



European Union Agency for the Cooperation
of Energy Regulators

Single programming document 2024-2026

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Director's foreword

As I write this foreword to the ACER Programming Document in the closing month of December, it is both a moment to reflect on 2023 and an opportunity to look forward into what the coming years may bring. The energy market situation of 2023 has been a welcome respite from the turbulence experienced in 2022, a year marked by Russia's invasion of Ukraine which resulted in an unprecedented energy crisis. Energy prices in 2023 retreated further to levels close to pre-crisis. The supply situation also continued to improve. However, even as we acknowledge higher levels of overall stability compared to 2022, it is imperative to recognize that price volatility is here to stay and peaks of high energy prices remain a risk (e.g. if an important outage were to occur), with possible far-reaching implications for economies.

In 2022, the Agency, in close collaboration with national energy regulatory authorities (NRAs), navigated tumultuous waters marked by the challenges arising from the energy crisis. In 2023, the agency continued its focus on exercising its tasks including providing its support on energy legislative files resulting from the energy crisis like the REMIT revision and the Electricity Market Design proposals. The new tools needed to perform the duties linked to the Gas Market Correction Mechanism and the LNG benchmark were up and running in time and provide ongoing market transparency. These endeavours stand as a testament to our commitment to addressing quickly and professionally the crisis measures necessitated by the evolving energy landscape.



The next years will continue to see significant changes. The energy system is undergoing massive transformation to achieve net-zero emissions, demanding continuous adaptation to regulatory frameworks. As such, ACER will also need to adapt accordingly both organisation and focus wise. We anticipate more involvement in, for example, the work on demand response and flexibility, recognizing the eagerness for a regulatory framework that adapts to these evolving needs. We also see an ongoing need to explain the benefits of regional integration. Interconnectedness helped us a lot during the energy crisis, and it will also be beneficial in a low carbon energy system where demand and supply centres may be located far from each other. The benefit of mutual reliance of Member States on each other should not be undervalued.

Reinforcing the Agency's IT systems and cybersecurity posture will be a high priority. The ability to respond swiftly and flexibly to new challenges is paramount. ACER, as an organization, is committed to working seamlessly across different teams, drawing in diverse perspectives, and constantly interacting with NRA colleagues, the EU institutions and stakeholders for maximum impact. The challenges we face require an enhanced organisational agility, a key priority for our Agency as we look ahead.

In contemplating a period of growth for the Agency the evolving nature of tasks entrusted to us will shape our trajectory, and whatever ACER is tasked to do, adherence to our strengths, professionalizing organizational approaches, and embracing novel working methods will be guiding principles.



Amidst this sea of change, ACER is set on driving forward EU energy market integration, playing a pivotal role in the challenges of the EU's energy transition while keeping security and affordability at the forefront. The current times, marked by crises and adversity, provide a defining moment. Our ability to act together during challenging times enhances the mutual reliance model, contributing to the resilience of the EU's energy transition journey.

An important piece of legislation - the Electricity market design – is currently being negotiated by the European institutions following an agreement (general approach) on a proposal to amend the EU's electricity market design. It aims to make electricity prices less dependent on volatile fossil fuel prices, shields consumers from price spikes, accelerates the deployment of renewable energies and improves consumer protection.

More importantly, a significant milestone was achieved as in November the Council and the Parliament reached a provisional political agreement on REMIT II. The REMIT regulation supports an open and fair competition in the European wholesale energy markets and sets the ground for increased market transparency and integrity. ACER will see its role enhanced in selected areas. The next involve the formal adoption of this agreement by both the European Parliament and the Council, representing a historic advancement in shaping the regulatory landscape for the EU's energy markets.



Many thanks for all the support and the cooperation in what has been an exciting year 2023. This thank you goes out in particular to our Administrative Board, our Board of Regulators and the wider NRA community, our Board of Appeal, to the European Commission and European Parliament, to Member State governments, and to the very many stakeholders whose input to our work is highly appreciated.

My biggest thanks go to my colleagues at ACER for their ongoing dedication and collective work spirit; cooperation across many different fields of expertise is what enables us to deliver excellent work quality!

List of abbreviations and acronyms

Abbreviation	Meaning
The Agency, ACER	European Union Agency for the Cooperation of Energy Regulators
AB	Administrative Board
ARIS	Agency's REMIT information system
AWG	Agency working group
BoA	Board of Appeal
BoR	Board of Regulators
CBA	Cost-benefit analysis
CBCA	Cross-border cost allocation
CEER	Council of European Energy Regulators
CEREMP	Centralised European Register of Energy Market Participants
CEP	Clean energy for all Europeans package
CMP	Congestion management procedures
Col	Conflict of interest
CS	Corporate Services
Dol	Declaration of interest
EC	European Commission
EnC	Energy Community
ECA	European Court of Auditors
ENTSO-E	European Network of Transmission System Operators for Electricity
ENTSO-G	European Network of Transmission System Operators for Gas
ESMA	European Securities and Markets Authority
FERC	U.S. Federal Energy Regulatory Commission
FG	Framework guideline
FTE	Full time equivalent
IAS	Internal Audit Service
IEM	Internal energy market
ICT	Information and communication technology
ITC	Inter-TSO compensation
ITIL	Information Technology Infrastructure Library
MIT	Market Information and Transparency
MMR	Market Monitoring Report
MSC	Market Surveillance and Conduct
MoU	Memorandum of Understanding
MP	Market participant
NC	Network code
NDP	Network development plan
NRA	National regulatory authority
OTC	Over the counter
PCI	Project of Common Interest
REMIT	Regulation on wholesale energy market integrity and transparency
RRM	Registered Reporting Mechanisms
SAA	Strategic action area
SDC	Strategy Delivery and Communications
SMARTS	Market surveillance software
SNE	Seconded national expert
SPD	Single programming document
SSO	Storage system operators
TCA	Trade and Cooperation Agreement
TEN-E	Trans-European Energy Network
TSO	Transmission system operator
TYNDP	Ten-year network development plan

Mission statement

The European Union Agency for the Cooperation of Energy Regulators fosters a fully integrated and well-functioning internal energy market, where electricity and gas are traded and supplied according to the highest integrity and transparency standards, and EU consumers benefit from a wider choice, fair prices and greater protection. For this purpose, we work with European Institutions, National Regulatory Authorities (NRAs) and stakeholders.

Vision

Our vision is to be a leading agency for independent, high-quality regulation in Europe to implement the internal energy market and the energy union.

Values

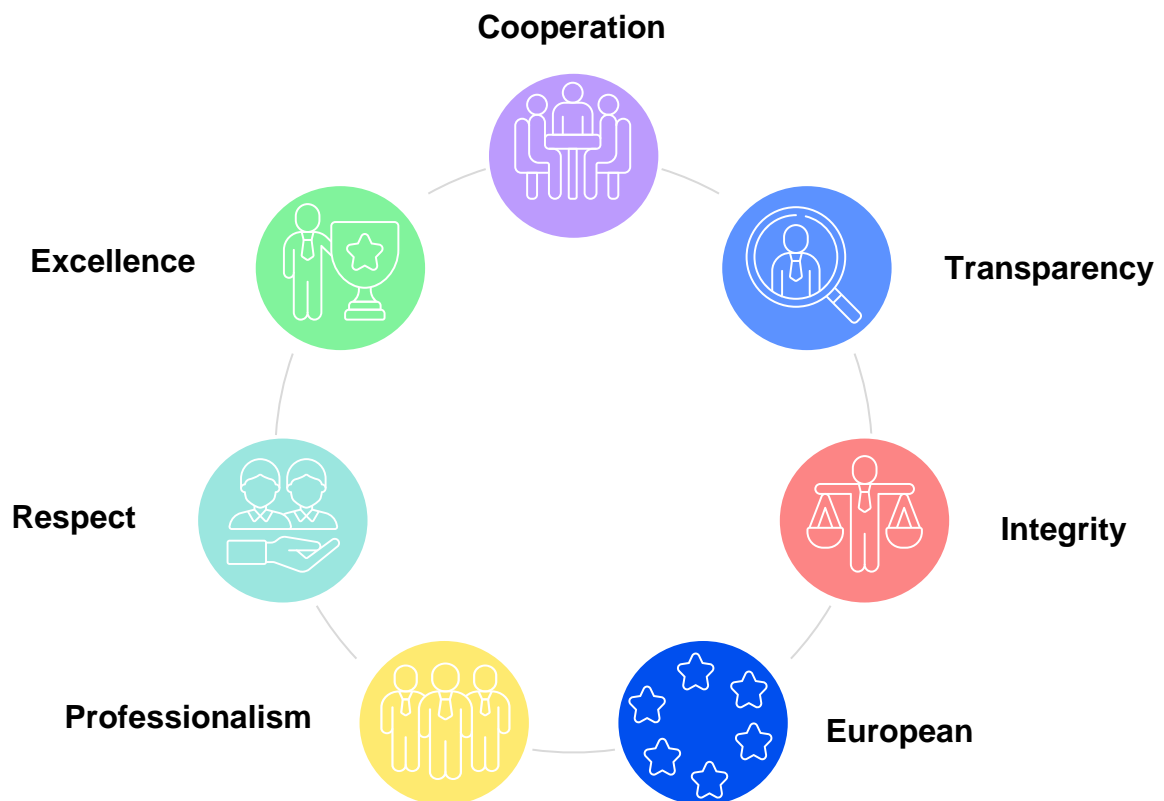
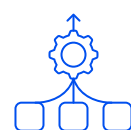


Figure 1: ACER's values

SECTION I: GENERAL CONTEXT



Wider context

European Green Deal, Energy union strategy

While the Agency is an independent body, it is fully committed to the [European Green Deal](#) and the [Fit for 55 Package](#), with a fully-integrated internal energy market in which energy should flow freely across the EU - without technical or regulatory barriers and actions geared towards the climate target plan's 55 % net reduction target. The Agency therefore also contributes to the implementation of the [energy union strategy](#), in particular to the following two dimensions:

- Security, solidarity and trust - diversifying Europe's sources of energy and ensuring energy security through solidarity and cooperation between EU countries
- A fully integrated internal energy market - enabling the free flow of energy through the EU through adequate infrastructure and without technical or regulatory barriers.

Many of the activities that the Agency will perform over the next three years are instrumental in achieving the above objectives. In particular, while only some of the Agency's tasks are directly related to security of energy supply, most of activities of the Agency significantly contribute to it. In fact, all multiannual objectives are instrumental to improving security of supply in the EU: a fully functioning internal energy market, better infrastructure with improved connections, greater transparency and integrity of the markets and addressing the longer-term regulatory challenges the EU is facing are all conducive to greater security of supply of Member States.

The Agency is also actively involved in dealing with the impact of the energy crisis on consumers and the wider economy. A set of new tasks were attributed to it in 2022 and while at the time of writing it is unclear to what extent this will (still) affect its 2024-2026 Single programming document (SPD), the anticipated possible review of the electricity wholesale markets is likely to impact the Agency's workflows.

Additional tasks are expected to be given to ACER, most likely starting from the 2nd half of 2024, by the different legislative proposals currently under negotiation or closing negotiations concerning hydrogen and decarbonised gas markets, methane emissions, electricity market design and energy market integrity and transparency (REMIT). Further, following the conclusion of the negotiations on those legislative proposals, it is expected that electricity and gas network codes and guidelines will be reviewed and that the REMIT Implementing Regulation will be updated.

In addition, the Agency is increasingly involved in cybersecurity issues related to the energy market.

An active ACER in a context of significant change

The energy systems of Europe are undergoing massive change, driven by geopolitical events, technological and market players' innovation and political priorities, not least as regards decarbonisation of the broader economy, in which energy transition plays a crucial part.

As such, the regulatory landscape, in which the Agency finds itself, is very much evolving, too. This has implications on how the Agency deploys its resources, how it seeks to enhance its agility in delivering

priority tasks and how it engages with stakeholders, of which there are many. It also has implications on how the Agency communicates its activities going forward, keeping a close eye on how these fit within the wider European context, and with the future priorities which the Agency may need to contribute to.

The Agency's work is anchored in its legal mandate. Cooperation with NRAs is an essential part of the Agency's mission and work.

Accordingly, the Agency's challenges in the coming years are the following:

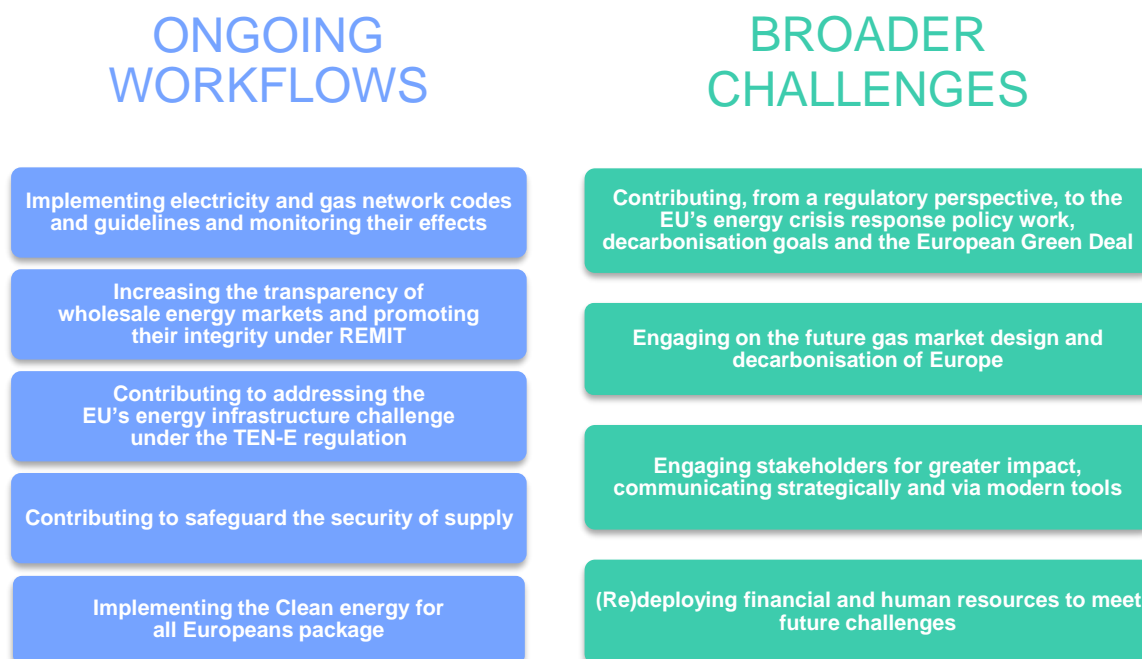


Figure 2: Overview of ACER's challenges

Ongoing workflows

The Agency was established to support the completion of the internal energy market (IEM) and most of its tasks are linked to this.

Implementing electricity and gas Network Codes and Guidelines and monitoring their effects

Since the Network Codes and Guidelines entered into force, the Agency has been working on their implementation as well as monitoring their implementation and effects. The Agency also issues opinions on TYNDPs. This complements the more general monitoring of developments in the IEM, which the Agency has been performing since 2012, with the publication of annual Market Monitoring Reports. Moreover, with the entry into force of the Network Codes and Guidelines, the Agency was assigned additional important tasks and responsibilities in supporting the coordination of NRAs and the harmonisation of IEM rules, including by stepping in when NRAs are unable to reach an agreement on binding subsidiarity instruments.

Increasing the transparency of wholesale energy markets and promoting their integrity under REMIT

REMIT aims at increasing transparency of wholesale energy markets and at promoting their integrity by introducing explicit prohibitions of market abusive behaviour and envisaging the establishment of a new, sector-specific, monitoring framework to detect and deter market manipulation and insider trading. The goal of increased integrity and transparency of wholesale energy markets is to foster open and fair competition in wholesale energy markets for the benefit of final energy consumers and to protect energy consumers and other market participants by striving to ensure that prices reflect a fair and competitive interplay between supply and demand and that no profits can be drawn from market abuse.

In this respect, the Agency collects records of wholesale energy market transactions, irrespective of where they are concluded (on organised markets or over the counter) and of the type of product traded (for physical delivery or financial settlement), including orders to trade placed at organised markets, and fundamental data. In the implementation of the principle of subsidiarity and in the strive to gain efficiencies, the Agency also conducts an initial assessment and analysis of these transactions and orders to trade to identify suspicious events, having potentially a cross-border impact; suspicious events which otherwise would not be detected at national level. Following the initial assessment performed by the Agency, suspicious events are further notified to NRAs, which are responsible for investigations and enforcement. This enables NRAs and other relevant authorities at national level to perform investigations and enforcement by providing access to the relevant information held by the Agency which it has collected ('data sharing') and by aiming to ensure a coordinated approach at Union level.

Contributing to the EU's decarbonised energy infrastructure challenge under the TEN-E regulation

In line with the TEN-E Regulation, the Agency plays a role in the process of identifying critical energy infrastructure (Projects of Common and Mutual Interests, PCIs and PMIs) and in assisting NRAs in dealing with investment requests – including for cross-border cost allocation (CBCA) – submitted by PCI promoters. As part of the European Green Deal and the decarbonisation policy objectives, the TEN-E legislation was recently revised with a view to adapting it to the decarbonisation objectives. The new TEN-E Regulation (Regulation (EU) 2022/869) was published on 3 June 2022, repealing the previous TEN-E Regulation (Regulation (EU) No 347/2013). The European Action Plan for Grids focuses on specific implementation challenges related to the TEN-E and steers the Agency to focus more on regulatory incentives in the future.

Implementing the Clean energy for all Europeans package

Since 2020, the Agency is implementing the additional tasks allocated to it within the "Clean energy for all Europeans package" (CEP). This is a multi-year project of which by now most of it is implemented. Briefly put, with the CEP the Agency has started delivering, along with the NRAs, ENTSO's and others, the foundations for a more integrated, efficient, and competitive energy system in Europe, taking account of the decarbonisation objectives set at the political level. The Agency is also called to decide directly on the EU-wide "terms and conditions or methodologies" for the implementation of guidelines (and on the regional ones where they have an impact beyond the region).

Implementing the Hydrogen and decarbonised gas market package

With the likely publication in 2024, the Agency will start the implementation of the package, which first would trigger monitoring duties directed towards gas decarbonisation and hydrogen and a follow up on the benchmarking of the gas transmission system operators. While a slow-paced market development is to be expected for the hydrogen market, the immediate roll-out of ENNOH (European Network of Hydrogen Operators), extension of duties for the EU DSO and designing regulatory rules for a nascent market would require discussions in the ACER framework among the first-mover regulators.

Contributing to safeguard the security of supply

First, Regulation (EU) No 2017/1938 concerning measures to safeguard the security of gas supply, which applies from 1 November 2017, strengthened the role of the Agency in ensuring gas supply security by foreseeing tasks linked to the enabling of permanent physical capacity to transport gas in both directions, the related cross-border cost allocation and exemption requests.

Second, concerning the security of electricity supply, the CEP (see above) provides for the first time a clear framework for identifying the desired/necessary level of resource adequacy, and assessing it over the mid-term horizon, through an EU wide assessment and optional national assessments. It also sets the requirements and overall principles for selecting and designing the measures to improve adequacy and cope with potential adequacy concerns. As part of this framework, the Agency was tasked, among others, with approving the underlying EU-wide methodologies and EU-wide adequacy assessments, issuing opinions in case of discrepancies between national and EU-wide assessments and monitoring the performance of Member States in the area of electricity security of supply.

An important caveat underlying these new tasks is that for practical reasons, and for the close interaction between the security of electricity supply framework and the internal electricity market, the tasks related to security of electricity supply are included in the operational section labelled “Internal electricity market”. By contrast, the tasks related to gas security of supply are included together with those related to infrastructure, under the operational section labelled as “Infrastructure and gas security of supply”.

Broader challenges

Contributing, from a regulatory perspective, to the EU's energy crisis response, decarbonisation goals and the European Green Deal

While focusing on its legal mandate and tasks allocated to it since its establishment, the Agency aims to contribute, from a regulatory perspective, to a set of EU policy objectives like the energy crisis response and the implementation of the European Green Deal and the broader energy and decarbonisation objectives.

While the Agency itself is not setting energy policy it is leveraged by policy maker for its energy knowledge that can support policy makers to deal with the energy crisis both short and longer term. For reference, the Agency had published in April 2022 at the request of the European institutions its “April assessment on the design of the electricity wholesale markets”.

While energy transitions give rise to different challenges and opportunities across the economy, the EU's energy supply needs to remain secure and affordable for consumers and businesses. For this to happen, as also emphasised in the Green Deal, it is essential to ensure that European markets are integrated, interconnected and digitalised, while respecting technological neutrality. The Agency plays a key role through its current activities and will seek to play a forward-looking role in these processes in the coming years, cooperating closely with NRAs.

Engaging stakeholders for greater impact, communicating strategically and via modern tools

Tackling the rapidly shifting energy landscape and taking into account the Agency's new tasks requires it to reinforce and adjust its approach to key stakeholders. Indeed, within the remit of the Agency's work, there is a multitude of stakeholders, many of whom have views of relevance for ACER's tasks and approaches. Whilst targeting all stakeholders is not a feasible option, greater engagement with key stakeholders is necessary, drawing on more strategic, proactive approaches and underpinned by more modern communication tools.

(Re)deploying financial and human resources to meet future challenges

In 2021 the Agency was assigned more resources in the context of its multi-annual budget negotiations and also related to more competences coming its way (e.g., energy crisis response). As such, the Agency will work to integrate these resources effectively while seeking internal efficiencies and synergies relevant for the strategic priorities mentioned above. The Agency will seek at fairly regular intervals to evaluate its internal organisation in order to have as agile and dynamic a structure as possible.

The recast of the Agency's founding regulation also introduced fees as a new source for the funding of REMIT related services. These fees are due to the Agency for collecting, handling, processing and analysing the information reported by market participants or by entities reporting on their behalf. With the new fee model put in place as of 2021, the Agency is focusing on using these means to further develop its REMIT activities.

General risks and uncertainties related to the multiannual objectives

The future action of the Agency faces a number of risks, mainly related to its role as an EU body dedicated to promoting the cooperation among NRAs and to the resources available to it.

First, one of the essential characteristics of the Agency is the fact that it brings together the expertise and experience of NRAs and complements them with a European dimension. The cooperation between the Agency and NRAs and between NRAs within the Agency is therefore an essential part of the structure and working arrangements of the Agency. Such cooperation takes place, at technical level, in the Agency's working groups (AWGs), which are composed of NRAs' experts and Agency's staff. At present, AWGs heavily rely on the voluntary engagement of NRAs' resources. However, despite the strong commitment of NRAs over the past years, their resource limitations may have an impact on their engagement in the AWGs. Apart from undermining one of the main tenets of the Agency's action, a possible reduced engagement of NRAs in AWGs would impair the Agency's ability to deliver on its mandate.

Secondly, in many areas, the tasks performed by the Agency are part of processes where other institutions and stakeholders are involved. Therefore, the time at which the Agency is required to contribute to these processes depends on the timing of the other activities included in the same processes and performed by other actors.

Thirdly, in a number of previous occasions, the Agency has been called to start implementing new provisions well before it was given any resource required to deliver on its new/enhanced mission effectively. This happened in the case of both REMIT, the TEN-E Regulation and with the adoption of Network Codes and Guidelines, especially in the electricity sector.

The Agency's market monitoring, coordination and data collection tasks require a close interaction with NRAs and therefore create interdependencies with NRAs. Any underfunding of the Agency for its data collection and/or market monitoring will negatively impact its capability of enabling NRAs to perform their REMIT tasks and hamper an effective and efficient implementation of REMIT at both Union and national level.

The Agency is only one of the key players involved in addressing the infrastructure challenge and in ensuring that efficient infrastructure investments take place and that energy islands are eliminated. Even

in relation to its narrower objectives¹, the Agency depends on the timely submission by project promoters of their annual reports and on the quality of the submitted reports.

The investment requests referred to the Agency are those on which NRAs fail to agree and therefore are likely to be the most complex ones. However, it is difficult to predict how many of such requests will be referred to the Agency and when this will happen. If several requests were to be referred to the Agency at the same time, the Agency might be unable to meet the legal deadline set for such decisions due to resource constraints. Appeals to the Agency's decision are already putting considerable strain on the Agency's resources, in particular on its Legal Service team. The scaling of a decarbonised market is coupled with an increasing infrastructure development need and would increase these challenges in the future.

The Agency also faces a number of reputational risks related both to its own decisions and to those of its Boards. To mitigate these risks, the Agency has in place a Policy for the prevention and management of conflicts of interest.

¹ For example reporting on the progress of PCIs and (if appropriate) providing recommendations to facilitate their implementation and to overcome delays/difficulties in PCI implementation

SECTION II: MULTI-ANNUAL PROGRAMMING 2024-2026



1. Multi-annual work programme

This multi-annual work programme targets the sustained effective delivery of the Agency's mandate. The Agency's medium-term strategy addresses the EC key priorities as well as the considerable challenges and concerns facing the energy sector, EU citizens and Agency stakeholders for the coming years (as introduced in Section I). These considerations have been translated into the following strategic goals:

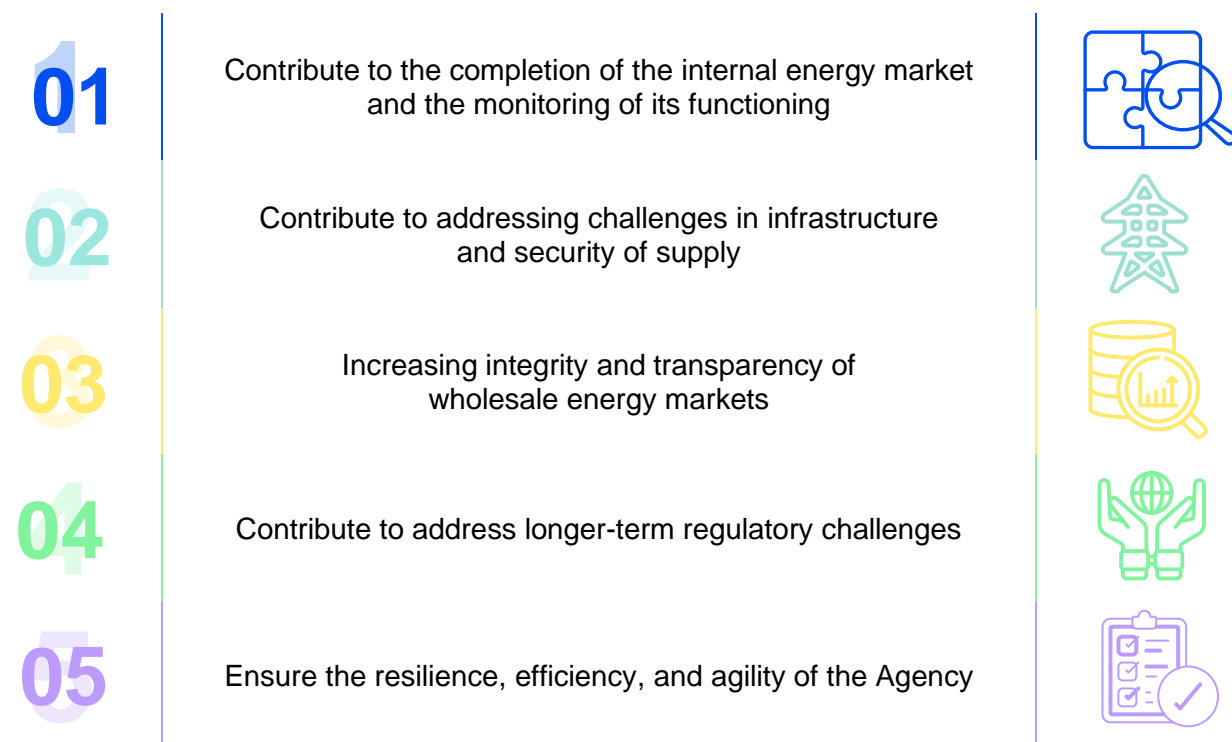


Figure 3: ACER's strategic goals

The Agency endeavours to meet these strategic goals through its Strategic action areas² (SAAs) and monitors their achievement through targets/outputs and (key) performance indicators as outlined in [Section III: work programme 2024](#) and [Annex IX: Evaluations](#).

Strategic goal 1. Contribute to the completion of the internal energy market and the monitoring of its functioning

The main goal is supporting the integration of the electricity and gas markets in the European Union as assigned by the Agency's founding Regulation and other provisions in the Third Package, and further enhanced with the acts of the CEP. The achievements of these goals should be instrumental to the goals of the European Green Deal. This is expected to become more concrete once the proposal on the

² In line with the definition of "Activity", as defined in C(2020) 2297 (Annex I to the Communication from the Commission on the strengthening of the governance of Union Bodies under Article 70 of the Financial Regulation 2018/1046 and on the guidelines for the Single Programming Document and the Consolidated Annual Activity Report)

Hydrogen and gas decarbonisation package published in December 2021 will be agreed by the European Council and the European Parliament.

Expected achievements

In electricity, the focus over the next few years will continue to be on the full implementation of all the Network Codes and Guidelines across the European Union and on the assessment of whether and how they are delivering the intended effects. In gas, the focus will be on decarbonisation and the adaptation of the Network Codes to cater better the access of renewable and low carbon gases to the network.

