

71st Administrative Board Meeting

Ordinary session (hybrid mode)

Monday, 19 January 2026, 16:00 - 19:30

Tuesday, 20 January 2026, 09:00 - 14:30

ACER premises, Trg republike 3, 1000 Ljubljana

MINUTES

Members and Alternates of the Administrative Board, present at the meeting:		Function
Ms Edit HERCZOG		Chair
Mr Bogdan CHIRIȚOIU		Vice-Chair
Dr Jurijs SPIRIDONOVŠ (present online on both days)		Member
Mr Václav BARTUŠKA		Member
Mr Tomasz DĄBROWSKI		Member
Ms Karoline NARODOSLAWSKY		Member
Mr Paul RÜBIG (present online on both days)		Member
Ms Britta THOMSEN		Alternate
Ms Rebecca HARMS (present online on both days)		Alternate
Mr Atanas GEORGIEV		Alternate
Mr Attila NYIKOS (present online on both days)		Alternate
ACER	Volker ZULEGER, Silvia MANESSI, Rodica MANDROC, Valter ILIĆ, Olga BORISSOVA, Julia HENTZ, Savvas SAVVIDES, François BEAUDE, Aleš STANIČ, Andreas MILTSOS, Uroš GABRIJEL, Christophe GENCE-CREUX, Rafael MURUAIS GARCIA, Csilla BARTOK, Karina KNAUS, Antonio SANTOS, Martin GODFRIED, Johan NORDSTROM, Una SHORTALL, Tina VONČINA	
European Commission	<p>DG ENER: Frédéric VERSINI – Member with proxy of member Ms JUUL-JØRGENSEN</p> <p>Juan-Ignacio DE DIOS MORALES; Inez BORGOWSKA (all present online on both days)</p>	

Board of Regulators	Emmanuelle WARGON, Chair (present online on both days)
European Court of Auditors	Mr Petri SARVAMAA, member of the European Court of Auditors
European School in Ljubljana	Ms Špela PEKLAR, Headmaster, and Matthew CHARLESWORTH, Deputy Headmaster

Member Ms Ditte JUUL-JØRGENSEN granted proxy to Mr Frédéric VERSINI.

Mr Volker Zuleger (ACER Director *ad interim*) and Ms Emmanuelle Wargon (Chair of the Board of Regulators) were present at the meeting, acting as observers. At the request of the Chair of the Board of Regulators, and with the agreement of the Administrative Board, Ms Wargon participated in the closed session concerning the selection of the ACER Director. Mr Zuleger was not attending the Administrative Board closed session. The Secretariat was provided by the Agency.

SUMMARY OF CONCLUSIONS OF THE 71ST MEETING OF THE ADMINISTRATIVE BOARD

At the 71st meeting, the Administrative Board:

1) expressed its support for the actions proposed by the Director <i>ad interim</i> to strengthen horizontal services and address the European Court of Auditors long-standing recommendation on the issue of interim staff;
2) took note of the two notes regarding the implementation of the telework rules and mandated the Director <i>ad interim</i> to engage in dialogue with DG HR to establish a common understanding of the framework and ensure its proper compliance. The Board requested to be kept informed of developments. In parallel, the Board requested data at the next meeting on current teleworking levels, including from abroad, to assess the impact of aligning internal guidelines with the Model Decision on Hybrid Working and the Staff Regulations;
3) received an update on the Iberian electricity system, including the ongoing analysis and the timeline for the final report to be issued by ENTSO-E;
4) was informed of the recent discussions of the Board of Regulators;
5) considered the expected 2026 ACER regulatory highlights;
6) took note of the recent activities of the Board of Regulators;
7) discussed priorities for the near and mid-term with the ACER senior management team. It acknowledged the Agency's expanded mandate and welcomed the commitment of management and staff in delivering mandatory tasks and advancing key initiatives and in that way providing necessary support to the Director <i>ad interim</i> ;
8) adopted by unanimity the REMIT Investigations Rules of Procedure via the AB decision 01/2026 of 20 January 2026;
9) was given assurance that that the ACER Director preselection phase led by the European Commission is proceeding according to the timeline outlined at the October meeting;

