

72nd Administrative Board Meeting

Ordinary session (online mode)

Friday, 6 March 2026, 9:00 - 13:30

MINUTES

Members and Alternates of the Administrative Board, present at the meeting:		Function
Mr Bogdan CHIRIȚOIU		Chair
Mr Tomasz DĄBROWSKI		Vice-Chair
Mr Jorge SOUSA		Member
Ms Josianne CUTAJAR		Member
Ms Rebecca HARMS		Alternate
Mr Markus PIEPER		Alternate
Ms Atanas GEORGIEV		Alternate but with proxy of Member Narodoslowsky
Ms Emanuella TRULI		Alternate
ACER	Volker ZULEGER, Rodica MANDROC, Valter ILIĆ, Aleš STANIČ, Andreas MILTSOS, François BEAUDE, Christina BRANTL, Tina VONČINA	
European Commission	DG ENER: Cristina CUADRA GARCIA – Member with proxy of member Ms JUUL-JØRGENSEN Juan-Ignacio DE DIOS MORALES; Inez BORGOWSKA	
Board of Regulators	Emmanuelle WARGON, Chair	
Previous Administrative Board members	Ms Edit HERCZOG (previous Chair, Vice-Chair and member) and Mr Jurijs SPIRIDONOVŠ (previous Vice-Chair and member)	

Member Ms Ditte JUUL-JØRGENSEN granted proxy to Ms Cristina CUADRA GARCIA.

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. They were not attending the Administrative Board closed session. The Secretariat was provided by the Agency.

SUMMARY OF CONCLUSIONS OF THE 72ND MEETING OF THE ADMINISTRATIVE BOARD

At the 72nd meeting, the Administrative Board:

- 1) newly appointed members and alternates from the European Parliament and the Council of the EU were provided with key information on the Agency and the core responsibilities of the Administrative Board. The Board expressed strong appreciation to the former members for sharing their experience and lessons learned, as well as for their continued willingness to be consulted where relevant.
- 2) took note of the results of the 2026 conflict of interest assessment conducted by the Review Panel. The Board unanimously reconfirmed the risk level 3 assigned to the new alternate, Mr Půček, triggering a two-month period to remedy the conflict (by 6 May 2026), during which he is suspended from the Administrative Board. The suspension will be published on the Agency's website. The Board also committed to reflecting on ways to improve the appointment process in the future.

1. OPENING

The Administrative Board Chair, Mr Chirîtoiu, welcomed at their first Administrative Board meeting the new members: Ms Cutajar and alternate Mr Pieper, appointed by the European Parliament (mandates starting 22 January 2026), and Mr Sousa, appointed by the Council of the EU (mandate starting 28 January 2026). The new members were invited to introduce themselves, followed by a tour de table of all meeting participants.

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.

1.1 Approval of the agenda and minutes

The agenda of the 72nd meeting was approved.

2. DISCUSSION AND DECISION-MAKING

2.1 Short introduction to ACER: evolution and governance

Upon invitation of the Chair, the ACER Director *ad interim* Mr Volker Zuleger delivered a presentation on the Agency, covering its establishment and evolution, including staffing, governance structure, and key tasks, including those assigned under recent EU legislative reforms (Electricity Market Design, REMIT II, and the Hydrogen and Decarbonised Gas Market Package). He stressed the importance of cooperation with the NRAs who are an integral part of the Agency and reminded the Agency is celebrating an important milestone, having been established exactly 15 years ago, on 3 March 2011.

The members inquired about the potential impact of the evolving Middle East conflict on the EU, particularly on gas and electricity prices. The Director *ad interim* noted that ACER will present its first assessment of the EU gas and electricity markets at the upcoming Board of Regulators meeting (11 March 2026). ACER, in cooperation with the European Commission, is closely monitoring current volatility, with gas prices having already doubled compared to pre-conflict levels and electricity prices affecting national markets differently. While the situation is not yet comparable to the EU energy crisis of two years ago, prolonged market turbulence could change this assessment. If the topic remains relevant, Mr Zuleger is ready to present the topic at the next Administrative Board meeting.

Regarding the question of the conflict's impact on electricity market design, the Chair of the Board of Regulators, Ms Wargon, recalled that the merit order was a key topic extensively discussed during the crisis caused by Russia's war of aggression against Ukraine. In the end, it was concluded that the market design remains effective and that the merit order should not be changed. Instead, the focus should be placed on long-term markets (PPAs, CfDs) and infrastructure (grid package). She underlined that the current crisis is primarily driven by scarcity, highlighting the need to expand renewable energy capacity in order to reduce dependence on gas.

