

DECISION AB n° 06/2010

On the notification to the Budgetary Authority of the intention of the Agency to occupy temporary premises in Ljubljana provided by the Slovenian Government for a period of two years

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

Having regard to Regulation (EC) No 713/2009 of the European Parliament and of the Council of 13 July 2009 establishing an Agency for the Cooperation of Energy Regulators (hereafter referred to as the 'ACER Regulation' and 'Agency');

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

Whereas:

According to article 23(6) of the ACER Regulation, "the Administrative Board shall, without delay, notify the budgetary authority of its intention to implement any project which may have significant financial implications for the funding of the budget of the Agency, in particular any project relating to property such as the rental or purchase of buildings. The Administrative Board shall also inform the Commission of its intention. If either branch of the budgetary authority intends to issue an opinion, it shall, within two weeks of receipt of the information on the project, notify the Agency of its intention thereof. In the absence of a reply, the Agency may proceed with the planned project".

As part of its proposal to host the Agency in Ljubljana, the Slovenian Government offered to make premises for the Agency available for an initial period of two years, free of any rent or related charges;

At the end of the initial two-year period, the Agency will select its permanent premises through a procedure carried out according to the relevant EU rules;

It is expected that the Agency, currently operating in Brussels, will establish itself in Ljubljana within the next four months, occupying the premises provided by the Government of Slovenia;

The Government of Slovenia, together with the Director of the Agency, on the basis of a public announcement procedure carried out according to Slovenian legislation, have identified suitable premises for the Agency in the TR3 building located in Ljubljana, in Trg Republike 3;

Although the occupation of the premises provided by the Government of Slovenia will not have any significant financial implications for the funding of the budget of the Agency and will not imply the rental or purchase of buildings, it is deemed prudent to proceed with the notification referred to in article 23(6) of the ACER Regulation;

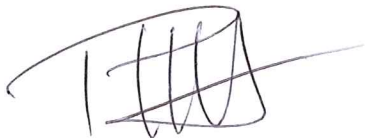
It is urgent to proceed with the notification referred to in article 23(6) of the ACER Regulation, to ensure that the Agency is in a position to establish itself in Ljubljana ahead of 3 March 2011, when the Agency will start its formal operations;

Given the urgency of the decision, the written procedure referred to in article 9(2) of the RoP, is adopted.

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

- 1) To notify the Budgetary Authority of the intention of the Agency to occupy the premises in Ljubljana provided, for a period of two years, by the Government of Slovenia;
- 2) To give mandate to the Director to proceed with the notification;
- 3) To give mandate to the Director to produce any document required for the notification, including the Model Information Note, and to provide any additional information which the Budgetary Authority may require, and to report to the Administrative Board on the outcome of the notification process.

Done at Brussels, on 14 November 2010



Piotr WOZNIAK
Chairman of the Administrative Board