10) congratulated the Agency on successful implementation of the 2025 budget and procurement, noting the challenges posed by the late adoption of the revised REMIT fees decision. It reiterated the need to address the increasing procurement workload and expressed support for ensuring adequate resources to strengthen procurement capacity;
11) welcomed the 2025 implementation of the ACER Anti-Fraud Strategy (2025-2027) and called for greater emphasis on cybersecurity-related activities going forward;
12) reviewed the principles and rules in place for the reimbursement of costs related to participation of members and alternates in Board's meetings;
13) took note of the operational updates and progress regarding the Information Security policy and ongoing cybersecurity initiatives and developments;
14) adopted "the draft ACER Single Programming Document for the years 2027-2029, the provisional draft estimate of revenue and expenditure of ACER for the financial year 2027 and amended draft Establishment Plan 2027" via the AB Decision No 2/2026 of 22 January 2026, with 6 votes in favour and 3 abstentions;
15) welcomed the effective implementation of the Communications Strategy in 2025 and endorsed the 2026 communications priorities;
16) took note of the implementation of the contract for the new premises and requested to be regularly kept informed of the developments. It also supported the proposal of establishing a small working group of Administrative Board members, to be convened if needed, in order to enable the Director ad interim to seek a swift reaction or decision from the Board;
17) welcomed the exchange with the European Court of Auditors and took note of its observations on ACER. The Board stressed the need to ensure adequate staffing and overhead resources when assigning new operational tasks to agencies, and invited the European Court of Auditors to further reflect agencies' specific constraints - such as multiannual commitments, legal cost uncertainties, and the use of external consultancies - in its future reporting and engagements;
18) acknowledged the direct engagement with the management of the European School, welcomed the school's development and its first Baccalaureate (BAC) results, and expressed its support for efforts to secure a unified campus and ensure the provision of high-quality education. The Board further committed to following this matter as a priority through a dedicated group of members.
19) expressed its sincere gratitude for the outstanding service of longstanding members and alternates whose mandate ended in January 2026: Ms Edit Herczog, who served as AB Chair, Vice-Chair, and member; Mr Jurij Spiridonovs, who served as Vice-Chair and member; and the two alternates, Ms Britta Thomsen and Mr Attila Nyikos.

1. OPENING

Upon the Chair's invitation, the members and alternates of the Administrative Board were asked to declare any actual or potential interests that could be considered prejudicial to their independence in relation to the items on the agenda. No member or alternate declared or reported any such interest.

The Administrative Board Chair reminded all members and alternates of their obligation to submit the annual conflict of interest declarations to the Board Secretariat by 31 January 2026 for their timely review by the Review Panel.

1.1 Approval of the agenda and minutes

The Chair informed that the representatives of the Staff Committee were invited to join the agenda point on the European school in Ljubljana. The agenda of the 71st meeting was approved.

The Board was informed that the minutes of the 70th meeting had been finalised and the draft circulated. The draft is expected to be adopted through the written procedure following the meeting.

2. DISCUSSION AND DECISION-MAKING

2.1 Discussion with the Director *ad interim*: Business continuity Roadmap update

At the invitation of the Administrative Board Chair Ms Herczog, the Director *ad interim* Mr Zuleger updated the Board on the implementation of the Business continuity roadmap, focusing on i) strengthening legal services, ii) addressing longstanding European Court of Auditors' (ECA) observations on interims, and iii) reinforcing the Agency's horizontal services for internal controls and governance. Mr Zuleger explained that these additional efforts were necessary in light of the growth in fee-funded activities, which had been accompanied only by an increase of operational staff, and underlined the importance of conducting a second-phase assessment of staffing adequacy in certain other teams where horizontal tasks would be affected. He also referred to exploring synergies with other agencies, particularly in providing back-up arrangements for some shared positions (e.g. deputy Accounting Officer, Board of Appeal Registry).

The Director *ad interim* informed the Board also about the two notes of DG HR on the implementation of Commission Decision C(2023)5076: "Model decision for decentralised agencies and joint undertakings on working time and hybrid working" questioning the implementation of the teleworking rules by some Agencies. One note was addressed to all Agency Directors, while the other was sent specifically to ACER. The Director *ad interim* already replied to the letter, confirmed his availability for a meeting to discuss the matter, and indicated his intention to revert to the Board following that exchange.

Mr Zuleger also informed the Board that, in line with the Board's agreement from December 2025, he signed the layout of the new premises, providing shared offices instead of open space for horizontal services (e.g., HR, Legal, Finance, Procurement) requiring higher confidentiality in their daily work. The associated additional costs will be covered by the ACER budget.

The Administrative Board thanked the Director *ad interim* for presenting his proposals on the way forward to strengthen horizontal services and address the issue of interim staffing. The Board considered the proposed measures appropriate for implementation by the Director *ad interim* and expressed its support. The European Commission, in particular, welcomed the efforts to comply with the ECA recommendations and supported the idea of strengthening cooperation with other agencies, including through the sharing of staff for similar functions. DG ENER expressed its readiness to provide assistance in this area, if needed. The Chair particularly welcomed the proposal to reinforce HR compliance, while Mr Dąbrowski highlighted the importance of strengthening the REMIT Investigations department.

Regarding the implementation of the telework rules, the Board thanked the Director for promptly informing it of the notes received. It stressed the importance of ensuring full compliance with the Staff Regulations and the Model Decision, while engaging constructively with DG HR to transparently explain the need for a certain degree of flexibility in order to preserve ACER's attractiveness as an employer.

As the Board is not aware of the exact scale of the current situation, it requested that the Agency provides statistics at the next meeting. It further recommended developing a roadmap to support the alignment of processes during the transition period.