The legislative proposals in the CEP take stock of the results of the monitoring performed by the Agency over the last five years and envisage an enhanced market design for the electricity sector to deal with the identified obstacle to a well-functioning, efficient, secure and sustainable internal electricity market.

In this context, the Agency is ready to support and contribute to the policy debate and promote more coordinated and efficient solutions to address, in particular, problems of adequacy and flexibility. In this latter respect, the Agency will particularly focus on the role of demand response in addressing these challenges.

In gas, the Agency will face new tasks deriving from the Hydrogen and decarbonised gas market package. The Agency will upgrade its Network Codes to make them more fitting to gas decarbonisation and will start monitoring the uptake of renewable gases and hydrogen. Its support, through the GRI, on the implementation of the Network Codes in those Member States that lag behind in the process, in particular in South-South East Europe will continue.

The Agency will also take a more proactive role in its stakeholder engagements through, e.g., the chairing of the European Stakeholder Committees for the electricity Network Codes and Guidelines and by managing its on-line gas Functionality Platform, jointly developed with the ENTSOG to collect and follow up stakeholders' issues relating to Network Codes. Once the Hydrogen and decarbonised gas market package is adopted the code amendment process could be carried out and a few amendment proposals are already available from past processes.

Table 1: Annual objectives contributing to Strategic goal 1

SAA	Objectives	SPD Ref.
Internal electricity market	Adoption of decisions on EU-wide market and system operation rules, and provision of assistance to NRAs in their implementation.	III.2.1
	Adoption of decisions and opinions on the EU-wide resource adequacy rules and their implementation.	III.2.1
	Implementation and Monitoring	III.2.1
	Amendments to existing Network Codes and Guidelines and development of new Network Codes or Guidelines	III.2.1
Internal gas market, decarbonised gases and hydrogen	Preparing the implementation of the Hydrogen and decarbonised gas market package	III.2.2
	Monitoring of existing Network Codes and crisis management	III.2.2
	Monitoring the internal market for gas, decarbonised gases, hydrogen and retail	III.2.2

Strategic goal 2. Contribute to the infrastructure and security of supply challenges

The Regulation (EU) No 347/2013 on guidelines for trans-European energy infrastructure (TEN-E Regulation) introduced a new framework aimed at promoting the development of Projects of Common Interest (PCIs), i.e., infrastructure projects that are particularly beneficial in supporting a more integrated European energy market. The Agency was already involved in the energy network development process, but the TEN-E Regulation projected this involvement into a new dimension. The Regulation aims at enhancing the physical integration of the internal energy market, including by ensuring that no Member State is isolated from the European network. As one of the many players involved, the Agency aims to contribute to the scaling of the European energy infrastructure in line with its legal mandate.

The Agency has various functions and roles regarding the development of the electricity and gas infrastructure. Cost-efficient network development is essential for overcoming physical congestion, improving energy security and ensuring sustainability. Capacity allocation methods and/or congestion management procedures alone cannot resolve physical congestion in electricity and gas transmission systems, especially at interconnection points and other system bottlenecks. Adequate physical transmission capacity in the context of a rapid decarbonisation strategy is thus a prerequisite for completing the IEM. Additional tasks have been added by the CEP acts. In particular, the Agency was tasked to approve the methodology regarding the use of revenues from congestion income.

The achievements of these goals should be instrumental to the goals of the European Green Deal. The TEN-E Regulation was revised in 2022 (by Regulation (EU) 2022/869) to ensure its full alignment with the European Green Deal.

Expected achievements

PCI lists are adopted every two years. TYNDPs, which are also developed every two years, serve as the basis for the PCI lists. Investment requests may be submitted by promoters of PCIs included in the lists. Therefore, the TYNDP and PCI identification/investment request process runs for two years, repeating itself every two years. The Agency is involved in all its stages.

The Agency will strive to enable efficient infrastructure investments to take place, with a particular focus on investments of cross-border relevance. Such investments should help further integrate the IEM, as well as to increase security of supply. In particular, they should contribute to the elimination of the so-called energy islands, but also bring forward innovative solutions that enable the use of grid capacity.

Table 2: Annual objectives contributing to Strategic goal 2

SAA	Objectives	SPD Ref.
Infrastructure and gas security of supply	Adoption of Decisions on exemptions as provided for in Article 63(4) of Regulation (EU) 2019/943 and Article 36(4) of Directive 2009/73/EC	III.2.3
	Regulatory oversight of ENTSO-E's activities related to network planning	
	Implementation of the Trans-European Energy Networks Regulation	
	Regulatory oversight over ENTSG activities related to network planning, short-term supply outlooks, common network operating tools, and TSO cooperation.	
	Implementation of the Gas SoS Regulation	

Some objectives defined in SAA Internal electricity market [III.2.1](#) also contribute to the achievement of this strategic goal.

Strategic goal 3. Increased integrity and transparency of wholesale energy markets

A well-functioning pan-European energy market demands that energy is traded according to the highest transparency and integrity standards, so that prices reflect the fundamentals of demand and supply. Correct prices further unlock decentralised supply resources and provide a robust basis for investment decisions in for example generation, transmission and storage, to enhance flexibility in supply.

The Regulation on wholesale energy market integrity and transparency (REMIT) aims to establish the conditions for this to happen. The effective operation of REMIT is thus a major pre-requisite for efficient market integration and the security of energy supply, both of which are essential components of the Energy Union strategy. REMIT introduced a new, unprecedented, sector-specific market-monitoring framework to detect market abuse in European wholesale energy markets, thus deterring such behaviour. It is a monitoring opportunity provided by digitalisation. The Agency aims to ensure that REMIT continues to be fully implemented so that consumers and market participants can have confidence in the integrity of electricity and gas markets, that prices set on wholesale energy markets reflect a fair and competitive interplay between supply and demand, and that no profits can be drawn from market abuse.

As REMIT covers legislative and technical aspects on which there is little experience worldwide, its implementation has posed a formidable challenge to the Agency. In recent years, REMIT became a role model for the implementation of market integrity and transparency regimes in other jurisdictions impacting the Union energy wholesale energy market like the UK, Switzerland, Norway and the Energy Community. The incorporation of REMIT in the EEA agreement is currently still pending. In addition, ACER's cooperation with the U.S. Federal Energy Regulatory Commission (FERC) is an important cornerstone in promoting market integrity and transparency and customer protection in a more and more global gas market.

Regulatory cooperation is an essential element of REMIT because of its decentralised design with Member States through their NRAs being responsible for investigations and enforcement at national level. Close cooperation and coordination between the Agency and NRAs is therefore necessary to ensure effective, efficient and consistent market oversight.

Moreover, apart from NRAs, the Agency cooperates closely with the European Securities and Markets Authority (ESMA), the competent financial market authorities of Member States and, where appropriate, with the Directorate General for Competition of the European Commission and national competition authorities (NCAs). The Agency established strong links with major organised market places and may establish links with tax authorities as through its surveillance activities it could detect fraudulent behaviour in energy markets that go beyond the prohibition REMIT provisions.

Furthermore, the European Green Deal's increased climate ambition and the objectives to ensure effective carbon pricing, to avoid carbon leakage and to develop international carbon markets mean that more efforts will be needed to monitor the potential interaction between the European carbon market and the EU wholesale energy market.

Such an open, competitive, interconnected and integrated energy market is essential to achieve decarbonisation and security of energy supply at the lowest possible costs and to ensure that the clean energy transition benefits consumers. The effective implementation of REMIT is therefore underpinning

the European Green Deal which aims to transform the EU into a fair and prosperous society with a modern, resource-efficient and competitive economy which has successfully tackled climate and environment-related challenges.

Expected achievements

Increased integrity and transparency of wholesale energy markets should foster open and fair competition in wholesale energy markets for the benefit of final energy consumers. Well-functioning energy markets are also instrumental in providing signals to promote security of supply through a cooperative approach throughout Europe. Efficient market monitoring by the Agency at Union level is therefore vital for detecting and deterring market abuse in wholesale energy markets and a major contributor to the energy union strategy.

Table 3: Annual objectives contributing to Strategic goal 3

SAA	Objectives	SPD Ref.
Market information and transparency	Promoting regulatory cooperation	III.2.4
	Contribute to a coordinated, consistent and robust REMIT data reporting framework	
	Regulatory registration and supervision of reporting parties	
	Data analysis and dissemination	
	Data collection, data management and data sharing	
	Data excellence: Information management for the electricity and gas departments	
	Liquefied natural gas (LNG) price assessments/benchmarks	
Market surveillance and conduct	Ensuring the integrity of wholesale energy markets and delivering trustworthy market outcomes for EU energy consumers	III.2.5
	Ensuring a consistent application of market abuse provisions by NRAs in order secure effective REMIT framework	
	Development and enhancement of applied surveillance and conduct IT tools	
	Ensure cooperation between public authorities dealing with related matters, e.g., case cooperation with ESMA, competent national financial market authorities and with supervisory authorities, international organizations and the administrations of third countries (fee financed)	
	Support on REMIT breach investigation upon request from NRAs	

Strategic goal 4. Contribute to address longer-term regulatory challenges

The Agency strives to support political priorities set at the EU level which are relevant for energy regulation, such as the European Green Deal and the related decarbonisation goals for the achievement of the EU climate policy objectives, in line with the Fit for 55 Package. The aim is to support more cost-effective pathways for the EU's energy objectives and to help regulators and policymakers remain at the forefront of the regulatory implications of a rapidly changing energy system. The current energy crisis triggered by the war in Ukraine makes this effort bigger, at the same time given the harsh supply conditions it puts more pressure on demand-response, more flexible contracting, etc.

In this context, the Agency intends to focus on topics with clear regulatory relevance, for instance those linked to decarbonisation. These could include the future use of gas infrastructure, the role of power-to-gas installations, the possibilities for hydrogen in a decarbonised energy system, the development of hybrid infrastructure assets such as offshore grid linking multiple jurisdictions and the development of demand response.

Challenges include also the future greater penetration of renewable-based generation into the European electricity system, which will be a source of new challenges for the electricity and gas systems in the

years to come, including in terms of adequacy and flexibility. These challenges may require a regulatory and market design response. The Agency is committed to contributing to this effort.

A new dimension of risk for the energy sector, linked to its progressing digitalisation, comes from possible cyber-attacks. While not yet directly involved in this area, the Agency has developed experience in cybersecurity, in preparation for any call on it to contribute to addressing the issue at sector level.

Expected achievements

- The Agency may contribute, from a regulatory perspective, to the EU's wider energy and decarbonisation goals and the EU Green Deal.
- The Agency may contribute to addressing cybersecurity issues in the energy sector.

General objectives in areas of ACER expertise:

- Fulfilling requests from the EU institutions
- Engaging in the regulatory debate (e.g., reply to consultations)
- Develop pro-active thinking (e.g., position papers)

Strategic goal 5. Ensure the resilience, efficiency and agility of the Agency

This new strategic goal is about combining the principles of deliberate (prescriptive) and emergent strategies. The Agency will focus on its capacity to respond swiftly and flexibly to new challenges and tasks; to be able to work seamlessly across different teams, drawing in different perspectives; to be constantly interacting with our NRA colleagues for maximum impact; to remain open to outside views, sharpening our 'intellectual curiosity'; reassessing priorities at regular intervals – in short, making enhanced 'organisational agility' a key priority.

This priority gains more prominence as we look ahead towards what is likely to prove a period of growth for the Agency, both in human and financial resource terms. Whatever ACER is tasked to do, keeping to our strengths, further professionalising our organisational approaches, incorporating modern working ways and new expectations that both ACER staff and outside stakeholders harbour towards us, would all seem to be good rules of thumb.

This strategic goal is also aimed at ensuring that existing governance-related regulations and internal governance are effective and efficient. It includes elements such as accountability and compliance, the decision-making process, organisational structure, responsibility levels and delegations.

The main focus areas will be:

- Effective and appropriately supported³ governance and management processes
- Demonstrating accountability⁴
- Enhancing engagement, transparency, and visibility
- Strengthening the areas of security, business continuity and greening initiatives
- Continual improvements based on performance evaluation and process optimisation
- Further transformation and optimisation of resource management and horizontal support for the achievement of all strategic goals.

³ The AB and BoR Secretariat is provided for by the Strategy Delivery and Communications team (3 FTEs). The Registry of the Board of Appeal is currently provided for by the Legal Services team (2 part-time FTEs).

⁴ Including through an effective Internal Control System

Table 4: Annual objectives contributing to Strategic goal 5

SAA	Objectives	SPD Ref.
Governance, strategy and stakeholder management	Ensure continued support and coordination of the Agency's governance bodies	III.2.6
	Maximise the impact of what ACER does via effective communications	
	Ensure a coordinated approach on stakeholder outreach	
Compliance, security and quality management	Ensure the Agency is operating in compliance with necessary legal regulations, internal and external guidelines and policies, and addressing stakeholder expectations.	III.2.7
	Ensure Agency fulfils statutory audit and control obligations	
	Continue enhancing planning, risk management, monitoring, reporting, and other horizontal activities.	
	Ensure the necessary level of physical, personal and information security.	
Resource management	Continue to transform human resources management to provide effective and efficient human resource services.	III.2.8
	Plan, manage and report on the Agency budget, process all financial transactions, manage assets, and provide effective and efficient procurement services.	
	Establish and implement a coherent IT architecture, tools and services to support the Agency's mandate.	
	Provide staff and visitors with a functional, safe and healthy working environment.	

2. Human and financial resources outlook 2024-2026

2.1. Overview of the past and current situation

For the year 2024 the Agency expects to recruit additional eighteen FTEs: this stems from the result of the re-evaluation of its human resources needs for 2024 (3 FTEs), the additional tasks targeting the methane and decarbonisation of the gas sector (11 FTEs, out of which 6 for 2023 and 5 for 2024), and the electricity market design (4 FTEs), albeit its current activities and interventions in the frame of energy emergency. This will see an increase of 11.29% in its related staff expenditure. For the estimation of salaries expenditure, a moderate 2.5% indexation has been applied for the years 2024 to 2026.

The Agency is expecting a 22.38% growth in fees' eligible costs in 2024 as compared to the actually generated fees of 2023 due to the significant salaries adjustment applied in 2023 and the payable employer pension contribution for staff covered by fees in the year 2024.

Due to these additional elements the initially foreseen outsourcing of the consultancy for IT and data analysis (1.2m) will need to be de-prioritised.

Furthermore, in an effort to increase the financial capacity for possible legal expenditures in 2024, the Agency had to deprioritise several other projects planned for the year.

The development, implementation and maintenance of a number of dedicated tools and projects, such as the Greening project and EMAS⁵ certification, will need to be postponed to future years. Delaying the recruitment for the new positions will also be used as an instrument to provide partially additional financial capacity.

The Agency's resources needs for 2024-2026 are presented in detail in the sections below and in the relevant Annexes.

⁵ Eco-Management and Audit Scheme

2.2. Outlook for the years 2024-2026

2.2.1. Financial resources

Table 5: Revenues

REVENUES	2023 as amended	2024	Variance	2025	2026
Revenue from fees and charges	10,164,368	12,439,431	22.38%	17,281,000	17,179,503
EU contribution	16,657,909	19,005,275	14.09%	23,301,691	23,913,746
Assigned revenues deriving from previous years' surpluses	1,529,162	476,978	-68.81%		
EFTA contribution	431,528	680,389	57.67%	752,981	856,112
TOTAL REVENUE	28,782,967	32,602,074	13.27%	41,335,672	41,949,361

ACER's activities are funded by fee income and the EU balancing subsidy. Commission Decision (EU) 2020/2152 from 17 December 2020 sets fees for collecting, handling, processing and analysing of information reported by market participants or by entities reporting on their behalf pursuant to Article 8 of REMIT (so-called REMIT fees). The inherent uncertainty from the initial year of REMIT fee implementation in 2021 continues with respect to the budgeted revenue from REMIT fees in 2024, which is based on estimated records of transactions collected from reporting parties and is therefore dependent on market behaviour and the trading strategies of individual companies. The Agency will carry out regular reviews of fee forecasts and maintain contact with reporting parties to monitor early indications of possible changes in the REMIT reporting landscape. The Agency strongly believes that any deficit should be avoided. The revenue collected should be sufficient for the proper operation and evolution of REMIT activities covered by the fees. The Agency stresses that at the same time any surplus of fees needs to be avoided since it could not be used to subsidise ACER's non-REMIT related activities, as this approach would not be in line with Regulation (EU) 2019/942. In case of a possible lower amount of fee revenue than estimated, which will only materialise in January each year once the fee revenue can be calculated on the basis of the records reported the previous year, the initial budget adopted will be amended.

Any positive budget result will be repaid to the Commission in accordance with Article 17 of the Agency's Financial Regulation⁶ up to the amount of the contribution received from the general EU budget for the respective year. If the budget result were negative, the Agency would need to discuss with the Commission about how to resolve this problem, e.g., by initiating a budgetary transfer or by internal redistribution of funding.

The Agency will be charging the fees before the services are provided in accordance with Article 71 of its Financial Regulation. Debit notes will be issued in the first month for the current financial year and will have a fixed settlement period of thirty (30) days. Those Registered Reporting Mechanisms (RRMs) with a due balance above 250k EUR are entitled to payment in instalments. Past experience shows a number of three instalments that are expected to occur also in 2024 with collection deadlines at the end of February, June and September.

⁶ Decision No 8/2019 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 21 June 2019 on the Financial Regulation of the Agency for the Cooperation of Energy Regulators.

The timely collection of the revenue is very important in order to ensure the necessary cash inflows needed to cover the planned projects' expenditure throughout the year. Therefore, the Budget team of the Agency will ensure strict monitoring of the revenue collection. By the end of the first quarter of any financial year, the Agency will analyse its revenue collection rate and decide whether it needs to amend its budget.

In case the amounts of the issued debit notes are not fully recovered by the deadline specified in the documents, the Agency will immediately launch the procedure for 'effecting recovery by any means offered by the law' in accordance with Article 68 of its Financial Regulation.

Expenditure

Title 1

Compared to 2023, there is a 11.29% increase in the financial resources allocated to Title 1. This mainly relates to increased staff expenditure (remuneration) for the 16 additional Temporary Staff posts and 2 additional Contract Staff members the Agency requests. In addition, the employer contribution to the pension fund for the Agency's staff covered by fees, has also a significant impact on the level of expenditure under this Title.

For the following years, 2025 and 2026 the increase within this Title relates to the additional human resources (18 posts in 2025 and 12 in 2026) and expected adjustments on the costs for salaries and allowances and staff promotions.

Title 2

There is a significant 42.30% increase in the financial resources under Title 2 as compared to 2023. The increase mainly relates to expected additional overheads due to the increase in the number of staff. In addition, the increase in expenditure on legal matters also has a significant impact on the level of expenditure allocated to this Title.

Title 3

There is a minor 3.47% increase in the expenditure of Title 3 as compared to 2023.

As of 2021, ACER's **REMIT IT expenditure** is funded by fees charged to RRM's according to Article 32(1)(b) of the Regulation (EU) 2019/942 and Commission Decision (EU) 2020/2152. All REMIT IT expenditure for the Agency's REMIT Information Systems (ARIS) is for collecting, handling, processing and analysing of information reported by market participants or by entities reporting on their behalf pursuant to Article 8 of REMIT.

The expected REMIT-related IT budget needs from 2024 to 2026 can be broken down as follows:

Table 6: Multiannual budget for REMIT IT in 2024-2026:

Expenditure item	Total cost 2024	Total cost 2025	Total cost 2026
REMIT IT Services	3,010,000	4,030,000	3,350,000
REMIT IT Operations	2,750,000	3,500,000	3,250,000
MSC Tools and Services	725,000	1,225,000	975,000
Specific data and information services*	-	2,000,000	2,000,000
TOTAL	6,485,000	10,755,000	9,575,000

* Part of this appropriation to be financed from subsidy as it does not fit under the scope of the fee scheme. Covered by subsidy as follows: 0.76m in 2025 and 2026.

The estimates for the period 2024-2026 are based on the possibility to raise REMIT fees to improve the Agency's funding by covering its costs with regard to services provided to Market Participants or entities acting on their behalf enabling them to report data pursuant to Article 8 of REMIT in an efficient, effective and safe manner.

The REMIT IT budget needs are based on the following, but may entail additional IT investment needs in the course of 2024 against the background of the REMIT revision:

- ➔ The support, maintenance and operation of REMIT IT systems are outsourced and the associated costs are necessary in order to ensure availability of REMIT IT services for external and internal stakeholders.
- ➔ The ongoing market design changes require technical changes to keep up to date with market developments in the REMIT reporting landscape. REMIT data collection, data sharing and analysis is always at the tail end of market design changes in electricity and gas, but also in the field of EU financial market legislation, and has to follow any developments in this respect.
- ➔ The growing data volume collected by the Agency on a daily basis requires an increasing need for adequate REMIT IT expenditure in 2024 and beyond.
- ➔ The budget for the year 2024 did not foresee an increase in human resources for the Agency's REMIT activities in the area of IT. This is why IT consultancy will be necessary to enable the Agency to perform its tasks in the years 2024 and beyond.

Furthermore, the Agency may have to commit to respect a specific level of services provided to reporting parties, which will change the current basis (i.e., "best effort") on which the estimates for the previous years have been calculated.

The financial resources requested under Title 3 also relate to business IT costs for all ACER business departments' data collection and analysis beyond the REMIT scope, including the related development, operational and infrastructure costs. This includes also the IT costs for delivering the LNG price assessment and benchmark task.

Fees eligible costs

As from the year 2021 the Agency is collecting fees from RRM's based on Commission Decision (EU) 2020/2152 by applying the approved fees model to the transactions reported by each RRM. The estimation of the fees to be collected in any year is based on the eligible costs that are to be incurred with handling, processing and analysing of the collected fees. There are mainly two categories of costs, namely the cost of staff involved in these activities within the MIT and MSC departments and the costs related to the REMIT IT system that supports the data collection and processing. Their respective allocation is presented in the table below.

Table 7: Fees eligible costs

	2024	2025	2026
REMIT IT			
REMIT IT Services	3,010,000	4,030,000	3,350,000
REMIT IT Operations	2,750,000	3,500,000	3,250,000
MSC Tools and Services	725,000	1,225,000	975,000
Specific data and information services	-	1,240,000	1,240,000
Other related operational costs	63,000	63,000	63,000
Staff costs			
Temporary Agents	2,813,337	3,512,473	4,199,976
Contract Agents	681,989	748,970	767,694
Seconded National Experts	101,458	103,995	106,595
Temporary workers, trainees and graduates	226,495	232,158	237,962

Employer pension contribution	600,000	742,857	842,857
Overheads	1,468,151	1,882,548	2,146,420
TOTAL FEES	12,439,431	17,281,000	17,179,503

2.2.2. Human resources

As indicated, since its establishment, the Agency has been assigned additional tasks with regards to:

- The monitoring of wholesale energy markets in the Union under REMIT
- The optimal development of trans-European energy infrastructures
- The implementation of the Network Codes and Guidelines
- The tasks concerning measures to safeguard the security of gas supply
- The CEP legislative acts
- The implementation of the market correction mechanism (MCM)
- The collection and processing of LNG market data.

In 2021, the European Commission initiated a procedure to increment the level of human resources for the Agency, based on the report of external experts. The identified additional resources relate to ACER's tasks mandated by existing legislation and the increment of 25 new positions for the period 2022-2027 is considered necessary to solve the problem of structural understaffing due to the underestimation of resources needed by ACER to implement provisions adopted in 2009 (Electricity Regulation 714/2009 which is the legal basis for electricity network codes and guidelines, in combination with ACER Regulation 713/2009 , which had introduced ACER's arbitration role) and 2011 (REMIT).

Moreover, the Agency is expecting an increase of its mandate with the implementation of the new gas directive, expected to be finalised at the end of 2023.

The Agency has also received additional staff in the context of the energy emergency package in January 2023, in particular 11 positions in the frame of the implementation of the MCM and the data analysis and reporting related to LNG price assessment and benchmark activity.

Table 8: Resources allocated to the Agency by the budgetary authority:

2022-2027 Staff Trajectory						
Staff	Year 2022	Year 2023	Year 2024	Year 2025	Year 2026	Year 2027
ESTABLISHMENT PLAN POSTS	Envisaged staff	Envisaged staff	Envisaged staff	Envisaged staff	Envisaged staff	Envisaged staff
Administrators (AD)	63	78	91	100	109	117
Assistants (AST)	13	13	14	17	17	17
Assistants/ Secretaries (AST/SC)	0	0	2	6	7	8
TOTAL ESTABLISHMENT PLAN POSTS	76	91	107	123	133	142
EXTERNAL STAFF	FTEs corresponding to the authorised budget	Envisaged FTE	Envisaged FTE	Envisaged FTE	Envisaged FTE	Envisaged FTE

Contract Agents (CA)	37	37	43	45	47	51
Seconded National Experts (SNE)	10	10	6	6	6	6
TOTAL EXTERNAL STAFF	47	47	49	51	53	57
TOTAL STAFF	123	138	156	174	186	199

The past years saw the engagement of the Agency's services in numerous HR-related projects, stemming from the needs identified by various surveys and polls, working groups and managerial discussions (i.e., project groups on "Lessons learned from COVID-19", "Diversity & Inclusion", and "Follow-up to the Staff Engagement Survey 2020").

In a context of great employment changes, and besides the activities related to selection and recruitment, the Agency availed itself of the collaboration with Deloitte on the implementation of two HR transformational programmes. The first one focusses on talent management at the Agency, and it has been implemented throughout 2021-2022 via four interlinked work packages. The second programme targeted three key strategic areas of human resources management (i.e., design and implementation of Leadership and Expert Pipeline, design of ACER 2.0 business model, revision of job descriptions), with dedicated work packages being implemented throughout 2022 – beginning of 2023.

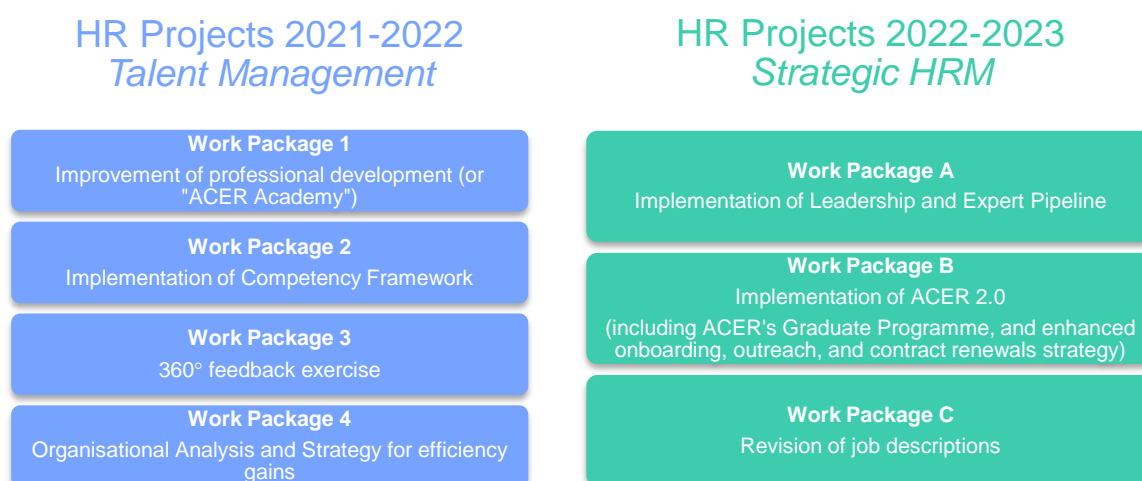


Figure 4: HR projects 2021-2023

In light of the above-described landscape and the different considerations, reports and data collected in different HR areas in the past years, the outlook of the years 2024-26 will see the Agency developing three priority areas each encompassing a set of key actions, which will be planned, implemented and monitored. Periodic updates will be made available to staff and management and a review of the strategy and its implementation will be undertaken on a yearly basis:

- 1) New ways of working: create a flexible, modern and dynamic working environment
- 2) Talent acquisition: attract the best talents to fulfil the Agency's objectives
- 3) Talent development: fostering a high performing and engaging organisation.

Monitoring of the wholesale markets in the Union under REMIT

Market Information and Transparency Department activities

The workload related to market information and transparency under REMIT continues to grow every year due to the growing number of records of transactions. In addition, REMIT data collection, data sharing and analysis is always at the tail end of market design changes in electricity and gas, but also in the field of EU financial market legislation and has to follow any developments in this respect. ACER will also have to cooperate with the Northern Irish Utility Regulator under the Protocol on Northern Ireland and with Ofgem on the Agreement between the EU and UK following Brexit, with the Norwegian NRA NVE-RME for the implementation of the registration of market participants and for data reporting once REMIT is incorporated into the EEA agreement and with the Energy Community on their implementation of REMIT. The additional human resources requested for 2024 and beyond can be financed through REMIT fees. The human resource needs for future years will *inter alia* depend on market developments and the potential growth of data collected as well as on the required REMIT information services expected by the Agency's stakeholders.

Market Surveillance and Conduct activities

The market surveillance coverage by the Agency is currently not complete⁷. However, the Agency has programmed until 2027 to gradually improve the market surveillance coverage reliant on the envisaged additional human resources becoming gradually available for market surveillance and REMIT data quality for efficient and effective market surveillance.