The previous Administrative Board Chair, Ms Herczog, highlighted that during her tenure the Board had to focus on HR management due to the Agency's high recruitment pace. She pointed the following issues as important for the Board to follow in near-term: telework implementation, follow-up to the 2024 Staff survey, and various ethical matters. She also advised the Board to monitor closely the implementation of the upcoming findings of the 2025 audit of the human resource management and ethics carried out by the European Commission Internal Audit Service (DG IAS).

2.2 European Commission role/perspective on the Administrative Board

At the Chair's invitation, Ms Cristina Cuadra Garcia, Alternate appointed by the European Commission, complemented the Director *ad interim*'s presentation by providing the European Commission's perspective on the Agency. She outlined the legal (ACER Regulation, Financial and Staff Regulations, common approach on decentralized agencies) and operational frameworks in which the Agency works, including relations with NRAs, stakeholders, DG Energy and other Commission services, the European Parliament, and the Council. She also clarified the roles of Commission members on the Board and of the Executive Director, noting that the Administrative Board delegates its Appointing Authority powers to the Director, which can be suspended and reassigned if the Board loses trust in the Director. In that context, Ms Cuadra Garcia stressed the importance of the respect of the Staff Regulations and its implementing rules, including the ones on working time and hybrid working. She pointed to the ongoing

request of DG Human resources for ACER to align its internal guidelines on the teleworking with the Commission's rules.

2.3 ACER's budget cycle and experienced shared with previous Board members

Upon the invitation of the Chair, Mr Aleš Stanič, Budget officer, and Ms Rodica Mandroc, Financial Services Team Leader, presented the budget cycle - preparation, approval, implementation, and reporting - highlighting the Administrative Board's role at each stage. Mr Stanič also outlined key items affecting the 2026 budget and plans to address them. It was emphasised that one of the key near-term files is the upcoming Multiannual Financial Framework (MFF), given its critical impact on the Agency's long-term budget planning, resource allocation, and strategic priorities.

Previous Administrative Board Chair Ms Herczog and member and budget rapporteur Mr Jurijs Spiridonovs were invited to join the session on budget and share their experience and perspectives on key topics, particularly for new Board members and alternates.

Mr Spiridonovs advised the Board to maintain a strong focus on administrative matters, as these constitute the core responsibility of the Administrative Board. He suggested that Board's meetings should begin with administrative items and avoid dedicating equal or even greater time to policy and regulatory developments.

He recalled that the Agency's mandate and ambitions are ultimately reflected in its budget. The Board should therefore identify any gaps between ambitions and available resources and assess whether such gaps are sustainable. In this context, the Board should closely monitor annual changes in budget allocations across titles and remain regularly informed about budget implementation and its budget targets.

Mr Spiridonovs highlighted the "building file" as one of the key dossiers adopted by the previous Board, noting that its implementation now falls to the current Board. He underlined the complexity of this file and the difficulty of reaching a final decision. For this reason the Board suggested an internal audit review in order to improve the process and provide guidance for future cases. He called on the Board to dedicate adequate support to this review.

He stressed the important role of the European Commission members within the Board, noting that while the Board relies on their expertise, it should not hesitate to raise questions where necessary, for example on issues such as payment of pension contributions.

Reflecting on past experience, he observed that the previous Board had devoted significant attention to the risk of high legal costs linked to lost court rulings. He advised the new Board to consider potential spikes in such costs as a risk, while recalling that solutions for negative budgetary outturns have been found and can be resolved in cooperation with the Commission and other parties. As such, this issue should no longer be considered critical, and the Board should focus more on ongoing budgetary operations.

He recommended maintaining the practice introduced by Ms Herczog of allocating separate budget lines for each of the three Boards, as this supports their independence and ensures adequate resources for their functioning.

Mr Spiridonovs also shared views on selected other internal procedures of the Administrative Board. He pointed to the absence of a structured process for circulating documents addressed to the Board via its Chair by other EU institutions (e.g. reports from the European Court of Auditors or the Internal Audit Service). Similarly, there is no clear procedure for handling individual staff complaints, including who should discuss and sign decisions (the Chair or the Board collectively).

He stressed the importance of monitoring horizontal support functions, noting that the assignment of new tasks is often not accompanied by sufficient overhead resources. This remains a key concern, and the Board has been supporting strongly the Director *ad interim* in addressing it. In particular, the workload of the procurement team should be closely monitored, as it tends to peak in the last quarter of the year and could be better distributed.