Decisions/ Conclusions

The Administrative Board expressed its support for the actions proposed by the Director ad interim to strengthen horizontal services and address the European Court of Auditors long-standing recommendation on the issue of interim staff.

The Administrative Board took note of the two notes regarding the implementation of the telework rules and mandated the Director ad interim to engage in dialogue with DG HR to establish a common understanding of the framework and ensure its proper compliance. The Board requested to be kept informed of developments.

2.2 Energy market and regulatory developments – recent ACER actions, efforts, perspectives and reflections

At the request of the Chair and Board members, Mr Uroš Gabrijel (Electricity Department, Team Leader – System Operation & Connection Codes) provided an update on the Iberian electricity system. ENTSO-E issued a factual report on 3 October 2025 outlining the sequence of events, which will be updated in light of the ongoing analysis of extensive datasets related to what is considered the most complex power system event in Europe in the past 70 years.

The final report, expected by the end of Q1/Q2 2026, will identify root causes and propose recommendations to prevent similar incidents. ACER is leading the chapter on voltage control, with short- and mid- to long-term recommendations foreseen. Lessons learned will also inform future revisions of the relevant network codes.

The Chair of the Board of Regulators, Ms Emmanuelle Wargon, noted that the technical findings are likely to trigger political discussions. Mr Bartuška likewise stressed the political implications of such a massive blackout, noting that all Member States are seeking to prevent similar events at any cost.

Decisions/ Conclusions

The Administrative Board took note of the update on the Iberian electricity system, including the ongoing analysis and the timeline for the final report to be issued by ENTSO-E.

2.3 Board of Regulators progress report

Ms Emmanuelle Wargon, Chair of the Board of Regulators, reported on discussions within the regulatory community since December 2025. She informed that the Board of Regulators had delivered a favourable opinion on the draft ACER Single Programming Document 2027–2029, paving the way for its adoption by the Administrative Board. She also noted the launch of the 2026 conflict-of-interest process.

Ms Wargon emphasised that, in response to a request from the European Commission, ACER and the NRAs have been working for some time on a Recommendation to strengthen the regulatory framework and reduce implementation delays, focusing on enforcement, incentives and governance. The shared objective is to ensure the timely, effective and robust implementation of internal energy market rules.

Following an additional round of comments and amendments, the text is expected to be submitted for final vote at the January Board of Regulators meeting, with a view to delivering some improvements.

Furthermore, at an additional January meeting, the Board of Regulators held an orientation debate on the European Commission's proposed "Grids Package" legislation, in particular the revision of the TEN-E Regulation. The Board agreed to prepare a joint ACER–NRA paper outlining key reactions to the Commission's proposal, expected to be endorsed by the NRAs at the end of January or shortly thereafter.

The Administrative Board asked about the rationale for the proposed Energy Highways and their possible link to the negotiations on the Multiannual Financial Framework (MFF) which could ensure additional financing for energy infrastructure. Ms Wargon indicated that the initiative appears political in nature, with no clear justification yet provided for the selection of specific projects. She also noted that, unlike at national level - where infrastructure is financed through regulated consumer tariffs and NRAs are accountable to consumers - no comparable framework exists at EU level, raising governance considerations. The Board's Vice-Chair Mr Chirițoiu added that leaving decisions on energy infrastructure solely at national level could result in underinvestment in certain regions. Ms Wargon agreed, noting that the debate (building infrastructure via tariff or subsidy) is at an early stage and will continue.

**Decisions/
Conclusions**

The Administrative Board took note of the recent discussions of the Board of Regulators.

2.4 Regulatory roadmap – Highlights in 2026

At the Board's request, Mr François Beaudé, Team Leader for Strategy Delivery and Communications, provided a succinct overview of the expected 2026 regulatory highlights, noting a relatively stable external outlook. He explained that ACER's work in 2026 will focus on two main areas: enhancing trust in the markets (through REMIT activities aligned with the updated regulation and delegated acts, as well as cross-border investigation mandates) and shaping the gas, electricity, and hydrogen markets (via the revision of network codes, monitoring the phase-out of Russian gas, issuing recommendation for robust implementation of energy market rules, engaging in TEN-E Regulation negotiations, and supporting efforts to increase security of supply).

The Administrative Board Chair noted that, in view of persistent external challenges, ACER should focus more on demand-driven discussions (e.g., AI).

**Decisions/
Conclusions**

The Administrative Board was informed of the expected 2026 ACER regulatory highlights.

2.5 Meeting with the ACER management team on 2026 priorities

Following last year's suggestion by the Administrative Board Chair, the Board met again with the entire ACER management team. Each Head of Department provided a brief presentation on their department's key near- to mid-term tasks, objectives, and challenges, with a focus on new responsibilities arising from recent legislative packages.

The Administrative Board thanked management for the comprehensive overview, noting the expansion of the Agency's mandate alongside the constraints of a limited budget. It acknowledged the challenges this creates in delivering such a wide range of tasks on time and congratulated the Heads of Departments and staff for their commitment and support to the Director *ad interim* in fulfilling the Agency's diverse responsibilities.

