperation of Energy Regulators,

Having regard to the proposal for promotion of the reporting officers of 28 April 2015,

Whereas:

- (6) Pursuant to Art. 1 of AB Decision n° 26/2011 of 22 September 2011, the Director of
the Agency for the Cooperation of Energy Regulators is subject to an annual appraisal
exercise.
- (7) The appraisals demonstrated that Mr Alberto Pototschnig has performed very well in
launching the Agency, both in terms of staff and sound financial management, as well
as in fulfilling its mission and objectives. This has been widely recognised, internally
in his evaluation exercises, and externally, by the stakeholders. He is best placed to
lead the Agency forward in this very challenging environment, while ensuring stability
and business continuity.

¹⁹ OJ L211, 14.8.2009, p. 1.

- (8) In light of the above, the reporting officers of the Director submitted to the Administrative Board a duly justified proposal for the promotion of Mr Alberto Pototschnig.
- (9) In AB Decision n° 10/2015 of 8 July 2015, the Administrative Board of the Agency for the Cooperation of Energy Regulators decided to extend the term of office of Mr Alberto Pototschnig as Director of the Agency for a term of three years, given his achievements in terms of building the Agency's organisation, successfully meeting its objectives and in providing leadership.
- (10) Recital (3) of the AB Decision n° 10/2015 of 8 July 2015 also notes that "the achievements of the Director evidenced in his appraisals would justify also his reclassification",

HAS ADOPTED THIS DECISION:

Article 1

Mr. Alberto Pototschnig, the Director of the Agency for the Cooperation of Energy Regulators, is reclassified from grade AD14 to grade AD15.

Article 2

1. This Decision shall take effect as from 1 January 2016.

Done at Ljubljana, on 17 December 2015.

For the Administrative Board:

Razvan Eugen Nicolescu
Chairman of the Administrative Board