

## 65th Administrative Board Meeting

Ordinary session (hybrid mode)

Wednesday, 11 December 2024, 16:15 - 20:00

Thursday, 12 December 2024, 09:00 - 12:45

ACER premises, Trg republike 3, 1000 Ljubljana, 8<sup>th</sup> floor meeting room  
 and by videoconference

### 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 11 and 12 December 2024)	Member
	Mr Václav BARTUŠKA	Member
	Mr Tomasz DĄBROWSKI	Member
	Ms Karoline NARODOSLAWSKY	Member
	Mr Paul RÜBIG (present online on 11 and 12 December 2024)	Member
	Ms Rebecca HARMS (present online on 11 and 12 December 2024)	Alternate
ACER	Christian Pilgaard ZINGLERSEN, Olga BORISSOVA, Volker ZULEGER, Rodica MANDROC, Silvia MANESSI, Paul MARTINET, Valter ILIĆ, Julia HENTZ, Tina VONČINA	
European Commission	DG ENER: Anne MONTAGNON, Juan-Ignacio DE DIOS MORALES Michael SCHUETZ (present online on 11 and 12 December 2024)	
Board of Regulators	Clara POLETTI, Chair of the Board of Regulators (present online on 11 and 12 December 2024)	

Ms Ditte JUUL-JØRGENSEN granted a proxy to Ms Anne MONTAGNON for both days.

Mr Christian Pilgaard ZINGLERSEN (ACER Director) and Ms Clara POLETTI (Chair of the Board of Regulators) were present at the meeting, acting as observers. They were not present at the Administrative Board closed session on 11 December 2024. The Secretariat was provided by the Agency.

## SUMMARY OF CONCLUSIONS OF THE 65<sup>TH</sup> MEETING OF THE ADMINISTRATIVE BOARD

At the 65<sup>th</sup> meeting, the Administrative Board:

1) extended the mandate of the ACER Director for a 5-year mandate (AB Decision 10/2024 of 11 December 2024) and adopted his reclassification from 1 January 2025 onwards (via AB Decision 11/2024 of 11 December 2024). The Board extended its congratulations to the Director and conveyed him its best wishes for the next mandate.
2) adopted by unanimity the ACER Single Programming Document 2025-2027 (AB Decision 8/2024 of 11 December 2024). The Board initiated a broader discussion on the extent to which the current ACER governance reflects the Agency's evolving nature.
3) adopted by unanimity the 2025 Budget and Establishment Plan as part of the Single Programming Document 2025-2027 (AB decision No 8/2024 of 11 December 2024);
4) took note of the outcome of the written procedure initiated to amend the 2024 ACER Budget and Establishment Plan (AB Decision 7/2024 of 11 December 2024);
5) adopted by unanimity the ACER Anti-Fraud Strategy for period 2025-2027 (AB Decision 9/2024 of 11 December 2024);
6) discussed recent developments in the energy sector within the EU and globally, highlighting their impact on competitiveness, and the rapidly evolving geopolitical context;
7) took note of the recent activities of the Board of Regulators;
8) regarding the Agency's hiring policy, the Administrative Board requested the Director to: a) adhere to best practices in hiring and comply with Staff Regulation and other applicable rules; b) notify the Board in advance of any exception to the recruitment rules, providing justification. The Board can decide to engage in the discussion; c) immediately inform the Board of complaint under Art. 90.2 requiring Board's attention and ensure timely and proper communication with the Board. In this case, the Board will request DG HR to prepare a draft reply for the Board via the Service Legal Agreement;
9) advised focusing not only on the learning activities of the newcomers, but also of the existing staff;
10) requested to be kept informed about the follow up on the Staff Engagement survey through the quarterly reports;
11) took note of the current implementation rates of 2024 budget and procurement and stressed the importance of planning procurement procedures over the entire year and of making policy staff accountable for adequate planning and execution of the procurement procedures;
12) was acquainted with the results of the ECA accounting audit of the first half of 2024 financial year and was informed of the single case of spotted irregularity that the Agency aims to address;
13) stressed the importance of strengthening cybersecurity posture of the Agency both through the IT action plan and adequate budget support;
14) welcomed the reported progress on the European School;
15) took note of the operational updates and progress on the building file and discussed the next steps. The Board reconfirmed its full support in the approval process vis-à-vis the European institutions.

- 16) appointed Director-General of European Commission DG ENER and the Vice-Chair of the Administrative Board Mr Bogdan Chirițoiu as reporting officers for the assessment of the annual performance of the Director for the reference period 1 January 2024 to 31 December 2024 and for setting Director's objectives for the following reference period (year 2025) (AB Decision No 12/2024 of 11 December 2024);
- 17) appointed in line with the AB Decision No. 16/2022 of 14 December 2022 Ms Anne Montagnon as the member and Mr Václav Bartuška as the alternate member of the 2025 Review Panel responsible for the implementation of the 2025 conflict of interest policy for the Administrative Board;
- 18) took note of the functioning of the Board of Appeal in 2024 and expressed support for prompt launch in 2025 of the call of expression to appoint new members and alternates, completing the Board's composition. The Administrative Board expressed its full commitment to the prompt preparation and adoption of all necessary decisions within its competence in this regard;
- 19) endorsed by unanimity the structural overview of the draft Single Programming Document 2026-2028 to be presented to the Administrative Board in January 2025.

