

**DECISION AB n° 32/2011**

On the notification to the European Commission's Directorate-General for  
Budget  
of the intention of the Agency for the Cooperation of Energy Regulators  
to launch a project related to the rental of a building in Ljubljana

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

HAVING REGARD to Regulation (EC) No 713/2009 of the European Parliament and  
of the Council of 13 July 2009 establishing a European Agency for the Cooperation of  
Energy Regulators (hereafter referred to as "Regulation (EC) No 713/2009" and the  
"Agency"), and, in particular, to Article 23(6) thereof;

HAVING REGARD to Council Regulation (EC, Euratom) No 1605/2002 of 25 June  
2002 on the Financial Regulation applicable to the general budget of the European  
Communities, and in particular to Article 179(3) thereof;

HAVING REGARD to Commission Regulation (EC, Euratom) No 652/2008 of 9 July  
2008, amending Regulation (EC, Euratom) No 2343/2002 on the Framework Financial  
Regulation for the bodies referred to in Article 185 of Council Regulation (EC,  
Euratom) No 1605/2002 on the Financial Regulation applicable to the general budget  
of the European Communities (hereafter referred to as "Commission Regulation (EC,  
Euratom) No 652/2008"), and, in particular, Article 74(a) thereof;

HAVING REGARD to Decision AB n° 22/2011 on the adoption of the Financial  
Regulation of the Agency for the Cooperation of Energy Regulators (hereafter referred  
to as "Decision AB n° 22/2011"), and, in particular, Article 74(a) thereof;

HAVING REGARD to the Rules of Procedure (hereafter referred to as 'RoP') adopted  
by the Administrative Board on 6 May 2010;

WHEREAS, pursuant to Decision AB n° 06/2010, the Administrative Board of the  
Agency notified on 22 November 2010 the European Parliament and the Council  
(hereafter referred to as the "Budgetary Authority") of the Agency's intention to  
occupy premises in Ljubljana;

WHEREAS, according to Article 15(2) of the seat agreement concluded between the  
Agency and the Government of the Republic of Slovenia, rental costs related to the  
Agency's temporary premises are borne by the Slovenian government during the  
period from February 2011 to January 2013;

WHEREAS the Agency did not receive any appropriations for rental of buildings in 2011 and 2012, due to this commitment of the Slovenian government, but whereas the rental of a building in Ljubljana will have a significant financial implication for its budget in 2013;

WHEREAS the Agency envisages to launch an open procurement procedure in 2012 for selecting its premises in Ljubljana following the end of the rent-free period;

WHEREAS Article 23(6) of Regulation (EC) No 713/2009 and Article 74(a) of both Commission Regulation (EC, Euratom) No 652/2008 and Decision AB n° 22/2011 require the Agency to inform the Commission of its projects with significant budget implications, such as projects related to the rental of buildings;

WHEREAS, prior to submitting the final building file to the Budgetary Authority, the Agency wishes therefore to consult and notify the European Commission's Directorate-General for Budget (hereafter referred to as "DG BUDG") beforehand of its intention, in order to be able to address its possible concerns and to facilitate the approval of the building proposal;

HAS DECIDED:

- 1) To send a notification to DG BUDG of the intention of the Agency to launch a project related to the rental of a building in Ljubljana, in order to find suitable premises for the period following January 2013;
- 2) To give mandate to the Director to proceed with the notification;
- 3) To submit in due time, once more detailed information has become available following the public procurement proceedings, a prior communication and pre-notification to DG BUDG, with all relevant information on the operation planned, the cost to the budget in the various years, its justification as regards the principle of sound financial management and its impact on the financial perspective.

Done at Ljubljana on 2 December 2011

For the Administrative Board:



Piotr Woźniak

Chairman of the ACER Administrative Board