Finally, Mr Spiridonovs referred to recent discussions on extending indemnities to alternate members. He urged caution, noting that the Agency's governance differs from that of other agencies, as members are appointed in a personal capacity. This underpins the rationale for granting indemnities for decision-making responsibilities to members only and highlights the importance of personal integrity. He also encouraged both members and alternates to reflect this in practice, for example by submitting reimbursement claims promptly, thereby supporting timely budget implementation and accountability.

The previous Chair, Ms Herczog, commended the budgetary rapporteurs, Mr Spiridonovs and Mr Rübzig, for the progress achieved in improving budget planning, implementation, and the focus on procurement. She stressed that ACER has consistently been underfinanced, with a persistent gap between assigned tasks and allocated resources. She therefore advised the Board to pay close attention to the budget attached to new tasks, which often arrives late or proves insufficient, while the tasks must nonetheless be delivered.

In the context of budget planning and adoption under the annual Single Programming Document, she highlighted the important role of the European Commission representatives, given their awareness of budgetary constraints. At the same time, she cautioned that this should not prevent the Board from raising concerns or pointing where additional resources are needed. She supported the importance of maintaining independent budget lines for each board, as a reflection of their independence.

Reflecting on her tenure, she identified the improved cooperation with auditors as a key achievement, noting a shift from a tense relationship to a strategic partnership. She encouraged the Board to view auditors as valuable partners who can help identify areas for improvement and tracking progress.

Ms Herczog also advised the Board to request access to Director's decisions where relevant and noted that the Board had not always been sufficiently involved in certain strategic decisions, such as the 2024 reorganisation. She suggested this should be revisited where appropriate.

Finally, she encouraged members to review past Board minutes to understand the evolution of key files and to rely on the Secretariat for support. Both she and Mr Spiridonovs expressed their availability to be contacted and consulted by Board members on any matters.

The Chair thanked again both for invaluable contributions to the Boards' work and expressed appreciation on behalf of the Board for being ready to share their views.

In the subsequent debate, new members requested additional information, including an overview of ongoing court cases, areas requiring increased funding, and guidance on how to support ACER in securing improved funding going forward. The Director *ad interim* confirmed that such information (e.g. legal costs) will be shared regularly with the Board. He highlighted cybersecurity as a key area that has long been underinvested and stressed that strengthening ACER's cybersecurity posture remains a priority for additional funding. He also encouraged members to actively advocate for increased Agency funding in the next Multiannual Financial Framework and to leverage their networks to support this objective.

Mr Rübzig emphasised the importance of the ACER-ITRE contact group and of consistently demonstrating the Agency's added value to the budgetary authorities. Ms Herczog cautioned that negotiations on the next Multiannual Financial Framework are likely to be challenging, with many Member States in the Council pushing to reduce administrative spending, which could leave new tasks insufficiently supported by resources.

She also pointed to structural budgetary constraints of the current ACER funding model stemming from the Regulation, in particular the fixed 50:50 ratio between EU subsidy and REMIT fees. She noted that unless this is revised, it poses a significant risk to the Agency's future budgetary development.

2.4 Annual and multiannual programming, reporting, accounts and audits

Mr Valter Ilić, Internal Control Officer, presented the annual and multiannual programming documents and their adoption process as well as key audits and their follow-up by the Agency and administrative strategies and their implementation (e.g. ACER Anti-fraud strategy 2025-2027). Tasks and role of the Administrative Board in these processes were explained.

The Board was informed that at the next meeting in end May, it would adopt the consolidated Annual activity report 2025 and Opinion on the financial year 2025.

The Director *ad interim* added that recent audit reports highlight a high risk stemming from insufficient horizontal support services (finance, procurement, HR, IT, and legal). In addition to understaffing, many of the posts allocated to these functions are at lower grades (primarily assistant level). He called on the Administrative Board to support efforts to ensure the Agency has adequate administrative capacity in line with internal control standards.

Members requested links to various documents, and the Secretariat committed to sharing those who are not classified as confidential after the meeting.

2.5 Selection of ACER Director

The Administrative Board Secretariat provided information on the upcoming selection of the ACER Director. Ms Tina Vončina outlined the legal basis, as well as the roles and responsibilities of the different actors involved in the process, together with the indicative timeline. She also presented practical arrangements stemming from the Rules of Procedure of the Administrative Board and the Board of Regulators. More detailed arrangements will be submitted at the next Administrative Board meeting.

Ms Cuadra Garcia confirmed that the pre-selection phase, conducted by the European Commission, is progressing as planned. However, at this stage, no more precise date for the Board meeting dedicated to the selection of the next ACER Director could be provided.