## 1. OPENING

The Chair of the Administrative Board informed members the Council is continuing the procedure for the appointments of the two alternate posts, which are vacant since the resignation of the two alternates.

Upon invitation of the Chair to the present Administrative Board members and alternate to declare any actual or potential interests that could be considered prejudicial to their independence with respect to the items on the agenda, no member or alternate declared or reported any actual or potential interest.

### 1.1 Approval of the agenda and minutes

The agenda of the 65th meeting was approved.

The minutes of the 64<sup>th</sup> meeting were approved.

## 2. DISCUSSION AND DECISION-MAKING

### 2.1 Reporting about the outcome of the written procedure

Mr Volker Zuleger, Head of the Coordination Operations and Legal Department, reported about the outcome of the written procedure 1/2024 amending the Decision No 17/2023 on the 2024 budget and the establishment plan of the Agency.

The procedure was launched on 21 November 2024 to integrate the two streams of additional revenue into the Agency's 2024 budget. Through an EU budget amendment proposed by the Commission and adopted by the EU budgetary authorities, the Agency secured additional funds to address salary indexation. Moreover, since the June 2024 budget amendment (AB Decision 5/2024) the Agency's received enrolment fee payments from new Registered Reporting Mechanisms, thus generating additional revenue that required regularization.

Through the written procedure that was concluded on 28 November 2024, the Administrative Board unanimously adopted the second amendment to the 2024 ACER budget via AB Decision 7/2024. Mr Zuleger thanked the Board for the support.

**Decisions/  
Conclusions**

***The Administrative Board took note of the outcome of the written procedure related to the amendment to the 2024 ACER Budget and Establishment Plan, adopted through AB Decision 7/2024 of 11 December 2024.***

**2.2 ACER budget and establishment plan for financial year 2025**

Upon the invitation of the Chair, Mr Volker Zuleger, Head of the Coordination Operations and Legal Department, presented the outline of the ACER Budget and Establishment Plan for 2025, which had been an integral part of the draft Single Programming Document 2025-2027 (next agenda point).

Mr Zuleger listed challenges in 2025 with budgetary impacts that had to be mitigated in closing the draft budget: a) increased REMIT eligible costs, while the Commission's revision of the decision on REMIT fees which should address the issue of generating matching fee revenues is not expected to be adopted before early-2025; b) expected additional legal costs from Court cases with impact on the 2025 budget and beyond; c) cybersecurity needs and needs for strengthening the Agency's IT systems also in line with the new Cybersecurity Regulation applicable to all EU institutions, agencies and bodies, d) increased employer pension contribution due to REMIT staff increase; e) salaries adjustment in 2025 and f) one-off fee for onboarding the new financial system, SUMMA.

Mr Zuleger also outlined the Agency's approach to addressing these challenges, with a particular focus on the two main issues. Firstly, on the REMIT fees collection, where the Commission revision should among others bring the necessary structural response from 2025 onwards for the coverage of eligible costs and close the funding gap created by inflation, increased number of tasks and staff. The Agency anticipates that the revised Commission decision will include provisions for a transitional period in 2025, allowing for the retroactive collection of increased fees (from 1 January 2025 until its entry into force). If that is to materialize, the Administrative Board would be asked to adopt the budget amendment to align the revenues. Secondly, on the legal costs stemming from the lost Court cases, the Agency intends to commit all savings from 2024 budget as a buffer for additional legal costs from Court cases in 2025. While some funds are foreseen for legal costs under the Board of Appeal budget, no additional funds would be currently budgeted from the 2025 budget, but any internal savings during 2025 would be committed for this purpose if there is a need. The Agency plans to request budget for additional legal costs from Court cases in its budget request for 2026. However, if such costs arise in 2025 and exceed the savings from 2024, and it becomes impossible to absorb them through internal savings during 2025, the Agency would, following a similar approach used by other EU Agencies (e.g., ECHA, EMA), apply the principle of "negative outturn" as outlined in Article 17(3) of the ACER Financial Regulation. This would result in the translation of these additional costs into payment appropriations for the subsequent financial year. In any case, the Agency will closely coordinate with the Commission should such additional legal costs from Court cases arise, in particular in case they cannot be absorbed within the ACER budget.

Mr Zuleger provided a more detailed presentation of the 2025 draft budget, covering both revenues (EU subsidy, REMIT fees, and EFTA contribution) and expenditures. (per each Title 1-3). On the expenditure side, he explained that the Agency decided for a change in the expenditure structure to facilitate the budget management. The aim is to provide a lighter structure of the budget with less budget lines as related expenditure is to be grouped under single lines (which is recommended also for the migration to the new financial system, SUMMA, during 2025); to reduce the number of budget line managers and to group all ICT projects to be managed centrally and monitored under one budget line. The latter should also facilitate calculation of the contribution towards the Agency's cybersecurity investments. Due to this approach, the budget for communications appears to decrease; however, this

is not the case, as all IT-related aspects (such as communication tools like the website, Extranet, and eplatform) have simply been reallocated from the communication budget line to the IT budget line.