The Agency aims to ensure that all NRAs and other relevant authorities carry out their tasks under REMIT in a coordinated and consistent manner. In this respect, the total number of ongoing cases (instances of potential market abuse) requiring follow-up from the Agency is expected to further increase.

Meanwhile, with the current level of available resources for market surveillance and case coordination, the Agency prioritise alerts and cases and will further apply backlogs where appropriate.

Implementation of the adopted Network Codes and Guidelines

Some of the Network Codes and Guidelines adopted under the Third Package assign new tasks to the Agency. In electricity, these new tasks include, for example: (i) new specific reporting and monitoring obligations, including the monitoring of the implementation projects established pursuant to the Guidelines on Capacity Allocation and Congestion Management, on Forward Capacity Allocation, on Electricity Balancing and on Electricity Transmission System Operation; and (ii) the organisation and coordination of the stakeholders' involvement in monitoring the implementation of the adopted Network Codes and Guidelines through, in particular, the European stakeholder committees.

⁷ The key reasons are as follows: First, the Agency's main surveillance tool is underdeveloped. Therefore, certain data reported to the Agency cannot be efficiently and effectively screened. In order to further develop the tool it is specifically required to design, programme and test additional predefined alerts. Second, whilst the level of available resources for market surveillance are gradually improving, it cannot be guaranteed that on a monthly basis all triggered alerts will be assessed and subsequently shared with NRAs for their investigation and enforcement follow-up.

On the gas side, the text of the Network Code of Harmonised Gas Transmission Tariff Structures mandates the Agency to report on all national tariff methodologies within strict deadlines. This implies a significant additional workload for the Agency; the bulk of the first cycle took place during the second half of 2018 and the year 2019. Since national Reference Price Methodologies are updated regularly (usually every 3-5 years), the Agency's work will continue regularly in the future as well.

The completion of the Framework Guidelines and Network Development process is making staff available for the activities related to the approval of binding tertiary legislation, for individual decisions in case NRAs cannot agree on a cross-border issue (such as in the case of the choice of a gas Booking Platform or an incremental capacity investment proposal) and for the monitoring of the implementation of the Network Codes, Guidelines and such additional tertiary instruments.

Compliance and its costs

The adoption of the "Regulation of the European Parliament and of the Council on information security in the institutions, bodies, offices and agencies of the Union" and of the "Regulation of the European Parliament and of the Council laying down measures on a high level of cybersecurity at the institutions, bodies, offices and agencies of the Union" is of crucial importance to ensure the protection of the Agency information in line with the highest standards.

The two Regulations ensure protection of information used in the context of the Agency activities and enhance the level of resilience to cybersecurity worst case scenarios should they materialise.

The adoption of "Regulation of the European Parliament and of the Council on information security in the institutions, bodies, offices and agencies of the Union" will not significantly alter the Agency's current operations, but it will present a challenge due to the existence and cohesion of multiple information security policies that will need to be harmonised into one to cover the wide range of information processing. Compliance with this new Regulation will need a re-work of current Information, Communication and Technological systems to reach the desired level of compliance. This will require investments to cover both the re-drafting of the policies and their harmonisation, as well as the review of all current Information Systems to comply with the new Regulations. The expected expenditure for the tasks is foreseen in the order of 200,000 EUR, which shall include compliance also with the Cybersecurity Regulation for EUIBAs.

In addition, the Agency will have to comply with the aforementioned "Regulation of the European Parliament and of the Council on information security in the institutions, bodies, offices and agencies of the Union", and, depending on the use of such information, may have to apply the part of the Regulation related to EU Classified Information (EUCI): this very much depends on the use that Member States and NRAs will do of EUCI. To fulfil its tasks, the Agency needs to enhance its current security measures, and to handle EUCI, the Agency will need to invest 500,000 EUR to fit out the current or future premises with the minimum requirements for EUCI up to level "SECRET UE/EU SECRET".

Costs of compliance will also cover the need to set up the system and request clearance for the Staff who may have the need to access that information.

The "Regulation of the European Parliament and of the Council laying down measures on a high level of cybersecurity at the institutions, bodies, offices and agencies of the Union" covers, at the same time, all other aspects not covered by the other Regulation. As the Agency was already performing some of the tasks, the organisational measures may impact the current budget between 3,000 to 10,000 EUR

for the execution of the Maturity Assessment and the maintenance of the roles foreseen by the new Regulation. It shall also be considered that technical minimum cybersecurity standards will be issued.

The Agency is also working alongside the pattern to fully embrace some of the suggestions of crucial stakeholders in the area of Security and Cybersecurity, in particular of CERT-EU and ENISA, which have issued a Security Guidance in March 2022. This Guidance provides an assurance that the Agency will be able to cover most of the predominant threats. Therefore, it has a great value, and it allows the Agency to reach its goal of reducing cyber and information security maturity, reducing the number of possible incidents.

The implementation of the Security Guidance will surely contribute to meeting compliance with the “Regulation of the European Parliament and of the Council laying down measures on a high level of cybersecurity at the institutions, bodies, offices and agencies of the Union”, but this will require additional investments, in the order of 150,000.- EUR per year in 2024-2026, which shall cover the cost of implementation and the cost of continuous verification of the compliance from a technical and organisational perspective.

2.3. Resource programming for 2024-2026

Human Resources requested for 2024

The Agency’s requests for 2024 are respecting the framework of the Commission’s proposal and different legislative packages, as presented in the Table 8.

The preliminary allocation of positions vis-à-vis the total numbers of staff from 2024 to 2026 is expected to be as follows:

Table 9: Preliminary allocation of positions

Staff	2024	2024 Adds by package					2025	2025 Adds by package						2026	2026 Adds by package					
		E	G	L	M	E		E	G	L	M	E	REM		E	G	L	M	E	REM
ESTABLISHMENT PLAN POSTS		Envisaged staff						Envisaged staff							Envisaged staff					
Administrators (AD)	91	3	3	0	0	3	100	3	1	0	0	0	5	109	3	1	0	0	0	5
Assistants (AST)	14	0	0	0	0	1	17	0	0	0	0	0	3	17	0	0	0	0	0	0
Assistants/Secretaries (AST/SC)	2	0	1	0	0	0	6	0	1	0	0	0	3	7	0	1	0	0	0	0
TOTAL ESTABLISHMENT PLAN POSTS	107	3	4	0	0	4	123	3	2	0	0	0	11	133	3	2	0	0	0	5
EXTERNAL STAFF FTEs corresponding to the authorised budget		Envisaged FTE						Envisaged FTE							Envisaged FTE					
Contract Agents (CA)	43	0	1	0	0	0	45	0	1	0	0	0	1	47	0	0	0	0	0	2
Seconded National Experts (SNE)	6	0	0	0	0	0	6	0	0	0	0	0	0	6	0	0	0	0	0	0
TOTAL EXTERNAL STAFF	49	0	1	0	0	0	51	0	1	0	0	0	1	53	0	0	0	0	0	0
TOTAL STAFF	156	3	5	0	0	4	174	3	3	0	0	0	12	186	3	2	0	0	0	2
Delta	18						18							12						

Regarding the resources allocated the Agency's approach is based on the following considerations:

- Have a multi-year perspective and developing a flexible approach for the future years, within the yearly priorities linked to strategy cycle
- Respect the foreseen balance between REMIT-fee and non REMIT-fee financed positions
- Flexible approach to the staffing of the Seconded National Experts' positions, as granted by the budgetary authorities in 2022: the inboarding of SNEs position as envisaged in 2022 proven to be very difficult: this is why the Agency has been employing contract staff to fulfil the FTE allocation and requests that 4 of these six SNEs positions be changed in statutory staff for the four operational departments
- A future approach based on experience gained over the previous years.

In addition to the above, the Agency's budgetary forecasts contained in this SPD include 5 posts to be allocated in 2023 to the Agency in the framework of the so-called Gas Package which aims to decarbonise the EU gas sector and align EU gas legislation with the bloc's new energy transition targets. For planning purposes, the 5 posts expected from the Gas Package have been added to the budgetary planning for 2024 already at this stage, however they have not been included in the FTEs within the activities of the Work programme 2024, as the breakdown of the posts and the exact tasks to which they will be mandated was not yet known at the time of drafting the SPD.

The allocation of new positions against the different activities of the Agency is, at the time of writing this draft SPD, based on the (draft) proposals and it is indicative.

2.4. Strategy for achieving efficiency gains

The Agency recognises the need to streamline its structure and internal organisation to become a more modern and agile organisation, and it has already implemented different activities and concentrate efforts to this extent. The Agency's aim is to maintain and enhance the efficiency of its operations, while seeking to support activities in peak demand for extra resources for short or extended periods.

As from 2020, the Agency has increased its efforts in identifying priority tasks and reprioritising its actions (see point 2.5. below). It is pursuing a culture of continuous improvement and elasticity in the organisational chart of the Agency, with the implementation of structural changes aimed to increase the cooperation within the teams and departments.

A process for internal mobility is in place since 2021, aiming to assess the needs and the resources on a regular and ad-hoc basis. A shift of internal human resources took place both in 2020 (with the revision of the Agency's organisational structure) and in 2021, with the internal transfer of four positions. The internal re-allocation of positions and staff continued in 2022 and 2023, better to address the implementation of the new tasks related to energy emergency, while selection procedures for new posts are being completed.

As a decentralised agency, ACER is regularly re-assessing, optimising, and streamlining its support functions and administrative processes. This is done by various means: knowledge sharing and introduction of best practices from other agencies, review, documentation and automation of certain processes, centralisation of certain support functions.

Moreover, in 2022, the Agency availed itself of the support of external consultants to foster better internal processes and seek for additional efficiency gains. Through the work package dedicated to (workload) analysis and strategy, ACER is increasing the development of a sound talent management strategy and implement solutions for organisational (re-)structuring and task allocation that ensure quality, efficiency, and effectiveness of the Agency's work.

The organisational analysis which has been conducted in 2022 entailed the following:

- a) Definition of an organisational structure in order to address the management of the Agency's tasks vis-à-vis the resources, and to ensure that work can be performed with maximum quality, efficiency and effectiveness
- b) provision of analysis and strategy for efficiency gains including a comparative analysis of workload distribution in all entities of the organisation's current state baseline (number of FTE per unit, spread of contracts and grades), efficiency metrics on organisation level (span of control, organisational layers and structure), Agency's performance (HR related processes) and operating model, analysis of gap between the current and desired future state (possible options for organisational design and restructure).

Moreover, several tools have been developed to improve efficiency and the use of resources; the tools complement each other and are managed in view of ensuring efficient use of resources (the tools have shortened the processing time, minimised human error and improved transparency). In addition to automating the processes, the tools provide up-to-date, real-time information on the state of play of transactions, budget consumption, etc. and ensure business continuity of the operations and institutional memory (in cases of long-term absence or departure).

The Agency is also using several tools for procurement processes (e-Submission portal, e-Tendering portal, e-Notices and e-Invoicing for invoices under DIGIT contracts). The Public Procurement Management Tool (PPMT) is at the time of the drafting of this document in a testing phase with implementation planned for the first quarter of 2024. Individual departments also use IT tools which facilitate planning.

E-Platform is a website/platform which BoR and AB members use to electronically:

- (via E-Declarations module) annually submit Declarations of Interest, CVs and Declarations of Commitment
- (via E-Voting module) vote on various activities.

In 2020, the Agency completed its deployment of Sysper and fully implemented ARES. In particular, the upgrading to Sysper as the system used as integrated HRM management, contributed to the management of staff data to a higher standard and facilitate the interface with rights and entitlements, personal files, and career management for the Agency's staff. The implementation of the transcoding from the payroll system of the European Commission highly increased the Agency's time spent on staff administration. Sysper is accessible remotely as from 2020, to the benefit of more efficient workflows of staff's requests.

ARES is the document management system in use in the Commission services: its deployment, in 2019, brings additional benefits to streamline data and document management for the Agency. The Agency is also using MIPS, the Commission's missions management system.

The Agency collaborates within the PDN network and coordinates activities with other agencies (i.e., joining joint procurement procedures) where services/supplies are not limited by borders, and still result in increased efficiency and cost saving.

ACER also joins procurement procedures organised by the Commission Services (i.e., DIGIT, BUDG, COMM).

2.5. Negative priorities/decrease of existing tasks

Due to the limited resources available to the Agency, taking into account the emergent tasks, the Agency has had to deprioritise a number of the activities.

In particular, some activities planned, especially with respect to tasks related to the implementation of REMIT, and, to a lesser extent, the TSO cooperation area and the Network Code implementation monitoring process, have been deprioritised, postponed or reduced in scope.

Furthermore, the outsourcing of REMIT data analytics (1.2m EUR) has been de-prioritised in 2023 as it could not be implemented due to lower than expected level of fees being generated. The situation is likely to remain valid for 2024 as well.

The Greening project and EMAS certification the Agency has initially planned for 2024 was postponed for 2025 due to lack of funding.

The Agency identifies its key priorities for 2024 and strives to increase its flexibility, in particular by aiming to shift the required internal capacity in terms of financial and human resources functional to fulfil the identified priorities.

To ensure an appropriate prioritisation of its activities, and to allocate resources accordingly, the Agency divides its tasks and deliverables according to the following three priority levels.

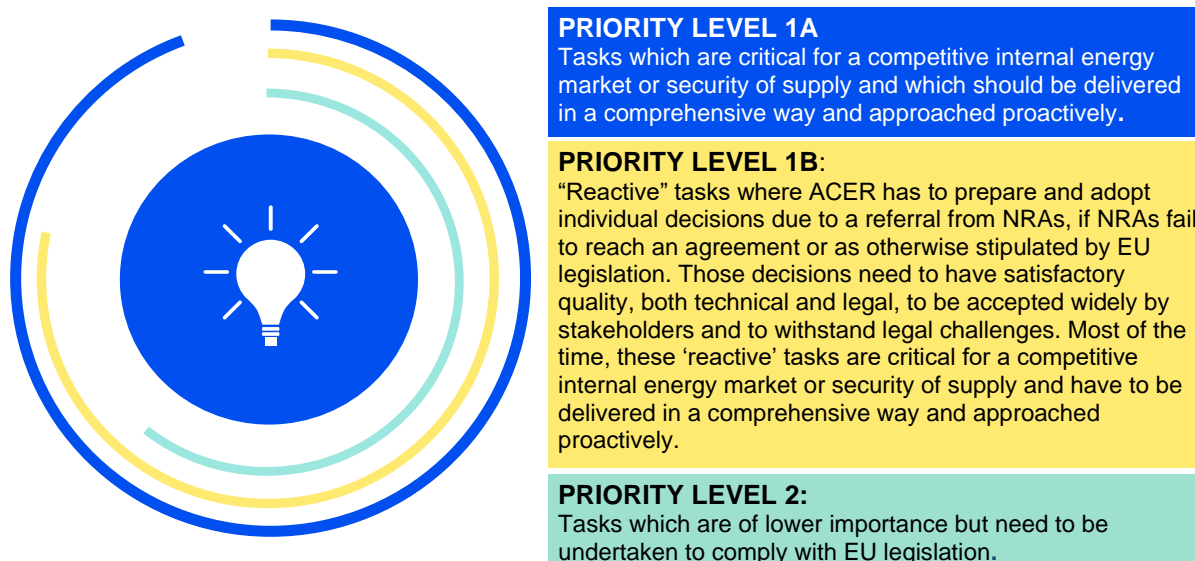


Figure 5: ACER's prioritisation system

All tasks and deliverables listed in the Work programme 2024 are classified according to the above prioritisation system.

SECTION III: WORK PROGRAMME 2024



1. Executive summary

The **overall structure** of the multi-annual programme is mirrored in this annual work programme. While the multi-annual programme outlines the main developments and direction foreseen under each strategic goal, the annual work programme details the concrete tasks that the Agency plans to undertake in 2024 to achieve its annual objectives and deliver on its multi-annual programme.

The annual work programme is divided into five **operational Strategic action areas (SAAs)**:

- ➔ **Internal electricity market**
- ➔ **Internal gas market, decarbonised gases and hydrogen**
- ➔ **Infrastructure and gas security of supply**
- ➔ **Market information and transparency**
- ➔ **Market surveillance and conduct.**

The SAAs' annual objectives are presented in tabular form, offering coherence between them and simplifying reporting. The information provided for each objective is the same: the expected results, main tasks/processes and outputs and performance indicators with corresponding targets; the latter providing a means to quantify and qualify the level of implementation which is monitored at various intervals throughout the year and ultimately mapped against the original planning in the Consolidated Annual Activity Report.

Beyond the operational SAAs, the annual work programme also provides information on the following three **horizontal SAAs**:

- ➔ **Governance, strategy and stakeholder management**
- ➔ **Compliance, security and quality management**
- ➔ **Resource management.**

The performance indicators defined for these areas enhance regular monitoring of the Agency's performance and implementation of the annual work programme and strengthen the contribution to the building blocks of assurance. Moreover, they contribute to an effective assessment of results achieved against objectives and the Administrative Board's assessment of the Consolidated Annual Activity Report (CAAR) which in turn feeds into the work of the discharge authority for the Agency.






With regard to the **allocation of resources⁸ against the different activities**, the Agency follows the methodology for Agencies job screening, in accordance with Article 29(3) of the Framework Financial Regulation. Each job is identified according to a screening 'type': the three screening types describe the general role of a job: administrative support and coordination, neutral or operational. Most jobs fulfil an operational role, i.e., serving frontline activities (more or less directly serving the European citizen). The administrative support and coordination jobs are the enablers of the operational jobs and are performed by HR, part of ICT, logistics, etc. Financial management, procurement and control at Agency level and on-the-spot audit are treated as neutral.

The FTE allocation includes staff working on the specific deliverables described in the Work programme 2024, as well as a proportional allocation of staff in horizontal activities classified as 'operational' according to the above methodology.

⁸ FTE of Temporary Staff, Contract Agents and SNEs

2. Strategic action areas (SAAs)

Legend of icons used in objective tables below

	= Electricity Working Group will be informed
	= Electricity Working Group will be formally consulted
	= Gas Working Group will be informed
	= Gas Working Group will be formally consulted
	= Retail Working Group will be formally consulted/informed
BoR	= Board of Regulators will be formally consulted/informed

2.1. Internal electricity market (operational)

An efficient and truly integrated electricity market is a cornerstone of a successful and affordable energy transition.



Despite significant achievements over the last 10 years, there are still numerous obstacles to overcome before achieving this truly integrated and efficient electricity market. There are two broad categories of tasks that ACER will perform to contribute to improving the functioning of the internal electricity market:

- 1) the adoption of legal acts: decisions, recommendations, opinions and,
- 2) the implementation and monitoring activity.

Table 10: Total resources allocated to the SAA Internal electricity market

Human resources (FTEs) ⁹	Financial resources (EUR)
34.5 (33.5 subsidy-financed, 1 fee-financed) ¹⁰	7,210,074

Table 11: Internal electricity market annual objective 1

Objective 1:	Adoption of decisions on market and system operation rules, and providing assistance to NRAs in their implementation.		
Expected results	<ul style="list-style-type: none">A more efficient and secure internal electricity market with harmonised European-wide rules.		
Main tasks/ processes	<ul style="list-style-type: none">Assisting NRAs for the approval of amended regional-wide terms and conditions or methodologies developed by TSOs, NEMOs or other entities, pursuant to the	 	

⁹ The FTE allocation includes staff working on the deliverables under this activity, as well as a proportional allocation of staff in horizontal activities classified as ‘operational’ according to the methodology for Agencies job screening (‘benchmarking’), in accordance with article 29(3) of the Framework Financial Regulation.

¹⁰ The allocation of one of the FTE to the internal electricity market activity is envisaged for the Energy Community and covered under fees. This FTE will be added to the market surveillance staff performing tasks associated with EU wide market surveillance.


	adopted Network Codes and Guidelines. Issuing decisions on these regional terms and conditions or methodologies in case NRAs fail to agree or upon their joint request. (priority level 1B) • Issuing decisions with an EU-wide scope. (priority level 1A)	
Main outputs	• (If/when required) Decisions on amended regional-wide terms and conditions or methodologies • Decisions with an EU-wide scope	
Indicators	Target	Means and frequency of verification
% of outputs delivered on time	90%	ACER's website; continuous

Table 12: Internal electricity market annual objective 2







Objective 2:	Adoption of decisions and opinions on the EU-wide resource adequacy rules and their implementation.	
Expected results	• A more efficient and secure internal electricity market with harmonised European-wide rules.	
Main tasks/ processes	• Issuing decisions with an EU-wide scope related to adequacy methodologies. (Priority level 1A) • Issuing decisions on the European resource adequacy assessment (ERAA) and opinions on national resource adequacy assessments (NRAAs) as per the Electricity Regulation or requested by the European Commission. (Priority Level 1A)	 
Main outputs	• (If/when required) Decisions to amend EU-wide resource adequacy methodologies • Decision on the European resource adequacy assessment (ERAA) • (If/when required), opinions on national resource adequacy assessments (NRAAs) • Opinions on ENTSO-E's seasonal assessments	
Indicators	Target	Means and frequency of verification
% of outputs delivered on time	90%	ACER's website; continuous

Table 13: Internal electricity market annual objective 3

Objective 3:	Implementation and Monitoring	
Expected results	• A more secure while efficient internal electricity market with harmonised European-wide rules	
Main tasks/ processes	• Data Collection: Collecting the required data and information to perform all these monitoring activities. If necessary, issuing recommendations and/or decisions to get these data and information. (Priority level 1A) • Network Codes and Guidelines Implementation: Facilitating the implementation of projects established pursuant to the Network Codes and Guidelines or, where relevant, pursuant to the Electricity Regulation. (Priority level 1A) • Implementation monitoring: Monitoring the implementation of the obligations resulting from the adoption of the Network Codes, Guidelines, the different terms and conditions and methodologies and the Electricity Regulation. Investigating the reasons for delays and/or non-compliance and issuing recommendations and/or decisions to address these issues. Promoting the involvement of stakeholders in monitoring the implementation of network codes and guidelines, in particular through the European Stakeholder Committees. (Priority level 1A) • Monitoring of the wholesale markets in electricity and monitoring of the effects of the network codes and guidelines: Monitoring the wholesale markets in electricity (according to Article 15.1 of Regulation 2019/942), to be performed jointly with the Monitoring of the effect of market-related network codes and guidelines the on the harmonisation of applicable rules aimed at facilitating market integration as well as on non-discrimination, effective competition and the efficient functioning of the market. This includes monitoring the barriers to efficient price formation and	   










	<p>barriers to market entry for new and small market participants as envisaged in Article 15.1 of Regulation 2019/942 and monitoring of the progress of Member States towards meeting 70% cross-zonal capacity target for cross-zonal capacity (target prescribed in Article 16.8 of Regulation 2019/943). (Priority level 1A)</p> <ul style="list-style-type: none"> Monitoring the performance of Regional Coordination Centres (RCCs) with NRAs and ENTSO-E, through submitted data resulting from their continuous monitoring. Where relevant, issuing a decision to RCCs to provide the relevant information necessary for carrying out monitoring and issuing opinions and recommendations to the RCCs to improve their performance. (Priority level 1A) Monitoring ENTSO-E's tasks: The annual monitoring report on the implementation and management of the inter-TSO compensation fund; Opinions on ENTSO-E's annual work programme and ENTSO-E's annual report; Opinions on potential updates to ENTSO-E's common network operation tools and common incidents classification scale; Opinion on ENTSO-E's recommendations relating to the coordination of technical cooperation between the Union and third-country transmission system operators. (Priority level 2) Monitoring the execution of tasks of EU DSO entity. ACER may provide an opinion on the EU DSO entity on the annual work programme and other relevant documents and can issue decisions for DSOs to provide relevant information necessary for carrying out monitoring. (Priority level 2) Monitoring and promoting the implementation of best tariff practices in Member States. (Priority level 1A) Monitoring transmission charges paid by generators. (Priority level 2) Monitoring of the implementation of the Inter TSO Compensation mechanism in year 2023. (Priority level 2) Verification of the criteria for the valuation of losses at national level. (Priority level 2) Monitoring of the use of congestion revenues and its compliance with the Agency's decision on the methodology regarding the use of the congestion income. (Priority level 1A) Monitoring the performance of Member States in the area of Electricity Security of Supply and of the implementation of the relevant Security of Supply methodologies approved pursuant to the CEP (ERAA, Value of Lost Load (VoLL), Cost of New Entry (CONE), Reliability Standard and cross-border participation in Capacity Mechanisms). (Priority level 1A) Monitoring ENTSO-E's seasonal assessments. (Priority level 1A) 	        
Main outputs	<ul style="list-style-type: none"> Delivery of monitoring reporting in various areas: <ul style="list-style-type: none"> Providing a comprehensive overview of the implementation status of the Network Codes and Guidelines through Implementation Monitoring Reports (IMRs) or through web page Electricity Wholesale Market Volumes of ACER annual market monitoring report Transmission and distribution tariff report (to be delivered in 2025) Report on the implementation of the ITC mechanism in 2023 Report on the use of congestion income Security of electricity supply monitoring report More frequent brief electricity reporting on the ACER website Assessment of ENTSO-E's seasonal assessments. <p>Other outputs:</p> <ul style="list-style-type: none"> Recommendations Leverage of the reports by European policy makers in the legislative process Facilitate enforcement actions in case of non-compliance and/or implementation delays. 	
Indicators	Target	Means and frequency of verification
% of outputs delivered on time	90%	ACER's website; continuous

Table 14: Internal electricity market annual objective 4

Objective 4: Amendments to existing Network Codes and Guidelines and development of new Network Codes or Guidelines			
Expected results	<ul style="list-style-type: none"> A more efficient and secure internal electricity market with harmonised European-wide rules. 		
Main tasks/ processes	<ul style="list-style-type: none"> Preparatory works for issuing a recommendation to the European Commission to amend Commission Regulation (EU) 2016/1447 of 26 August 2016 establishing a network code on requirements for grid connection of high voltage direct current systems and direct current-connected power park modules (Network Code HVDC) including a thorough consultation process with all stakeholders. When necessary, supporting the European Commission during the comitology process. (Priority level 1A) 	⚡	
	<ul style="list-style-type: none"> Preparatory works for issuing a recommendation to the European Commission to amend Commission Regulation (EU) 2017/1485 of 2 August 2017 establishing a guideline on electricity transmission system operation (System Operation Guideline) including a thorough consultation process with all stakeholders. When necessary, supporting the European Commission during the comitology process. (Priority level 1A) 	⚡	
Main outputs	<ul style="list-style-type: none"> Recommendation to amend Commission Regulation (EU) 2016/1447 Recommendation to amend Commission Regulation (EU) 2017/1485. 		
Indicators	Target	Means and frequency of verification	
% of outputs delivered on time	90%	ACER's website; continuous	






2.2. Internal gas market, decarbonised gases and hydrogen (operational)

The deliverables focus on the implementation of the Hydrogen and Gas Decarbonisation package while gas market changes in relation to the energy crisis as it unfolded after the war started in Ukraine will be closely followed. The main task will be the implementation of the referred package, while continued improvements to the gas regulatory issues will be pursued, along with a few issues related to non-implementation. The legislative changes in relation to the decarbonisation may increase the Agency's workload in 2024 and in 2026, depending on the adaptations the package would see.

Table 15: Total resources allocated to the SAA Internal gas market, decarbonised gases and hydrogen

Human resources (FTEs) ¹¹	Financial resources (EUR)
18.8 (subsidy-financed)	3,928,968

Table 16: Internal gas market, decarbonised gases and hydrogen annual objective 1

Objective 1: (NEW)	Preparing the implementation of the Hydrogen and decarbonized gas markets package
Expected results	<ul style="list-style-type: none"> New rules that deliver on the decarbonisation principles and targets set up at the EU level.
Main tasks/ processes	<p>This task covers new FGs as well as the review of existing Network Codes as required by the annual priority plans enshrined in Article 6 of Regulation (EC) No. 715/2009 and on the draft Articles 52 to 54 of the draft EC Proposal for the revised Regulation on the internal markets for renewable and natural gases and for hydrogen. These plans are set by the EC and are preceded by a public consultation.</p> <p>Most probably, ACER will need to start the preparation of:</p> <ul style="list-style-type: none"> ACER recommendation on the rules for the system of financial compensation for cross-border hydrogen infrastructure, as applied by the Member States (Priority level 1A)  ACER recommendation to transmission system operators, distribution system operators and hydrogen network operators and regulatory authorities on the methodologies for the determination of transferred assets, size and maximum duration of the financial transfer and allocated charges to consumer (Priority 1B)  New Framework Guidelines based on the new package (e.g., rules for the system of financial compensation for cross-border hydrogen infrastructure) and as demanded by the stakeholder consultation on the annual priority plan (Priority level 1B)  Updating the Network Code on Interoperability and Data Exchange to align it with the requirements of the new package, namely hydrogen quality, including common specifications and standardisation, odourisation, cost benefit analyses for removing cross-border flow restrictions due to hydrogen quality differences and reporting on hydrogen quality (Priority level 1A)  Extend the cyber security FGs to all networks and work closely with the Commission, the European Union Agency for Cybersecurity ENISA, ENTSOG as well as relevant entities (Priority level 1B) Updating other existing network codes, based on the expressed needs of the market following the consultation on the annual priority plan (e.g., the allocation methodology including auction algorithms, sequence and procedure for existing, incremental, firm and interruptible capacity) (Priority level 1B). 