2.6 Board of Regulators perspective

Upon invitation of the Chair, Ms Emmanuelle Wargon, Chair of the Board of Regulators, presented the Board responsible for the Agency's regulatory agenda, including its composition, key tasks, and several areas of close cooperation with the Administrative Board (inter alia opinion on the draft Single

Programming Document, on Consolidated annual activity report, on the candidate to be appointed as Director).

Ms Wargon also highlighted that the BoR is supported by numerous working groups and task forces, which prepare its work and demonstrate a strong commitment to developing the EU regulatory framework and internal energy market.

She explained that the BoR Chair regularly presents the outcome of key regulatory decisions and discussions to the Administrative Board, where she participates as an observer.

2.7 Presentation of ACER tasks and priorities

Upon invitation of the Chair, Ms Christina Brantl and François Beaudé, Strategy Lead team, presented ACER's key tasks and strategic priorities in support of its overarching goals: (i) driving a more integrated EU energy market; (ii) contributing to efficient infrastructure and grid development; and (iii) monitoring energy markets to ensure their integrity, including the prevention of market manipulation and abuse.

Ms Brantl emphasised that market integration is a cross-cutting objective that underpins all dimensions of the energy trilemma - affordability, security, and sustainability. In this context, ACER's work aims to ensure that energy markets function efficiently, support the transition to a low-carbon energy system, and enhance the resilience of the EU's energy supply. It provides input for more informed policy- and decision-making.

Mr Rübzig asked about forecasts for gas production capacities and infrastructure investments. It was clarified that ACER does not produce such forecasts, as this is the responsibility of the European Commission and the European system operators.

2.8 Session with Members and alternates only

The Chair informed the Board about the 2026 assessment of the conflict of interest conducted by the 2026 Review Panel, composed of Board Chair Chirițoiu, Vice-Chair Dąbrowski, and Commission representative Versini, regarding potential conflicts of interest among Board members. While most members and alternates were assessed at risk levels 1 or 2, which do not require further action, the newly appointed Council alternate, Mr Oliver Půček, was assigned risk level 3. This was based on his concurrent employment at a national regulatory authority, which is strictly prohibited under Article 3 of AB Decision 16/2022 on the Guidelines on the Prevention and Management of Conflicts of Interest for the Administrative Board and the Board of Appeal. The AB decision had been shared with the both Appointing Authorities when requesting nominations for new members and alternates.

In line with Article 11.5 of the Guidelines, Mr Půček was notified of the assigned risk level and given the opportunity to provide additional information. He indicated that he does not intend to leave his employment. The Review Panel noted this response and reconfirmed risk level 3, completing its assessment and referring the matter to the 72nd Administrative Board meeting for further action.

The Board considered the case and the Review Panel's assessment and unanimously upheld the Review Panel decision, triggering the procedure under Article 11 of the AB decision. Under this procedure, the alternate has two months to remedy the conflict, during which he is suspended. If the conflict remains unresolved, the Board must inform the appointing institution. The Board tasked the Secretariat with immediately informing Mr Půček of his suspension and the next steps.

To prevent similar cases in the future and facilitate upcoming appointments, the Administrative Board requested the Secretariat to actively promote the Guidelines on the Prevention and Management of Conflicts of Interest to both the Council and the European Parliament. The Board might reconsider amending the rules.

Reflecting on the meeting, the Chair and Vice-Chair considered the presentations to be concise, informative, and comprehensive, providing a clear overview of the Agency's key tasks. The invitation of the previous Chair and members was seen as good practice, offering a useful walkthrough of key files and lessons learnt.

The Chair emphasised the importance of active involvement from members and alternates. Following the overview of key tasks and Administrative Board deliverables, members were invited to identify specific areas in which they would like to engage more closely. Interests are ideally to be signalled at the next meeting.

Additionally, the Chair explained he plans to highlight a particular topic at each Board meeting and asked the Secretariat to start planning these topics. The objective is to make the Board's work as resourceful as possible for the Agency, drawing on members' diverse expertise, networks, and insights into national developments.

Decisions/ Conclusions

The Administrative Board took note of the results of the 2026 conflict of interest assessment conducted by the Review Panel. The Board unanimously reconfirmed the risk level 3 assigned to the new alternate, Mr Půček, triggering a two-month period to remedy the conflict (by 6 May 2026), during which he is suspended from the Board. The suspension will be published on the Agency's website. The Board also committed to reflecting on ways to improve the appointment process in the future.

3. CLOSING SESSION

3.1 Next meetings

The next/73rd Administrative Board meeting will be held on 27-28 May 2026 in Ljubljana. It would be hybrid one, but physical presence would be preferred.

The dates of the following 2026 ordinary meetings are: 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.