

**60 the ADMINISTRATIVE BOARD MEETING****Ordinary session (hybrid mode)****Wednesday, 13 December 2023, 16:00 - 19:30****Thursday, 14 December 2023, 08:30 - 14:00**ACER premises, Trg republike 3, 1000 Ljubljana, 6<sup>th</sup> floor meeting room and by  
videoconference**MINUTES**

<b>Members and Alternates of the Administrative Board, present at the meeting:</b>		<b>Function</b>
Mr Michel THIOLLIÈRE		Chair
Ms Edit HERCZOG		Vice-Chair
Dr Romana JORDAN		Member
Dr Jurijs SPIRIDONOVŠ (present online on 13 and 14 December 2023)		Member
Mr Bogdan CHIRIȚOIU		Member
Ms Karin LUNNING		Member
Mr Václav BARTUŠKA		Member
Ms Anne MONTAGNON (present on 13 December 2023 online)		Member
Ms Cristina CUADRA GARCIA (present on 14 December 2023 online)		Alternate
Ms Britta THOMSEN		Alternate
ACER	Christian Pilgaard ZINGLERSEN, Olga BORISSOVA, Volker ZULEGER, Martin GODFRIED, Rafael MURUAIS GARCIA, Csilla BARTOK, Antonio SANTOS, Bart VEREECKE, Una SHORTALL, Rodica MANDROC, Valter ILIĆ, Silvia MANESSI, Paul MARTINET, Savvas SAVIDES, Tina VONČINA	
Board of Regulators	Clara POLETTI, Chair of the Board of Regulators (present on 14 December 2023 morning online)	
European Commission	Michael SCHUETZ (present at the meeting), Juan-Ignacio DE DIOS MORALES (present online)	

Ms Ditte JUUL-JØRGENSEN gave proxy to Ms Anne MONTAGNON for 13 December 2023 and to Ms Cristina CUADRA GARCIA for 14 December 2023. However, Ms JUUL-JØRGENSEN participated in the elections of the new Administrative Board Chair and Vice-Chair and casted her votes in the online elections.

Mr Christian Pilgaard ZINGLERSEN (ACER Director) was present at the meeting, acting as observer. He was not present at the Administrative Board closed session on 13 December 2023.

The Secretariat was provided by the Agency.

## SUMMARY OF CONCLUSIONS OF THE 60<sup>TH</sup> MEETING OF THE ADMINISTRATIVE BOARD

At the 60<sup>th</sup> meeting, the Administrative Board:

1) elected via secret ballot Ms Edit Herczog as the Administrative Board's Chair and Mr Bogdan Chirițoiu as the Board's Vice-Chair for the period 28 January 2024 – 28 January 2026;
2) appointed Director-General of European Commission DG ENER and the next Vice-Chair of the Administrative Board Mr Bogdan Chirițoiu as reporting officers for the assessment of the annual performance of the ACER Director for the reference period 1 January 2023 to 31 December 2023 and for setting Director's objectives for the following reference period (year 2024);
3) appointed Ms Anne Montagnon as the member and Mr Václav Bartuška as the alternate member of the 2024 Review Panel responsible for the implementation of the conflict of interest policy for the Administrative Board;
4) took note of the outcome of the two written procedures related to the two additional amendments to the 2023 ACER Budget and Establishment Plan and thanked the European Commission for approving additional funds to support the Agency's IT hardening;
5) adopted the 2024 Budget and Establishment Plan by unanimity via the decision No 17/2023 and called on the Agency to pursue a conservative budget given many risks that in the absence of structural solutions could have considerable financial implications;
6) adopted by unanimity ACER's Strategy on Communications 2024-2026 and its Dissemination Plan;
7) adopted by unanimity the ACER Single Programming Document 2024-2026;
8) was provided with the overview of the Agency's key 2023 deliverables and with an outlook of new tasks and powers that are expected to be assigned to the Agency in 2024 with the entry into force of the three simultaneous legislative packages (REMIT revision; Electricity Market Design revision; Methane emission cut and Hydrogen and Decarbonised Gas Market Package);
9) took note of the activities of the Board of Regulators and congratulated its leadership on the reappointment;
10) was informed of the implementation of the 2023 Agency's budget and procurement plan and on the outstanding budgetary challenges the Agency is facing in 2024. In particular, the Board was cautioned that the issue of accommodating legal costs in case of lost legal cases in years with high spikes remains a structural challenge that should be addressed;
11) asked the Agency to prepare for March Administrative Board meeting a consolidated table of budgetary flows to evaluate the budgetary situation and if needed to be able to call for necessary mitigation actions;
12) initiated the discussion on lessons learnt and challenges the Agency faces in order to provide input for the 2024 evaluation of the ACER Regulation and REMIT fee model decision;
13) asked the Agency to provide in the first half of 2024 a clear timetable for the procurement procedure for the premises commensurate with the Agency's growth;
14) might consider appointing a new rapporteur of the budling file given its importance for the functioning of the Agency;
15) asked the Agency to provide the analysis on the decentralization and simplification of the procurement procedures at the end of the pilot phase which is set for June 2024;
16) endorsed the proposed transfers between different 2023 budgetary titles towards the budget line for legal costs in order to provide in 2024 at least partial coverage for the payment of legal costs of the two lost Court cases in 2023;
17) asked the Agency to provide for each meeting of Administrative Board a summary table showing budgetary flows below 10% in accumulative terms;