Mr Zuleger also presented the budget breakdown of the 2025 budget lines of all three governing boards (Administrative Board, Board of Regulators and Board of Appeal). For the Administrative Board, the budget line foresees the estimated costs for organisation of the meetings as well as for the maintenance of the IT tool eplatform per the agreed 50%:50% split cost with the Board of Regulators. He reiterated that in case of any additional need of the Administrative Board, the Agency has the possibility to support it through the regular quarterly budget reviews and transfers.

The budgetary rapporteur Mr Spiridonovs thanked for the forward-looking presentation. On the legal costs, he acknowledged that while the legal costs from court cases are expected to decrease, the budget for the Board of Appeal seems higher than in previous years. This increase should also be seen as a measure to help mitigate potential legal costs. It was positively noted that a mechanism is in place to address increased legal costs within the annual budget. He agreed that, in the event of a negative outcome at the end of 2025, the Agency and the European Commission should collaborate to explore an appropriate solution. He requested that information be provided at the next meeting regarding the number of procurement procedures being prepared in December 2024 for launch in January 2025, aiming to avoid the recurring issue of initiating a high volume of procurement towards the end of the year. While this information will be provided, Mr Zuleger mentioned that he has introduced a practice of quarterly reviews of planned procurement procedures by each department. This provides valuable insights into planning and challenges, while also encouraging colleagues within departments to improve their planning. Based on this approach, some progress has been made on the procurement plan; however, he acknowledged there are still opportunities for further improvement, which could be supported by the anticipated new planning tool. The budgetary rapporteur Rübzig inquired whether any new EU legislation assigning additional tasks to the Agency is expected and requested information - to be provided at the next meeting - on the country of origin of the companies with which the Agency signs contracts. Mr Zuleger responded that while the Agency primarily relies on European Commission framework contracts for many services, local providers are inevitably engaged for others. The list of contractors is to be provided at the next meeting. On the areas of the future legislation, the ACER Director replied it was for the Commission to initiate the legislative process. However, based on current discussions, the areas to focus on for leveraging integrated energy markets are linked to infrastructural planning and reducing system costs.

The Administrative Board Chair positively assessed the European Commission's 2025 EU budget proposal was ultimately adopted, successfully preventing the Council's attempts to reduce it. The Chair inquired whether the 2025 budget also accounts for cybersecurity costs and obligations stemming from the new Cybersecurity Regulation to allocate 10% of IT budget towards cybersecurity. This was confirmed by Mr Zuleger. Additionally, Member Dabrowski asked if the new budget structure allows for data comparability over the years, ensuring transparency of budget line dynamics. It was confirmed that only a few lines previously handled by each department have been grouped together (e.g., representation costs, mission costs, expert consultations, and IT projects). The implementation of IT projects is monitored through the annual Action Plan. Regarding the Administrative Board budget line, the Board suggested moving the costs for the maintenance of the eplatform—mainly used by the Board of Regulators and the Administrative Board—to the IT budget line. This adjustment will be included in the draft 2026 budget, which will be tabled for adoption by the Administrative Board in January.

The Administrative Board adopted by unanimity the 2025 Budget and Establishment Plan.

## Decisions/ Conclusions

***The Administrative Board adopted by unanimity the 2025 Budget and Establishment Plan, which is part of the Single Programming Document 2025-2027 via the AB Decision No 8/2024 of 11 December 2024.***

### 2.3 ACER Single Programming Document 2025-2027

Upon the invitation of the Chair, Volker Zuleger, Head of the Coordination Operations and Legal Department, presented to the Board the final text of the Single Programming Document 2025-2027. He recalled that the text had been discussed by the Board on several occasions and followed the approach endorsed by the Administrative Board in the beginning of the year when its draft was adopted. The ACER Director presented the current iteration to the European Parliament ITRE Committee on 3 December 2024.

The current text integrates comments proposed by the European Commission in its Opinion submitted to the Agency on 18 October 2024. The document adjusts the resources (budget and HR) in line with the 2025 EU budget adopted on 26 November 2024. These amendments were mainly factual and/or represented updates in line with new legislative developments and policy facts that have emerged throughout the year (e.g. adoption of the three legislative packages on electricity, gas and hydrogen markets, on market integrity and transparency and on methane emissions that assigned new tasks to ACER). The most significant change compared to the draft iteration from January is the shift to activity-based management, with all Strategic Action Areas (activities) now fully aligned with the process architecture. This enables a strategic focus on cross-departmental collaboration, moving beyond departmental silos.

The draft Single Programming Document 2025-2027 had been submitted for the Board of Regulator's favourable opinion, a prerequisite for adoption by the Administrative Board. The Board of Regulators adopted it by unanimity.

The rapporteur for the programming document, Mr. Chiritoiu, deemed the document adequate for adoption but initiated a broader discussion on the extent to which ACER's current governance reflects the Agency's evolving nature. He highlighted that ACER has taken on many new tasks, such as REMIT investigations and the LNG benchmark, which go beyond traditional cooperation among NRAs. Mr. Chiritoiu called for identifying areas where the Board of Regulators does not provide opinions, feedback, or assurances to the Administrative Board regarding fulfilment of ACER tasks. He suggested reflecting on which institution should hold responsibilities in these areas. Additionally, he proposed strengthening planning activities by incorporating scenarios to enhance flexibility during emergencies, alongside the deprioritization process already included in the document.

