

## BACKGROUND DOCUMENTS

### of the 70th ACER Administrative Board Meeting

11 – 12 December 2025

	Agenda point	Direct link
AB Decision No 17/2025 on the on the appointment of an Administrative Board member as an observer to follow the ACER Director selection procedure	2	<a href="#">Link</a>
AB Decision No 18/2025 on the appointment of one Member of the Administrative Board as reporting officer and one Member of the Administrative Board as appeal assessor for the assessment of the annual performance of the Head of the Coordination, Operations & Legal Department for the reporting period 1 January 2025 to 31 December 2025	2	<a href="#">Link</a>
Minutes of the AB Review Panel for the 2025 conflict of interest evaluation with Annex	2	<a href="#">Link</a>
Board of Regulators – minutes from 136 <sup>th</sup> meeting	4	<a href="#">Link</a>
AB Decision No 19/2025 on the code of good administrative behaviour for ACER's staff	5	<a href="#">Link</a>
AB Decision No 20/2025 on amending Decision AB No 08/2024 adopting the final Single Programming Document ('SPD') 2025-2027 including the Establishment plan 2025 and the budget of the Agency for the Cooperation of Energy Regulators for the financial year 2025	9	<a href="#">Link</a>
AB Decision No 21/2025 on adopting the final Single Programming Document ('SPD') 2026-2028 including the Establishment plan 2026 and the budget of the European Union Agency for the Cooperation of Energy Regulators for the financial year 2026	12 and 13	<a href="#">Link</a>

*Below is the document that is not available for download from ACER's website:*

**70th MEETING**  
**THE ADMINISTRATIVE BOARD**  
**11 December 2025**

**Subject: ELECTIONS OF THE ADMINISTRATIVE BOARD CHAIR AND VICE-CHAIR AT THE 70<sup>th</sup> ADMINISTRATIVE BOARD MEETING ON 11-12 DECEMBER 2025 - Rules and procedure on the elections**

**Background**

The Article 18.3 of the founding ACER Regulation 942/2019 stipulates that “the term of office of the Administrative Board Chair and of the Vice-Chair shall be two years, renewable once”. The term of office of the Chair and that of the Vice-Chair shall expire when they cease to be members of the Administrative Board”. The two-year mandate of the current Chair Ms Edit Herczog expires on 21 January 2026 and her term as the Administrative Board member can not be renewed. The two-year mandate of the Vice-Chair Mr Bogdan Chiritoiu finishes on 28 January 2026.

It is advised that the election/appointment of the new Chair and Vice-Chair takes place at least the second-last meeting before the end of the mandate of the current Chair and Vice-Chair to ensure continuity of business and a smooth hand-over.

The Administrative Board discussed the elections of the new Chair and Vice-Chair at its 68th and 69th meeting (closed session). The Board’s Secretariat reminded the Administrative Board of the rules in place for the designation of the Chair and Vice-Chair as well as the roles of the Chair and Vice-Chair for chairing and functioning of the Board. The Administrative Board decided that the elections would be held at the 70th AB meeting on 11 December 2025 in accordance with the ACER Regulation and the AB Rules of Procedure (RoP, see below).

**Nominations**

At the closed session of the 69th AB meeting on 23 October 2025, it was agreed that members who are interested in standing for these two positions can submit their candidacies from that date/23 October 2023 onwards via e-mail to the Secretariat by 21 November 2025 at the latest. According to the Article 2.3 of the AB RoP, nominations for the Chair and the Vice-Chair shall be submitted either by the candidates themselves or by other Members.

By the deadline, one member personally submitted their candidacy for the position of Chair, and another member personally submitted their candidacy for the position of Vice-Chair. The candidates for the positions are:

**for the post of the AB Chair:**

❖ **Mr Bogdan Marius CHIRIȚOIU**

**for the post of the AB Vice-Chair:**

❖ **Mr Tomasz DĄBROWSKI**

## Legal Provisions on the AB Chair and Vice-Chair Elections

are part of the [ACER 942/2019 Regulation](#) and [AB Rules of Procedure](#)

### A. Who can vote?

In line with Article 18(3) of Regulation (EU) No 2019/942, the Administrative Board shall appoint a Chair and a Vice-Chair **from among its Members**.

### B. Term of office

Both documents define that the term of office of the Chair and the Vice-Chair shall be two years, renewable once. The term of office shall expire when they cease to be Members.