18) was updated on the IT security incident;

19) endorsed by unanimity the structural overview of the draft Single Programming Document 2025-2027.

## 1. OPENING

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.

### Approval of the agenda

The agenda of the 60<sup>th</sup> meeting was approved. The Secretariat informed that the planned annual meeting with the Board of Appeal Chair Mr Miro Prek would be moved to the next/61<sup>th</sup> meeting due to his conflicting commitments.

## 2. DISCUSSION AND DECISION-MAKING

### 2.1. Election of the Chair and Vice-Chair for the period 28 January 2024 – 28 January 2026 (Administrative Board members only)

The Administrative Board had to elect the new leadership, as the two-year mandate of the current Chair and Vice-Chair expire on 27 January 2024.

The Secretariat provided the relevant legal provisions of the ACER Regulation 942/2019 and the Administrative Board Rules of Procedure, defining the election procedure of the Administrative Board Chair and Vice-Chair.

In line with conclusions of the closed session of the 59<sup>th</sup> Administrative Board meeting, the members who were interested in standing for these two positions could submit their candidacies to the Board's Secretariat. By the deadline of 1 December 2023, the Secretariat received two candidacies for the position of the Chair and two candidacies for the position of the Vice-Chair. At the 59<sup>th</sup> Administrative Board meeting it was also agreed that the elections of the Administrative Board Chair and Vice-Chair for the next two-year period (28 January 2024 – 28 January 2026) would take place via secret ballot through the E-Platform (election module).

On the day of the 60<sup>th</sup> meeting, the Secretariat opened two separate election procedures (one for the Chair and the other for the Vice-Chair election) and invited the members-only to cast their votes for both positions. Namely in line with Article 18(3) of Regulation (EU) No 2019/942, the Administrative Board shall appoint a Chair and a Vice-Chair from among its Members.

All nine Members casted their votes (in the elections, there were no proxies), while the requested quorum is two thirds of the members (Article 7 of the Administrative Board Rules of Procedure).

The Administrative Board members elected as the new Chair of the Administrative Board in the period 28 January 2024 - 28 January 2026 Ms Edit Herczog and Mr Bogdan Marius Chirițoiu.

After the elections, Ms Herczog and Mr Chirițoiu thanked the members for the expressed support. Given a very dynamic period in the EU and in particular that for the Agency, which expects new tasks in near-term and whose mandate was expected to be reviewed via the 2024 Regulation recast, the new Board's leadership underlined the importance of the Administrative Board in navigating the process in the next two years. They called on all the members and alternates to contribute to that process.

**Decisions/  
Conclusions**

***The Administrative Board elected via secret ballot Ms Edit HERCZOG as the Board's Chair and Mr Bogdan CHIRIȚOIU as the Board's Vice-Chair for the period 28 January 2024 – 28 January 2026.***

**2.2. Appointment of the Reporting Officers for the Director for the year 2023**

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 2023 and for setting Director's objectives in 2024. The Chair suggested Director-General of European Commission DG ENER and the next Vice-Chair of the Administrative Board Mr Bogdan Chirițoiu to be appointed for this role. They both confirmed their availability.