¹¹ The FTE allocation includes staff working on the deliverables under this activity, as well as a proportional allocation of staff in horizontal activities classified as 'operational' according to the methodology for Agencies job screening ('benchmarking'), in accordance with article 29(3) of the Framework Financial Regulation.

	<p>Other expected tasks:</p> <ul style="list-style-type: none"> • Work on the Statutes of ENNOH (based on draft Article 40 of the draft EC Proposal for the revised Regulation on the internal markets for renewable and natural gases and for hydrogen) and broaden the statutes of the EU DSO entity to gas (following the process of Article 53 of Directive (EU) 2019/944 and the extension of the tasks based on the draft Articles 36 and 37 of the draft EC Proposal for the revised Regulation on the internal markets for renewable and natural gases and for hydrogen). (Priority level 1A) • Decision on blending hydrogen into the natural gas networks in case of disagreement between NRAs (Priority level 1B) • Support the Commission with technical advice for the upcoming delegated acts as proposed by the Commission 	
Main outputs	<ul style="list-style-type: none"> • New Framework guidelines and Recommendations • Updated Network Code on Interoperability and Data Exchange • Updated Network Codes, without triggering a full FG process • Opinion on the Statutes of ENNOH and DSO entity 	
Indicators	Target	Means and frequency of verification
% of FGs/NCs delivered on time	90%	ACER's website; continuous
% of reviewed statutes delivered on time	90%	ACER's website; continuous

Table 17: Internal gas market, decarbonised gases and hydrogen annual objective 2






Objective 2: Implementation of existing Network Codes and crisis management			
Expected results		<ul style="list-style-type: none"> Ensure that regulatory tools are applied so that the crisis situation can be mitigated to the extent possible. 	
Main tasks/ processes	<p>Follow up on the implementation of the NCs in the context of the gas crisis. This task is laid down in Article 9(1) of Regulation (EC) 715/2009, Article 5(1)(e) of Regulation (EU) 2019/942 and the draft Articles 24 and 53 of the aforementioned draft EC Proposal for the revised Regulation on the internal markets for renewable and natural gases and for hydrogen.</p> <p>Expected tasks:</p> <ul style="list-style-type: none"> Reporting on the Congestion at Interconnection Points of the EU. This annual report is proposed to become biannual under the new legislation, but possibly it will require yearly publication in the context of the current gas crisis which has caused congestion to significantly increase along new routes, pursuant to Annex I, section 2.2.1, point 2 of the Regulation (Priority level 1A in crisis, otherwise priority level 1B) Effect monitoring on gas balancing with the support of the ACER dashboard developed in recent years and published on the ACER website, with a view to emergency measures that might suspend temporarily the application of the NC, based on Article 2(4) of the NC Balancing (Regulation (EU) 312/2014) (Priority level 1A in crisis, otherwise priority 2) Continue the ACER review concerning the national tariff consultations pursuant to Article 27(3) of the Tariff NC (Regulation (EU) 2017/460). Where emergency measures coincide with these tariff reviews and as applicable under the current rules, review them (Priority level 1A in crisis, otherwise priority level 1B) Continue the tasks on regional initiatives and their programming (Priority level 2). 		   
	<ul style="list-style-type: none"> Annual Report on the Congestion at Interconnection Points of the EU Dashboard on gas balancing and report on emergency measures, as necessary Reports on national tariff consultations Documents pertaining to tasks on regional initiatives and their programming. 		
Indicators		Target	Means and frequency of verification
% of reports delivered on time		90%	ACER's website; continuous

Table 18: Internal gas market, decarbonised gases and hydrogen annual objective 3

Objective 3: Monitoring the internal market for gas, decarbonized gases, hydrogen and retail		
Expected results	<ul style="list-style-type: none"> Transparent reporting on market developments in the area of gas wholesale, decarbonised and renewable gases and energy retail. 	
Main tasks/ processes	<p>Monitoring the gas wholesale and energy retail markets according to Article 15(1) and (2) of Regulation (EU) 2019/942 and with a view of their reviewed contents based on the revised Regulation on the internal markets for renewable and natural gases and for hydrogen.</p> <p>Expected tasks:</p> <ul style="list-style-type: none"> provide annual reports on the following topics (Priority level 1A in crisis and retail monitoring, otherwise priority level 1B): <ul style="list-style-type: none"> Wholesale Gas Market Volume with a view to the gas crisis and its evolution LNG Market Volume building on ACER's LNG data collection, provides an understanding about these markets and makes the ACER LNG benchmark more accessible. Decarbonised Gas and Hydrogen Market Volume monitoring the kick-start and the evolution of these markets Retail Markets and Consumer Protection Volume with a view to monitor the retail prices and markets for electricity and gas, the barriers related to retail market innovation and energy communitisation and the observation of consumer engagement as foreseen by the CEP and the Hydrogen and Decarbonised Gas Markets Packages. 	
Main outputs	<ul style="list-style-type: none"> Wholesale Gas Market Volume LNG Market Volume Decarbonised Gas Market and Hydrogen Volume Retail markets and consumer protection Volume. 	
Indicators	Target	Means and frequency of verification
% of outputs delivered on time	90%	ACER's website; continuous

2.3. Infrastructure and gas security of supply (operational)

The Agency and NRAs cooperate in implementing the TEN-E Regulation, which aims at enhancing the physical integration of the internal energy market, including by ensuring that no Member State is isolated from the European energy network. The regulation was revised with a view to adapting it to the decarbonisation objectives. The new TEN-E Regulation (Regulation (EU) 2022/869) was published on 3 June 2022, repealing the previous TEN-E Regulation (Regulation (EU) No 347/2013).

The Agency has various functions and roles regarding the development of electricity, gas and hydrogen infrastructure. Cost-efficient network development is essential for overcoming physical congestion, improving energy security and ensuring sustainability. Capacity allocation methods and/or congestion management procedures alone cannot resolve physical congestion in electricity and gas transmission systems, especially at interconnection points and other system bottlenecks. Adequate physical transmission capacity is thus a prerequisite for completing the IEM. Additional tasks have been added by the CEP acts. In particular, the Agency is tasked to approve the methodology regarding the use of revenues from congestion income.

Under the European regulation on security of gas supply - (EU) No 2017/1938, ACER is mandated to decide on CBCA reverse flow projects, to issue Opinions on exemption requests and on the elements of coordinated decisions taken by national authorities, as well as to participate in the Gas Coordination Group. In its opinions on the cost-benefit methodology for gas, ACER advises on how to improve specific issues connected with security of supply.

Table 19: Total resources allocated to the SAA Infrastructure and gas security of supply

Human resources (FTEs) ¹²	Financial resources (EUR)
11.1 (subsidy-financed)	2,319,763

Table 20: Infrastructure and gas security of supply annual objective 1





Objective 1: Adoption of decisions on exemptions as provided for in Article 63(4) of Regulation (EU) 2019/943 and Article 36(4) of Directive 2009/73/EC		
Expected results	<ul style="list-style-type: none"> Issuing timely decisions on potential exemption requests. 	
Main tasks/processes	<ul style="list-style-type: none"> Issuing decisions on exemptions as provided for in Article 63(4) of Regulation (EU) 2019/943 and Article 36(4) of Directive 2009/73/EC where the infrastructure concerned is located in the territory of more than one Member State. (Priority level 1B) 	
Main outputs	<ul style="list-style-type: none"> Decisions on exemptions as provided for in Article 63(4) of Regulation (EU) 2019/943 and Article 36(4) of Directive 2009/73/EC 	
Indicators	Target	Means and frequency of verification
% of outputs delivered on time	90%	ACER's website; continuous

Table 21: Infrastructure and gas security of supply annual objective 2

Objective 2: Regulatory oversight over ENTSO-E's activities related to network planning		
Expected results	<ul style="list-style-type: none"> Ensuring that the ENTSO-E's network development plans are consistent with the decarbonisation objectives and with national plans and contribute to efficient market functioning. 	
Main tasks/processes	<ul style="list-style-type: none"> Issuing an opinion on the ENTSO-E infrastructure gaps identification. (Priority level 1A) Issuing opinions on the ENTSO-E electricity Union-wide TYNDP 2024. (Priority level 1A) Issuing opinions on the electricity national 10-year network development plans to assess their consistency with the Union-wide network development plan and (if appropriate) recommendations to amend the national 10-year network development plans or the Union-wide network development plan (Priority level 1A) Issuing opinions on the implementation of the Union-wide electricity infrastructure TYNDP and investments to create new interconnector capacity. (Priority level 2) 	  
Main outputs	<ul style="list-style-type: none"> Opinion on ENTSO-E infrastructure gaps report. Opinions on the ENTSO-E electricity Union-wide TYNDP 2024. Opinions on the electricity national 10-year network development plans. Opinions on the implementation of the Union-wide electricity infrastructure 10-Year Network Development Plan and investments to create new interconnector capacity. 	

¹² The FTE allocation includes staff working on the deliverables under this activity, as well as a proportional allocation of staff in horizontal activities classified as 'operational' according to the methodology for Agencies job screening ('benchmarking'), in accordance with article 29(3) of the Framework Financial Regulation.

Indicators	Target	Means and frequency of verification
% of outputs delivered on time	90%	ACER's website; continuous

Table 22: Infrastructure and gas security of supply annual objective 3












Objective 3: Implementation of the Trans-European Energy Networks Regulation		
Expected results	<ul style="list-style-type: none"> Ensuring that European energy network development promotes efficient investments, takes stakeholder views into account, and that cross-border issues are addressed. 	
Main tasks/ processes	<ul style="list-style-type: none"> Update of ACER cross-border cost allocation recommendation (Priority level 2) Issuing decisions on investment requests including on cross-border cost allocation under Article 12(6) of Regulation (EU) 347/2013 (Priority level 1B) Promoters of PCIs may submit an investment request including a request for cross-border cost allocation (CBCA). Where the NRAs concerned have not reached an agreement on the investment request within six months, or upon their joint request, the Agency shall take the decision on the investment request including cross-border cost as well as the way the cost of the investments are reflected in the tariffs within three months (with a possible two month extension in case additional information is needed). Issuing opinion(s) on ENTSO-E's and/or ENTSG's methodologies for single sector cost-benefit analysis, if updated. (Priority level 1A) Issuing opinions on network development Scenarios and their compliance with the Scenario Guidelines. (Priority level 1A). 	  
Main outputs	<ul style="list-style-type: none"> Cross-border cost allocation (CBCA) recommendation. Decisions on investment requests including on cross-border cost allocation under Article 12(6) of Regulation (EU) 347/2013. Opinion(s) on ENTSO-E's and/or ENTSG's single sector methodologies for cost-benefit analysis, if updated. Opinion on network development Scenarios and their compliance with the Scenario Guidelines. 	
Indicators	Target	Means and frequency of verification
% of outputs delivered on time	90%	ACER's website; continuous

Table 23: Infrastructure and gas security of supply annual objective 4

Objective 4: Regulatory oversight over ENTSG's activities related to network planning, short-term supply outlooks, common network operating tools, and TSO cooperation		
Expected results	<ul style="list-style-type: none"> Reporting to the European Commission on the execution of the tasks of ENTSG referred to in Article 8(1), (2) and (3) of Regulation (EC) 715/2009, using the deliverables listed below and other relevant Agency's acts, with additional comments where needed. 	
Main tasks/ processes	<ul style="list-style-type: none"> Issuing opinion on the ENTSG infrastructure gaps identification. (Priority level 1A) Issuing opinion on ENTSG draft ten-year network development plan 2024. (Priority level 1A) Issuing opinion on ENTSG's Summer and Winter supply outlooks. (Priority level 1A) Issuing opinion reviewing national gas and hydrogen ten-year network development plans to assess their consistency with the Union-wide network development plan. (Priority level 1A) Issuing opinion on ENTSG's common network operation tools including a common incidents classification scale. (Priority level 2) Issuing opinion on ENTSG's research and development plan. (Priority level 2) Issuing opinion on ENTSG's recommendations relating to the coordination of technical cooperation between Union and third-country transmission system operators. (Priority level 2) 	     
Main outputs	<ul style="list-style-type: none"> Opinion on ENTSG infrastructure gaps report Opinion on ENTSG draft ten-year network development plan 2024 	

	<ul style="list-style-type: none">• Opinions on ENTSOG's Summer and Winter supply outlooks• Opinion reviewing national gas and hydrogen ten-year network development plans to assess their consistency with the Union-wide network development plan• Opinion on ENTSOG's common network operation tools including a common incidents classification scale• Opinion on ENTSOG's research and development plan• Opinion on ENTSOG's recommendations relating to the coordination of technical cooperation between Union and third-country transmission system operators.	
Indicators	Target	Means and frequency of verification
% of outputs delivered on time	90%	ACER's website; continuous

Table 24: Infrastructure and gas security of supply annual objective 5

Objective 5: Implementation of the gas SoS Regulation		
Expected results	<ul style="list-style-type: none">Safeguard the security of gas supply under the Regulation (EU) 2017/1938	
Main tasks/ processes	<p>The tasks assigned to ACER under the Regulation for measures to safeguard the security of gas supply refer to participation in the Gas Coordination Group and to the establishment of permanent bi-directional capacity at interconnection points.</p> <p>In relation to this area, the Agency plans to work in 2024 towards the following deliverables:</p> <ul style="list-style-type: none">Issuing decisions covering the cross-border cost allocation for bi-directional capacity in line with Article 5(7) of the Regulation, if the Commission decision pursuant to point 10 of Annex III to the SoS Regulation. (Priority level 1B)Issuing opinions on the elements of the coordinated decision taken by the competent authorities under Annex III, point 6, taking into account any possible objection. (Priority level 2)	 
Main outputs	<ul style="list-style-type: none">Decisions covering the cross-border cost allocation in line with Article 5(7) of the RegulationOpinions on the elements of the coordinated decision taken by the competent authorities under Annex III, point 6	
Indicators	Target	Means and frequency of verification
% of outputs delivered on time	90%	ACER's website; continuous

2.4. Market information and transparency (operational)

The Agency's market information and transparency work is an ongoing activity under REMIT which involves (1.) the promotion of regulatory cooperation, (2.) REMIT analytics and information management tasks, which will be financed through REMIT fees on the basis of Article 32(1)(b) of Regulation (EU) 2019/942 as of 2021, (3.) ACER data and information management and (4.) delivery of an LNG price assessment/benchmark as energy crisis response to enhance market transparency.

Table 25: Total resources allocated to the SAA Market information and transparency

Human resources (FTEs) ¹³	Financial resources (EUR)
37.8 (11.8 subsidy-financed, 26 fee-financed)	7,899,733

2.4.1. Promoting regulatory cooperation (EU-funded activities)

ACER takes an active role in assisting NRAs and in building a common regulatory culture among NRAs to promote the sound, efficient, and consistent exercise of their regulatory tasks under REMIT at Union level. Since wholesale energy markets encompass both commodity markets and derivatives markets and as price formation in both sectors is interlinked, ACER also cooperates with the European Securities and Markets Authority (ESMA) and national financial market authorities, but also with competition authorities, to ensure that a coordinated approach is taken on market integrity and transparency at Union level. In addition, ACER cooperates with competent supervisory authorities, international organisations and the administrations of third countries, in particular with those impacting the Union wholesale energy markets, in order to promote the harmonisation of the regulatory market integrity and transparency framework.

The presented tasks in the field of Promoting regulatory cooperation are not considered as being covered by Article 32(1)(b) of Regulation (EU) 2019/942 pursuant to which fees shall be due to ACER for its services related to collecting, handling, processing and analysing of information reported by market participants or by entities reporting on their behalf pursuant to Article 8 of REMIT. The Agency's tasks in the field of Promoting regulatory cooperation will continue to be financed by the Union budget and/or other funding sources made available.

In relation to the promotion of regulatory cooperation in the framework of REMIT, the Agency plans to work in the following areas and towards the following results in 2024:

Table 26: Market information and transparency annual objective 1 (EU-funded)

Objective 1: Promoting regulatory cooperation	
Expected results	<ul style="list-style-type: none"> Building a common regulatory culture among NRAs to promote the sound, efficient, and consistent exercise of their regulatory tasks under REMIT at Union level. Regulatory cooperation for a coordinated approach towards an increased integrity and transparency of wholesale energy markets. Fostering regulatory convergence and to avoid regulatory arbitrage resulting from different regulatory practices under REMIT.

¹³ The FTE allocation includes staff working on the deliverables under this activity, as well as a proportional allocation of staff in horizontal activities classified as 'operational' according to the methodology for Agencies job screening ('benchmarking'), in accordance with article 29(3) of the Framework Financial Regulation.

Main tasks/ processes	<ul style="list-style-type: none"> Assisting NRAs in exercising, at Union level, their regulatory tasks under REMIT performed in the Member States (Priority level 1A) Policy cooperation with NRAs and, where necessary, their coordination to aim at ensuring the coordinated and consistent application of REMIT (Priority level 1A) Policy cooperation with ESMA, competent national financial market authorities and other authorities at Union level, supervisory authorities, international organisations and the administrations of third countries to promote the harmonisation of the regulatory framework (Priority level 1B) 	
Main outputs	<ul style="list-style-type: none"> CEREMP for NRAs' national registers of market participants ACER Guidance to NRAs on the application of REMIT Coordination of stakeholder queries with NRAs Updated REMIT Q&A documents Potential coordinated policy documents Additional Memoranda of Understanding (MoUs) Exchange of information and/or meetings on the basis of existing MoUs. 	
Indicators	Target	Means and frequency of verification
% availability of the provided IT solutions to NRAs	99%	Monthly performance monitoring
% planned vs. delivered projects	90%	Monthly performance monitoring
Update of REMIT Q&A	≥1	Monthly performance monitoring
Regular meetings with the relevant authorities	≥ 1 meeting per cooperating authority	Monthly performance monitoring

2.4.2. REMIT analytics and information management (REMIT fee-funded activities)

REMIT data and information management have become an enabler which supports ACER's and NRAs' market monitoring activities and case-work according to Article 7(1) and (2) of REMIT to promote wholesale energy market integrity and transparency, but also ACER's wholesale energy monitoring and reporting activities according to Article 15 of the ARR ('Market Monitoring Report') and the Agency's monitoring of the implementation of network codes to promote market integration. It has the potential to support the monitoring activities and case-work of financial market authorities under EU financial market legislation and competition authorities under EU competition law and may foster sound policy-making.

REMIT data and information management activities aim to establish and manage information as a key asset to support market monitoring and provide reliable information on wholesale energy markets for the promotion of market integrity and transparency as a major pre-requisite for efficient market integration. This involves the delivery and operation of efficient and effective data and information-management services and increasing the Agency's information processing capacity, and requires management of in-house and outsourced information and technology services.

The REMIT data and information management activities performed by the MIT Department are closely coordinated with and supported by the MSC Department's market surveillance and conduct activities, in particular concerning the tasks REMIT reporting guidance, data collection, data analysis and the operation and enhancements of the Agency's REMIT Information Systems where the MSC Department is relying on IT solutions for the performance of its tasks provided by the MIT Department.

The Annual Report on the Agency activities under REMIT is a shared task of the MIT Department and the MSC Department.

ACER's REMIT data and information management activities provide the infrastructure fundamental for

collecting, handling, processing and analysing of information reported by market participants or by entities reporting on their behalf pursuant to Article 8 of REMIT, hence, as of 2021, will be funded by fees pursuant to Article 32(1)(b) of Regulation (EU) 2019/942.

In relation to the REMIT data and information management, the Agency plans to work in the following areas and towards the following deliverables in 2024:

I. **Regulatory cooperation, reporting guidance and policy activity to support the REMIT reporting mandate**

This deliverable comprises tasks related to regulatory cooperation, reporting guidance, the annual report on REMIT activities and the facilitation of stakeholder involvement.

ACER closely cooperates with NRAs on collecting, handling, processing and analysing of information collected pursuant to Article 8 of REMIT on an ongoing basis to foster regulatory convergence and to avoid regulatory arbitrage resulting from different regulatory practices under REMIT.

The Agency is tasked to provide guidance to reporting parties on data collection (Requirements for registered reporting parties, Manual of Procedures on data collection, Transaction Reporting User Manual, FAQs on data collection) according to Article 8 of REMIT and Articles 3(2), 5(2), 10(3) and 11(1) of Commission Implementing Regulation (EU) No 1348/2014. This requires a regular update of the guidance in the light of market developments (e.g., in case of new products admitted to trading at organised market places) and includes providing regular updates to the list of organised market places and to the list of standard contracts.

The Agency shall submit at least on an annual basis a Report to the Commission on its activities under REMIT according to Article 7(3) of REMIT. In such reports, ACER shall assess the operation and transparency of different categories of market places and ways of trading and, if necessary, make recommendations to the Commission as regards market rules, standards, and procedures which could improve market integrity and the functioning of the internal market. It may also evaluate whether any minimum requirements for organised markets could contribute to enhanced market transparency.

The Agency should inform stakeholders on different aspects of the implementation and operation of REMIT data collection according to Article 14 of Regulation (EU) 2019/942. Material updates of ACER's REMIT reporting guidance even require consultation of relevant parties according to Article 8 of REMIT and Articles 5(2), 10(3) and 11(1) of Commission Implementing Regulation (EU) No 1348/2014. Involvement of stakeholders will ensure wider acceptance of REMIT data collection and the effectiveness of any potential update of REMIT data collection.

Table 27: Market information and transparency annual objective 1 (REMIT fee-funded)

Objective 1:	Contribute to a coordinated, consistent and robust REMIT data reporting framework
Expected results	<ul style="list-style-type: none">Promote supervisory convergence in the area of data reporting, in close co-ordination with NRAs.Collecting, handling, processing and analysing of REMIT information collected according to Article 8 of REMIT.

Main tasks/ processes	<ul style="list-style-type: none"> Continue to contribute to a coordinated, consistent and robust REMIT regulatory framework for the purpose of market monitoring and promote supervisory convergence in the area of data reporting (Priority level 1A) Enable reporting parties to report data pursuant to Article 8 of REMIT in an efficient, effective and safe manner to the Agency (Priority level 1A) ACER will engage and co-operate with relevant stakeholders as required (Priority level 1A) ACER will publicly report about its activities under REMIT at least on an annual basis (Priority level 1A) 	
Main outputs	<ul style="list-style-type: none"> Contribution to a potential revision of the REMIT legal framework by the Commission Potential recommendations to the Commission to revise the REMIT reporting regime Potential recommendations to the Commission as regards market rules, standards, and procedures which could improve market integrity and the functioning of the internal market Coordination of potential breaches of Articles 8 and 9 of REMIT with NRAs Joint ACER-NRA projects on collecting, handling, processing and analysing of information Review of the Transaction Reporting User Manual Review of the Manual of Procedures on transaction and fundamental data reporting, as required Review of the Requirements for RRM, as required Provision of additional FAQs on data collection, as required Published and regularly updated list of organised market places Published and regularly updated list of standard contracts Contribution to the Agency's Annual Activity Report Contribution to the Agency's Market Monitoring Report Publication of the REMIT Quarterly reports REMIT Portal Public consultations Targeted consultations of relevant parties Stakeholder roundtable meetings and webinars Ad-hoc expert group meetings REMIT Forum. 	
Indicators	Target	Means and frequency of verification
Number of relevant coordination meetings with NRAs	8	Monthly performance monitoring
Update of TRUM as key achievement	≥1	Monthly performance monitoring
Update of FAQs on data collection	≥1	Monthly performance monitoring
Update of MoP on data collection as required	As required	Monthly performance monitoring
Update of the RRM requirements	As required	Monthly performance monitoring
Updates of the List of OMPs	4	Monthly performance monitoring
Updates of the List of Standard Contracts	4	Monthly performance monitoring
Percentage of REMIT stakeholder queries on REMIT data collection answered	90%	Monthly performance monitoring
% of general REMIT stakeholder queries coordinates with NRAs, if needed, and answered	90%	Monthly performance monitoring
% planned vs. delivered projects	Yoy improvement	Monthly performance monitoring
Publication of REMIT Quarterly	4	Monthly performance monitoring

II. Regulatory registration and supervision of reporting parties

This deliverable comprises the tasks related to the European register of market participants and the registration and compliance monitoring of registered reporting parties.

ACER's European register of market participants was established for the purpose of data collection under REMIT and is based on the information provided by NRAs on an ongoing basis (Articles 8 and 9 of REMIT; Article 10(2) of Commission Implementing Regulation (EU) No 1348/2014). The Agency has

made publicly available parts of the European register of market participants to facilitate reporting according to Article 8 of REMIT, in particular the market participants registered and their ACER registration and other unique identification codes which are a prerequisite to identify the reporting parties when reporting data to ACER pursuant to Article 8 of REMIT. This is also why Article 10(2) of Commission Implementing Regulation (EU) No 1348/2014 requires market participants to identify themselves or to be identified by the third party reporting on their behalf shall use the ACER code which the market participant received or the unique market participant code which the market participant provided while registering in accordance with Article 9 of REMIT.

ACER assesses registration applications under REMIT and its Implementing Regulation and monitors the compliance of registered reporting parties which involves day-to-day supervision through a risk-based approach with a particular focus on data quality and technical and operational requirements to ensure operational reliability pursuant to Article 8 of REMIT and Article 11(1) of Commission Implementing Regulation (EU) No 1348/2014. There are currently 118 reporting parties registered with the Agency as so-called Registered Reporting Mechanisms (RRMs). As of 2021, this task includes the provision of support services for the collection of REMIT fees from registered reporting parties.

ACER is also registering Inside Information Platforms and Transparency Platforms disclosing inside information on behalf of market participants for the efficient, effective and safe collection of inside information through web feeds (Article 8 of REMIT; Articles 10(1) and 11(1) of Commission Implementing Regulation (EU) No 1348/2014).

Table 28: Market information and transparency annual objective 2 (REMIT fee-funded)

Objective 2: Regulatory registration and supervision of reporting parties		
Expected results	<ul style="list-style-type: none"> • Ensure efficient, effective and safe exchange and handling of information. • Collecting, handling, processing and analysing of REMIT information collected according to Article 8 of REMIT. 	
Main tasks/ processes	<ul style="list-style-type: none"> • Maintenance of the European Register of Market Participants with more than 14,000 market participants registered and transmitted to ACER by NRAs to identify market participants for reporting purposes when reporting to ACER (Priority level 1A). • Registration and enrolment of more than 100 RRM for the reporting of records of transactions and fundamental data and around 20 platforms for the collection of inside information as well as compliance monitoring of these entities by ACER on a risk-based approach (Priority level 1A). • Enable reporting parties to report data pursuant to Article 8 of REMIT in an efficient, effective and safe manner to the Agency (Priority level 1A). • Ensuring efficient, effective and safe exchange and handling of information (Priority level 1A). 	
Main outputs	<ul style="list-style-type: none"> • Publication of the European register of market participants and continuous updates • Processed new registration applications • Assessment of whether changes to the current RRM registrations (structural changes of entities, changes in technical and organisational requirements etc.) are compliant with Article 11 (1) of REMIT Implementing Regulation and facilitate the changes by bilateral communication with the RRM and related amendments in the system • Engagement with individual registered reporting parties, audits, thematic reports and letters addressed to registered reporting parties identifying risks and requesting remediation in alignment with key supervisory priorities. 	
Indicators	Target	Means and frequency of verification
% Availability of the publicly made available parts of the European register of market participants on the Agency's REMIT portal	99% service availability	Monthly performance monitoring

% planned vs. delivered actions of the RRM monitoring strategy	90%	Monthly performance monitoring
Completeness of information	95%	Monthly performance monitoring
Accuracy of information	95%	Monthly performance monitoring
Timeliness of information	95%	Monthly performance monitoring
The time a reporting party takes to proceed to remedial actions following ACER's supervisory action within the time designated	75%	Monthly performance monitoring

III. Data analysis and dissemination

This deliverable comprises the tasks data analysis and making available REMIT data for scientific and transparency purposes. Against the background of its legal mandate under Articles 7(3) and 8 of REMIT and Article 11 of Commission Implementing Regulation (EU) No 1348/2014, ACER will continue performing data analysis and giving attention to the quality of reported data under REMIT, as a precondition to data-driven monitoring, through action plans and methodologies and will work on the implementation of the data strategy. This task was identified as a continued priority for market monitoring and is decisive for all REMIT data users. This is a task the Market Surveillance and Conduct Department contributes to.

According to Article 12(2) of REMIT, ACER may publish parts of the information it possesses to enhance transparency in wholesale energy markets pursuant to Article 12(2) of REMIT. Transparency has the power to create a level playing field, reduce the scope for anti-competitive practices and more generally, increase market participants' confidence in fair pricing mechanisms. REMIT regulates not only integrity, but also transparency of wholesale energy markets in order to guarantee that the relevant information is available to market operators. The disclosure of the information that is deemed relevant in light of the efficient functioning of the market, affects the possibility for market participants to receive efficient market signals before making their choices. Current experiences indicate that there is still a need to further promote transparency in wholesale energy markets.