On the latter, the ACER Director proposed reflecting on it internally and providing the update to the Board at the later stage. On the former, Ms Clara Poletti, BoR Chair, agreed it was a very timely discussion as ACER tasks are evolving and the Board of Regulators is dealing with these changes on a rather voluntary basis. The ACER Director and Ms Poletti explained that many decisions that do not foresee the BoR favourable opinion (monitoring reports) are nevertheless tabled for discussion and NRAs endorsement. Ms Poletti stressed that it would be relevant to analyse and discuss how to better structure cooperation within the adequate framework, even more so if we are heading towards more European approach that still needs to be balanced with the national perspectives. This was supported also by the Administrative Board Chair who acknowledged that the Energy Union goals are not appropriately institutionally embedded or budgeted. She noted that the evolution of the Agency led to ACER's structural and budgetary duality that should be addressed within the upcoming assessment of the ACER regulation. The European Commission agreed that if the Administrative Board considers that the current governance does not reflect the expansion of ACER tasks, it is the Board's duty to raise it within the next Regulation assessment and hypothetical recast. Since this could happen only within 2-3 years — beyond the mandate of the current Administrative Board - the Board considers it important to feed its observations and experience into the process.

#### Decisions/ Conclusions

***The Administrative Board adopted by unanimity the Single Programming Document 2025-2027 via AB Decision 8/2024 of 11 December 2024. The Board initiated a broader discussion on the extent to which the current ACER governance reflects the Agency's evolving nature.***



## 2.4 ACER Anti-Fraud Strategy 2025-2027

Upon the invitation of the Chair, Volker Zuleger, Head of the Coordination Operations and Legal Department, and Valter Ilić, Quality Management Assistant presented the Board with the draft proposal for the ACER Anti-Fraud Strategy for the period 2025-2027.

It was explained that as the Agency's current strategy for 2022-2024 is nearing its conclusion, ACER has developed a new strategy for the period 2025-2027, aligned with the three-year Anti-Fraud Strategy framework. Moreover, the strategy draws on the practices of the European Commission and other EU agencies, in particular the Commission's Anti-Fraud Strategy from 2019 and its revised 2023 Action plan that focuses on the anti-fraud efforts to protect the EU budget amidst growing challenges. Furthermore, in 2024 OLAF published the latest Methodology and guidance for the Anti-Fraud strategies of EU Decentralised Agencies and Joint Undertakings, which served as basis for the development of the new ACER Anti-Fraud Strategy.

In line with OLAF's Methodology, to develop its new strategy, the Agency a) reviewed the implementation of the 2022-2024 strategy; b) performed an in-depth fraud risk assessment exercise, c) defined new strategic objectives; and d) defined an accompanying Action Plan with a set of objectives and mitigating measures to address the identified risks. The draft Anti-Fraud Strategy was shared with OLAF in November 2024 and amended according to OLAF's suggestions.

Mr Ilić stressed that the Anti-Fraud Strategy which defines strategic priorities serves 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 Administrative Board emphasized the importance of mitigating all potential risks, regardless of their magnitude (low or high risk). The strategy was adopted unanimously.

### **Decisions/ Conclusions**

***The Administrative Board adopted by unanimity the ACER Anti-Fraud Strategy for period 2025-2027 via AB Decision 9/2024 of 11 December 2024.***

## 2.5 Update on the European School

At the Chair's invitation, Ms Olga Borissova, Senior Advisor, provided an update on the progress of the European School in Ljubljana. The newly appointed Minister of Education continues to support the decision on the new building for the European School, for which funds have been secured in the national budget. A core group has been established to operationalize the project, with next steps planned for the beginning of 2025. The Agency will maintain close collaboration with all stakeholders, including the European Commission Representation in Slovenia, as this remains a key priority.

Furthermore, Ms Borissova provided an update on the quality of education in the European School, especially regarding the secondary level. The latter is an important aspect for ACER staff/parents but also for the Agency as the current temporary arrangement of giving parents a choice of the secondary school has important budgetary implications. As the quality is something to be ensured by the school itself, the school had recently provided the Agency upon its request with the list of measures it is taking to address the concerns. Among others, the school reported that its multinational teaching staff is hired in compliance with Slovene laws, ensuring adherence to the national educational framework. As a public institution operating under national laws, it provides continuous professional development for teachers within and beyond the European School system. Regular monthly meetings are held with the Parents Teachers Association, and a newly established Quality Control Commission - comprising four staff members, two parents, and two students from secondary level - works to ensure ongoing improvement. The Agency will continue to engage in a dialogue on this matter.

**Decisions/  
Conclusions**

***The Administrative Board welcomed the reported progress on the European School.***

**2.5 Update on the building file**

Ms Olga Borissova, Senior Advisor, presented operational update achieved since previous meeting in October on the agreed process and timeline for a new long-term lease for the Agency's seat in Ljubljana – Slovenia as endorsed by the Administrative Board in March 2024.

It is expected that the file would be ready for the Administrative Board's approval in February or March 2025. ACER expressed readiness to organise a dedicated presentation prior to the Board's decision.

The Administrative Board took note of the organisational updates of the process and upcoming steps relevant also for the approval of the dossier by the relevant EU bodies.