**Decisions/  
Conclusions**

***The Administrative Board appointed by decision No 18/2023 of 13 December 2023 Director-General of European Commission DG ENER and the next 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 2023 to 31 December 2023 and for setting Director's objectives for the following reference period (year 2024).***

**2.3. Conflict of Interest policy: Reflection on the 2023 process and appointment of the Members of the Review Panel for Conflict of Interests Management in 2024**

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 just prior to the start of the 60<sup>th</sup> Administrative Board meeting, the alternate Mr Zecho Donchev Stankov, who was suspended from the Board due to the failure to submit the requested documents for the 2023 conflict of interest exercise, did submit the documents via E-platform. The Secretariat informed that the 2023 Administrative Board Review Panel would convene in the margins of the meeting to assess the submitted documents and provide its decision on the risk level of Mr Stankov.

Some Administrative Board members reported that the Board's 2023 conflict of interest policy and its implementation had been considered as an exemplary.

The Secretariat informed that the 2024 annual conflict of interest process was about to be launched in the beginning of January 2024 through the online platform and that members and alternates should submit by 31 January 2024 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 No 16/2022, these documents will be reviewed and assessed by an Administrative Board Review Panel. The next Chair and Vice-Chair of the Board are automatically the Review Panel members. The Chair explained that in order to complete the Review Panel for the 2024 yearly assessment of the conflict of interest declarations of the Administrative Board members and alternates, the latter needed to designate one of the European Commission representative 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 suggested Mr Václav Bartuška to be appointed. Mr Bartuška accepted the position.

**Decisions/  
Conclusions**

***The Administrative Board appointed in line with the Decision No. 16/2022 of 14 December 2022 Ms Anne Montagnon as the member and Mr Václav Bartuška as the alternate member of the 2024 Review Panel responsible for the implementation of the conflict of interest policy for the Administrative Board.***

**2.4. Reporting about the outcome of the two written procedures on the 2023 budget amendments**

Ms Olga Borissova, head of the Corporate Service Department, reported about the outcome of the two written procedures that took place since the last 59<sup>th</sup> Administrative Board meeting and were related to two separate amendments of the 2023 ACER budget. This meant that in total there were three amendments of the 2023 ACER Budget and Establishment plan as adopted via decision No 20/2022.

Namely, in addition to the amendment adopted at the 59<sup>th</sup> meeting to align the budget with the actually collected REMIT fees and EFTA contribution, the Administrative Board adopted by unanimity via written procedure decision No 14/2023 of 22 November 2023, a second amendment that decreased the Agency's budget of EUR 842,000 and removed six posts from the 2023 Budget and Establishment

plan. This was needed due to the fact that the two legislative packages for which these funds and posts were assigned to the Agency would not be finished in 2023. The third amendment adopted by the Administrative Board by unanimity via written procedure by decision No 15/2023 of 5 December 2023 enabled to transfer additional EUR 800,000 from the European Commission/DG BUDG and DG ENER to the Agency to support investment in the Agency's IT strengthening after the recent cyberattack.

Ms Borissova thanked the Administrative Board for the great commitment in adopting both decisions via written procedure in a short time and, in particular, to the European Commission for approving additional funds aiming to support the Agency's IT strengthening. She confirmed that the Agency will be able to conclude all the administrative procedures to absorb these funds in time. Anne Montagnon confirmed that the last transfer could be processed so quickly due to the fact that the Director had kept the Board well informed of the issue and thus the Board had discussed this at its previous meetings. Had this not been the case, the procedure would not have been feasible. The Commission called for the continuation of such timely formal and informal exchange of information with and within the Board. The Administrative Board thanked the Commission for the openness to absorb so quickly the Agency's request for additional funds to cover the cybersecurity needs as such request should not be considered as a given.

**Decisions/  
Conclusions**

***The Administrative Board took note of the outcome of the two written procedures related to the two additional amendments to the 2023 ACER Budget and Establishment Plan and thanked the European Commission for approving additional funds to support the Agency's IT hardening.***

**2.5. ACER's Budget and Establishment Plan for the financial year 2024**

Upon invitation of the Chair, Ms Olga Borissova, head of the Corporate Service Department, presented the outline of the ACER Budget and Establishment Plan for 2024, which had been a document for a separate decision alongside the Single Programming Document 2024-2026.