The Agency is also tasked to make its non-sensitive trade database available for scientific purposes pursuant to Article 12(2) of REMIT. In the past, this activity was limited to the Agency's cooperation with the European Commission's Joint Research Centre. Since 2022, the Agency aims at establishing and making available a dataset which will allow cooperating with universities and research institutes at Union level. However, the scope of the activity will heavily depend on available ACER resources.

Table 29: Market information and transparency annual objective 3 (REMIT fee-funded)

Objective 3: Data analysis and dissemination	
Expected results	<ul style="list-style-type: none"> Assure data quality, integrity, transparency and usability of information. Collecting, handling, processing and analysing of information collected according to Article 8 of REMIT.
Main tasks/ processes	<ul style="list-style-type: none"> Perform market data analysis in order to assure data quality, integrity and usability in close co-ordination with NRAs (Priority level 1A) Making available REMIT data for scientific and transparency purposes (Priority level 2)

Main outputs	<ul style="list-style-type: none">• Data processes to support market monitoring and data analysis• Ongoing data analysis projects/reports• Assess the operation and transparency of different categories of market places and ways of trading and, if necessary, make recommendations to the Commission as regards market rules, standards, and procedures which could improve market integrity and the functioning of the internal market• Report on the evaluation whether any minimum requirements for organised markets could contribute to enhanced market transparency• Making available of REMIT data sets to researchers from universities and research institutes for scientific purposes• Making publicly available parts of the information the Agency possesses, provided that commercially sensitive information on individual market participants or individual transactions or individual market places is not disclosed and cannot be inferred.	
Indicators	Target	Means and frequency of verification
% planned vs. delivered actions of the REMIT data strategy	90%	Monthly performance monitoring
% planned vs. delivered data projects	90%	Monthly performance monitoring
Integrity of information	95%	Monthly performance monitoring
Consistency of information	95%	Monthly performance monitoring
Contribution to ACER publications using REMIT market data	≥ 1	Monthly performance monitoring
Engagement in scientific data sharing project	≥ 1	Monthly performance monitoring
Publication of ACER's assessment of the operation and transparency of different categories of market places and ways of trading and evaluation whether any minimum requirements for organised markets could contribute to enhanced market transparency	≥ 1	Monthly performance monitoring

IV. Data collection, data management and data sharing

This deliverable comprises the tasks data collection and data sharing and the operation and enhancement of the Agency's REMIT Information Systems ensuring operational reliability. The Agency is tasked to collect records of wholesale energy market transactions, including orders to trade from EU market participants at pan-European level.

The Agency shall also establish mechanisms to share information it receives in accordance with Articles 7(1) and 8 of REMIT with NRAs competent financial market authorities of the Member States, NCAs, ESMA and other relevant authorities. For the purpose of carrying out their market monitoring of wholesale energy markets at national level according to Article 7(2) of REMIT, NRAs shall have access to relevant information held by the Agency which it has collected in accordance with Article 7(1) of REMIT, subject to Article 10(2) of REMIT. The Agency is currently sharing relevant REMIT information with NRAs on an ongoing basis and with other authorities at Union level on an ad hoc request basis. Other authorities from the Member States are asked to refer to the relevant NRA at national level.

For the purpose of collecting, handling, processing and analysing information, ACER operates its REMIT Information Systems ARIS. According to Article 12(1) of REMIT, the Agency shall ensure the confidentiality, integrity and protection of the information received pursuant to Article 4(2) and Articles 8 and 10 of REMIT. The Agency shall take all necessary measures to prevent any misuse of, and unauthorised access to, the information maintained in its systems. In addition, the Agency has to fulfil data protection obligations relating to the processing of personal data under relevant EU data protection legislation.

Table 30: Market information and transparency annual objective 4 (REMIT fee-funded)

Objective 4: Data collection, data management and data sharing		
Expected results	<ul style="list-style-type: none"> • Increase integrity and transparency in wholesale energy markets. • Collecting, handling, processing and analysing of information collected according to Article 8 of REMIT. 	
Main tasks/ processes	<ul style="list-style-type: none"> • Collecting of information reported by reporting parties in an efficient, effective and safe manner (Priority level 1A) • Providing high-quality REMIT data for monitoring purposes of ACER, NRAs and other relevant authorities (Priority level 1A) • Operate the Agency's REMIT Information Systems operationally reliable (Priority level 1A) 	
Main outputs	<ul style="list-style-type: none"> • Continuous management of records of wholesale energy market transactions, including orders to trade, derivatives, fundamental data and inside information collected • Provision of REMIT information services to internal ACER users, NRAs and reporting parties • Projects to enhance data collection, data processing and data sharing • Sharing of relevant REMIT data with NRAs through ARIS on an ongoing basis and with other authorities on an ad hoc basis • Maintenance and continuous operations of the Agency's REMIT Information Systems • Enhancements of the Agency's REMIT Information Systems, or components thereof • Application and IT service management • Identify sources of operational risk and minimise them through the development of appropriate systems, controls and procedures. 	
Indicators	Target	Means and frequency of verification
% service availability of data collection, data management and data sharing services	99%	Monthly performance monitoring
% of open tickets versus closed	90%	Monthly performance monitoring
% planned vs. delivered projects	90%	Monthly performance monitoring
Time from discovery of an information security incident/issue until resolution	72 hours	Monthly performance monitoring

2.4.3. ACER data and information management (EU funded activity)

Data and information that the Agency collects, manages and provides to the users is a key enabler to success, supporting the drive to be a forward-looking and data-driven EU Agency that operates efficiently. Good quality data and information handled well and available quickly allows the Agency to gain deeper insight into the subject matter and to be more efficient at identifying and tackling risks.

The Agency shall continue to implement technical and organisational requirements to ensure data excellence. The activities related to data and information management will continue to provide both internal and external customers with services related to data collection, data quality, and data management in the field of electricity and gas markets. Data collection and data management for the Electricity and Infrastructure, gas and retail departments are general tasks and enablers for providing ACER with the information necessary for the purpose of carrying out Agency's tasks under Regulation (EU) 2019/942. The Agency's tasks in the field of data and information management will continue to be financed by the Union budget and/or other funding sources made available.¹⁴

¹⁴ The presented objective in the field of Data excellence related to data collection, data quality and data management outside the scope of REMIT are not considered as being covered by Article 32(1)(b) of Regulation (EU) 2019/942 pursuant to which fees shall be due to ACER for its services related to collecting, handling,

Table 31: Market information and transparency annual objective 2 (EU-funded)

Objective 2: Data excellence: Information management for the electricity and gas departments		
Expected results	<ul style="list-style-type: none"> Data collection and data management, including making information available to support the Agency's mandate. 	
Main tasks/processes	<ul style="list-style-type: none"> Information management for the electricity and gas departments (Priority level 1A) Real-time LNG market data collection for the purpose of the assessments (Priority level 1A) 	
Main outputs	<ul style="list-style-type: none"> Implementation of the ACER data strategy Implementation of ACER data governance and policies Develop new data marts and make information and tools available Implement ACER information security policy for business IT systems and data 	
Indicators	Target	Means and frequency of verification
% delivered vs. planned actions from the ACER data strategy	90%	Monthly performance monitoring
% delivered vs. planned actions for implementation of Data governance and policies	90%	Monthly performance monitoring

2.4.4. Delivery of an LNG price assessment/benchmark as energy crisis response to enhance market transparency (EU funded activity)

Over the last years, the Commission has put forward and implemented several initiatives, gradually moving from providing guidance to Member States to setting up an integrated security of supply strategy, underpinned by legal instruments where necessary. This included, most recently, the emergency intervention to address high energy prices, featuring for instance a coordinated reduction of electricity demand (notably in peak hours), an improved Member States toolbox to protect consumers and companies from high energy prices, and a solidarity contribution for the fossil sector.

Council Regulation (EU) 2022/2576 “Enhancing solidarity through better coordination of gas purchases, reliable price benchmarks and exchanges of gas across borders” entered into force. The Regulation tasks ACER with producing and publishing a new daily LNG price assessment starting and a daily LNG benchmark.

The Regulation grants ACER the necessary powers to collect the transaction data needed for the calculation of the LNG benchmark, building on and reinforcing the tasks and powers ACER already has under REMIT and the REMIT Implementing Regulation.

These tasks are financed by the Union budget and/or other funding sources made available.

Table 32: Market information and transparency annual objective 3 (EU-funded)

Objective 3: LNG price assessments/benchmarks	
Expected results	<ul style="list-style-type: none"> Contribute to the completion of the IEM Enhancing transparency of EU wholesale energy markets
Main tasks/processes	<ul style="list-style-type: none"> Data analysis (Priority level: 1A) Assessment and publication of LNG price assessments and/or benchmarks (Priority level: 1A).

processing and analysing of information reported by market participants or by entities reporting on their behalf pursuant to Article 8 of REMIT.

Main outputs	<ul style="list-style-type: none"> • Development and maintenance of IT solution for collection and publication of data • Assessment and publication of daily LNG price assessments and benchmark • Implementation of ACER information security policy for business IT systems and data 	
Indicators	Target	Means and frequency of verification
Data collection according to plan	Yes; daily data collection	Monthly performance monitoring
Publication of price assessments/benchmarks according to plan	Yes; daily publications	Monthly performance monitoring

2.5. Market surveillance and conduct (operational)

The Agency's Market Surveillance and Conduct Department promotes the integrity of wholesale energy market. The Department's main activities include:

- i. On a daily basis, assessing gas and electricity market data on anomalous instances and for this purpose implementing surveillance tools to detect potential instances of market abuse
- ii. Notifying and referring suspected market abuse instances to NRAs and other relevant authorities
- iii. Requesting and coordinating investigations performed by NRAs
- iv. Providing guidance to NRAs on market abuse definitions, and
- v. Providing operational assistance to a requesting NRA on their REMIT investigation (deprioritised).

The most resource-intensive activity is the analysis of the data reported by market participants and other reporting parties and collected by the Agency¹⁵.

To monitor wholesale energy markets in the most efficient and effective manner, the Agency analyses the trading and fundamental data in three steps:

- first, an automatic screening of the REMIT data performed by a dedicated screening IT tool (SMARTS) on the basis of predefined "alerts" produced by ACER, to detect anomalous instances; if the data fulfils the alert logic the alert "triggers"
- second, the manual assessment of the automatically triggered alerts by a surveillance expert to validate the alert, including the checking of the correctness of the data and possible false positives¹⁶, and

¹⁵ This includes enhancing the quality of the data to a level that enables its efficient and effective use for market monitoring. This includes validating the reported data, as well as auditing and correcting inconsistencies in the assessed data, a task to which the MSC Department contributes.

¹⁶ In the course of 2019, the Agency began to enhance its surveillance methodology to address the increasing number of triggered alerts, which need to be assessed by surveillance experts. The increase in alerts is due to the increase in data points while the number of surveillance experts remain unchanged. With the enhanced methodology, the Agency aims to explore how to further automate the processing of triggered alerts to e.g., reduce the need for specifically manual assessment.

- subsequently, on the basis of a market surveillance strategy agreed between the Agency and NRAs, a preliminary initial assessment of anomalous instances to identify suspicious practices that may amount to market abuse.

Another key pillar activity that promotes the integrity of the wholesale energy market, is formed by the tasks performed by the Agency aiming at ensuring that all NRAs and other relevant authorities carry out their tasks under REMIT in a coordinated and consistent manner, which is done mainly through case coordination and publishing Guidance to NRAs on the application of market abuse prohibitions. It is worth mentioning that the Agency also monitors and coordinates investigatory activities involving wholesale energy derivatives i.e., financial products and hence notifies the appropriate financial authorities should it detect potential instances of market abuse.

Since 2019, through the recast of the Agency's founding regulation, the Agency become also responsible for providing operational assistance to NRAs upon their request to support their investigations into suspicious behaviour from market participants in wholesale energy markets. The Agency assessed¹⁷ that the additional resources it would require, should it not reject any of the requests for assistance from NRAs, amounts to a significant increase in additional number of staff. These resources have not been provided to the Agency and consequently this task is currently deprioritised and not performed.

All departmental tasks will be financed through REMIT fees on the basis of Article 32(1)(b) of Regulation (EU) 2019/942 as of 2021, except for providing operational assistance to a requesting NRA on its REMIT investigation and the activities related to the gas MCM.

Table 33: Total resources allocated to the SAA Market Surveillance and Conduct

Human resources (FTEs) ¹⁸	Financial resources (EUR)
22.8 (7.8 subsidy-financed, 15 fees-financed)	4,764,918

The Agency plans to work in 2024 in the following areas and towards the following deliverables in relation to the market surveillance of trading activities in EU wholesale energy markets.

Table 34: Market surveillance and conduct annual objective 1

Objective 1:	Ensuring the integrity of wholesale energy markets and delivering trustworthy market outcomes for EU energy consumers
Expected results	<ul style="list-style-type: none"> • Detect and prevent trading based on inside information and market manipulation according to Article 7 of REMIT • Increased integrity and transparency of wholesale energy markets.

¹⁷ See: Note on the resources required to provide operational assistance to the NRAs on REMIT investigations pursuant to Article 6(8) of Regulation (EU) 2019/942.

¹⁸ The FTE allocation includes staff working on the deliverables under this activity, as well as a proportional allocation of staff in horizontal activities classified as 'operational' according to the methodology for Agencies job screening ('benchmarking'), in accordance with article 29(3) of the Framework Financial Regulation.

Main tasks/ processes	Market monitoring of trading activity in wholesale energy markets to detect and prevent trading based on inside information and market manipulation according to Article 7 of REMIT, in cooperation with NRAs, on the basis of data collected in accordance with the REMIT implementing acts, the Agency's surveillance strategy and further development and operation of the Agency's market surveillance solution, including the dissemination to NRAs of suspicious trading activities in a secure way. That is, analysing the available collected and validated REMIT data to detect suspected instances of market abuse; contributing to improving the available collected REMIT data; preparing detailed assessments with factual analyses including an economic and legal assessment to be notified in a secure way to national authorities for their investigation; and screening, registering and assessing notifications on suspicious trading instances reported by national authorities, persons professionally arranging transactions, market parties and other entities. (Priority level 1A)		
Main outputs	<ul style="list-style-type: none"> Triggered alerts and initial assessments of potential market abuse cases Initial assessments and notifying relevant regulatory authorities of potential abusive behaviour according to Article 16(4) of Reg. (EU) 1227/2011. 		
Indicators	Target	Means and frequency of verification	
% of high priority alerts manually screened	100%	Monthly performance report	
# of initial assessments sent to relevant authorities	>16	Monthly performance report	

Table 35: Market surveillance and conduct annual objective 2

Objective 2:	Ensuring a consistent application of market abuse provisions by NRAs in order secure effective REMIT framework		
Expected results	<ul style="list-style-type: none"> To foster regulatory convergence and to avoid regulatory arbitrage resulting from different regulatory practices under REMIT 		
Main tasks/ processes	<p>This task includes all activities performed by ACER related to ensuring coordination and consistency in the application of REMIT by NRAs to cases of market abuse (Articles 3 and 5) and related to information disclosure, reporting, registration, and monitoring obligations (Articles 4, 8, 9, and 15). It includes the following activities:</p> <ul style="list-style-type: none"> case coordination case consistency development, consultation, and issuance of ACER Guidance statutory meetings involving the discussion of REMIT cases. <p>That is,</p> <ul style="list-style-type: none"> notifying ESMA and other relevant supervisory authorities on potential cases of market abuse coordinating and cooperating with NRAs on REMIT cases reviews, investigations, and enforcement actions taking actions to ensure consistency in the application of REMIT by NRAs establishing and managing investigatory groups providing guidance on the application of REMIT on the market abuse provisions; and developing and enhancing of specific IT tools that can support its surveillance and conduct tasks (Priority level 1A) 		
Main outputs	<ul style="list-style-type: none"> Notifications on REMIT cases by ACER and triage and review of received Notifications from NRAs (and Persons professionally arranging transactions - PPATs) based on the data received under Article 8 Cooperation between ACER and NRAs and among NRAs on REMIT cases Coordination meetings with NRAs on the consistent application of market abuse provisions in REMIT (e.g., MM SC) Processing of requests from ACER and updates from NRAs Establishment and coordination of investigatory groups Reviews by ACER of potential REMIT breach assessments by NRAs (closing and consistency notes) Publication of Guidance to NRAs on the application of REMIT market abuse provisions 		

Indicators	Target	Means and frequency of verification
% of REMIT breach cases pro-actively followed by the Agency	> 25%	Monthly performance report
Number of REMIT breach cases triaged and reviewed on cooperation needs	>100	Monthly performance report
Number of interactions on market abuse cases to ensure a coordinated and consistent approach (documents and requests sent)/year	>800	Monthly performance report
Number of statutory meetings (>50% of the target group) organised and chaired by the MSC department	>5	Monthly performance report
Number of cross border investigatory groups under management	1	Monthly performance report
% of REMIT market abuse enforcement Decisions (Articles 3 and 5) by EU NRAs quoting the ACER Guidance	>=75%	Monthly performance report

Table 36: Market surveillance and conduct annual objective 3

Objective 3: Development and enhancement of applied surveillance and conduct IT tools		
Expected results	<ul style="list-style-type: none"> Improvements to the Agency's: main surveillance tool for market surveillance, case coordination platform, notification platform. 	
Main tasks/ processes	<p>Development and enhancement of detailed business requirements to enhance existing IT tools (Priority level 1A)</p> <ul style="list-style-type: none"> Development and implementation of new alerts Enhancement of existing alerts Delivery of surveillance tool enhancements. Development of in-house surveillance tools User testing of new deploys of the tools. Enhancement of case coordination tools Enhancement of notification tools 	
Main outputs	<ul style="list-style-type: none"> The development and enhancements of the Agency's main surveillance tool for market surveillance Development of new alerts for detecting potential market abuse Enhancements of existing alerts for improved detection of potential market abuse The development and enhancements of the Agency's Notification Platform (NP) and Case Management Tool (CMT). 	
Indicators	Target	Means and frequency of verification
Number of alert enhancements implemented	>30	Monthly performance report
Number of alerts developed and implemented	>4	Monthly performance report
Number of new Case Management Tool (CMT) PowerBI improvements implemented	>15	Monthly performance report
Number of Notification Platform and CMT issues/bugs/improvements documented for solving	>15	Monthly performance report

Table 37: Market surveillance and conduct annual objective 4

Objective 4: Ensure cooperation between public authorities dealing with related matters, e.g. case cooperation with ESMA, competent national financial market authorities and with supervisory authorities, international organizations and the administrations of third countries (fee financed)		
Expected results	<ul style="list-style-type: none"> Increased integrity and transparency of wholesale energy markets Ensuring that REMIT, MAR and other related regulations/legislations are applied in a coordinated way by the concerned relevant authorities Ensuring a consistent approach is the application of REMIT and MAR provisions. 	
Main tasks/ processes	<ul style="list-style-type: none"> Ensure cooperation between public authorities dealing with related matters including cases. (Priority level 1B) <ul style="list-style-type: none"> At least two meetings per year at technical level with ESMA staff ETEF meeting once per year of substantial topics with NCAs, NRAs and ESMA 	

	<ul style="list-style-type: none"> Sending notifications to ESMA, competent national financial market authorities, other supervisory authorities, international organisations, and the administrations of third countries. 		
Main outputs	<ul style="list-style-type: none"> Notifications to ESMA, competent national financial market authorities, other supervisory authorities, international organisations, and the administrations of third countries Records pertaining to coordination meetings with ESMA, competent national financial market authorities, other supervisory authorities, international organisations and the administrations of third countries. 		
Indicators		Target	Means and frequency of verification
Number of large scale non-statutory meetings (ESMA, financial authorities, PPATs/OMPs, other entities)		4/year	CAAR, Annual

Table 38: Market surveillance and conduct annual objective 5

Objective 5: Support on REMIT breach investigation upon request from NRAs			
Expected results	<ul style="list-style-type: none"> Ensuring that NRAs carry out their tasks under REMIT in a coordinated and consistent way. Foster regulatory convergence and avoid regulatory arbitrage resulting from different regulatory practices under REMIT. 		
Main tasks/ processes	<p>The Agency may provide operational assistance to NRAs on their REMIT cases upon their request, an additional task for the Agency following the entering into force of Regulation (EU) 2019/942. In accordance with Article 33(10) of Regulation (EU) 2019/942, the European Commission ('EC') is to assess the financial and human resources available to ACER in order to allow it to fulfil its role under Regulation (EU) 2019/942. (Priority level 1B)</p> <p>This task includes 4 main tasks:</p> <ul style="list-style-type: none"> Support on investigation coordination and strategy Support on information gathering Support on information assessment Support on final reports/assessments. <p>For 2024 Agency lacks the funding for appropriate HR. This task is therefore fully deprioritised and each request for support from NRAs on their cases will not be acted on.</p>		
Main outputs	<ul style="list-style-type: none"> Support by providing case-specific training Support by organising dedicated workshops to brainstorm about the case merits and/or investigatory strategy with the NRAs Support by producing an opinion on the investigatory strategy Direct support by allocating ACER staff to the NRA investigation Support in the identification of the evidence to be collected Support in the process of gathering evidence Support in provision of ARIS data beyond the scope of current MoU on data sharing Support in designing specific investigatory steps for information gathering Support in analysing items of evidence collected by the NRA or extracted from ARIS during the investigation and producing a note on the findings for the NRA Specific support in helping NRA understand a specific item of the collected evidence Support in producing a gap analysis between the evidence collected at that stage by the NRA and the evidence required to prove the existence of market abuse Support in assessing the argumentation provided by market participants in defence of the behaviour deemed by the NRA as a breach of REMIT Support by providing recommendations to the NRA on the best practices that can benefit the reports/assessments that the NRA needs to produce based on the specific collected evidence Support by providing feedback and suggestions on the NRA's draft reports/assessments produced during the investigation process Support by providing an opinion on the case merits based on the draft reports/assessments provided by the NRA Support in drafting the Investigatory Report in order to produce the best possible report with the available evidence for the case. 		

Indicators	Target	Means and frequency of verification
n/a	n/a	n/a

2.5.1. Establish a gas market correction mechanism (MCM)

As mentioned above in Section 2.2, the Commission tasked ACER to produce and publish a daily LNG benchmark to improve representativeness of indexes. In addition and complementary to this task, the Commission (in COM(2022)668) proposes ACER to fulfil a role in a newly to be established gas market correction mechanism (MCM). Specifically, ACER shall continuously monitor whether the conditions for the operation of the MCM are fulfilled. The Commission also proposes ACER to monitor market-based intra-EU flows of gas as an element to suspend the MCM.

The Agency have been allocated 3 posts associated with this additional MCM task for the MSC Department. It is not clear at this stage whether the MCM will be prolonged early 2025. This task is financed by the Union budget.

HORIZONTAL TASKS

This section reports on the horizontal tasks that support the fulfilment of the operational objectives.

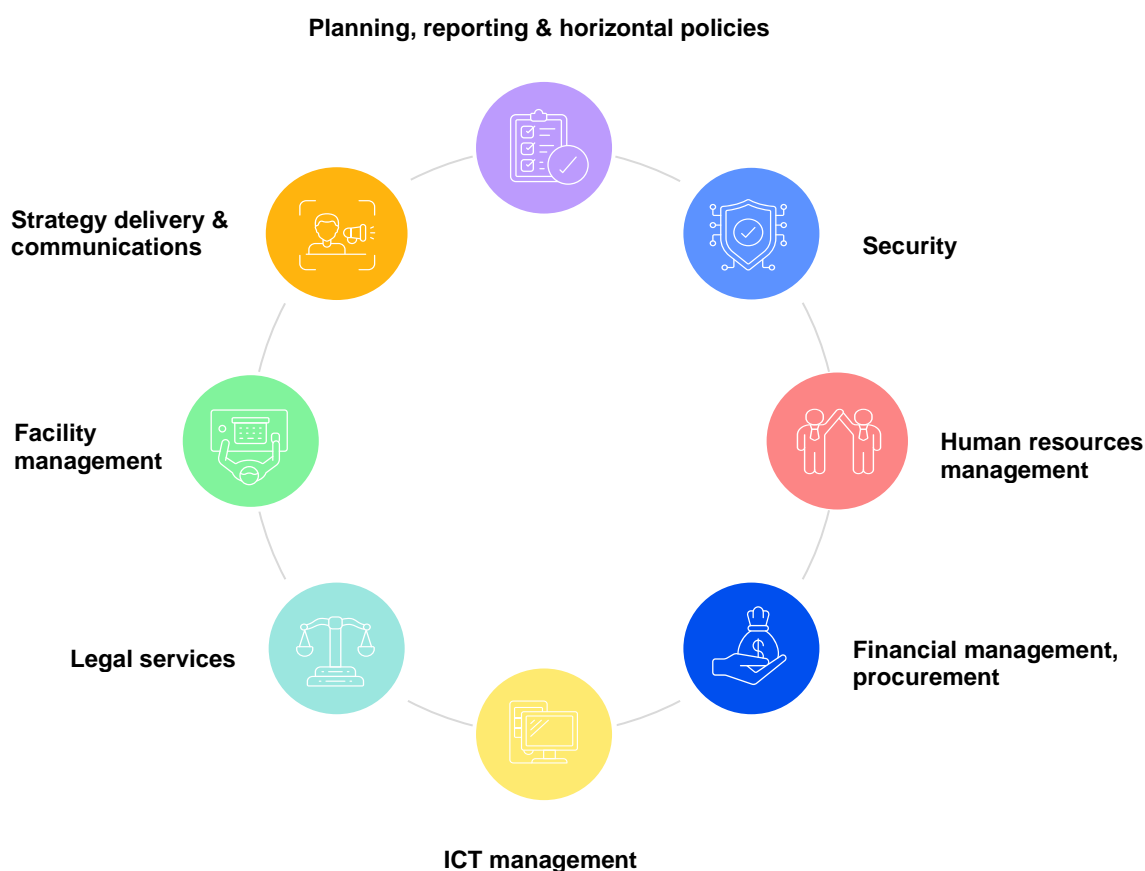


Figure 6: ACER's horizontal tasks

Through the work of the Agency's governance bodies, the Corporate Services Department, Legal Service Team and Strategy Delivery and Communications team, the Agency strives to enhance its organisational management to:

- Be acknowledged as an accountable organisation with good governance, efficient and compliant processes.
- Achieve efficiency gains through simplification measures in all horizontal tasks to reduce the administrative burden on the Agency, allowing to focus on impactful activities.
- Offer the best value for money to EU citizens.

Table 39: Total resources allocated to horizontal tasks¹⁹

Human resources (FTEs)	Financial resources (EUR)
31 (subsidy-financed)	6,478,617

¹⁹ Vis-à-vis the job screening methodology, the allocation of FTEs for horizontal tasks falls under the categories "Administrative support and coordination", "Neutral" and "Operational".

2.6. Governance, strategy and stakeholder management (horizontal)

Governance

The Agency's administrative and management structure is composed of:

- The Administrative Board
- The Board of Regulators
- The [Director](#)
- The Board of Appeal.

The Administrative Board (AB)

The AB is the **governing body of ACER** and ensures that ACER carries out its mission and performs its mandate. It is tasked with the appointment of the main bodies of ACER, including the Director, and with exercising budgetary powers. It also adopts the SPD, the anti-fraud strategy and rules for the prevention and management of conflicts of interest.

The AB is composed by [nine Members and nine alternates](#), appointed by the European institutions. The AB meetings' [minutes](#) and [official documents](#) are publicly available. The AB Secretariat is provided for by the Strategy Delivery and Communications team (1 FTE).

The Board of Regulators (BoR)

The BoR is **in charge of the regulatory policy** and provides opinions on various Agency Acts considered for adoption and issues guidance to the Director. It approves the Agency's SPD and the independent section on regulatory activities of the Consolidated Annual Activity report and is consulted on other key matters.

The BoR [members](#) are senior representatives of the 27 NRAs of Member States and non-voting representatives from EEA EFTA States, the European Commission and the EFTA Surveillance Authority. The BoR meetings' [minutes](#) and [official documents](#) are publicly available. The BoR Secretariat is provided for by the Strategy Delivery and Communications team - Brussels Liaison Office (2 FTEs).

ACER Board of Appeal (BoA)

The current BoA, composed of all new members and alternates, took office on 18 October 2021 and it is currently assessing its needs in light of the recent cases adopted and the projection on the future litigation as provided by ACER.

In order to ensure an adequate handling of appeal proceedings, depending on the complexity of the appeal, the Board of Appeal appoints one technical Rapporteur and one legal Rapporteur.

An external legal counsel is also available to assist the BoA in appeal proceedings. The contract will end in October 2024.

In 2024 the BoA intends to devote resources to

- i) the establishment of a case management tool,
- ii) the creation of a search database open to the public on precedents of the Board and
- iii) the amendment of the Rules of Procedure of the Board of Appeal, the practice directions to the parties and the instructions to the Registrar.

As there is little or no case law yet on energy or the functioning of ACER, the activity of the BoA is subject to adjustments in light of the rulings of the Union courts defining the contours of the prerogatives and mandate of the BoA. In addition, a number of judicial proceedings before the General Court, currently pending, may entail the adoption of new decisions by the BoA, ultimately significantly increasing its current workload.

