

## BACKGROUND DOCUMENTS

### of the 65th ACER Administrative Board Meeting

11 – 12 December 2024

	Agenda point	Direct link
AB decision 07/2024 on the second amendment to the 2025 budget	2	<a href="#">Link</a>
AB Decision 08/2024 on the ACER Single Programming Document 2025-2027, including 2025 budget and establishment plan	3 & 4	<a href="#">Link</a>
AB Decision 09/2024 on the ACER Anti-Fraud Strategy	5	<a href="#">Link</a>
AB Decision 10/2024 on the extension of the mandate of the ACER Director	8.2	<a href="#">Link</a>
AB Decision 11/2024 on the reclassification of the ACER Director	8.3	<a href="#">Link</a>
AB Decision 12/2024 on the appointment of the reporting officers for the appraisal of the director for the year 2024	9	<a href="#">Link</a>
Annual report on ACER market monitoring efforts & broader ACER planning – Statement of the ACER Director in front of the EP ITRE Committee	12.	<a href="#">Link</a>
127 BoR meeting - minutes	13	<a href="#">Link</a>
BoR input to the European Commission consultation on the amending REMIT fee Decision	13	<a href="#">Link</a>

*Below are the documents that are not available for download from ACER's website:*

**65<sup>th</sup> MEETING**  
**THE ADMINISTRATIVE BOARD**  
**11-12 December 2024**  
**Cover note - outcome of the written procedure 1/2024**  
**launched on 21 November 2024 and concluded on 28 November 2024**

**Subject:** **Amendment of Decision No 17/2023 on the budget and the establishment plan of the Agency - Financial Year 2024, as amended by decision No 5/2024**

**Background:**

Through the tabled budget amendment of the EU Commission, the Agency was to receive additional funds amounting to 193,651.28 EUR in support to the significant increase in staff costs due to salaries indexation.

Moreover, since the last budget amendment (AB Decision 5/2024 of 19 June 2024) the Agency's received enrolment fee payments from new RRM's, thus generating additional revenue of EUR 44,450.00.

In line with the above, the total revenue of the Agency for the financial year 2024 needed to be increased by EUR 240,651.28. The gained additional funds are to be distributed towards Title 1 (193,651.28 EUR) to cover the remuneration of staff, and towards Title 3 (44,450.00 EUR) to contribute towards the investment in the REMIT IT systems.

In order to balance the revenue and expenditure of the Agency it was appropriate to amend Decision No 17/2023 of the Administrative Board of the Agency of 13 December 2023, as amended by decision No 5/2024.

**Action required:** *The Administrative Board adopted by unanimity the second amendment to the 2024 ACER budget.*

**65<sup>th</sup> MEETING**  
**THE ADMINISTRATIVE BOARD**  
**11-12 December 2024**

**Subject: Single Programming Document 2025-2027, the budget and establishment plan of the European Union Agency for the Cooperation of Energy Regulators for the financial year 2025**

**Background:**

The Agency's Single Programming Document (SPD) 2025-2027 is due for adoption by the end of 2024. It includes the Work Programme with all the planned activities and tasks, as well as financial and human resources for 2025.

The European Commission provided the Agency its Opinion on the draft SDP 2025-2027 on 18 October 2024.

Following the adoption of the EU budget for 2025 on 27 November, the Agency has adjusted the budget and human resources in the SPD 2025-2027. The SPD has been submitted for the Board of Regulators favourable opinion, a prerequisite for adoption by the AB. The Board of Regulators adopted it on 26 November 2024.

The strategic objectives of the SPD remain those, as provided in the draft version of the SPD adopted by the AB in January 2024. Moreover, the Administrative Board had the orientation debate on the SPD also at its 64th meeting on 25 October 2024.

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

- amendments, related to the European Commission's Opinion of 18 October 2024 on the draft Single Programming Document of the European Union Agency for the Cooperation of Energy Regulators for the period 2025–2027;
- updates made in line with new developments and facts that have emerged during the year.

**Action required: The Administrative Board is invited to adopt the European Union Agency for the Cooperation of Energy Regulators Single Programming Document 2025-2027, including the establishment plan and the budget for the financial year 2025.**

**65<sup>th</sup> MEETING**  
**THE ADMINISTRATIVE BOARD**  
**11-12 December 2024**

**Subject: Adoption of the Agency's Anti-Fraud Strategy 2025-2027**

**Background:**

The Agency adopts three-year Anti-Fraud Strategy strategies. The strategies serve as a management tool to ensure progress and transparency as regards the protection of the EU financial interests, safeguard of assets and information; compliance with EU ethical values and therefore the protection of the Agency's and EU's reputation.

The Agency's latest strategy, valid for the years 2022 - 2024 was adopted with Decision No 15/2021 of the Administrative Board. Since the strategy expires at the end of the year, the Agency has prepared a new strategy to be implemented in the 2025-2027 period.

The Agency operates in an EU environment and therefore draws on the practices of the European Commission and other EU agencies for the implementation of its Anti-Fraud Strategy. The Commission adopted its new Anti-Fraud Strategy (CAFS)<sup>1</sup> on 29 April 2019. The 2023 revised Commission Anti-Fraud Strategy (CAFS) action plan by the European Commission<sup>2</sup> strengthens its anti-fraud efforts to protect the EU budget amidst growing challenges.

