

DECISION AB n° 07/2010

Authorising the Director to sign the Seat Agreement with the Government of the Republic of Slovenia

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 Protocol on the Privileges and Immunities of the European Union (hereinafter referred to as the Protocol”);

HAVING REGARD to the Rules of Procedure (hereafter referred to as ‘RoP’) adopted by the Administrative Board on 6 May 2010, and in particular to Article 9 thereof;

Whereas:

Decision 2009/913/EU of the Representatives of the Governments of the Member States in the European Council of 7 December 2009 (OJ 9 December 2009, L 322/39) provides that the European Agency for the Cooperation of Energy Regulators shall have its Seat in Ljubljana, Slovenia;

Article 27 of the ACER Regulation specifies that the Protocol shall apply to the Agency;

Further provisions are needed for the implementation of certain Articles of the Protocol and for additional matters to render the Agency fully operational and that these provisions should be included in a Seat Agreement between the Agency and the Government of the Republic of Slovenia (hereafter referred to as the “Government”);

Negotiations on the substantive content of the Seat Agreement, which started in July 2010, have now come to a successful conclusion, having the Agency and the Government agreed on the provisions to be included in the Seat Agreement;

The Slovenian Government sent, on 22 October 2010, a draft of the Seat Agreement and further informed the Agency, on 5 November 2010, of its agreement to some amendments to that draft, requested by the Agency, in the area of schooling;

The Director is responsible for representing the Agency, pursuant to Article 17(1) of the ACER Regulation;

The Seat Agreement includes, *inter alia*, provisions related to the premises that the Government will provide for occupation by the Agency in Ljubljana and therefore the signing of the Seat Agreement is urgent to allow the Agency to establish itself in Ljubljana ahead of the date in which it will assume its formal duties;

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 authorise the Director to conclude the formal negotiation with the Government of the Republic of Slovenia on the Seat Agreement, along the lines of the substantive agreement referred to in the preamble of this decision;
- 2) To authorise the Director to sign the Seat Agreement on behalf of the Agency.

Done at Brussels, on 14 November 2010



Piotr WOZNIAK
Chairman of the Administrative Board