**Decisions/  
Conclusions**

***The Administrative Board took note of the operational updates and progress on the building file and discussed the next steps. The Board reconfirmed its full support in the approval process vis-à-vis the European institutions.***

**2.6 Session with Members and alternates only**

The Administrative Board took the final decision in the process of the extension of the mandate of the ACER Director in line with the procedure pursuant to Article 23 of the ACER Regulation (EU) 942/2019. The Administrative Board did express already in October meeting the support for the extension of Director's mandate. Since then, the ACER Director made the statement in front of the relevant EP committee (ITRE) on 3 December 2024, which paved the way for the Board' vote at the 65<sup>th</sup> Administrative Board meeting. The Board supported the extension of Mr Zinglensen mandate for 5 years by unanimity via AB decision 10/2024.

The Administrative Board adopted by unanimity the reclassification of Mr Zinglensen from 1 January 2025 via AB decision 11/2024.

The Administrative Board extended its congratulations to the Director and conveyed him its best wishes in the next mandate.

Following the discussion at the previous meeting, the Administrative Board discussed the hiring practice of the Agency in line with additional information provided by DG HR to the Administrative Board Chair. The Board issued to the Director the following Administrative Board's recommendation, requiring that the Agency should immediately:

- return to the best practice of hiring policy and respect guidelines applicable by the Staff Regulation and other hiring rules to secure institutional excellence
- inform the Board in advance of any exception aiming to deviate from the recruitment rules. This notification is for information, not for the approval and is to be followed by a discussion with the Board. The Board would like to be informed about the arguments underpinning the exception and may pose further questions.
- in the event of a complaint under Article 90.2 that requires action by the Administrative Board, the Board must be informed promptly (immediately) and in the correct format. Additionally, the



Administrative Board will request DG HR (under the current framework contract) to prepare a draft reply for the Board through the use of a Service Legal Agreement.

**Decisions/  
Conclusions**

**The Administrative Board extended the mandate of the ACER Director for a 5-year mandate (AB Decision 10/2024 of 11 December 2024) and adopted his reclassification from 1 January 2025 onwards (AB Decision 11/2024 of 11 December 2024).**

***Regarding the Agency's hiring policy, the Administrative Board recommended to the Director to:***

- a) adhere to best practices in hiring and comply with Staff Regulation and other applicable rules;***
- b) notify the Board in advance of any exception to the recruitment rules, providing justification. The Board can decide to engage in the discussion;***
- c) immediately inform the Board of complaint under Art. 90.2 requiring Board's attention and ensure timely and proper communication with the Board. In this case, the Board will request DG HR to prepare a draft reply for the Board via the Service Legal Agreement.***

**2.6 Appointment of the reporting officers for the appraisal of the ACER Director in 2024**

The Chair informed that in line with the established Rules of procedure for the annual appraisal of the performance of the Director of the Agency, the Administrative Board has to appoint two of its members as reporting officers for the assessment of the Director's performance in 2024 and for setting Director's objectives in 2025. The Chair suggested Director-General of European Commission DG ENER and the Vice-Chair of the Administrative Board Mr Bogdan Chirițoiu to be reappointed for this role. They both confirmed their availability.

**Decisions/  
Conclusions**

***The Administrative Board appointed by Decision No 12/2024 of 11 December 2024 Director-General of European Commission DG ENER and the Vice-Chair of the Administrative Board Mr Bogdan Chirițoiu as reporting officers for the assessment of the annual performance of the Director for the reference period 1 January 2024 to 31 December 2024 and for setting Director's objectives for the following reference period (year 2025).***

**2.7 Conflict of interest policy: Reflection on the 2024 process and appointment of the Members of the Review Panel for Conflict of Interests Management in 2025**

The Chair underlined the importance of the management and prevention of conflict of interest policy for ensuring the independence of the Administrative Board as a whole and for maintaining trust of stakeholders and citizens in the Agency's integrity.

The Secretariat informed the Board that prior to the start of the 66th Administrative Board meeting, Alternate member Mr. Jean-Laurent Lastelle had not submitted the 2023 conflict of interest documents despite several written requests. A final reminder was sent on 25 November 2024, with a deadline set for 6 December 2024. As Mr. Lastelle did not respond by the deadline, the Secretariat informed the Board of his failure to meet this obligation. The Board decided that, in line with Article 9.3 of AB Decision 16/2022, which outlines the Guidelines on the prevention and management of conflict of interest, the Chair should send one final reminder to Mr. Lastelle, with a new deadline of 31 December 2024 for submission. If no response is received, the Board will consider suspending Mr. Lastelle at the January 2025 meeting. Should suspension be decided, the Chair will inform the alternate's appointing authority (the Council) about the suspension until the documents are submitted.

The Secretariat informed that the 2025 annual conflict of interest process was about to be launched in the beginning of January 2025 through the online platform and that members and alternates should submit by 31 January 2025 the following documents:

- a) an annual individual declaration indicating any interest with respect to all activities in which member and alternate or his/her close family members are involved or have been involved during the five years preceding the declaration;
- b) a declaration of commitment; and
- c) an updated Curriculum Vitae.

According to the relevant procedure stipulated by the Administrative Board decision 16/2022, these documents will be reviewed and assessed by an Administrative Board Review Panel. The Chair and Vice-Chair of the Board are automatically the Review Panel members. The Chair explained that to complete the Review Panel for the 2025 yearly assessment, one of the European Commission representatives has to be appointed as the Review Panel member. Moreover, one additional person has to be appointed among the remainder of the members to act as alternate in the assessment of the documents for the Review Panel members.