Decisions/ Conclusions

The Administrative Board discussed priorities for the near and mid-term with the ACER senior management team. It acknowledged the Agency's expanded mandate and welcomed the commitment of management and staff in delivering mandatory tasks and advancing key initiatives, particularly in support of the Director ad interim.

2.6 REMIT Investigations Rules of Procedure

Upon the invitation of the Administrative Board Chair, Mr Martin Godfired, Head of Department of REMIT investigations, explained that following the revision of the REMIT Regulation, ACER has new powers to carry out cross-border investigations in specified cases. These powers complement the important work of NRAs in detecting and preventing market abuse in Europe's wholesale energy market.

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.

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, the Agency drafted the rules of procedure for the Agency's investigations and related decisions.

The Board of Regulators provided its favourable opinion on the rules of procedure on 10 December 2025. The Administrative Board adopted the Rules of procedure by unanimity.

Decisions/ Conclusions

The Administrative Board adopted by unanimity the REMIT Investigations Rules of Procedure via the AB decision 01/2026 of 20 January 2026.

2.7 Session with Members and alternates only - Selection process of the new Director - update by the European Commission

In line with the Administrative Board's agreement, this agenda point was also followed by the Chair of the Board of Regulators, Ms Wargon.

Mr Frédéric Versini, the European Commission representative, recalled that, to ensure the legality of the process, information on the preselection phase for the ACER Director will be shared only with the Administrative Board Chair, who was formally appointed by the Administrative Board in December last year as observer to the pre-selection process. He explained that the Commission is currently assessing the eligibility of the applications received and confirmed that the preselection phase is progressing according to plan.

The Administrative Board will remain involved in the preselection phase through its Chair, who acts as an observer and will attend the interviews conducted by the Commission in listening mode. Once the preselection is completed and a shortlist of at least three candidates is established, the selection process will move to the Administrative Board, which will then cooperate with the Board of Regulators.

Decisions/ Conclusions

The Administrative Board was reassured that that the ACER Director preselection phase is proceeding according to the timeline outlined at the October 2025 meeting.

2.8 Organisational developments (Human resources management, 2025 budget & procurement implementation, 2026 budget, accounting and audits, Anti-fraud Strategy implementation in 2025, update on IT – 2025 achievements and 2026 priorities and challenges)

Upon the Chair's invitation, Ms Silvia Manessi, Team Leader of Human Resources Management, provided an update on the 2026 Agency recruitment plan, which - in line with the Agency's staff growth trajectory - envisages 12 new positions in 2026.

Ms Manessi also provided broader context of the implementation of the EC Communication on Hybrid Working and implementation of teleworking rules. The Model decision implemented by the Agencies via their Administrative Boards (ACER AB decision 11/2023) required the adoption of internal guidelines which were subsequently adopted by the Director. The guidelines were drafted to ensure the effective delivery of the Agency's mandate, while supporting staff retention and attraction during the energy crisis. In line with the Model decision requirement, the Director reported to the Administrative Board about the implementation of internal guidelines after 18 months at the 67th AB meeting in June 2025. The evaluation was based on consultation with the Staff committee and on the staff survey. The findings showed that more restrictive regime on working flexibility would impact the staff negatively and could result in both losing existing staff or not attracting the right skills and competencies. The Agency 's management assessed this risk as too high and thus proposed to keep the policy in place. However, as already reported by the Director *ad interim* the previous day, the Agency received a note from DG HR concerning the implementation of the working time and hybrid working decision in ACER. The note requires to align the internal guidelines and practice with the Model decision and Staff Regulations. ACER responded positively to the proposed discussion to exchange views and allowing ACER to provide arguments on the current system in place.

The Board was presented with the final implementation of the 2025 budget and procurement. Both met the required budgetary targets and recorded even better results than in 2024. The procurement colleagues were commented for exceptional efforts in the fourth quarter of the year when they managed to implement 40% of all planned procurement procedures (e.g., in December alone, 66 procedures were completed, committing almost € 8 million from 2025 and already 2026 funds). Such a workload peak was due to the late collection of a significant additional €7.6 million in REMIT fees from market participants, which could only be collected following the September 2025 revision of the Commission Decision on REMIT Fees. As a result of procurement implementation efforts, the Agency did not need to resort to the carry-over of potential non-committed 2025 budget in 2026. The Agency also thanked the European Commission services for strong support in this exercise. Per established practice, the Agency provided an overview and a country breakdown of the Agency's consultancy contracts. Regarding finances, Ms Rodica Mandroc, Financial Services Team Leader, reported that the Agency had started the 2026 financial year with the transition to the new SUMMA tool. She noted that the earlier closure of the previous financial year, due to this transition, would result in some late payments. She further explained that ACER was expecting the European Court of Auditors' clearance letter following the first audit of the January–September 2025 accounts. In addition, the external audit firm and a second ECA audit mission were expected in February, paving the way for the finalisation of the 2025 financial accounts by the end of May. Ms Mandroc also provided a brief overview of the ECA's open recommendations, reporting that four out of six are expected to be closed in 2026. Given that the ECA member was to join the Administrative Board meeting at a later stage, the Chair of the Board suggested addressing these topics under the relevant agenda item.

