

BACKGROUND DOCUMENTS

of the 71st ACER Administrative Board Meeting

19 – 20 January 2026

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

71st MEETING
THE ADMINISTRATIVE BOARD
19-20 January 2026

Subject: Rules of Procedure for the Agency's REMIT Investigations

Background:

Regulation (EU) 1227/2011 provides a foundational framework to ensure transparency and integrity in wholesale energy markets across the European Union.

On 11 April 2024, the European Parliament and the Council adopted Regulation (EU) 2024/1106 amending Regulation (EU) 1227/2011 by introducing new investigatory and decision-making powers for the Agency regarding potential breaches of Articles 3, 4, 5, 8 and 15 of Regulation (EU) No. 1227/2011 having a cross-border dimension.

In light of the foreseen new tasks and mandates for the Agency, the Director, by Decision 2024-01 of 12 January 2024, established a new department within the Agency to be responsible for the investigations – the REMIT Investigations Department. Furthermore, the Director issued an Administrative Notice on 17 December 2024 establishing the responsibilities of the REMIT Investigations Department, delegating powers to the Head of Department and defining measures of organisation for the Agency.

The investigatory power of the Agency includes the powers to conduct on-site inspections, request information and take statements. The Agency may adopt decisions to order an on-site inspection or to request information, as well as imposing a periodic penalty payment in respect of the person subject to the investigation to compel that person to comply with such decisions.

Upon completion of its investigation, the Agency shall draw up an investigation report setting out the Agency's findings. The investigation report shall be submitted to the concerned national regulatory authorities, who are responsible for determining whether a breach has taken place and taking the necessary enforcement measures.

Article 14(5) of Regulation 2019/942 requires the Agency to adopt and publish adequate and proportionate rules of procedure which shall include provisions to ensure a transparent and reasonable decision-making process. The rules of procedure shall be adopted in accordance with the procedure set out in Article 19(1)(t) i.e. on the basis of a proposal from the Director in accordance with Article 24(1)(b), and after consulting the Board of Regulators and obtaining its favourable opinion in accordance with Article 22(5)(f).

On 10 December 2025, the Board of Regulators provided its favourable opinion on the rules of procedure.

By decision 19/2019 of 11 December 2019, the Administrative Board adopted the rules of procedure of the Agency as included in Annex I to that decision.

To ensure that the Agency carries out its investigations pursuant to Regulation (EU) 1227/2011 in a transparent and objective manner as well as in accordance with the principles of legality and proportionality, it is appropriate to adopt rules of procedure for the Agency's investigations and related decisions.

Action required: *The Administrative Board is invited to adopt the Rules of Procedure for the Agency's investigations under Regulation (EU) 1227/2011*

71st MEETING
THE ADMINISTRATIVE BOARD
Tuesday, 20 January 2026

Subject: European Union Agency for the Cooperation of Energy Regulators' Draft Single Programming Document 2027-2029

Background:

In line with Article 32 of ACER Financial Regulation¹ and the requirements of the Framework Financial Regulation applicable to decentralised agencies², as well as the Agency's Founding Regulation³, each year, the Director shall prepare a draft programming document containing annual and multi-annual programming, and shall submit the draft programming document to the Administrative Board and to the Board of Regulators.

The Administrative Board shall adopt the draft single programming document (SPD) of the Agency after receipt of a favourable opinion of the Board of Regulators, and submit it to the European Parliament, the Council of the EU and to the Commission no later than 31 January.

Following the Commission's opinion, due by 1 July 2026, the Board of Regulators will be called to give its favourable opinion to the document and the Administrative Board to adopt it by the end of 2026, following the adoption of the EU budget by the Budgetary Authority.

The Agency has prepared its draft SPD 2027–2029, including the Work Programme 2027 with all the planned strategic goals, strategic action areas, objectives and tasks for 2027.

The document received a favourable opinion from the Board of Regulators through a written procedure carried out from 11-19 December 2025.

The draft SPD 2027-2029 includes the provisional draft estimate of revenue and expenditure of ACER for the financial year 2027 including a draft Establishment Plan.

Action required: *The Administrative Board is invited to adopt the draft SPD 2027-2029.*

¹ 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.

² Commission Delegated Regulation (EU) 2019/715 of 18 December 2018 on the framework financial regulation for the bodies set up under the TFEU and Euratom Treaty and referred to in Article 70 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council (C/2018/8599), Article 32 and Article 33.

³ Regulation (EC) No 713/2009 of the European parliament and of the Council of 13 July 2009 established the Agency for the Cooperation of Energy Regulators repealed by Regulation (EU) 2019/942 (recast), Articles 20(1) and 33(1), (2) and (3).