The Chair informed that Ms Anne Montagnon had expressed availability to be appointed as a representative of the European Commission in the Review Panel. For the alternate member of the Review panel, the Board reappointed Mr Václav Bartuška. Mr Bartuška accepted the position.

**Decisions/  
Conclusions**

***The Administrative Board appointed in line with the AB Decision No. 16/2022 of 14 December 2022 Ms Anne Montagnon as the member and Mr Václav Bartuška as the alternate member of the 2025 Review Panel responsible for the implementation of the 2025 conflict of interest policy for the Administrative Board.***

## **2.8 Energy market and regulatory developments – recent ACER actions, efforts, perspectives and reflections**

The ACER Director informed the Board about the messages delivered during his annual address to the European Parliament's ITRE Committee, which this year included a statement pursuant to Article 23 of ACER Regulation (EU) 942/2019. The presentation is available [here](#).

The Director provided an overview of recent key developments in integrated electricity markets, gas, and the emerging hydrogen market. He emphasized the importance of energy policy as a crucial factor in enhancing EU competitiveness. The Director highlighted that the future of the energy system will be digital, distributed, and participatory, with increased flexibility portfolios gradually relying more on cross-border exchanges, storage, demand-side response, and low-carbon technologies. To facilitate these

developments, increasing cross-border capacity is essential to unlock the benefits, fostering greater trust and strong political will to support increase in energy interdependency among the Member States.

The rapporteur for energy-related developments in the Council, Mr. V. Bartuška, emphasized the significance of energy costs for EU citizens, noting that governments—particularly coalition ones, which are more fragile—will need to manage these effectively. Consequently, many other policies may be subordinated to address citizens' expectations regarding energy prices. Additionally, the shifting geopolitical context, including the EU's increasing dependency on LNG imported from the US, will require close monitoring.

The Administrative Board emphasized the significance of the current geopolitical context, where energy plays a crucial role but is not the sole focus. It recommended continuing to highlight the importance and benefits of the integrated energy market for Europe, particularly in terms of security of supply.

## Decisions/ Conclusions

***The Administrative Board discussed the recent developments in the European energy markets and the changing geopolitical context.***

## 2.9 Board of Regulators – Progress report

At the invitation of the Chair, Ms Clara Poletti, the Chair of the Board of Regulators (BoR), informed the Administrative Board about the most important recent BoR discussion and decisions.

Ms Poletti reported on the BoR's written response to the European Commission's consultation on amending its REMIT fee decision. The BoR highlighted that the ability to collect REMIT fees has proven to be an effective tool for ensuring adequate financing of REMIT activities. It emphasized that the fee model should be designed to meet the diverse requirements without complicating the process or placing an undue financial or administrative burden on stakeholders. The BoR found the proposed refinement of the fee model to be appropriate, with only one remark regarding the proposal to introduce an extended correction mechanism to address potential deficits for ACER if the overall REMIT fees do not cover eligible costs. The BoR recommended that the Commission include a mechanism allowing this extension to be applied only in cases of unexpected cost increases beyond ACER's control.

The BoR Chair reported that the NRAs supported the 2025 ACER working programme with unanimity and discussed several monitoring reports and other reports that ACER is to publish by the end of the year. Ms Poletti also informed that in the context of fostering ACER/BoR – NRA relations and interactions, many NRAs are presenting their specific national issues or request certain topics of common interest to be addressed.

## Decisions/ Conclusions

***The Administrative Board took note of the recent activities of the Board of Regulators.***

## 2.10 Organisational developments (Human resources management, budget & procurement implementation, recent legal developments, audits, IT action plan)

Upon the invitation of the Chair, Ms Silvia Manessi, Team Leader of Human Resources Management, provided an update on the human resources management and Agency's recruitment plan. In 2024, ACER welcomed 21 new colleagues, while 13 staff members had contract changes. In total, 34 recruitment procedures were completed in 2024. For 2025, 18 positions are allocated, but the Agency still needs to fill 11 vacant posts from the 2024 allocation. Thus, 29 recruitment procedures are planned, with recruitment remaining a priority for 2025. A special focus has been placed on the recruitment of

staff for the new REMIT Investigations department. Ms. Manessi highlighted various outreach and scouting activities undertaken in 2024 to raise awareness of these new positions among targeted profiles. She drew attention to the challenge of attracting staff from NRAs for SNE positions, particularly for smaller NRAs where the individual may not be available while still occupying the position at the NRA and necessitating salary payments by the NRA. In this context, alternative solutions are being explored, such as offering SNE positions in more horizontal services, such as the legal department, to public sector staff from Member States.

Ms Manessi presented the current workforce through several statistical categories, e.g. gender, nationality breakdown, type of contract etc.

In addition to the current increased recruitment procedures, the HR has been focusing to contribute its (more administrative) role in improving the overall onboarding process for newcomers, as highlighted by the Staff survey indicating the need for improvements. HR has been advancing both formal and informal support formats for new colleagues and plans to begin gathering structured feedback from every newcomer in 2025 to evaluate their onboarding experience, identify strengths, and address areas for improvement. Ms. Manessi provided a summary of learning and development activities in 2024 and outlined plans for 2025, emphasizing cybersecurity awareness as one of key priority.

