

DECISION No 3/2023

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

of 26 January 2023

amending Decision No 8/2021 of the Administrative Board of the European Union Agency for the Cooperation of Energy Regulators of 7 June 2021 establishing the rules on the reimbursement of expenses and compensation of costs incurred by Members and Alternates of the Administrative Board of the European Union Agency for the Cooperation of Energy Regulators participating to the activities of the Administrative Board

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

Having regard to Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators¹, and, in particular, Article 24(1)(h) thereof,

Having regard to 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, and, in particular, Article 94 thereof,

Having regard to Decision No. 8/2021 of the Administrative Board of the European Union Agency for the Cooperation of Energy Regulators of 7 June 2021 establishing the rules on the reimbursement of expenses and compensation of costs incurred by Members and Alternates of the Administrative Board of the European Union Agency for the Cooperation of Energy Regulators participating to the activities of the Administrative Board,

Whereas:

- (1) Pursuant to Article 94 of Decision No 8/2019 ('Agency's Financial Regulation') the European Union Agency for the Cooperation of Energy Regulators ('the Agency'), in application of Article 238 of Regulation (EU, Euratom) 2018/1046², may reimburse travel and subsistence expenses incurred by persons invited or mandated by the Agency, and, where appropriate, pay any other indemnities to these persons.
- (2) With the exception of the members and alternates appointed by the European Commission, the members and alternates of the Administrative Board of the Agency, appointed by the European Parliament and the Council, act in their individual capacity.
- (3) The members of the Administrative Board shall undertake to act independently and objectively in the interest of the Union as a whole, and shall neither seek nor follow instructions from

¹ OJ L 158, 14.6.2019, p.22

² Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision No 541/2014/EU and repealing Regulation (EU, Euratom) No 966/2012, OJ L 193, 30.7.2018, p. 1–222.

Union institutions, bodies, offices or agencies, from any government of a Member State or from any other public or private body.

- (4) In light of the above, it is appropriate to ensure that the members and alternates of the Administrative Board can perform their role.
- (5) It is appropriate to maintain transparent and non-discriminatory rules for the reimbursement of the travel and subsistence expenses incurred by Members and Alternate Members of the Administrative Board of the Agency in the performance of their duties.
- (6) It is also appropriate to amend Decision No 8/2021 of the Administrative Board of the European Union Agency for the Cooperation of Energy Regulators of 7 June 2021 in order to grant an indemnity to Members of the Administrative Board of the Agency more reflective of the role of the Administrative Board as defined in Article 19 of Regulation (EU) 2019/94.
- (7) Alternate Members of the Administrative Board should be granted the same conditions in terms of reimbursement of the travel and subsistence expenses, as well as of provision of indemnities when acting in replacement of Members of the Board of the Administrative Board.

HAS ADOPTED THIS DECISION:

Article 1

Decision No 8/2021 of the Administrative Board of the European Union Agency for the Cooperation of Energy Regulators of 7 June 2021 establishing the rules on the reimbursement of expenses and compensation of costs incurred by Members and Alternates of the Administrative Board of the European Union Agency for the Cooperation of Energy Regulators participating to the activities of the Administrative Board is amended as follows:

(1) Article 2(1) is replaced by the following:

‘(1) The Chair shall be entitled to an indemnity of EUR 900 for the preparation and attendance of a meeting of the Administrative Board, being ordinary or extraordinary.

(2) Article 2(2) is replaced by the following:

‘(2) The Vice-Chair and Members of the Administrative Board shall be entitled to an indemnity of EUR 700 for the preparation and attendance of a meeting of the Administrative Board, being ordinary or extraordinary.

(3) In Article 3, the words ‘Board of Appeal’ are replaced by ‘Administrative Board’.

Article 2

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

Done at Ljubljana on 26 January 2023.

For the Administrative Board

The Chair

M. THIOLLIERE