### C. Quorum

The quorum is achieved when **at least two thirds of the members with voting rights** are present or represented by their alternate or by a proxy (article 7 of the AB RoP). If this quorum, necessary for the meeting to be valid is not met, the Chair shall immediately convene a new meeting of the Administrative Board to be organised within two weeks. At this new meeting, the quorum necessary for the meeting to be valid shall be achieved when at least four members with voting rights (or their alternates) are present.

### D. Voting and majority

The decision shall be adopted **by a two-thirds majority** of the members present or represented

Article 2 of the AB RoP provides that: *“The elections shall be **by secret ballot** unless the Administrative Board decides otherwise by unanimity. In case of a secret ballot, a teller shall be designated amongst the Members to assist in the counting of the vote. The voting will take place through a series of rounds. After each round, the candidate with the lowest number of votes shall be withdrawn. Voting shall continue until one candidate receives a two-thirds majority of favourable votes of the Administrative Board members”.*

**Action required:** ***The Administrative Board is invited to elect by consensus the new Chair and Vice-Chair of the Board for the period January 2026-Janaury 2028.***

**70th MEETING**  
**THE ADMINISTRATIVE BOARD**  
**11 -12 December 2025**

**Subject:** ***Amendment of Decision No 08/2024 on the adopting the final Single Programming Document ('SPD') 2025-2027 including the Establishment plan 2025 and the budget of the Agency for the Cooperation of Energy Regulators for the financial year 2025***

**Background:**

With Decision No 08/2024, the Administrative Board of the European Union Agency for the Cooperation of Energy Regulators adopted the budget for the financial year 2025. The amount of REMIT fees envisaged for the financial year 2025 was EUR 21,067,920.00.

During the year, the Agency collected REMIT fees related revenue in the amount of EUR 20,918,650.13 from:

- the debit notes that the Agency issued in January 2025 and which amounted to EUR 13,298,000.00,
- the debit notes issued in September 2025 for the surcharge in total amount of EUR 7,599,921.56 according to the Commission Decision (EU) 2025/1771 which has entitled the Agency to issue additional debit notes for the surcharge in amount of up to EUR 7.6 million to cover the deficit,
- interests for the late payments of the REMIT fees in amount of EUR 728.57, and
- issued debit notes totalling EUR 20,000 for new Registered Reporting Mechanism applications processed in 2025.

In line with the above, the total revenue of the Agency for the financial year 2025 needs to be decreased by EUR 149,269.87. The amount will be deducted from the budget in Title 3, which includes fee-related investments in the Agency's REMIT IT systems.

In order to balance the revenue and expenditure of the Agency it is appropriate to amend Decision No 08/2024 of the Administrative Board of the Agency of 11 December 2024.

**Action required:** ***The Administrative Board is invited to adopt the budget amendment.***

**70<sup>th</sup> MEETING**  
**THE ADMINISTRATIVE BOARD**  
**11-12 December 2025**

**Subject:**       **Single Programming Document 2026-2028, the budget and establishment plan of the European Union Agency for the Cooperation of Energy Regulators for the financial year 2026**

**Background:**

The Agency's Single Programming Document (SPD) 2026-2028 is due for adoption by the end of 2025. It includes the Work Programme with all the planned activities and tasks, as well as financial and human resources for 2026.

The European Commission provided the Agency its Opinion on the draft single programming document for the period 2026-2028 on 13 October 2025.

Following the adoption of the EU budget for 2026 (planned for EP plenary session on 23-26 November 2025), the Agency has adjusted the budget and human resources in the SPD 2026-2028. The draft SPD has been simultaneously submitted for the BoR's favourable opinion, a prerequisite for adoption by the AB.

The strategic objectives of the SPD remain those, as provided in the draft version of the SPD adopted by the Administrative Board in January 2025. Moreover, the Administrative Board had the orientation debate on the draft SPD also at its 69<sup>th</sup> meeting on 24 October 2025. Following that discussion, the document now specifies that the Agency is in the process of redefining its mission, vision and values.

The current document includes the following amendments (in track changes):

- Amendments, related to the Commission's Opinion of 15 October 2025 on the draft programming document of the European Union Agency for the Cooperation of Energy Regulators for the period 2026–2028.
- Updates made in line with new developments and facts that have emerged during the course of the year.

**Action required:**   ***The Administrative Board is invited to adopt the European Union Agency for the Cooperation of Energy Regulators Draft Single Programming Document 2026-2028, including the establishment plan and the budget for the financial year 2026.***