She also highlighted several other activities of the HR team, including outreach initiatives to promote job opportunities and vacancies, engagements with the European School in Ljubljana, monitoring the implementation of the Media Service Contract, involvement in protocol matters, the establishment of a new Network of Confidential Counsellors, and the conclusion of a new call for Interim Services. Additionally, Ms. Manessi informed the Board that the mid-term review of the HR strategy confirms that activities are broadly on track. One of the upcoming initiatives includes providing new tools for selection and talent management.

To ensure that the HR and legal departments are informed, the Administrative Board Chair reiterated the Board's recommendation on the hiring policy, which was discussed under point 2.6. The Administrative Board Chair asked Ms. Manessi if there were any exceptions to the recruitment procedure that the Board should be aware of. Ms. Manessi confirmed there were none. The Chair also inquired about the future of the previous acting Heads of Departments who were not selected for the Head of Department positions. The ACER Director confirmed that these colleagues will remain within the Agency, and an appropriate model of cooperation will be established. The Administrative Board recommended inviting staff to submit proposals through online surveys for the organization of learning and development activities. To enhance staff retention, it is important to provide training on new tools and to include sessions focused on ethics and personal life issues. The Administrative Board also requested to be kept informed about the follow-up on the Staff Engagement survey through quarterly reports, starting with the one in January 2025.

The Board was provided with the implementation of the 2024 budget and procurement by the end of November. Mr. Zuleger highlighted that the current execution of the 2024 budget and procurement has been significantly impacted by the availability of additional appropriations from the Electricity Market Design (€2.6 million), which only became available on 21 October 2024 following the adoption of the relevant amendment to the EU budget by the EU budgetary authorities. This resulted in significant delays in procurement, as 44 procurement procedures needed to be finalized by the end of 2024. While the execution level of the 2024 budget was slightly lower compared to the same period in 2023, Mr. Zuleger expressed confidence, based on the strong efforts from the involved teams, that the 2024 budget will be executed within the targets, and the planned procurement procedures will be completed. Budget rapporteur Mr. Spiridonovs emphasized the importance of planning procurement procedures throughout the year and holding policy staff accountable for effective planning and execution. Mr. Zuleger confirmed that this remains a goal, though occasional delays are also attributable to delays in service provision by contractors.

Mr. Paul Martinet, Team Leader of Legal Services, reported on recent legal developments since the previous Board meeting. The activities during this period were relatively limited. Specifically, the appeal on the cost-sharing decision has been relaunched, and the appeal process is now before the Board of Appeal (BoA). Additionally, ACER submitted observations on BNetzA's application for taxation of costs; a judgment is expected in 2025. Mr. Martinet also highlighted ACER's ongoing support to the BoA, particularly through a review of the Administrative Arrangements to ensure the smooth functioning of the BoA. The review is currently under the BoA's scrutiny and is expected to be signed shortly.

Ms Rodica Mandroc, Accounting Officer, briefly reported also on the ongoing audits. European Court of Auditors' first mission to audit the 2024 accounts (January to September) took place in the beginning of November. The auditors found the legality and regularity of the payments and procurement procedures sampled in good order. However, a single instance where a payment made from more than one budget line exceeded the limit of the authorising officer was uncovered and will be reported as a finding. Ms. Mandroc explained that the issue occurred because the financial system security is set at the level of budget lines and not for the total payment order. Mr. Zuleger noted that discussions to address and prevent such situations in the future have already begun. The clearing letter from this audit is expected in mid-January 2025. The second mission for the remaining year is planned for February 2025.

Ms Mandroc reported there was no new developments regarding the Internal Audit Services (IAS) since October Administrative Board meeting, at which the IAS representatives participated. The Commission representative in the Administrative Board requested the Agency to keep it informed of any changes in the internal control process as such information is valuable to the ENER/SRD services for its surveillance activities.

Mr. Zuleger provided a short overview of the implementation of the 2024 IT action plan. While the majority of plans were successfully implemented, some projects experienced delays due to the ongoing strengthening of cybersecurity posture and the late approval of additional budget at the EU level, assigned to the Agency through legislative packages adopted during the year. The Administrative Board Chair inquired about the data exchange with supercomputer. Mr Zuleger replied that such cooperation was possible on public data and that the teams were looking into details to make it compliant with the ACER cybersecurity standards. The Commission representative in the Administrative Board emphasized that cybersecurity remains a critical risk for all EU institutions, including agencies, and should continue to be a top priority. Additionally, with the upcoming launch of the new European Commission financial tool, the Agency has been instructed to enroll relevant staff in necessary trainings.

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

- on the recruitment process, the Administrative Board recommended to the Director to:
  - adhere to best practices in hiring and comply with Staff Regulation and other applicable rules;
  - notify the Board in advance of any exception to the recruitment rules, providing justification. The Board can decide to engage in the discussion;
  - immediately inform the Board of complaint under Art. 90.2 requiring Board's attention and ensure timely and proper communication with the Board. In this case, the Board will request DG HR to prepare a draft reply for the Board via the Service Legal Agreement.
- on the planned learning activities, the Board advised to consult existing staff on their needs and interests and to provide them trainings on tools that can help them efficiently deliver on statutory tasks.
- the Board requested to be kept informed about the follow up on the Staff Engagement survey through the quarterly reports;



- the Board took note of the current implementation rates of 2024 budget and procurement and stressed the importance of planning of procurement procedures over the entire year and of making policy staff accountable for adequate planning and execution;
- the Board was acquainted with the results of the ECA accounting audit of the first half of 2024 financial year and of the single case of spotted irregularity that is to be addressed by the Agency;
- the Board stressed the importance of strengthening cybersecurity posture of the Agency.