In this context, and in light of the level of litigation, both in terms of sophistication and technical scope and detail, the issuing of decisions is currently not respecting the timeline foreseen in the ACER Regulation. In order to remedy this situation and avoid recurrences from happening, the BoA considers that it will require additional legal support in the course of the year 2024 by employing the current external legal consultant. In addition, legal and administrative support to the Registrar shall be established via external support services.

The Registry of the BoA is currently provided for by the Legal Services team, with two part-time FTE, namely one legal officer (AD8) and one assistant (AST4). The Registry draws on internal resources for the proof reading of draft decisions and on external experts for support in the execution of its tasks. The approach enables flexibility in handling multiple simultaneous appeal proceedings and business continuity at peak times, while ensuring the handling in house of a critical function foreseen in the ACER Regulation which can best achieve the objective of granting the independence and impartiality of the BoA decision-making process free from interferences from external parties, while maintaining control standards, institutional memory and homogeneity in the treatment of proceedings across time.

Table 40: Governance, strategy and stakeholder management annual objective 1

Objective 1: Ensure continued support and coordination of the Agency's governance bodies		
Expected result	<ul style="list-style-type: none"> Ensuring that ACER carries out its mission and performs its mandate 	
Main tasks/ processes	<ul style="list-style-type: none"> Support and coordination of the work of the AB, BoR, the Director and the BoA 	
Main outputs	<ul style="list-style-type: none"> All records pertaining to the functioning of the Agency's governance bodies (including agendas, minutes and legal acts) 	
Indicators	Target	Means and frequency of verification
Meetings organized as required and delivered as planned	Yes	Agendas and minutes
Satisfaction level of members of the governance bodies with the cooperation and coordination support from ACER	≥75%	Annual survey among board members

Strategy Delivery and Communications

The four main areas of the Strategy Delivery and Communications (SDC) team is to support the Agency's legal mandate by 1) providing support to the Director and the senior management on strategic files, organisation of senior management meetings and 2) delivering high quality strategic communication end products and outreach work. The SDC staff count also includes the 3) Brussels

Liaison Office covering the BoR (since January 2022) and the AB Secretariat staff (since late 2022). However, the NRA Officers and the officer managing the AB Secretariat work autonomously on these Board tasks in accordance to the rules of procedure for these Boards. SDC is also in charge of event management (4).

The regulatory landscape, in which ACER finds itself, evolved very much over the last years and continues to evolve. This has implications for how ACER engages with stakeholders and how it communicates its activities, how these fit within the wider European societal context and indeed which future priority efforts ACER may need to contribute to going forward. The Agency's remit continues to increase including its staff numbers hence so has the volume of communication and outreach activities.

The strategic communications portfolio of ACER is adapting to changing circumstances as the Agency is, for example, called to issue more decisions.

This has resulted in a considerable increase in interaction with the EU media, including numerous national outlets. At the same time, it is warranted that more stakeholder-oriented communications are used to explain ACER's work and its rationale.

Two main objectives

On the strategic communication front, this means preparing and implementing the 2024-2026 successor to the AB approved 2021-2023 communication strategy with a focus on an energy content-rich and an attractive ACER website; timely, clear and relevant external communication campaigns (social media, website, events, infographics and increasing audio-visual content) that explain ACER's deliverables; and transparency toward stakeholders on what the Agency does.

On the outreach front, this entails enhancing communication with the European institutions, the NRAs and the external stakeholders, showing the added value brought by ACER within the European policy and energy regulatory context and explaining its work and its decisions.

On the strategy front, this entails, *inter alia*, supporting the Director in developing and updating strategic directions for the Agency and actions with middle- and long-term impact.

Table 41: Governance, strategy and stakeholder management annual objective 2

Objective 1: Maximise the impact of what ACER does via effective communications	
Expected result	<ul style="list-style-type: none"> Increased awareness of ACER as an Agency that helps drive the EU agenda in areas where it can add value.
Main tasks/ processes	<ul style="list-style-type: none"> Strategic communication work External stakeholders relations management Internal stakeholders relations management.
Main outputs	<ul style="list-style-type: none"> SDC Communication Digest (Digest tracking work progress and KPIs) ACER Press reviews Staff newsletter Infoflashes Support material for staff (e.g., guidelines, templates, etc.) Website content Social media campaigns Videos Media and public relations initiatives.

Indicators	Target	Means and frequency of verification
Page views (website)	5% growth	Bi-annual monitoring Europa Analytics statistics
Infoflash subscribers	5% increase	Bi-annual monitoring the Infoflash statistics
Social Media followers	5% growth	Bi-annual monitoring of social media statistics

Table 42: Governance, strategy and stakeholder management annual objective 3

Objective 2: Ensure a coordinated approach on stakeholder outreach		
Expected results	<ul style="list-style-type: none"> A cross-departmental stakeholder engagement approach. Horizontal approaches are used across the organisation when beneficial and warranted on specific ACER tasks. Joint stakeholder tools are more and more used, information is efficiently shared and messages and ACER positions to be delivered are being syndicated efficiently and effectively. 	
Main tasks/ processes	<ul style="list-style-type: none"> External stakeholders relations management Events/meetings activities Strategic communication work. 	
Main outputs	<ul style="list-style-type: none"> Stakeholder satisfaction survey and processing of results including publication of main results Internal roll-out and uptake of stakeholder tools (e.g., stakeholder mapping) Position papers on selected topics for which ACER together with NRAs can bring added value Strategic notes on stakeholder management and action plans Internal coordination meetings and organisation of outreach for primarily but not exclusively the Director Organisation of events Outreach end – products: presentations, briefings, etc. Adequate internal IT environment for coordination purposes (e.g., extranet) Communication strategy document. 	
Indicators	Target	Means and frequency of verification
Stakeholder overall ACER satisfaction rate	≥75%	Bi-annual survey among core stakeholders
Stakeholder satisfaction rate on engagement and external communication	≥75% answering yes	Bi-annual survey among core stakeholders
NRA satisfaction rate	≥75%	Bi-annual survey

2.7. Compliance, security and quality management (horizontal)

Legal Services

Operating in a horizontal, cross-sectoral manner, the Legal Services (LS) team provides impartial and independent legal advice to all departments, in order to support them in achieving the deliverables described in detail in the other sections of this SPD.

Access to documents requests received by the Agency, and the Agency's compliance with data protection, is equally followed up by respectively the Access to Documents Coordinator and the Data Protection Officer, both members of the LS.

In addition to the in-house tasks of legal support described above, LS provides legal support to the governance of the Agency. Aside from providing legal advice to the Director, the AB and the BoR when requested, LS provide the human resources to the Registry of the BoA.

Finally, the LS provides legal support in litigation procedures, either before the BoA, the General Court and the Court of Justice, or the Authority Authorised to Conclude Contracts of Employment.

In recent years, the Agency notes an increasing inclination of stakeholders (in particular TSOs) to appeal compared to the past. Moreover, nearly every single decision of the BoA that was not in favour of the appellant was further challenged before the General Court.²⁰

The Agency does not consider it likely that this trend would cease to persist in the near future. The various decisions which the Agency has been entrusted to take as a result of the CEP and which are described in greater detail in this SPD all relate to essential features of the electricity market, which are at the core of the internal electricity market. It is the Agency's ambition to support and actively implement the objectives of the CEP via its decisions. Unfortunately, as a corollary, it does imply that the Agency will also have to manage the additional workload stemming from the legal challenges against those decisions.

In light of all the above expectations of workload for the LS, the following objective can be identified.

Table 43: Compliance, security, and quality management annual objective 1

Objective 1:	Ensure the Agency is operating in compliance with necessary legal regulations, and internal and external guidelines and policies.
Expected results	<ul style="list-style-type: none"> • Increase in level of legal quality and robustness of the Agency deliverables concerned • Full compliance with personal data protection rules applicable to the Agency • Processing access to documents requests.
Main tasks/ processes	<ul style="list-style-type: none"> • Legal support to the deliverables of the Agency departments • Legal support to the governance of the Agency (Director, BoR, BoA, AB) • Management of appeals and complaints (legal) • Access to document applications management • Data protection.

²⁰ Whilst in the period 2015-2020 the BoA adopted 15 decisions, 13 appeals were lodged before the General Court against the BoA decisions (please note that the term to lodge an appeal before the General Court against the latest BoA decision has not yet closed).

Main outputs	<ul style="list-style-type: none">• AB, BoR and Director documentation (decisions, opinions, recommendations, reports, etc.)• Documents relating to appeals and court decisions• Institutional agreements (delegation agreements, working arrangements, regulatory documents)• Acquisition documentation (tenders, calls for proposal)• Legal commitments (contracts, non-disclosure agreements, licenses, etc.)• Data protection records (e.g., data protection notifications, etc.).		
	Indicators	Target	Means and frequency of verification
	% of deliverables (e.g., decisions, opinions, recommendations, reports) adopted by the Agency for which legal support was provided	100	ACER's website; continuous
	% of procurement procedures for which legal support was provided	100	ACER's website; continuous
	% of HR and budget implementation documents for which legal support was provided	100	Monthly budget execution reports; HR quarterly reports
	% of access to documents applications processed	100	Annual
% of personal data processing activities having a proper data protection notification	100	Register of processing activities; Continuous	
% of requests for legal support, advice and interpretation of existing applicable legislation and/or drafting of advice or acts including Rules of Procedure, SLAs, and Administrative Arrangements processed	100	Annual	
% of appeals before BoA and the ECJ courts and Art.90(2) complaints, Ombudsman for which legal support was provided	100	Annual; CAAR	

Audits and controls

Table 44: Compliance, security, and quality management annual objective 2

Objective 2: Ensure Agency fulfils statutory audit and control obligations	
Expected results	<ul style="list-style-type: none"> Reliability of reporting and safeguarding of assets and information Prevention, detection, correction and follow-up of fraud and irregularities Non-qualified opinion from the European Court of Auditors (ECA) Effective Internal Control System (ICS)²¹.
Main tasks/ processes	<ul style="list-style-type: none"> Audit activities <ul style="list-style-type: none"> Manage interaction with auditors (IAS, ECA) following the different steps of their respective audit procedures, manage audit reports, and implementation of recommendations until timely closure of each the audits. Control activities <ul style="list-style-type: none"> Implement the Agency's Anti-Fraud Strategy (AFS) action plan Continue strengthening the Agency's ICS implementing it, managing performance, and reporting Manage exceptions and non-compliance events Manage conflicts of interest Manage sensitive functions.
Main outputs	<ul style="list-style-type: none"> Report granting discharge to the Director Records produced during the Discharge procedure Audit reports action plans Records within the Performance Monitoring Tool ICS assessment reports Declaration of assurance in the CAAR AFS action plan implementation reports Sensitive functions management records Register of Exceptions and Non-compliance Events and associated records Declarations of interest and Declarations of commitment

²¹ ICF assessment result category

	<ul style="list-style-type: none"> Neutral verifier reports. 	
Indicators	Target	Means and frequency of verification
Non-qualified opinion received from ECA	Yes	ECA annual opinion
% of ECA recommendations implemented in time	75%	ECA annual opinion
% of IAS recommendations implemented in time	100%	IAS reports (frequency dependent on IAS)
Overall assessment of internal control system effectiveness	Category 1 or 2	ICF annual assessment report
% of AFS action plan actions timely implemented	90%	AFS action plan implementation reports
% of senior management and board members Declarations of Interest published	100%	Yearly (February) review of the Agency's webpage
Number of recurrent exceptions/non-compliance events	≤ 2	End-of-year review of Register of Exceptions and Non-compliance events

Security

Table 45: Compliance, security, and quality management annual objective 3

Objective 3: Ensure the necessary level of physical, personal and information security.		
Expected results	<ul style="list-style-type: none"> Ensure the security and safety of staff members as well as equipment, documents, information, files, etc. stored and used in the Agency's premises in line with the Agency's security policy and with EU applicable Regulations, as well as best practices issued by the main stakeholders in the area of security, information security, cybersecurity and business continuity (e.g., EC HR/DS, ENISA, CERT-EU and others) Ensuring appropriate security is in place for hybrid work practices, fits with purpose and is compliant with Policies and Regulations Implementing and adapting current practices according to the Cybersecurity and Information Security Regulations. 	
Main tasks/processes	<ul style="list-style-type: none"> Security management activities (including IT security) 	
Main outputs	<ul style="list-style-type: none"> Security incident reports Up to date security and fire safety rules Provision of trainings in the area of physical security, information security, cybersecurity and business continuity LISO reports Reports on operations/incidents/accidents access rights and accounts Report on the regular check of safety and security of systems and equipment Report on annual fire drill exercise. 	
Indicators	Target	Means and frequency of verification
% planned vs delivered actions in line with the adopted action plan of the Information Security Policy	≥80%	Annual risk assessment of all ICT services
% of attempts to compromise core systems detected by ACER or by CERT-EU within two weeks at the latest	95%	Via register of incidents verified every quarter
% of cyber security threats eliminated or with the impact mitigated and threats reported to management by ACER or by CERT-EU within two weeks at the latest	95%	Via register of incidents verified every quarter
Number of information security breaches/incidents detected and/or reported.	< than previous year	Via register of incidents verified every quarter
Local and remote backups and test of recovery process	Backup performed every 24 hours and test recovery performed.	Backup verified via backup system logs and recovery via test with CS-IT and MIT. Verification done weekly

Quality Management and Other Horizontal Activities

Table 46: Compliance, security, and quality management annual objective 4

Objective 4: Continue enhancing planning, risk management, monitoring, reporting and other horizontal activities		
Expected result	<ul style="list-style-type: none"> Support decision making through the application of performance-based management to develop agreement on goals, strategies for achieving goals and performance measurement systems Risk management (RM) is embedded in the planning and decision-making processes Ensuring the continuity of the Agency's critical activities (by operating in business continuity (BC) mode) Preserved institutional memory and adequate audit trails through efficient document and record management. 	
Main tasks/ processes	<ul style="list-style-type: none"> Planning activities (including SPD management, risk management, etc.) Reporting activities (including CAAR management, monthly/quarterly reports, etc.) Quality management activities Document management activities. 	
Main outputs	<ul style="list-style-type: none"> SPD CAAR Risk register Business continuity plans and other records Policies, processes, and procedures to manage the Agency's documents and records Quality management documentation and records (e.g., procedures, work instructions, guidelines, etc.) Training and awareness sessions. 	
Indicators	Target	Means and frequency of verification
Timely submission of the draft SPD	Yes	Official communications; in line with timeline
Timely adoption of CAAR	Yes	Website; in line with timeline
Timely adoption of SPD	Yes	Website; in line with timeline
% of indicator targets of the AWP achieved	85%	CAAR
Timely achievement of objectives of the AWP	85%	CAAR
% of quarterly monitoring reports are elaborated and submitted to the SM	100%	SM meeting records
Risk register update	2/year	Risk register; bi-annually

2.8. Resource management (horizontal)

The successful achievement of all Agency's strategic goals and ultimately its mandate requires sufficient resources, infrastructure, knowledge, and competences to be available and properly managed, maintaining a high level of efficiency, motivation, and staff well-being. Attracting talents and developing staff, organisation, processes, services, and tools to increase efficiency remains the focus of this area.

Table 47: Resource management annual objective 1

Objective 1: Continue to transform human resources management to provide effective and efficient human resource services		
Expected results	<ul style="list-style-type: none"> Maintain an engaged and effective workforce, assessing – on a regular basis – staff satisfaction Recruit resources in line with the Agency's updated Establishment Plan and the legal framework Ensure that staff members are appraised and offered continuous learning opportunities aimed to maintain and develop critical competences anticipating business needs Timely processed requests received from the European Ombudsman (EO), the European Anti-Fraud Office (OLAF) or any other EU Institutions and bodies. 	
Main tasks/ processes	<ul style="list-style-type: none"> Selection and recruitment (incl. inboarding) Staff administration and career management HRM projects and policies Implementation of the anti-harassment policy. 	
Main outputs	<ul style="list-style-type: none"> HR policies, procedures, instructions, etc. Legal documents (contracts of employment, etc.) HR working documents, manuals, guidance, etc. Appraisal and reclassification reports HR quarterly reports Table of implementing rules. 	
Indicators	Target	Means and frequency of verification
% of authorised posts of the annual establishment plan which are vacant at the end of the year, including job offers sent before 31st December (Average vacancy rate)	≤5%	Quarterly reports
Length of selection procedure	4 months since the post becomes vacant	Quarterly reports
Annual percentage of staff turnover	<15%	Quarterly reports
Annual average days of uncertified sick leave per staff member	< 10 days	Quarterly reports
% of staff satisfied or highly satisfied with the employment conditions at the Agency	2/3 of staff	Staff survey reports, Every two years
% of eligible Agency's staff subject to performance appraisal undergo evaluation in the yearly exercise	100%	Annual Appraisal Exercise conclusion
% of the identified activities are provided according to the Learning and development plan	90%	Quarterly reports

Table 48: Resource management annual objective 2

Objective 2: Plan, manage and report on the Agency budget, process all financial transactions, manage assets, and provide effective and efficient procurement services	
Expected result	<ul style="list-style-type: none"> Apply rules and processes in place to ensure accurate budget and procurement planning, implementation, and reporting, and apply current accounting standards and rules in order to draw accurate financial statements that present a fair view of the Agency's financial performance and position and receive an unqualified audit opinion.
Main tasks/ processes	<ul style="list-style-type: none"> Budget activities Finance and accounting activities

	<ul style="list-style-type: none"> Contracting and procurement activities. 		
Main outputs	<ul style="list-style-type: none"> Annual accounts Quarterly budget implementation reviews Quarterly collection reports Monthly budget execution reports Draft budget document Inventory committee reports and assets disposal report Ex-post controls reports Decisions on budget amendments, transfers Salary payments via the Paymaster Office (PMO) Procurement plan Procurement plan implementation reports Acquisition documentation Legal commitments (contracts, licenses, etc.). 		
Indicators		Target	Means and frequency of verification
% of commitment appropriations of year N		≥95%	Monthly budget execution reports
% of payments carried forward from year N-1		≥95%	Monthly budget execution reports
Collection rate of fees		≥95%	Quarterly collection reports
% of implementation of the adopted Procurement plan		≥90%	Quarterly reports
Final accounts adopted by the deadline (1 July)		Yes	Website; annual

Table 49: Resource management annual objective 3

Objective 3:	Establish and implement a coherent ICT architecture, tools and services to support the Agency's mandate.		
Expected results	<ul style="list-style-type: none"> ICT governance ensures the alignment of all ICT related activities towards the Agency's ICT and overall strategy. Especially by coordinating activities and finding synergies between the Agency's IT teams and Inter-Agency IT teams (e.g., ICT Advisory Committee - ICTAC network) allows efficient usage of resources. By involving all key stakeholders, evolving business requirements are timely addressed and implemented in the ICT service development lifecycle. Providing fit-for-purpose and fit-for-use services as defined in the Agency's annual ICT Action Plan. Provide high-quality IT support services to Agency staff to enable them performing their tasks effectively. 		
Main tasks/ processes	<ul style="list-style-type: none"> ICT strategy, governance, and development activities ICT maintenance and support activities 		
Main outputs	<ul style="list-style-type: none"> New IT solutions and further development of IT products Service desk statistics report Annual ICT Action Plan Weekly meeting of IT-Experts minutes/reports Information Communication Technology Steering Committee (ISC) meetings minutes/reports. 		
Indicators		Target	Means and frequency of verification
Number of regular meetings of ITSP		30	Weekly meeting minutes/reports
Number of regular meetings of ISC		2-3	Meetings minutes/reports
Number of ICTAC network meetings with ACER representatives		2	Bi-yearly meeting minutes/reports
Level of implementation of core ITSM (ITIL) processes [None/Basic/Advanced/Full]		Advanced	ITIL methodology adopted
% of planned critical actions in the annual ICT Action Plan implemented		100%	ISC meetings Minutes/reports

% of planned important actions in the annual ICT Action Plan implemented	80%	
Average staff rating of incident tickets	>4	Annual reports (Jira)

Table 50: Resource management annual objective 4

Objective 4: Provide staff and visitors with a functional, safe and healthy working environment.		
Expected results	<ul style="list-style-type: none"> The quality of facility management contributes to the efficiency and well-being of the Agency's staff and external experts, while reducing building and other service-related costs and environmental impact. Ensure proper assets management in order to safeguard the property of the Agency and minimise fraud. 	
Main tasks/ processes	<ul style="list-style-type: none"> Facilities and equipment management activities <ul style="list-style-type: none"> Asset management Key office services 	
Main outputs	<ul style="list-style-type: none"> General annual report Annual report (Jira) Quality management documentation and records (e.g., procedures, work instructions, etc.) MS Teams channel content and announcements. 	
Indicators	Target	Means and frequency of verification
% of delivered vs planned regular maintenance tasks	90%	Annual report
% of facility management tickets closed	80%	Annual reports (Jira)
Average staff rating of incident tickets	>3.5	Annual reports (Jira)

SECTION IV: ANNEXES



Annex I: Organisation chart (2023)

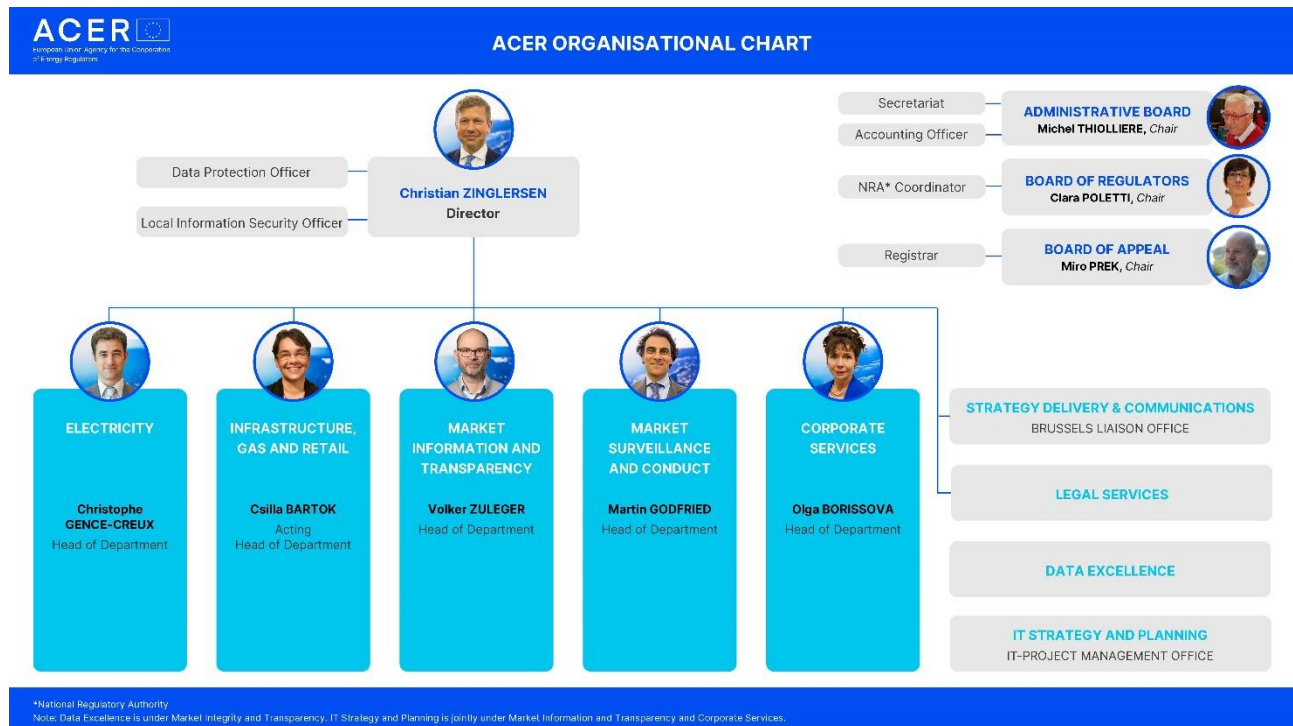


Figure 7: ACER's organisation chart

It should be noted that, at the time of revision this SPD, the Agency is undergoing a restructuring of its departments, and a new organisational chart is envisaged to take place as of February 2024.

Table 51: Number of staff in active service in the different departments as of December 2023

Contract type/ Department	SDC (+Dir)	LS	CS	IGR	ELE	MIT	MSC	Total
AD	6	5	7	13	15	15	16	77
AST		1	8	1	1	1		12
CA	3	2	7	6	7	10	6	41
SNE				1	2	2	1	6
Statutory Staff, SNEs	9	8	22	21	25	28	23	136
Interim	2		9	1	1	4		17
Trainee	1		2	4	5	4	5	21
GRAND TOTAL	12	8	33	26	31	36	28	174

Annex II: Resource allocation per activity 2024-2026

Table 52: Resource allocation per activity 2024-2026

	2023			2024			2025			2026		
	TA	CA& SNE (FTE)	Budget allocated	TA	CA& SNE (FTE)	Budget allocated	TA	CA& SNE (FTE)	Budget allocated	TA	CA& SNE (FTE)	Budget allocated
Internal electricity market	13.4	7.6	4,380,017	22.7	11.8	7,210,074	22.7	11.8	8,195,866	23.7	11.8	8,006,464
Internal gas market, decarbonised gases and hydrogen	8.0	6.1	2,940,868	12.2	6.6	3,928,968	13.2	6.6	4,703,714	16.2	6.6	5,142,180
Infrastructure and gas security of supply	12.2	5.1	3,608,299	9.7	1.4	2,319,763	9.7	2.4	2,874,492	10.7	2.4	2,954,498
Market information and transparency	20.2	13.6	7,049,741	22.2	15.6	7,899,733	30.2	16.6	11,117,870	32.2	18.6	11,457,137
Market surveillance and conduct	16.2	5.6	4,546,874	18.2	4.6	4,764,918	22.2	4.6	6,366,644	25.2	4.6	6,720,919
Horizontal tasks	21.0	9.0	6,257,167	22.0	9.0	6,478,617	25.0	9.0	8,077,085	25.0	9.0	7,668,163
TOTAL	91	47	28,782,967	107	49	32,602,072	123	51	41,335,672	133	53	41,949,361

The table above provides aggregated human and financial resources per activity. The related justification and brief information on **HR and financial resources** are provided under Section III for each activity. It includes the budget foreseen in the Commission's proposal for resources for the Agency but not the additional FTEs that the Agency may be assigned within the Gas Package or the revised TEN-E Regulation, as the breakdown of these posts was not known at the time of drafting.

With regard to new requests, the allocated staff is calculated as ½ FTE for the purposes of the Work Programme 2024, although indicated in full in the table, on the assumption that staff will be recruited progressively throughout the year.

As explained under Section III.1, the allocation of resources (FTE of Temporary Staff, Contract Agents and Seconded National Experts) against the different activities is carried out according to the methodology for Agencies job screening. Each job is identified according to one screening 'type': the three Screening *types* describe the general *role* of a job: administrative support and coordination, neutral and operational. Most jobs either fulfil an operational role, i.e., serving frontline activities (more or less directly serving the European citizen) or an administrative support and coordination role, as *enablers* of the operational jobs by being responsible e.g., for HR, ICT, logistics, etc. for their Agency. Financial management and control at Agency level and on-the-spot (external) audit are treated as neutral.

Annex III: Financial resources 2024-2026

Starting with the financial year 2021 the Agency envisaged collection of revenues from fees and charges that will change its income structure, making it partially subsidised from the EU budget.

The executed revenues, commitment and payment appropriations of the year 2022, the approved budget of the year 2023, the estimated revenues and expenditures of the upcoming years, and the budget outturns from the previous year are presented in the below tables.