Mr Valter Ilić, Internal Control Officer, complemented this with an overview of the open recommendations stemming from previous DG IAS audits, which are planned to be closed by mid-2026. He also noted that the 2025 IAS audit on human resources management and ethics was ongoing. Furthermore, Mr Ilić reported on the implementation of the Anti-Fraud Strategy (2025–2027). The 2025 implementation report, covering four strategic objectives (prevention, detection, investigation, and correction), had been submitted to the Board. It was highlighted that implementation aligns with identified needs. In this context, some actions - such as the organisation of annual awareness-raising sessions on fraud prevention and detection - had been overachieved, while for some others no action was deemed necessary. Mr Ilić recalled that an overview of the Strategy's implementation would be included in the 2025 Consolidated Annual Activity Report, which is planned for adoption by the Board at the end of May 2026.

Following a request from the previous Board meeting, the Administrative Board Secretariat provided, for information, an overview of the principles governing the reimbursement of costs for members and alternates participating in Board meetings. Regarding indemnities, Ms Tina Vončina, Administrative Board Secretariat, explained that the ACER Regulation and the relevant Administrative Board decisions grant an indemnity to members of the Administrative Board (or to an alternate only when replacing a member) for performing their duties and voting in their individual capacity (AB Decision 08/2021, as amended by AB Decision 03/2023). The latter is a specific feature of ACER. Consequently, an alternate cannot receive an indemnity for the same decision taken by a member in his/her individual capacity. To ensure clarity and efficiency, alternates are asked to coordinate their attendance with voting members in advance of each meeting. However, it was emphasised that this does not prevent alternates from attending ACER Administrative Board meetings and being reimbursed for any costs incurred (e.g. travel and accommodation) when participating in the meeting.

The Administrative Board thanked the Agency for information provided on these matters and:

- The Board supported the Agency in presenting to DG HR arguments that led to the current, more flexible working arrangements, including in the context of enhancing the Agency's attractiveness as an employer. While some members expressed the view that the final decision on working arrangements should rest with management, provided that the security aspects are adequately

addressed, some members emphasised the rationale for locating agencies across Member States, in order to bring EU matters beyond Brussels and increase EU visibility in host countries. The Board also underlined that hybrid working is closely linked to the issue of premises, as well as to the effective functioning of the European School which should be considered also as important elements to reinforce the attractiveness of place of employment going forward. In the absence of a clear overall picture, the Board requested data at the next meeting on current teleworking levels, including from abroad, to assess the impact of aligning internal guidelines with the Model Decision on Hybrid Working and the Staff Regulations. The Chair stressed the importance of such alignment and invited the Agency to present a roadmap for a gradual transition to compliance.

- On the HR matter, the Board suggested including in the draft Single Programming Document 2026–2028 a provision allowing potential promotion across all AD grades, noting that ACER had not foreseen promotion from AD13 to AD14 in 2027. Ms Manessi explained that proposals for promotion are determined annually, based on the situation and applicable rules (e.g. average years in grade). Current assessment indicated that the conditions for promotion at that level would not have been met in 2027. The Board agreed to revert to the matter in the context of the draft Single Programming Document 2027–2029. The Commission called for a respect of the applicable rules on the reclassification.
- The Board congratulated the Agency on the successful implementation of the 2025 budget and procurement, noting the challenges posed by the late adoption of the revised REMIT fees decision. It reiterated the need to address the increasing procurement workload and expressed support for ensuring adequate resources. Regarding the usefulness of an overview of consultancy contracts, it was noted that the issue is closely linked to sovereignty, particularly in a critical domain such as energy, where significant amounts of data may be transferred outside Europe
- On the expressed intention to close 4 out of 5 IAS long-lasting recommendations in 2026, the Chair expressed strong appreciation for the efforts and especially for good cooperation with the Agency’s legal team. The Chair reminded that discussion on European Court of Auditors audits should be reverted to the upcoming agenda point with its member Mr Petri Sarvamaa.
- On the implementation of the Anti-Fraud Strategy (2025-2027), the European Commission noted that the plan is aligned with its Anti-Fraud Strategy and welcomed its implementation in 2025. However, it suggested placing greater emphasis on cybersecurity-related activities and ensuring more precise reporting on these actions.