OLAF has published the latest Methodology and guidance for the anti-fraud strategies of EU Decentralised Agencies and Joint Undertakings in 2024<sup>3</sup>, which was communicated on 5 June 2024 to the Agency. It served as basis for the development of the Anti-Fraud Strategy.

In line with OLAF's Methodology, in order to prepare its new strategy, the Agency:

- reviewed the implementation of the 2022-2024 strategy;
- performed an in-depth fraud risk assessment exercise;
- defined new strategic objectives; and
- defined an accompanying Action Plan containing a set of objectives and mitigating measures in order to address the risks identified.

The draft Anti-Fraud Strategy was shared with OLAF in November 2024 and amended according to OLAF's suggestions.

**Action required:** *The Administrative Board is invited to adopt Decision No [NN] on the Anti-Fraud Strategy of the European Union Agency for the Cooperation of Energy Regulators for the period 2025-2027.*

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<sup>1</sup> COM(2019) 196.

<sup>2</sup> [Commission Anti-Fraud Strategy Action Plan - 2023 revision](#)

<sup>3</sup> Ref. [Ares\(2024\)4040978](#) - 05/06/2024

**65<sup>th</sup> MEETING**  
**THE ADMINISTRATIVE BOARD**  
**11-12 December 2024**

**Subject: Decision on the appointment of two Members of the Administrative Board as reporting officers for the assessment of the annual performance of the Director for the reference period 1 January 2024 to 31 December 2024**

**Background:**

Decision No 26/2011 of the Administrative Board of 22 September 2011 establishes the rules of procedure for the annual appraisal of the performance of the Director of the Agency.

The annual appraisal exercise is organised at the beginning of each calendar year, and it shall take place in the first semester of the year 2024. It consists in assessing the efficiency, competencies and the aspect of conduct of the Director.

Within ten working days after the reporting officers' request, the Director shall draft a self-assessment on the basis of a template provided by ACER covering the following dimensions: efficiency, competencies and conduct in service.

At the latest ten working days after the self-assessment is communicated by the Director, the reporting officers and the Director hold a formal dialogue. The dialogue covers the following elements:

- a) the reporting officers examine the Director's efficiency based on the fulfilment of objectives and the implementing of the Agency work programme, adopted each year by the agency, the competencies shown and the conduct in the service of the Director, for the reference period.
- b) the Director and the reporting officers set the objectives for the following reference period and, - if necessary-, a training plan which takes into account the objectives in relation to the Agency annual work programme and the personal development goals.

At the latest ten working days after the formal dialogue, the reporting officers draw up a draft performance appraisal report. This draft comprises a general appraisal which takes into account the appraisals given on efficiency, competencies and conduct in the service of the Director, in accordance with the criteria defined in the appraisal report. The report is notified in writing to the Director who has 5 working days to i) accept the report without making any comments, ii) accept it after adding comments in the appropriate section of the report, or iii) refuse the report by justifying the revision request in the appropriate section.

The final report is transmitted to the Chair of the Administrative Board for information.

The Administrative Board is called to designate at least two reporting officers from its members with the mandate to assess the annual performance of the Director and set the objectives for the following reference period (year 2025). It is recommended that one of the two members is selected among the members appointed by the European Commission. The Chairperson is excluded from the designation as s/he will be acting as appeal assessor.

**Action required:** *The Administrative Board is invited to adopt the Decision on the appointment of two Members of the Administrative Board as reporting officers for the assessment of the annual performance of the Director for the reference period 1 January 2024 to 31 December 2024.*

**65<sup>th</sup> MEETING**  
**THE ADMINISTRATIVE BOARD**  
**11-12 December 2024**

**Subject: European Union Agency for the Cooperation of Energy Regulators’  
Structural Overview of Draft Single Programming Document 2026-2028**

**Background:**

In line with Article 32 of ACER Financial Regulation<sup>4</sup> and the requirements of the Framework Financial Regulation applicable to decentralised agencies<sup>5</sup>, as well as the Agency’s Founding Regulation<sup>6</sup>, 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 (BoR) and submit it to the European Parliament, the Council and to the Commission no later than 31 January.

By the way of background, the Administrative Board requested at its meeting in December 2021 to receive the outline of the draft Single Programming Document for endorsement before it is submitted to the BoR in January for the favourable opinion.

Once the draft SDP is adopted in January and sent to the EU institutions, the European Commission is asked to submit its Opinion, which should be available by 1 July. Then the Board of Regulators is called to give its favourable opinion to the document and after that the Administrative Board is to adopt it by the end of 2025, following the adoption of the EU budget by the Budgetary Authority.

The Agency is preparing its draft SPD 2026-2028, including the Work Programme with all the planned activities and tasks for 2026. The presentation shows the context and a structural overview of the draft SPD.

**Action required:** *The Administrative Board is invited to take note of the Structural Overview of the draft SPD 2026-2028.*

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<sup>4</sup> 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.

<sup>5</sup> 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.

<sup>6</sup> 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).