## Decisions/ Conclusions

### **The Administrative Board:**

- 1. emphasized the importance of its recommendation on hiring practices (spelled out under agenda point 2.6);**
- 2. advised focusing not only on the learning activities of the newcomers, but also of the existing staff;**
- 3. requested to be kept informed about the follow up on the Staff Engagement survey through the quarterly reports;**
- 4. took note of the current implementation rates of 2024 budget and procurement and stressed the importance of planning procurement procedures over the entire year and of making policy staff accountable for adequate planning and execution;**
- 5. was acquainted with the results of the ECA accounting audit of the first half of 2024 financial year and was informed of the single case of spotted irregularity that the Agency aims to address;**
- 6. stressed the importance of strengthening cybersecurity posture of the Agency both through the IT action plan and adequate budget support.**

## **2.11 Board of Appeal – Report by the Board of Appeal Chair**

Upon the invitation of the Administrative Board Chair, Mr Miro Prek, Chair of the Board of Appeal (BoA) was invited to provide his regular annual update on the functioning and results of this important Agency's board.

Mr Prek congratulated Mr Zinglensen for the extension of his mandate and thanked the Agency for the cooperation and support provided to the BoA.

Mr. Prek informed the Administrative Board that the BoA composition is currently incomplete, with four members and six alternates, due to the passing of one member and another becoming Advocate General at the ECJ. Since the Board's mandate is concluding in 2026, the BoA Chair urged the Administrative Board to launch the call for expressions of interest soon in 2025. The BoA Chair expressed readiness to assist the European Commission and the Administrative Board in any way necessary regarding this process.

Additionally, Mr. Prek reported that the Board closed two cases in 2024, with not many new cases anticipated. He emphasized that the low number of cases impacts the Board's rhythm and effectiveness. Despite this, it remains crucial for the Board to receive strong support from ACER, particularly in areas like the Registry. Mr. Prek assessed ACER's support to the BoA in 2024 as very satisfactory, noting that it enabled the Board to function efficiently. The Administrative Arrangements have been revisited and are set to be signed shortly.

Volker Zuleger, Head of the Coordination Operations and Legal Department, expressed satisfaction with the assessment of cooperation as satisfactory. He emphasized the importance of launching the call for the new round of BoA members and alternates in a timely manner. Additionally, Mr. Zuleger



highlighted that the call should be accompanied by an increase in indemnities to attract highly qualified and experienced experts.

The Administrative Board Chair thanked Mr Prek for the update and invited for a regular exchange. The Administrative Board acknowledged that, despite the current lower volume of cases, the Board of Appeal must remain fully operational. To this end, the Board supported the launch of the selection process in 2025 to ensure the proper functioning of the Board of Appeal in its full composition. The Administrative Board expressed its full commitment to the prompt preparation and adoption of all necessary decisions within its competence in this regard.

**Decisions/  
Conclusions**

***The Administrative Board took note of the functioning of the Board of Appeal in 2024 and expressed support for prompt launch in 2025 of the call of expression to appoint new members and alternates, completing the Board's composition. The Administrative Board expressed its full commitment to the prompt preparation and adoption of all necessary decisions within its competence in this regard.***

**2.12 Outline of the Draft Single Programming Document for period 2026 – 2028**

Upon the invitation of the Chair, Mr Valter Ilić, Quality Management Assistant, presented the structural overview of the draft Single Programming Document 2026-2028 that the Agency has started to prepare for submission in January 2025, for discussion and endorsement by the two boards – the Board of Regulators and the Administrative Board. Following adoption, the document will be submitted by 31 January 2025 for further review by the EU institutions, especially the European Commission (formal opinion).

Mr Ilić underlined the strategic importance of the document, as the draft multiannual programming document for 2026-2028 defines the Agency's strategic goals, actions, objectives and tasks to deliver on its mandate. Moreover, it takes into account the new tasks that are to be defined by then ( e.g. tasks defined in the implementing rules of the REMIT revision). The document will refer also to quickly evolving context and evolving role of the Agency – among others via the prioritisation system of the tasks.

The Board endorsed the proposed structure and outline.

**Decisions/  
Conclusions**

***The Administrative Board endorsed the structural overview of the draft Single Programming Document 2026-2028 by unanimity.***

## **3. CLOSING SESSION**

### **3.1 Any other business**

The Administrative Board members and alternates are reminded that, starting from 1 January 2025, all communication within the Board will take place via ACER accounts only. This practice, which addresses the IAS recommendation, will be assessed during the January meeting.

### **3.2 Next meetings**

The next 65th meeting will take place on 29-30 January 2025 in Ljubljana (ACER premises).

Other meeting dates in 2025 are: 5-6 June; 23-24 October and 11-12 December 2025 (all meetings take place on Thursdays and Fridays).