Table 53: Revenue

REVENUES	2022	2023	2024		VAR 2024 / 2023 (%)	2025	2026
	Executed revenue	Revenue 2023	Agency request	Revenue expected to be approved		Estimated revenue	Estimated revenue
1 REVENUE FROM FEES AND CHARGES	9,653,812	10,164,368	12,439,431	12,439,431	22.38%	17,281,000	17,179,503
2 EU CONTRIBUTION	14,615,581	18,187,071	19,482,253	19,482,253	7.12%	23,301,691	23,913,746
of which Administrative (Title 1 and Title 2)	5,955,033	7,490,057	9,519,274	9,519,274	27.09%	9,743,191	11,535,246
of which Operational (Title 3)	8,367,444	9,519,274	9,486,000	9,486,000	3.47%	13,558,500	12,378,500
of which assigned revenues deriving from previous years' surpluses	293,103	1,529,162	476,978	476,978	-68.81%		
3 THIRD COUNTRIES CONTRIBUTION (incl. EFTA and candidate countries)	364,124	431,528	680,389	680,389	57.67%	752,981	856,112
of which EFTA							
of which Candidate Countries							
4 OTHER CONTRIBUTIONS							
5 ADMINISTRATIVE OPERATIONS							
6 REVENUES FROM SERVICES RENDERED AGAINST PAYMENT							
7 CORRECTION OF BUDGETARY IMBALANCES							
TOTAL REVENUES	24,643,374	28,782,967	32,602,072	32,602,072	13.27%	41,335,672	41,949,361

Table 54: Expenditure (allocation of expenditure from fees and charges – commitment appropriations)

EXPENDITURE	COMMITMENT APPROPRIATIONS					2025	2026
	2022 executed budget	FEES budget 2023	Draft Budget 2024		VAR 2024/ 2023		
			Agency request for FEES	Budget Approved		Estimated budget	Estimated budget
Title 1 - Staff Expenditure	3,411,148	4,069,955	4,820,792	4,820,792	18.45%	5,255,312	6,014,695
11 Salaries & allowances	3,411,148	3,893,502	4,413,673	4,413,673	13.36%	4,837,713	5,586,269
- of which establishment plan posts	2,597,243	2,618,597	3,630,226	3,630,226	38.63%	4,034,679	4,763,160
- of which external personnel	813,905	1,274,905	783,447	783,447	-38.55%	803,033	823,109
12 Expenditure relating to Staff recruitment		-	5,625	5,625		5,811	6,001
13 Mission expenses		-	-	-		-	-
14 Socio-medical infrastructure		-	18,208	18,208		18,208	18,208
15 Training		176,452	85,462	85,462	-51.57%	88,282	91,196
16 External Services		-	226,495	226,495		233,969	241,690
17 Receptions, events and representations		-	4,910	4,910		4,910	4,910
18 Social welfare		-	6,436	6,436		6,436	6,436
19 Other Staff related expenditure		-	59,983	59,983		59,983	59,983
Title 2 - Infrastructure and operating expenditure	267,020	249,796	910,333	910,333	264.43%	910,333	910,333
20 Rental of buildings and associated costs	267,020	249,796	370,433	370,433	48.29%	370,433	370,433
21 Information and communication technology		-	277,714	277,714		277,714	277,714
22 Movable property and associated costs		-	28,391	28,391		28,391	28,391
23 Current administrative expenditure		-	75,513	75,513		75,513	75,513
24 Postage / Telecommunications		-	1,601	1,601		1,601	1,601
25 Meeting expenses		-	42,693	42,693		42,693	42,693
26 Running costs in connection with operational activities		-	113,988	113,988		113,988	113,988
27 Information and publishing		-	-	-			
28 Studies		-	-	-		-	-
Title 3 - Operational expenditure	5,985,500	5,844,618	6,708,306	6,708,306	14.78%	7,725,312	7,230,401
Meetings	57,000	62,900	64,174	64,174	2.03%	65,778	65,778
REMIT operations	5,353,500	5,266,718	6,485,000	6,485,000	23.13%	7,040,179	6,545,268
Translation expenses		-	-	-		-	-
Expert consultations	575,000	515,000	42,688	42,688	-91.71%	500,000	500,000
Communication		-	116,444	116,444		119,355	119,355
TOTAL EXPENDITURE	9,663,669	10,164,368	12,439,431	12,439,431	22.38%	13,890,957	14,155,429

Table 55: Expenditure (allocation of expenditure from fees and charges – payment appropriations)

EXPENDITURE	PAYMENT APPROPRIATIONS					2025	2026
	2022 executed budget	FEES budget 2023	Draft Budget 2024		VAR 2024/ 2023	Estimated budget	Estimated budget
			Agency request for FEES	Budget Approved			
Title 1 - Staff Expenditure	2,940,360	4,069,955	4,820,792	4,820,792	18.45%	5,255,312	6,014,695
11 Salaries & allowances	2,940,360	3,893,502	4,413,673	4,413,673	13.36%	4,837,713	5,586,269
- of which establishment plan posts	2,215,832	2,618,597	3,630,226	3,630,226	38.63%	4,034,679	4,763,160
- of which external personnel	724,528	1,274,905	783,447	783,447	-38.55%	803,033	823,109
12 Expenditure relating to Staff recruitment		-	5,625	5,625		5,811	6,001
13 Mission expenses		-	-	-		-	-
14 Socio-medical infrastructure		-	18,208	18,208		18,208	18,208
15 Training		176,452	85,462	85,462	-51.57%	88,282	91,196
16 External Services		-	226,495	226,495		233,969	241,690
17 Receptions, events and representations		-	4,910	4,910		4,910	4,910
18 Social welfare		-	6,436	6,436		6,436	6,436
19 Other Staff related expenditure		-	59,983	59,983		59,983	59,983
Title 2 - Infrastructure and operating expenditure	413,177	249,796	910,333	910,333	264.43%	910,333	910,333
20 Rental of buildings and associated costs	413,177	249,796	370,433	370,433	48.29%	370,433	370,433
21 Information and communication technology		-	277,714	277,714		277,714	277,714
22 Movable property and associated costs		-	28,391	28,391		28,391	28,391
23 Current administrative expenditure		-	75,513	75,513		75,513	75,513
24 Postage / Telecommunications		-	1,601	1,601		1,601	1,601
25 Meeting expenses		-	42,693	42,693		42,693	42,693
26 Running costs in connection with operational activities		-	113,988	113,988		113,988	113,988
27 Information and publishing		-	-	-			
28 Studies		-	-	-		-	-
Title 3 - Operational expenditure	2,161,933	5,844,618	6,708,306	6,708,306	14.78%	7,725,312	7,230,401
Meetings	10,762	62,900	64,174	64,174	2.03%	65,778	65,778
REMIT operations	2,111,172	5,266,718	6,485,000	6,485,000	23.13%	7,040,179	6,545,268
Translation expenses		-	-	-		-	-
Expert consultations	40,000	515,000	42,688	42,688	-91.71%	500,000	500,000
Communication		-	116,444	116,444		119,355	119,355
TOTAL EXPENDITURE	5,515,471	10,164,368	12,439,431	12,439,431	22.38%	13,890,957	14,155,429

Table 56: Expenditure (allocation of expenditure from EU budget contribution – commitment appropriations)

EXPENDITURE	COMMITMENT APPROPRIATIONS					2025	2026
	2022 executed budget	Subsidy 2023	Draft Budget 2024		VAR 2024/2023	Estimated budget	Estimated budget
			Agency request for SUBSIDY	Budget Approved			
Title 1 - Staff Expenditure	8,824,670	11,396,532	12,391,671	12,391,671	8.73%	16,148,089	17,177,401
11 Salaries & allowances	7,164,299	9,528,293	10,826,566	10,826,566	13.63%	14,051,870	15,028,040
- of which establishment plan posts	5,586,363	8,019,780	8,555,760	8,555,760	6.68%	11,808,358	12,607,063
- of which external personnel	1,577,935	1,508,513	2,270,806	2,270,806	50.53%	2,243,513	2,421,977
12 Expenditure relating to Staff recruitment	12,107	30,000	20,725	20,725	-30.92%	32,189	34,061
13 Mission expenses	88,920	125,200	156,200	156,200	24.76%	157,200	157,200
14 Socio-medical infrastructure	43,320	36,500	67,092	67,092	83.81%	71,592	76,468
15 Training	283,799	341,642	314,898	314,898	-7.83%	424,718	449,659
16 External Services	959,540	1,065,245	743,369	743,369	-30.22%	1,092,438	1,098,105
17 Receptions, events and representations	16,598	16,500	18,090	18,090	9.64%	19,090	20,393
18 Social welfare	11,325	31,600	23,714	23,714	-24.96%	35,564	37,845
19 Other Staff related expenditure	245,762	221,552	221,017	221,017	-0.24%	263,428	274,631
Title 2 - Infrastructure and operating expenditure	3,773,091	3,898,833	4,993,276	4,993,276	28.07%	5,463,437	5,468,432
20 Rental of buildings and associated costs	1,108,589	1,344,559	1,364,926	1,364,926	1.51%	1,496,137	1,496,137
21 Information and communication technology	906,102	744,600	1,023,286	1,023,286	37.43%	1,280,286	1,280,286
22 Movable property and associated costs	105,686	69,454	104,609	104,609	50.62%	101,609	106,604
23 Current administrative expenditure	289,693	275,450	278,237	278,237	1.01%	445,447	445,447
24 Postage / Telecommunications	59,792	75,800	5,899	5,899	-92.22%	1,999	1,999
25 Meeting expenses	576,489	903,970	1,246,307	1,246,307	37.87%	1,704,947	1,704,947
26 Running costs in connection with operational activities	726,740	485,000	970,012	970,012	100%	433,012	433,012
27 Information and publishing		-	-	-		-	-
28 Studies		-	-	-		-	-
Title 3 - Operational expenditure	2,381,944	3,323,234	2,777,694	2,777,694	-16.42%	5,833,188	5,148,099
Meetings	34,037	124,000	107,326	107,326	-13.45%	145,222	145,222
REMIT operations	930,802	394,859	768,000	768,000	94.5%	3,714,821	3,029,732
Translation expenses	289,372	298,450	316,000	316,000	5.88%	135,000	135,000
Expert consultations	933,154	2,098,225	1,157,312	1,157,312	-44.84%	1,120,000	1,120,000
Communication	194,579	407,700	429,056	429,056	5.24%	718,145	718,145
TOTAL EXPENDITURE	14,979,705	18,618,599	20,162,641	20,162,641	8.29%	27,444,714	27,793,932

Table 57: Expenditure (allocation of expenditure from EU budget contribution – payment appropriations)

EXPENDITURE	PAYMENT APPROPRIATIONS					2025	2026
	2022 executed budget	Subsidy 2023	Draft Budget 2024		VAR 2024/ 2023	Estimated budget	Estimated budget
			Agency request for subsidy	Budget Approved			
Title 1 - Staff Expenditure	9,059,723	11,396,532	12,391,671	12,391,671	8.73%	16,148,089	17,177,401
11 Salaries & allowances	7,624,087	9,528,293	10,826,566	10,826,566	13.63%	14,051,870	15,028,040
- of which establishment plan posts	5,956,775	8,019,780	8,555,760	8,555,760	6.68%	11,808,358	12,607,063
- of which external personnel	1,667,312	1,508,513	2,270,806	2,270,806	50.53%	2,243,513	2,421,977
12 Expenditure relating to Staff recruitment	6,107	30,000	20,725	20,725	-30.92%	32,189	34,061
13 Mission expenses	81,863	125,200	156,200	156,200	24.76%	157,200	157,200
14 Socio-medical infrastructure	19,696	36,500	67,092	67,092	83.81%	71,592	76,468
15 Training	176,181	341,642	314,898	314,898	-7.83%	424,718	449,659
16 External Services	889,789	1,065,245	743,369	743,369	-30.22%	1,092,438	1,098,105
17 Receptions, events and representations	15,913	16,500	18,090	18,090	9.64%	19,090	20,393
18 Social welfare	11,325	31,600	23,714	23,714	-24.96%	35,564	37,845
19 Other Staff related expenditure	234,762	221,552	221,017	221,017	-0.24%	263,428	274,631
Title 2 - Infrastructure and operating expenditure	2,167,554	3,898,833	4,993,276	4,993,276	28.07%	5,463,437	5,468,432
20 Rental of buildings and associated costs	829,911	1,344,559	1,364,926	1,364,926	1.51%	1,496,137	1,496,137
21 Information and communication technology	473,677	744,600	1,023,286	1,023,286	37.43%	1,280,286	1,280,286
22 Movable property and associated costs	36,219	69,454	104,609	104,609	50.62%	101,609	106,604
23 Current administrative expenditure	243,699	275,450	278,237	278,237	1.01%	445,447	445,447
24 Postage / Telecommunications	46,414	75,800	5,899	5,899	-92.22%	1,999	1,999
25 Meeting expenses	229,194	903,970	1,246,307	1,246,307	37.87%	1,704,947	1,704,947
26 Running costs in connection with operational activities	308,440	485,000	970,012	970,012	100%	433,012	433,012
27 Information and publishing		-	-	-		-	-
28 Studies		-	-	-		-	-
Title 3 - Operational expenditure	667,306	3,323,234	2,777,694	2,777,694	-16.42%	5,833,188	5,148,099
Meetings	75,619	124,000	107,326	107,326	-13.45%	145,222	145,222
REMIT operations	144,639	394,859	768,000	768,000	94.5%	3,714,821	3,029,732
Translation expenses	194,154	298,450	316,000	316,000	5.88%	135,000	135,000
Expert consultations	196,858	2,098,225	1,157,312	1,157,312	-44.84%	1,120,000	1,120,000
Communication	56,036	407,700	429,056	429,056	5.24%	718,145	718,145
TOTAL EXPENDITURE	11,894,583	18,618,599	20,162,641	20,162,641	8.29%	27,444,714	27,793,932

Table 58: Budget outturn and cancellation of appropriations

Budget outturn	2020	2021	2022
Revenue actually received (+)	17,299,898	14,818,735	14,979,705
Payments made (-)	- 14,052,215	- 10,294,012	-11,894,583
Carry-over of appropriations (-)	- 3,081,457	- 3,134,353	-2,900,738
Cancellation of appropriations carried over (+)	126,274	138,968	292,596
Exchange rate differences (+/-)	604	- 177	-1
TOTAL	293,104	1,529,162	476,978

The final approved appropriations for the financial year 2022 amounted to EUR 24,820,954 out of which EUR 9,652,812 were represented by fees, and an additional amount of EUR 2,967 of uncommitted appropriations from 2021. A total amount of EUR 7,236,287 was carried forward into the 2023 financial year to cover for the payment obligations remained open at year end.

Appropriations amounting to EUR 292,595 from the funds carried over into 2022 were cancelled at the end of the year and will be returned to the general budget in the course of 2022. The cancelled amount mainly related to less than expected deliverables from contracted services (approx. 185k), lower than estimated actual consumption of utilities (approx. 13k) and less than estimated claims towards medical expenses, schooling fees, ordered trainings and missions (approx. 80K). Unused commitment appropriation of the year 2020 that were automatically carried forward and amounting to EUR 9,770 are also returned to the general budget.

From the total revenue recorded for the year 2022 the Agency was returning 1.92% or EUR 476,978.35 to the general budget of the Union in the course of 2023.

Annex IV: Human resources - quantitative

Table 59: Staff population and its evolution – statutory staff and SNE

Staff	Year 2022			Year 2023	Year 2024 ²²	Year 2025	Year 2026
ESTABLISHMENT PLAN POSTS	Authorised Budget	Actually filled as of 31/12/2022	Occupancy rate %	Authorised staff	Envisaged staff	Envisaged staff	Envisaged staff
Administrators (AD)	63	62	98%	78	91	100	109
Assistants (AST)	13	12	92%	13	14	17	17
Assistants/Secretaries (AST/SC)	0	0	n/a	0	2	6	7
TOTAL ESTABLISHMENT PLAN POSTS	76	74	97.4%	91	107	123	133
EXTERNAL STAFF	FTE corresponding to the authorised budget	Executed FTE as of 31/12/2022	Execution Rate %	FTEs corresponding to the authorised budget	Envisaged FTE	Envisaged FTE	Envisaged FTE
Contract Agents (CA)	38	31.63	83.24%	37	43	45	47
Seconded National Experts (SNE)	10	3.75	38%	10	6	6	6
TOTAL EXTERNAL STAFF	48	35.38	73.7%	47	49	51	53
TOTAL STAFF	124	109.38	88.21%	138	156	174	186

Table 60: Staff population and its evolution - Additional external staff expected to be financed from grant, contribution or service-level agreements

Human Resources	Year 2023	Year 2024	Year 2025	Year 2026
	Envisaged FTE	Envisaged FTE	Envisaged FTE	Envisaged FTE
Contract Agents (CA) - FGIV	4	5	7	9
Seconded National Experts (SNE)	6	6	6	6
TOTAL	10	11	13	115

²² Please note that the overall figures of envisaged staff include, the additional staff which may be granted to the Agency with the new gas directive, EMD and REMIT Revision.

²³ Service providers are contracted by a private company and carry out specialised outsourced tasks of a horizontal/support nature. At the Commission, following general criteria should be fulfilled:

Table 61: Staff population and its evolution – other human resources: structural service providers²³

	Actually in place as of 31/12/2022
Security	0
IT	0
Other (specify)	0

Table 62: Staff population and its evolution – other human resources: interim workers

	Total FTEs in year 2022
Number	17,54

Table 63: Multi-annual staff policy plan years 2024-2026

Function group and grade	Year 2022				Year 2023		Year 2024		Year 2025		Year 2026	
	Authorised budget		Actually filled as of 31/12/2022		Authorised budget		Envisaged		Envisaged		Envisaged	
	Permanent posts	Temporary posts	Permanent posts	Temporary posts	Perm. posts	Temp. posts	Perm. posts	Temp. posts	Perm. posts	Temp. posts	Perm. posts	Temp. posts
AD 16												
AD 15		1				1		1		1		1
AD 14				1								
AD 13		4		4		4		5		5		5
AD 12		3		1		3		3		3		3
AD 11		4		3		7		7		5		7
AD 10		3		5		6		6		11		11
AD 9		12		8		9		8		7		8
AD 8		9		8		16		17		26		20
AD 7		14		17		19		22		17		29
AD 6		10		9		6		7		11		11

²³ Service providers are contracted by a private company and carry out specialised outsourced tasks of a horizontal/support nature. At the Commission, following general criteria should be fulfilled:

- 1) no individual contract with the Commission
- 2) on the Commission premises, usually with a PC and desk
- 3) administratively followed by the Commission (badge, etc.) and
- 4) contributing to the added value of the Commission.

AD 5		3		6		7		15		14		14
AD TOTAL		63		62		78		91		100		109
AST 11												
AST 10												
AST 9												
AST 8												
AST 7								1		1		1
AST 6		2		1		3		5		4		4
AST 5		4		5		6		3		3		3
AST 4		4		3		4		4		6		6
AST 3		3		3				1		3		3
AST 2												
AST 1												
AST TOTAL		13		12		13		14		17		17
AST/SC 6												
AST/SC 5												
AST/SC 4												
AST/SC 3										3		3
AST/SC 2								1		1		2
AST/SC 1						0		1		2		2
AST/SC TOTAL						0		2		6		7
TOTAL		76		74		91		107		123		133
GRAND TOTAL		76		74		91		107		123		133

Table 64: Multi-annual staff policy plan years 2024-2026 – external personnel: Contract Agents

Contract agents	FTE corresponding to the authorised budget 2022	Executed FTE as of 31/12/2022	Headcount as of 31/12/2022	FTE corresponding to the authorised budget 2023	FTE corresponding to the authorised budget 2024	FTE corresponding to the authorised budget 2025	FTE corresponding to the authorised budget 2026
Function Group IV	32	26.71	28	32	38	40	42
Function Group III	5	4.92	5	5	5	5	5
Function Group II							
Function Group I							
TOTAL	37	31.63	33	37	43	45	47

Table 65: Multi-annual staff policy plan years 2024-2026 – external personnel: Seconded National Experts

Seconded National Experts	FTE corresponding to the authorised budget 2022	Executed FTE as of 31/12/2022	Headcount as of 31/12/2022	FTE corresponding to the authorised budget 2023	FTE corresponding to the authorised budget 2024	FTE corresponding to the authorised budget 2025	FTE corresponding to the authorised budget 2026
TOTAL	10	3.75	5	10	6	6	6

Table 66: Recruitment forecasts for year 2024 following retirement/Mobility or new requested posts²⁴

Job title in the Agency	Type of contract (Official, TA or CA)		TA/Official		CA
			Function group/grade of recruitment internal (Brackets) and external (single grade) foreseen for publication *		Recruitment Function Group (I, II, III and IV)
	Due to foreseen retirement/mobility	New post requested due to additional tasks	Internal (brackets)	External (brackets)	
Policy Officer		4	AD5 – AD7	AD7	
Policy Officer		5		AD5	
Assistant-Secretary		2	n/a	AST/SC1	
Agent		1			FGIV

Number of inter-agency mobility Year 2022 from and to the Agency: 0

²⁴ Information on the entry level for each type of posts: Indicative table

Annex V: Human resources – qualitative

A. Recruitment policy

Table 67: Implementing rules in place (recruitment policy)

		Yes	No	If no, which other implementing rules are in place
Engagement of CA	Model Decision C(2019)3016	x		
Engagement of TA	Model Decision C(2015)1509	x		
Middle management	Model decision C(2018)2542	x		
Type of posts	Model Decision C(2018)8800		x	Commission Decision C(2013) 8979 – by analogy

B. Appraisal and reclassification/promotions

Table 68: Implementing rules in place (appraisal and reclassification/promotions)

		Yes	No	If no, which other implementing rules are in place
Reclassification of TA	Model Decision C(2015)9560	x		
Reclassification of CA	Model Decision C(2015)9561	x		

Table 69: Reclassification of TA/promotion of officials²⁵

Grades	Average seniority in the grade among reclassified staff					Actual average over 5 years n/a	Average over 5 years (According to decision C(2015)9563)
	2019	2020	2021	2022	2023		
AD05	2.79	2.56	2.29	2.69	5.87	2.71	2.8
AD06	2.71	2.75	3.00	3.00	2.49	2.92	2.8
AD07	3.06	3.36	3.00	3.00	2.5	2.95	2.8
AD08	n/a	3.10	3.59	3.00	2.58	3.03	3
AD09	4.66	3.00	3.67	n/a	n/a	4.00	4
AD10	4.50	n/a	n/a	3.00	n/a	4.00	4
AD11	n/a	n/a	4.13	n/a	n/a	4.12	4

²⁵ Staff members pending confirmation of their ability to work in third language were not included.

AD12	n/a	n/a	n/a	6.75	n/a	6.75	6.7
AD13	n/a	n/a	n/a	n/a	n/a	n/a	6.7
AST1							
AST2							
AST3	5.33	2.64	2.67	2.33	2.41	2.95	3
AST4	n/a	3.00	n/a	4.33	n/a	3.91	3
AST5	n/a	n/a	4.00	n/a	n/a	4.00	4
AST6							
AST7							
AST8							
AST9							
AST10 (Senior assistant)							
AST/SC1							
AST/SC2							
AST/SC3							
AST/SC4							
AST/SC5							

Table 70: Reclassification of contract staff

Function Group	Grade	Staff in activity at 1.01.2021	How many staff members were reclassified in Year 2022	Average number of years in grade of reclassified staff members	Average number of years in grade of reclassified staff members according to Decision C(2015)9561
CA IV	17	1			Between 6 and 10 years
	16				Between 5 and 7 years
	15	8	2	3.00	Between 4 and 6 years
	14	10	2	2.29	Between 3 and 5 years
	13	13	1	5.33	Between 3 and 5 years
CA III	11				Between 6 and 10 years
	10	1			Between 5 and 7 years
	9	7			Between 4 and 6 years
	8				Between 3 and 5 years
CA II	6				Between 6 and 10 years
	5				Between 5 and 7 years
	4				Between 3 and 5 years
CA I	2				Between 6 and 10 years

	1				Between 3 and 5 years
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C. Gender Representation

Table 71: Data regarding gender representation on 31/12/2022 /statutory staff (only officials, AT and AC)

		Official		Temporary		Contract Agents ²⁶		Grand Total	
		Staff	%	Staff	%	Staff	%	Staff	%
Female	Administrator level			16	14.95	11	10.28	27	25.23
	Assistant level (AST & AST/SC)			8	7.48	3	2.80	11	10.28
	Total			24	22.43	14	13.08	38	35.51
Male	Administrator level			46	42.99	17	15.89	63	58.88
	Assistant level (AST & AST/SC)			4	3.74	2	1.87	6	5.61
	Total			50	46.73	19	17.76	69	64.49
GRAND TOTAL				74	69.16	33	30.84	107	100

Table 72: Data regarding gender evolution over 5 years of the Middle and Senior management²⁷

	2018		2022	
	Number	%	Number	%
Female Managers	1	16.66	1	16.66
Male Managers	5	83.33	5	83.33

Action taken concerning gender imbalance:

The Agency is conscious of importance of gender equality and of fair and equal representation of both genders at all levels. It is committed to striving towards remedying current imbalance across all Departments. It should be noted however that the members of ACER's Senior Management Team are contractually bound to the Agency, which restricts near-term choices and adjustments at management level.

²⁶ Data includes maternity replacements

²⁷ Staff who is defined as middle manager by the applicable General Implementing provisions on middle management

The Agency already has in place Rules of Procedure for the selection of Temporary and Contract Staff, according to which it “is an equal opportunities employer”. According to the same rules, when appointing the Selection Committee, the AACC needs to give consideration to the diversity in its composition, fostering to the extent possible, gender, age and geographical balance. Furthermore, the Agency publishes all its Selection Notices with a gender-neutral voice.

The Agency also developed a Leadership pipeline project, with the main goal to build, develop and foster a pipeline of skilled leaders. Within the project, the Agency plans to invest in leadership development and training opportunities for all colleagues. The Agency will endeavour to identify and communicate relevant career paths and stepping-stones for leadership roles. This is viewed as a possible way to help promote female colleagues to leadership positions.

Recently, the Agency also established an internal working group for Diversity and Inclusion. Main goal of the group is to foster diversity and inclusion, develop best practices and work towards their implementation. The Agency believes that this could also help in improving the current imbalance.

The Agency is considering several, additional, measures for addressing the matter in question:

- Developing Gender Equality Strategy for the Agency (setting the priorities, goals and commitment of the Agency over a 5-year period)
- Developing Mentorship programmes for Female leaders (targeted training for future female managers, including mentoring, coaching and career guidance)
- Commitment to including a target number of female candidates for leadership position appointments.

All proposed measures are still under consideration since they require Agency’s resources (human and financial) and need alignment and coordination with the policies and rules already in place.

D. Geographical balance

Table 73: Data regarding geographical balance on 31/12/2022 - statutory staff only (officials, AT and AC)

Nationality	AD + CA FG IV		AST/SC- AST + CA FGI/CA FGII/CA FGIII		TOTAL	
	Number ²⁸	% of total staff members in AD and FG IV categories	Number	% of total staff members in AST SC/AST and FG I, II and III categories	Number	% of total staff
Austria	2	2.2			2	1.9
Belgium	6	6.7			6	5.6
Bulgaria	2	2.2			2	1.9
Cyprus	1	1.1			1	0.9
Czech Republic	2	2.2	2		2	1.9

²⁸ Including maternity replacement

Germany	3	3.3			3	2.8
Denmark	1	1.1			1	0.9
Spain	6	6.7	1	5.9	7	6.5
France	4	4.4	1	5.9	5	4.7
Greece	10	11.1	1	5.9	11	10.3
Croatia	4	4.4	1	5.9	5	4.7
Hungary	4	4.4	1	5.9	5	4.7
Ireland	2	2.2			2	1.9
Italy	12	13.3	2	11.8	14	13.1
Lithuania	1	1.1	1	5.9	2	1.9
Netherlands	3	3.3			3	2.8
Portugal	1	1.1	1	5.9	2	1.9
Poland	2	2.2	1	5.9	3	2.8
Romania	1	1.1			1	0.9
Sweden	1	1.1			1	0.9
Slovenia	21	23.3	7	41.2	28	26.2
Slovakia	1	1.1			1	0.9
TOTAL	90	100%	17	100%	107	100%

Table 74: Evolution over 5 years of the most represented nationality in the Agency

Most represented nationality	2018		2022	
	Number	%	Number	%
Slovenia	24	26.67	28	26.2

E. Schooling

Table 75: Agreement in place with European School(s)

Contribution agreements signed with the EC on type I European schools	Yes		No	X
Contribution agreements signed with the EC on type II European schools	Yes	X	No	
Number of service contracts in place with international schools:	5			
Description of any other solutions or actions in place:				
<p>As established in the Seat Agreement (Article 13) between the Slovenian Government and the Agency, the Government shall establish a European School within the public school network in Slovenia, in accordance with the Convention defining the Statute of the European Schools and with the programmes of European schools. European Schools provide multilingual tuition in all EU languages and offer the European Baccalaureate recognised in all Member States. Staff members of the EU Institutions, including the agencies, should enjoy free access to European Schools (school fees and transport included).</p> <p>Progress was achieved in 2018, as the setting of the Accredited European School of Ljubljana (AES) was decided and the school became operational as of 3 September 2018, with entry grades at the P1 and P2 levels (corresponding to Grade 1 and 2 of Elementary School). The auditing process for accreditation of the school started in September 2018, the accreditation process was finalised with the decision of the Board of Governors of the European Schools, in April 2019. The financial agreement with the European Commission was signed in the course of fall 2019.</p> <p>Since for the time-being the AES offers classes at the P1-P5 levels and S1-S3 level. The Agency's staff members whose children are not eligible for those classes, are obliged to send their children to international schools. Until the AES offers a complete education cycle at the pupil's level, and given the school fees charged by the international schools in Ljubljana, there was a need to address the unequal conditions, to which the staff of the Agency is subject. To address this, the Administrative Board adopted Decision AB no 5/2018 of 7 June 2018 establishing measures to support the staff of the Agency with regard to kindergarten and school fees. In line with the decision, the Agency provides financial support to afore mentioned staff members, until the AES offers a complete education cycle at pupil's level. This approach is in line with the eligibility for the education allowance, as applied by the European Commission's Office for the Administration and Payment of Individual Entitlements. As per specific provisions of the decision, the Agency covers kindergarten and school fees for each eligible child, exceeding the sum of the allowances received by staff member, as per the Internal Commission Directive (Conclusion No 257/09 revised) and under the provisions of the Staff Regulations. Financial contribution, granted by the Agency, is paid directly to the schools kindergarten on the basis of concluded service agreements.</p> <p>In both cases (European section or international school programmes), the Agency includes the budgetary credits necessary to cover its financial contribution in the provisional draft budget sent to the budgetary authority in the framework of the annual budgetary procedure. The Agency also transmits full information on the measures planned to the budgetary authority.</p> <p>It should be noted that the funds to cover the costs of the Agency's children to the European School Ljubljana should be covered by the European subsidy.</p> <p>There are two private international schools in Ljubljana (British and French), as well as international sections in the national school system, both at primary and secondary level. There are also four universities in Slovenia, amongst others the University of Ljubljana with 23 faculties and 3 art academies.</p>				

Annex VI: Environment management

The Agency is in the process of aligning its internal processes to good practices, such as the Eco-Management and Audit Scheme (EMAS) standards, with a view to reduce the environmental impact of its administrative operations on the environment. In 2021, the Agency's Administrative Board adopted the two-year-long Greening Action Plan 2021-2022 with the aspiration to align its goals with the European Commission and become climate neutral by 2030 (if resources allow). The Greening Action Plan 2021-2022 (extended now to 2024) identifies six (6) action domains and commits to 17 concrete action points which aim at reducing the Agency's environmental impact. More specifically:

1. DESIGN SUSTAINABLE BUILDINGS AND WORKING SPACE
 - 1.1. Launching the procurement procedure for the rental of green and sustainable office premises
2. OPTIMISE ENERGY CONSUMPTION AND SYSTEMS
 - 2.1. Installation of lights on sensors and other possible energy saving automations
 - 2.2. Installation of energy saving lightbulbs (such as LEDs)
 - 2.3. Training staff on the impact of individual actions for reducing carbon footprint (on how to be more carbon accountable)
 - 2.4. Consider using more cloud resources and reduce the install-base needed in the Data Centre, thus lowering the amount of power and cooling capacity
 - 2.5. Switch to an electricity provider that offers 100% share of RES
3. RECONSIDER AIR TRAVEL AND PROMOTE LOW CARBON TRAVEL MODES
 - 3.1. Upgrading the telepresence and video conferencing capabilities
 - 3.2. Reconsider business travel for staff and for meeting participants - for example by introducing threshold / selection criteria (tCO₂e of flight) in the booking phase of missions to allow a conscious choice
 - 3.3. Introduce carbon offset for necessary business travel by donating to projects that reduce GHG
 - 3.4. Adopt a checklist for the organisation of sustainable meetings and events
4. REDUCE COMMUTING EMISSIONS
5. REDUCE PURCHASE AND CONSUMPTION GHG EMISSIONS
 - 5.1. Consider further digitalisation of administrative workflows, which would allow a truly paperless office where technically feasible (i.e., e-voting and e-signatory in ARES)
 - 5.2. Consider removing private/local printers and introduce secure, centralized and energy-saving printing services, by e.g., having staff use a personal pin to print on the shared printer
 - 5.3. Include environmental aspects in the future tenders of the Agency
6. MANAGE & COMMUNICATE
 - 6.1. Participation and contribution to the Greening Network, attendance on meetings
 - 6.2. Sharing of good practices
 - 6.3. Annual competition of volunteers for a green change
 - 6.4. Public communication on the greening efforts of the Agency

The European Court of Auditors in the Annual report on EU agencies for the 2022 financial year²⁹ highlighted the Agency's Greening Action Plan 2021-2022 as a comprehensive example of measures taken by the agencies to contribute to climate action by reducing their carbon footprint.