Decisions/ Conclusions

1. The Administrative Board requested data at the next meeting on current teleworking levels, including from abroad, to assess the impact of aligning internal guidelines with the Model Decision on Hybrid Working and the Staff Regulations.
2. The Administrative Board congratulated the Agency on successful implementation of the 2025 budget and procurement, noting the challenges posed by the late adoption of the revised REMIT fees decision. It reiterated the need to address the increasing procurement workload and expressed support for ensuring adequate resources to strengthen procurement capacity.
3. The Administrative Board welcomed the implementation of the ACER Anti-Fraud Strategy (2025-2027) in 2025 and called for greater emphasis on cybersecurity-related activities going forward.

4. The Administrative Board reviewed the principles and rules in place for the reimbursement of costs related to participation of members and alternates in Board’s meeting.

2.9 Update on Information Security Policy

In a closed session, the Chief Information Security Officer updated the Administrative Board on recent developments in information and physical security, in accordance with the requirements of Regulation (EU) 2023/2841 on cybersecurity measures for EU institutions, bodies, offices, and agencies (EUIBA Regulation). The comprehensive overview detailed the actions implemented in 2025 and outlined the next steps. The Board congratulated the Agency on the work done and progress achieved. Moreover, it emphasised the continued importance of this policy and requested to be kept informed on this topic of strategic importance.

Decisions/ Conclusions

The Administrative Board took note of the operational updates and progress regarding the Information Security policy and ongoing cybersecurity initiatives and developments.

2.10 ACER draft Single Programming Document for years 2027-2029

Upon the invitation of the Chair, Mr Volker Zuleger, ACER Director *ad interim*, and Mr Valter Ilić, Internal Quality Officer, presented to the Board the draft text of the Single Programming Document for 2027-2029, already endorsed by the Board of Regulators. The Board of Regulators provided a favourable opinion on the document on 19 December 2025.

Mr Ilić emphasized that the preparation of this document took into account the evolving legislative and regulatory context as well as geopolitical environment in which the Agency operates. The programming document aims to support the Agency in delivering its mission of enhancing the integration and resilience of the internal energy market, while contributing to the European Commission’s 2024–2029 mandate, in particular with regard to affordability, security of supply, and competitiveness. Mr Ilić further highlighted that ACER is cooperating closely with NRAs and other stakeholders to achieve its regulatory objectives. It was clarified that the five main strategic goals remain unchanged, as do the activities supporting them. The document also retains the same prioritisation system for activities as previously agreed with the European Commission.

The document also includes the projected trajectory for both budgetary and human resources for 2027. In line with the approved Legislative and Financial Statement, the recruitment of 13 FTEs is planned for 2027. On the budgetary side, the Agency anticipates additional cybersecurity-related costs stemming from the implementation of the Regulation (EU) 2023/2841 on cybersecurity measures for EU institutions, bodies, offices and agencies (EUIBA Regulation), which are expected to exceed the projected EU subsidy for 2027. Mr Ziegler stressed the specific situation of ACER, noting that the Agency collects data in the energy sector, which is considered critical infrastructure, and recalled that this has already been recognised and supported by the Administrative Board. For this reason, the Agency proposes requesting an additional subsidy of €0.9 million in the draft SPD to cover these estimated costs. He explained that the Agency intends to communicate this request to the European Commission, including through the adoption of the draft SPD 2027–2029 by the Administrative Board. The request will be adjusted as necessary once the 2027 EU budget is approved. Should the request not be granted by November 2026, the Agency will need to make the necessary expenditure cuts to

balance the 2027 budget, including reducing revenue from fees and charges in line with the principle that such fees cannot exceed the subsidy.

Mr Verisni, representing the European Commission, stressed that cybersecurity obligations apply to all EU institutions. As the request exceeds the agreed ceilings of the current Multiannual Financial Framework, he announced that the Commission would abstain from the vote on this document.

The Administrative Board Chair reiterated that ACER is in a particular situation. While EUIBA Regulation applies to all, ACER is also subject to the requirements of the NIS2 Directive, which are particularly relevant for the energy sector as critical infrastructure. She underlined that the cost of remedying cybersecurity incidents is typically far higher than the cost of preventive measures and upheld call for a strong support for the Board to recognise the importance of ACER's role in safeguarding critical energy infrastructure.

Moreover, the Administrative Board Chair recalled that if the Board of Regulators supports the proposed updates to the Agency's mission, vision, and values, and the Director proceeds with these changes, they would need to be reflected in the updated Single Programming Document 2027-2029.

In a closed session, the Board also discussed the proposal to provide promotion opportunities for all AD grades in 2027. Mr Zuleger noted that this would have budgetary implications that would need to be duly taken into account. The proposal to amend the draft Single Programming Document accordingly was adopted with 6 votes in favour and 3 abstentions.

The Administrative Board subsequently adopted the draft ACER Single Programming Document 2027–2027 with 6 votes in favour and 3 abstentions.

**Decisions/
Conclusions**

The Administrative Board adopted “the draft ACER Single Programming Document for the years 2027-2029, the provisional draft estimate of revenue and expenditure of ACER for the financial year 2027 and amended draft Establishment Plan 2027” via the AB Decision No 2/2026 of 22 January 2026, with 6 votes in favour and 3 abstentions.