In line with its proactive approach to environmental challenges, the Agency is also participating in the Greening Network initiative of the European agencies where environmental issues are discussed and experiences as

²⁹ <https://www.eca.europa.eu/en/publications/SAR-AGENCIES-2022>

well as best practices are shared, including how to increase environmental awareness and responsibility, as well as present issues related to environmental management implementation.

The Agency is not EMAS registered or ISO14001 certified and is also not in the process of doing so at the moment. The Agency has the possibility to order consultancy services under the interinstitutional FWC for consultancy services on carbon footprint calculation, offsetting of carbon emissions and EMAS certification. .

The Agency acknowledges the growing significance of EMAS certification as a marker of environmental commitment and intends to incorporate the process of EMAS certification into its strategic agenda within the available resources. Despite its importance, budget constraints necessitate careful consideration of competing priorities. The pursuit of EMAS certification aligns with the Agency's commitment to responsible practices, and the Agency remains open to collaborative and resourceful solutions to ensure its successful integration into its organizational framework.

In 2024 and beyond the Agency will further improve its green environment strategy, update, and adopt further greening action plans and will be regularly collecting ideas that support this initiative from its staff.

Annex VII: Building policy

Table 76: Current building(s)

#	Building name and type	Location	SURFACE AREA (in m ²)			RENTAL CONTRACT					Host country (grant or support)
			Office space	Non-office	Total	RENT (€/year)	Duration of the contract	Type	Breakout clause Y/N	Conditions attached to the breakout clause (if applicable)	
1.a	TR3, office building	Trg republike 3, 1000 Ljubljana, Slovenia	3,247.69	679.29	3,926.98	715,809.91	Rental for ten (10) years in total without possibility for an extension, until 31.01.2024.	Lease contract	Yes.	After 2 years of lease term the Agency is entitled to terminate the contract in the events specified in the lease contract.	Not applicable.
TOTAL until 31 January 2024			3,247.69	679.29	3,926.98	715,809.91					
1.b	TR3, office building	Trg republike 3, 1000 Ljubljana, Slovenia	3,280.34	505.96	3,786.30	749,687.40	Rental for five (5) years in total with the possibility for an extension, until 31.01.2029.	Lease contract	Yes.	Upon giving twelve (12) months prior written notice, the Agency is entitled to terminate the contract in the events specified in the lease contract.	Not applicable.
TOTAL as of 01 February 2024			3,280.34	505.96	3,786.30	749,687.40					

Since February 2014 the Agency is seated in its permanent premises in Ljubljana (Slovenia), first rented for a period of 10 years, which expires on 31st January 2024 without the possibility for additional extension. The Agency concluded a new rental contract for the duration of 5 years, with the possibility for extension.

In 2024 and 2025 ACER will be considering its options as regards the future rental procedure and contract.

In 2024, the Agency will keep its liaison office in Brussels (Belgium) with two staff members assigned to it. The office hosted there is made available, free of charge, by the European Energy Regulators (CEER) as contribution in kind to the work of the Agency. The IT and information resources are shared with the liaison office, which represents an indispensable part of the Agency structure. Temporary secondment of staff to the liaison office might be implemented, as appropriate and needed.

Annex VIII: Privileges and immunities

The Protocol on the Privileges and Immunities of the European Union governs the status of the European Institutions and their staff in relation to the Member States. Thus, the protocol applies in full to the Agency and its staff.

The relations between the Agency and its host country, as well as particular rules and privileges applicable to Agency staff in Slovenia, are governed by the Seat Agreement between the Slovenian Government and the Agency for the Cooperation of Energy Regulators, signed in Ljubljana on 26 November 2010.

Table 77: Privileges and Immunities

Agency privileges	Privileges granted to staff	
	Protocol of privileges and immunities / diplomatic status	Education / day care
<ul style="list-style-type: none"> - Inviolability of premises and archives - Facilitations for communication Security - Direct exemption from taxes 	<ul style="list-style-type: none"> - Staff immunity from Slovenian jurisdiction regarding acts carried out in the official capacity - Exemption from national taxes on salaries and wages - Staff exemption from import taxes and duties on personal effects in the first year - Exemption from social security contribution towards Slovenian schemes - Director and Heads of Departments holding Diplomatic status 	<p>The government of Slovenia established a European School of Ljubljana (ESL) with two language sections – EN and SI for P1 and P2 grades. The Agency will cover the school fees to the ESL once a financing agreement is signed with the European Commission after the accreditation of the ESL.</p>

Annex IX: Evaluations

Monitoring, measurement, analysis, and evaluation are vital to ensure the achievement of the Agency's objectives and implement improvements.

Ex-post evaluations of Framework Guidelines (FGs) and Network Codes (NCs)

The Agency developed indicators for the ex-post evaluations of the network codes. After the release of the study for a methodology proposal to evaluate the impact of the Gas NCs and Guidelines in 2015, the Agency through case studies or in-depth analysis described the effect of the network codes in the dedicated sections of the Market Monitoring Reports and stand-alone monitoring reports for the implementation of the Congestion Management Guidelines, Capacity Allocation Mechanisms and Balancing Codes.

The proposed indicators should not be used in isolation to draw conclusions regarding market impacts of NCs and GLs, but rather be looked at in combination and interpreted in the light of market fundamentals. These indicators are used by ACER in its annual Market Monitoring Report to measure the economic impact of NCs/GLs and its use will gradually increase over time. Further details are available on the [Agency's website](#).

Monitoring of the Agency's work programme implementation

The Agency has an internal monitoring system based on a 'traffic lights' approach through which Key Performance Indicators - KPIs (see below) are monitored. Specific tasks are monitored at the department level, unless they are included in the KPIs. The traffic lights system ensures that the results achieved and deadlines met in relation to the objectives are monitored on a quarterly basis at the coordination and management meetings, with measures taken in case the objectives are at risk of not being met.

Table 78: Key Performance Indicators

SAA	KPI	Target 2024
Internal electricity market	1 % of opinions, reviews, recommendations and reports delivered on time	90%
Internal gas market, decarbonised gases and hydrogen	2 % of opinions, reviews, recommendations and reports delivered on time	90%
Infrastructure and gas security of supply	3 % of opinions, recommendations and reports delivered on time	90%
Market information and transparency	4 Key achievements (e.g. key projects) as well as continued measurement of % planned vs. delivered projects	90%
	5 Accuracy, Consistency, Completeness, Integrity and Timeliness (ACCIT) of information (measured by the yoy % change of composite indicator of data quality metrics)	95%
	6 % of service availability, measured as an average availability of individual REMIT IT services	99%
Market surveillance and conduct	7 % of high priority alerts manually screened and transferred to NRAs	100%
	8 Number of initial assessments sent to relevant authorities	>16
	9 % of REMIT breach cases pro-actively followed by ACER	>25%
	10 Number of REMIT breach cases triaged and reviewed on cooperation needs	>100
	11 % of market abuse enforcement Decisions by NRAs quoting the ACER Guidance	≥75%
	12 Number of cross border investigatory groups under management	0
	13 % of growth of Infolash news subscribers	3%

Governance, strategy and stakeholder management	14	% of growth of website views/visits	3%
Compliance, security and quality management	15	Non-qualified opinion received from ECA	Yes
	16	% of ECA's recommendations implemented	75%
Resource management	17	Number of participating staff satisfied or highly satisfied with the employment conditions at the Agency	75%
	18	% of commitment appropriations year N	≥95%
	19	% of payment appropriations carried forward from year N-1	≥95%
	20	Collection rate of fees	≥95%

Stakeholder surveys

ACER monitors stakeholders' perceptions of the degree to which their needs and expectations have been fulfilled. The results are then used to tailor ACER's engagement approach. A bi-annual stakeholder survey has been in place since 2020. It is aimed at representatives of different organisations (e.g., EU institutions, bodies or agencies, European sector associations, industry, non-governmental organisations, academia, etc.).

Staff Engagement Survey

The Survey is conducted by the HRM Team in collaboration with the University of Ljubljana on a bi-annual basis. The purpose of the survey is to identify factors that affect overall employee satisfaction and workplace engagement. This information provides insights into employee preferences and highlights key areas that a organisation should consider when developing and promoting organizational improvement initiatives.

External evaluations

The Agency has so far been subject to one external evaluation from the Commission, as foreseen in the Founding Regulation in 2014. The recast Founding Regulation foresees that by 5 July 2024, and every five years thereafter, the Commission, with the assistance of an independent external expert, shall carry out an evaluation to assess ACER's performance in relation to its objectives, mandate and tasks.

Annex X: Strategy for the organisational management and internal control systems

The Agency's Governance

- The [Director](#) manages and represents the Agency.
- The [Administrative Board](#) (AB) is responsible for the Agency's governance as well as all administrative and budgetary activities. The AB members are appointed by the European Commission, the European Parliament and the Council of the European Union.
- The [Board of Regulators](#) (BoR) is in charge of the regulatory policy and overseeing all the activities connected. The BoR is composed by senior representatives of the NRAs for energy of the 27 Member States and non-voting representatives from EEA EFTA States, the European Commission and the EFTA Surveillance Authority.
- The [Board of Appeal](#) (BoA) deals with complaints lodged against [ACER decisions](#). It is independent from the administrative and regulatory boards.
- The [ACER Working Groups](#) advise the ACER Director and the Board of Regulators on the regulatory activities of the Agency. The Working Groups are composed of representatives of ACER, NRAs, and the European Commission.
- ACER can also count on the support of over a hundred committed employees, both permanent staff and experts seconded by NRAs. ACER staff is organised in [departments and horizontal clusters](#), and is responsible for running the daily operations and effectively fulfilling the Agency's mandate.

ACER's Internal Control Framework

In 2018 ACER adopted [Decision No 17/2018 of the Administrative Boards of the Agency for the Cooperation of Energy Regulators on the Internal Control Framework of the Agency](#).

The internal control framework of the Agency is designed to provide reasonable assurance regarding the achievement of objectives, including the following:

- Effectiveness, efficiency and economy of operations,
- Reliability of reporting and safeguarding of assets and information,
- Prevention, detection, correction and follow-up of fraud and irregularities, and
- Adequate management of the risks relating to the legality and regularity of the underlying transactions³⁰.

Internal control helps ACER to achieve its objectives and sustain operational and financial performance whilst respecting rules and regulations. Internal control supports sound decision-making by taking into account risks in the achievement of objectives and where necessary, reducing them to acceptable levels through cost-effective controls. Internal control applies to all activities, irrespective of whether they are financial or non-financial.

The ACER Internal Control Framework is based on the [Framework of the European Commission](#). The framework consists of 5 components and 17 Internal Control Principles.

³⁰ Art. 30 Internal Control of Budget Implementation, Financial Regulation of ACER, Decision AB No 22/2013.

The effectiveness of the internal control is assessed annually via Internal Control Indicators and reported in the [Consolidated Annual Activity Report](#).

ACER's Anti-Fraud Strategy 2022-2024

The Agency has an [Anti-Fraud Strategy](#) in place, covering the period 2022–2024. In the latest anti-fraud strategy ACER has decided to concentrate its efforts on achieving the following strategic objectives:

1. Maintain and enhance an anti-fraud culture underpinned by high levels of awareness, integrity, impartiality and transparency within the organisation.
2. Strengthen measures for detection of suspicious behaviours, including through maintaining an efficient system for internal reporting and handling of suspected irregularities
3. Implement all actions necessary for fraud risk mitigation, also identified through internal assessments and external audits

Measures to prevent cases of conflict of interest

As of 2015, the Agency implements a [Policy for the Prevention and Management of Conflicts of Interest](#). By 31 January of each year, the Agency's senior management, members and alternates of the AB, BoR and BoA as well as Agency Working Group Chairs and Vice-Chairs and the Task Force Convenors must submit their declarations of Interest (Dols). The Dols are subsequently processed by review panels and, in case of conflicts of interest, appropriate measures are taken. The Dols of Board members, those of the Agency's management (Director and Heads of Department), and those of Agency Working Group Chairs and Task Force Convenors are published on the Agency's website. The AB adopted [more stringent guidelines](#) for the Prevention and Management of Conflicts of Interest for AB and BoA members/alternates in December 2022.

Furthermore, the Director adopted Guidelines on prevention and management of conflicts of interest concerning staff members involved in selection, recruitment or reclassification procedures in 2018.

Risk management

Risk assessment and management has been an integral part of ACER's planning and reporting processes since 2012 and is governed by internal Risk Management Guidelines.

A risk management exercise is conducted at least once a year as part of the AWP process (Q1). A mid-term risk management exercise is also performed during Q3. The identification of risks is performed at the level of departments and teams. Identified risks are assessed based on their potential impact on the organisation (scale 1 to 5) and likelihood that risks will materialise (scale 1 to 5). Multiplication of the two indicators yields the risk level. Risks for which residual risk levels amount to 20 or higher are considered critical and are being reported in the risks register under the supervision of the Internal Control Coordinator.

Fraud risk assessment is an integral part of the general risk management process.

Ex-ante and retrospective evaluations of significant spending

In accordance with Article 29(1) of the [Agency's Financial Regulation](#), the Agency undertakes ex-ante and retrospective evaluations of all programmes and activities which entail significant spending.

Ex-ante evaluations supporting the preparation of programmes and activities are based on evidence, if available, on the performance of related programmes or activities and identify and analyse the issues to be

addressed, the added value of Union involvement, objectives, expected effects of different options and monitoring and evaluation arrangements.

Retrospective evaluations assess the performance of the programme or activity, including aspects such as effectiveness, efficiency, coherence, relevance and EU added value. Retrospective evaluations are based on the information generated by the monitoring arrangements and indicators established for the action concerned. They are undertaken periodically and in sufficient time for the findings to be taken into account in ex-ante evaluations or impact assessments that support the preparation of related programmes and activities.

All proposals for programmes or activities for which the overall estimated expenditure exceeds EUR 500 000 are subject to an ex-ante evaluation.

Programmes, projects or activities where the resources mobilised exceed EUR 500 000 may also be subject to ex-post evaluation. The number of ex-post evaluations is limited to maximum three per year.

The selection of the activities to be evaluated annually is based on a thematic approach, intended to identify relevant activities which were the focus of previous years' programming documents and where the Agency invested significant financial and human resources to achieve the objectives set.

Evaluation of such activities enables the Agency to improve future decision-making on where to place its focus and how better to achieve the required results.

Ex-ante and ex-post evaluations in Procurement

The Agency has in place an extensive ex-ante control for each low, middle, and high value procurement procedure, which entails a control of tender specifications, invitation letters, notification letters, draft contracts, etc. performed by Procurement (four eyes principle) as well as a legal check performed by Legal Services. The outcome of the ex-ante control performed by Legal Services is reported to Procurement and is kept as a part of the procurement dossier of the procedure in question.

In Q3 of each year, the Agency carries out an ex-post control of at least one (1) high-value procurement procedure. The ex-post control is performed by Legal Services for the procurement procedures, which have been concluded in the previous year and have not been audited by ECA. The outcome of the ex-post control is reported to the Director by issuing a final opinion.

Ex-post controls of payments

Ex-post controls on payments are conducted quarterly to check that the following internal control objectives are met: compliance with the Agency's Financial Regulation; operational efficiency; accurate reporting.

The sample of five payments is randomly selected from the transactions processed in the respective quarter. Results are reported to the Internal Control Coordinator and correction actions are implemented.

Register of Exceptions and Non-compliance Events

Since 2011, the Agency has had a procedure in place to register exceptions, which guarantees that all instances of overriding controls or deviations from established processes and procedures are documented in exception reports and are justified, duly approved before action is taken and logged centrally.

Validation of the accounting systems

The Accounting Officer carries out its annual evaluation of the local financial systems set up in the Agency as provided for in Article 50(e) of the Agency's Financial Regulation. The evaluation is performed on several areas assessing the changes in the local systems and control environment, treatment of inventory, revision of accounting controls, verification of sampled transactions for the application and efficiency of the internal controls and follow up of previous year' findings.

Periodic validation of access rights granted in ABAC

Based on the Internal Rules on the Implementation of the General EU Budget, as per the request of the Director-General of DG BUDG and in accordance with ACER Internal Control Principle 3, the Agency performs the annual validation of user access rights in ABAC. The process of validation is performed in accordance with the guidelines of DG by a Neutral Verifier and results are communicated internally as well as to DG BUDG.

Annex XI: Plan for contribution agreements

Table 79: Plan for grant, contribution and service-level agreements

	General information				Financial and HR impacts				
	Date of signature	Duration	Counterpart	Short description		2021	2022	2023	2024
Contribution agreements									
-	-	-	-	-	Amount	-	-	-	-
					Number of CA	-	-	-	-
					Number of SNE	-	-	-	-
Total contribution agreements					Amount	-	-	-	-
					Number of CA	-	-	-	-
					Number of SNE	-	-	-	-

The Agency does not have any contribution agreements.

Annex XII: Strategy for cooperation with third countries and international organisations

STRATEGIC FOCUS

While most of the tasks of the Agency focus on the EU Internal Energy Market, selected tasks require or may benefit from collaboration with regulatory entities in third countries. Hence as a strategic focus, in its cooperation with third countries (i.e., non-EU members) and international organisations, the Agency has its mandate in mind as a compass. This is driven by both resources and work portfolio management. As a rule, the Agency aims to invest its assigned resources in the best execution of its mandated tasks leaving limited time to other activities. The Agency also does not represent the EU on policy matters related to its area of work when interacting with third countries or international organisations and cannot commit the EU to any international obligation.

COUNTRIES AND ORGANISATIONS IN SCOPE

Various regulatory acts applicable to the Agency, and international agreements provide guidance on the geographical areas in focus. These are its founding regulation - recast (art.43), article 19 of the Regulation on wholesale energy market integrity and transparency (REMIT), tasks allocated under the EEA Joint Committee Decision No 93/2017 and The Trade and Cooperation Agreement (TCA) between the European Union and the United Kingdom (art. 318). As such, the primary geographical focus of the Agency is on the member states of the EEA, the Energy Community Contracting Parties and the United Kingdom.

In addition, the Agency sees benefit in working with organisations that may benefit the implementation of its tasks. As such, it will, for example, continue to cooperate with the FERC, the US energy regulatory authority, with whom it has a bilateral agreement. The Agency also participates in the EU-US energy regulators' roundtable, which involves representatives from the National Association of Regulatory Utility Commissioners (NARUC) and FERC. It should be noted that the Agency occasionally provides expert participation in the Association of Mediterranean Energy Regulators (MEDREG) events.

Other types of cooperation will be on a needs or a requested basis, for example, by a competent EU institution.

FORMS OF COOPERATION

The practical translation of cooperation is primarily centred on the following activities:

- Involve third countries that comply with the conditions of article 43 and request to participate in the work of the Agency, so as to facilitate the implementation of the tasks of the Agency (completion of the Internal Energy Market also beyond the EU borders, REMIT-related surveillance, etc.).
- Enable the participation of EEA EFTA NRAs in the Agency's boards and working groups in line with Decision of the EEA Joint Committee No 93/2017 of 5 May 2017 amending Annex IV (Energy) to the EEA Agreement (2019/205), and in general cooperate with the EFTA Surveillance Authority as required by Annex IV (Energy) of the EEA Agreement.
- Liaise with the UK regulatory authority as outlined in the TCA.
- Cooperate with peer regulatory agencies on market monitoring activities.
- Cooperate with the Energy Community at the Working Group level, in the areas of Network Codes, infrastructure (e.g., exemptions, cross-border cost allocation), market monitoring, cross-border

capacity allocation, and possibly other issues that relate to borders between the EU and the Energy Community and to applying the EU energy acquis.

- Foster the exchange of experiences in particular with the Energy Community, EEA EFTA, the MEDREG and FERC (among others on market surveillance activities).
- Visits abroad and visits received: Upon invitation or prior agreement, visit (regulatory) institutions in key countries potentially affected by ACER's work or of key EU strategic importance. Receive visitors from (regulatory) institutions.
- Resources permitting, step up media activities in third countries.

Annex XIII: 2024 indicative procurement plan for operational tasks

Table 80: 2024 indicative procurement plan for operational tasks

Subject matter of the contracts envisaged	Type of procurement	Type of contract	Indicative time-frame ³¹	Indicative number of contracts envisaged ³²	Estimated value in EUR ³³	Estimated value in EUR ³⁴
IT consultancy services for ARIS, information security and partial migration to cloud	service	Specific contract based on an existing framework contract	Q1 - Q2	2	650,000	
Consultancy services for specific data and information services	service	Framework contracts	Q1	5		8,000,000
Consultancy services for specific data and information services	service	Specific contracts based on an existing framework contract	Q1	1	768,000	
Benchmarking, advisory and consultancy services in information and communication technology	service	Specific contracts based on an existing framework contract	Q1 - Q3	2	574,500	
IT professional services	service	Specific contracts based on an existing framework contract	Q1 - Q2	2	1,500,000	
Non-exclusive licenses of a variety of software products to the Agency and the provision of maintenance, support and other informatics services and documentation	supply	Order forms based on existing framework contracts	Q1 - Q4	1	1,635,500	
Oracle consultancy, software licenses, maintenance and associated services	service	Specific contracts based on an existing framework contract	Q1 - Q3	2	1,400,000	
Infrastructure upgrades, maintenance and vendor support for ARIS	supply	Order forms based on existing framework contracts	Q1 - Q4	1	250,000	
Data centre infrastructure solutions and services	service	Order forms based on existing framework contracts	Q1 - Q4	1	560,000	
Provision of hosting and co-location services for the Agency	service	Order forms based on existing framework contracts	Q4	1	35,000	
Provision of maintenance, support and development services for SharePoint applications for the Agency	service	Framework contract	Q1	1		2,000,000
Maintenance, support and development services for the Java/PHP applications	service	Specific contracts based on an existing framework contract	Q1 - Q4	4	450,000	
Consultancy services in the areas of security,	service	Specific contract based on an	Q3	1	50,000	

³¹ Indicative timeframe for launching new procurement procedure or for signing specific contracts/order forms under the existing framework contracts.

³² Order forms throughout the year are counted as one contract.

³³ Estimated commitments 2024.

³⁴ Estimated value for procurement procedures for new framework contracts.

Subject matter of the contracts envisaged	Type of procurement	Type of contract	Indicative time-frame ³¹	Indicative number of contracts envisaged ³²	Estimated value in EUR ³³	Estimated value in EUR ³⁴
occupational health and safety for the Agency		existing framework contract				
Consultancy services in the area of business continuity for the Agency	service	Specific contract based on an existing framework contract	Q3	1	40,000	
Consultancy services in the area of data protection for the Agency	service	Specific contract based on an existing framework contract	Q1	1	40,000	
Organisation of Agency's events	service	Service contracts	Q1 - Q4	4	25,000	
Provision of catering services for the Agency's events	service	Order forms based on an existing framework contract	Q1 - Q4	1	45,000	
Online media monitoring tool and digest services	service	Order forms based on an existing framework contract	Q4	1	15,000	
Provision of infographics services for the Agency	service	Framework contract	Q1	1		100,000
Provision of infographics services for the Agency	service	Order forms based on an existing framework contract	Q1 - Q4	1	20,000	
Provision of stakeholders management services	service	Order forms based on an existing framework contract	Q2	1	50,000	
Provision of audio-visual services for the Agency	service	Order forms based on an existing framework contract	Q3	1	15,000	
Provision of design services for the Agency	service	Order forms based on an existing framework contract	Q1 - Q4	1	30,000	
Agency's website set-up and maintenance services	service	Specific contracts based on an existing framework contract	Q2 - Q3	2	450,000	
Provision of legal assistance to the Board of Appeal in appeal proceedings	service	Framework contract	Q2	1		900,000
Legal assistance to the Board of Appeal	service	Order forms based on an existing framework contract	Q1 - Q4	1	220,000	
Board of Appeal registry services	service	Framework contract	Q2	1		240,000
Board of Appeal registry services	service	Order forms based on an existing framework contract	Q1 - Q4	1	60,000	
Defence of Board of Appeals' decisions before the General Court	service	Service contracts	Q1 - Q4	6	360,000	
Legal assistance to support the Agency as defendant before the Board of Appeal	service	Service contracts	Q1 - Q4	6	360,000	
Consultancy services in the area of leadership pipeline	service	Framework contract	Q1	1		510,000
Consultancy services in the area of leadership pipeline	service	Specific contract based on an existing framework contract	Q2	1	200,000	
Financial management consultancy on activity based management	service	Specific contract based on an existing framework contract	Q4	1	50,000	

Subject matter of the contracts envisaged	Type of procurement	Type of contract	Indicative time-frame ³¹	Indicative number of contracts envisaged ³²	Estimated value in EUR ³³	Estimated value in EUR ³⁴
Consultancy services in the area of workplace strategy	service	Specific contract based on an existing framework contract	Q2	1	15,000	
Supply of technical, assistance services in the field of audits and controls	service	Specific contract based on an existing framework contract	Q3	1	25,000	
Provision of temporary agency workers to the Agency	service	Framework contract	Q2	1		2,600,000
Provision of temporary agency workers to the Agency	service	Specific contracts based on an existing framework contract	Q4	1	800,000	
Subscriptions to general press	service	Order forms based on an existing framework contract	Q1 - Q4	1	25,000	
Subscriptions to specialised press	service	Order forms based on an existing framework contract	Q1 - Q4	1	276,000	
Technical consultancy services related to renewable energy sources in the area of gas	service	Service contract	Q1	1	70,000	
Consultancy services in the area of new tariff principles for zero tariffs and complementary analysis on the national tariff forecasts	service	Service contract	Q3	1	70,000	
Consultancy services in the area unit investment cost indicators related to the CO2 networks and electrolyzers	service	Service contract	Q2	1	30,000	
Consultancy services in the area of online platform for selected stakeholders on selected topics	service	Service contract	Q2	1	80,000	
Consultancy services in the area of market monitoring	service	Service contract	Q2	1	90,000	
Consultancy services in the area of adequacy	service	Service contract	Q2	1	90,000	
TOTAL PLANNED PROCUREMENT 2024				70	11,424,000	14,350,000