2.11 Implementation of ACER communication strategy 2024-2026

Upon the invitation of the Chair, Ms Una Shortall, Policy officer - Strategic Communications, presented the key highlights and take-aways from the 2025 implementation of the ACER Communication strategy (2024-2026) and its accompanying dissemination plan, as adopted by the Borad of Regulators and the Administrative Board. She also outlined the 2026 communication priorities.

Ms Shortall recalled that the Communications Strategy is structured around four pillars: (1) external communication, (2) internal communication, (3) effective stakeholder engagement, and (4) a data-driven digital presence. While numerous actions have been undertaken to implement each of these pillars, Ms Shortall highlighted in particular two key initiatives: (1) a “high-visibility, high-impact” approach to selecting major external events for the presentation of ACER's main deliverables, thereby ensuring greater visibility and stronger engagement with key stakeholders; and (2) the launch of the revamped website. Both initiatives will remain key priorities for 2026, alongside the development of IT tools to support the Boards. Ms Shortall also noted that the Director ad interim has placed new emphasis on engagement with Slovenian stakeholders. She emphasised that communications work is continuously adjusted to reflect lessons learned and stakeholder survey findings. Finally, she announced the preparation of a new Communications Strategy for 2027–2029, which will require endorsement by both Boards.

The Board congratulated ACER for its effective communication work and tangible progress, as demonstrated by the high visibility of ACER deliverables among stakeholders. The Board endorsed the proposed communication priorities for 2026.

The Administrative Board Chair particularly appreciated the focused engagement with Slovenian stakeholders. Several members emphasized the importance of engaging stakeholders through podcasts, which have become an influential source of information and can contribute to a more informed debate. The ACER Director *ad interim* added that the Agency is exploring ways to further strengthen cooperation with NRAs on communication activities. While it was noted that energy policy falls within the competence of Member States, some members highlighted that credible communication support from EU institutions on energy topics would be beneficial. The Board of Regulators Chair concurred that there is scope to support multiple narratives. In this context, Ms Shortall also informed the Board that ACER has launched a press network with NRAs, designed to support each other's work and facilitate the exchange of good practices.

**Decisions/
Conclusions**

The Administrative Board welcomed the effective implementation of the Communications Strategy in 2025 and endorsed the 2026 communications priorities.

2.12 The building file

At the Chair's invitation, Ms Olga Borissova, Senior Adviser, updated the Board on the contract implementation of new premises. In line with the business continuity mandate approved by the Board for this task, the Agency has been finalising a layout adapted to its actual needs and operational requirements. The revised layout is expected to cause some delay, which will be reflected in an amendment to the future lease contract, and may also result in additional costs to be absorbed within the 2026 ACER budget. Both elements - the additional costs and the revised timeline - are expected to be presented to the Board at its next meeting.

As the project is entering a critical stage of implementation, the Administrative Board Chair/rapporteur for file Ms Herczog suggested to the next Board leadership the establishment of a small working group. This group could be convened, if needed, to enable the Director *ad interim* to seek a swift reaction or decision from the Board. The Board took note of the proposal and agreed to discuss it at the next meeting.

In the meantime, the Board requested that the Agency provide regular updates to all members, rather than only to the rapporteurs (Ms Herczog and Ms Narodoslowsky).

**Decisions/
Conclusions**

The Administrative Board took note of the implementation of the contract for the new premises and requested to be regularly kept informed of the developments. It also supported the proposal of establishing a small working group of Administrative Board members, to be convened if needed, in order to enable the Director ad interim to seek a swift reaction or decision from the Board.

2.13 European Court of Auditors – Annual report on EU agencies for the 2024 financial year

The Administrative Board Chair Ms Herczog underlined the importance of agencies' close cooperation with audit services, which should be considered strategic partners in supporting the Boards in their supervisory role over agencies. In this context, the Chair invited Mr Petri Sarvamaa, Member of the European Court of Auditors (ECA), to present the ECA's Annual Report on EU agencies for the 2024 financial year and to share the ECA's views on ACER.

Mr Sarvamaa highlighted the importance of the ECA's oversight of the budgets of the 43 EU agencies, which together represent a significant share of the EU budget. He noted that agencies face similar challenges, particularly in public procurement and budget management (e.g. high carry-overs and late payments), although their overall performance is improving. He confirmed that ACER operates on a solid framework, while identifying some areas for improvement such as the high level of carry-overs, a significant share of late payments, and reliance on interim staff to compensate for a shortage of directly employed staff.

In response, Administrative Board members highlighted the recurring practice of assigning agencies new tasks and corresponding budget without providing the necessary staff to implement procurement activities. They suggested that the ECA also examine the organisational structures of agencies and draw attention to the lack of adequate staffing for procurement functions. Mr Sarvamaa took note of the importance of also reporting on overheads.

It was further noted that the ECA should pay attention to the use of external consultancies by agencies, which often have access to significant information without sufficient oversight regarding whether they act in the EU's interest. Mr Sarvamaa considered this a relevant observation and committed to relaying it and following up. Ms Rodica Mandroc, ACER Financial Services Team Leader, pointed out that high carry-overs are often unavoidable due to multiannual contracts and suggested that the ECA consider adapting its reporting approach accordingly. Mr Sarvamaa acknowledged that this is a recurring concern raised by all agencies and confirmed that the ECA is exploring ways to better reflect individual circumstances, while stressing that it still needs to maintain strong overarching annual responsibility to oversee the substantial share of the EU budget allocated to agencies. The Administrative Board Chair also highlighted another challenge faced by some agencies, namely the need to anticipate and budget for potential legal cases. Such legal costs can lead to significant and unexpected costs spikes, which are difficult to accommodate within an annual budget framework. Mr Sarvamaa took note of this point.

The Director *ad interim*, Mr Volker Zuleger, welcomed the regular engagement with the ECA and thanked the Administrative Board Chair for this valuable initiative. He reiterated the importance of the Board's remarks regarding the difficulties ACER face in securing adequate overhead resources when taking on additional tasks and responsibilities.

Mr Sarvamaa thanked the Board for the invitation and the opportunity for exchange, noting that the discussion had provided valuable insights which he intends to convey and, where possible, incorporate into the future development of the ECA's reporting.

Decisions/ Conclusions

The Administrative Board welcomed the exchange with the ECA member and took note of its observations on ACER. The Board stressed the need to ensure adequate staffing and overhead resources when assigning new operational tasks to agencies, and invited the ECA to further reflect agencies' specific constraints - such as multiannual commitments, legal cost uncertainties, and the use of external consultancies - in its future reporting and engagements.

2.14 European School Ljubljana – Meeting with Headmaster and deputy Headmaster

Upon invitation of the Chair, Ms Špela Peklar, Head of the European School Ljubljana, and Mr Matthew Charlesworth, Deputy Head responsible for the secondary cycle and the Baccalaureate (BAC) examinations, presented to the Board the school's development and growth, its position within the Slovenian education system, and its standing compared to other international schools. They highlighted the advantages across all levels (nursery, primary, secondary) and shared the first BAC results for the 2024/2025 academic year.

The Chair, Ms Herczog, emphasised that the Board has been closely following this file, considering access to a high-quality school as an important factor for the attraction and retention of Agency staff. For this reason, she proposed a direct exchange with the school management for the first time and invited the Staff Committee to participate.

Ms Peklar thanked the Board for recognising the importance of the school and expressed a desire to strengthen cooperation. She highlighted that the school's priorities include securing a unified campus and maintaining strong academic results, both essential for attracting and retaining students. Mr Charlesworth noted that the school achieved a 100% pass rate in its first year of BAC examinations and ranked 10th out of 31 European Schools and 3rd out of 18 accredited schools.

In response to a question from the Staff Committee regarding the timeline for a potential new campus, Ms Peklar indicated that no timeline could be provided, as the decision rests with national authorities. She noted that a new campus would address several current challenges, particularly at the secondary level, including the lack of laboratories, a gym, and a library. The Staff Committee welcomed the BAC results and expressed readiness to continue cooperation with the school.

On behalf of the Board, the Chair requested the Agency to provide statistics on the schooling of ACER staff children, including enrolment in different schools and in the European School, as well as to present the Board the related Director's decision. Ms Herczog expressed appreciation for the newly established direct contact with school management and summarised the key points for further consideration: encouraging parents to enrol their children in the European School and engaging with the Slovenian authorities and municipality to ensure adequate premises. She suggested that the Board continue to treat this topic as a priority within a group of dedicated members.

Decisions/ Conclusions

The Administrative Board acknowledged the direct engagement with the management of the European School, welcomed the school's development and its first Baccalaureate (BAC) results, and expressed its support for efforts to secure a unified campus and ensure the provision of high-quality education. The Board further committed to following this matter as a priority through a dedicated group of members.

2.15 AOB – IAS Mission Charter

DG IAS has not yet provided feedback on the updated IAS Mission Charter, which will be co-signed by the Chair of the Administrative Board and the Director *ad interim* once it is finalised.

3. CLOSING SESSION

The Administrative Board expressed its sincere gratitude for the outstanding service of longstanding members and alternates whose mandate ended in January 2026: Ms Edit Herczog, who served as AB Chair, Vice-Chair, and member; Mr Jurij Spiridonovs, who served as Vice-Chair and member; and the two alternates, Ms Britta Thomsen and Mr Attila Nyikos.

3.1 Next meetings

The next/72nd Administrative Board meeting will be an onboarding session and is scheduled for 6 March 2026 in virtual format only.

The dates of the 2026 ordinary meetings are: 27–28 May, 22–23 October, and 10–11 December.

The Board is also expected to convene an extraordinary session for the selection of the ACER Director once the Commission has completed the pre-selection stage.