She recalled the discussion on the very challenging 2024 budget that the Administrative Board held at its previous/59<sup>th</sup> meeting in the end of October 2023. Several significant budgetary items namely have to be accommodated within the 2024 budgetary framework that was adopted by the Budgetary authorities (the Council and the EP) on 22 November 2023. Given current lack of structural responses for some of them (e.g., coverage of legal costs in those years with considerable number of Court's decisions on the appeals and high costs claims) it was challenging to budget them. Ms Borissova noted that hopefully in near future adequate structural responses would be established, however in the best-case scenario, only after the 2025 (with the expected review of the REMIT fee model and after the evaluation of ACER Regulation and entry into force of its potential recast).

Ms Borissova explained that the 2024 budget (the REMIT fees part and not the EU subsidy part) would accommodate the recently discovered obligation to cover the employer pension contribution towards staff whose salary is covered by REMIT fees. The calculation of yearly costs stemming from this obligation has been put in the 2024 budget (as mentioned above in the REMIT fee part of the



budget), while the negotiations with the European Commission on the long-term gradual repayment of the debt that was accumulated in 2021-2023 period - due to the non-payment of this obligation from the REMIT fee budget - are still ongoing. The 2024 budget will have to absorb also the increased schooling fees that are linked with the staff increase. The budget will accommodate also significant salaries adjustment due to the increased salary correction coefficient for Slovenia. The latter was established by Eurostat in November 2023 and applied retroactively from May 2023 onwards. It has significant impact already on the 2023 budget, but especially for 2024 budget and beyond. Moreover, in the 2024 budget the Agency factored in the compliance costs of adhering to the Security Union Regulation and the strengthening of IT security to mitigate the recent cyberattack. As reported already at several previous Board's meetings, in 2024 the Agency might face a spike of legal costs given the unusually high number of appeals likely to be decided by the ECJ.

To address the above-mentioned significant budgetary items, Ms Borissova explained that the Agency created in autumn 2023 a Budgetary taskforce that analysed in detail the 2024 revenue (subsidy and fee) side of the budget as well as the expenditure side (at project level) to identify savings that would enable matching the revenue and expenditure by ensuring the least negative impact on the functioning of the Agency. The taskforce proposed to deprioritise REMIT data analytics to lower the expenditure on the fee side, while on the subsidy side it considered postponing some recruitments. The investments needed to cover the IT strengthening would be frontloaded to 2023 by the recent Commission transfer of additional funds to the Agency. As an important buffer for the possible spike on legal costs, several projects (i.e. Greening project, Extranet revamp, office furniture purchases, tool for activity-based management) have been deprioritised, delayed or postponed, thus enabling the Agency to build up a legal costs reserve. However, in case of the worst-case scenario in 2024, it would still be difficult to absorb all the costs within an annuality-oriented budget cycle. In that case, a loan from the Commission to the Agency that could be repaid over a certain period of time could be an option to be considered, while as a long-term solution the amendment to the ACER Regulation should be explored.

Ms Borissova presented more in detail the revenue side of the 2024 budget which would be funded from three sources. The biggest one is the EU subsidy whose growth has been in line with the additional tasks and human resources stemming from the new legislation packages upon their approval in 2024 (final figures still to be updated per final outcome of the negotiations on the Electricity Market Design proposal). The second budgetary source is the fees collected on REMIT. The 2024 amount of fees to be generated will be certain only in January 2024, thus the current amount put in the 2024 budget was based on these projections. Ms Borissova announced that in case of any mismatch between the current projection and actual collection of fees, a budget alignment would need to be tabled for the Administrative Board's discussion and adoption via budget amendment. She also recalled that in 2024 the review of the REMIT fee model is expected in order to better capture the real-time situation. The EFTA contribution represents the third revenue source; it would significantly increase in relative terms, though in nominal terms it remains to be the lowest revenue source.

On the 2024 expenditure side, the three big sets of costs under Title I, II and III, were outlined. The increase of costs for the Title I have been linked with the costs related to the staff growth, while the most significant increase of 42% has been foreseen for the Title II mainly due to the increase of utilities costs and the building up of the reserve fund for potential spikes in 2024 of legal costs. The increase of Title III expenditure has been mainly linked with the new projects in IT infrastructure,

hardware licenses, deployment, services, and operations to beef it up to the current level of the REMIT standards.

Ms Borissova also presented the budget breakdown of the 2024 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 E-platform per the agreed 50%:50% split cost with the Board of Regulators. She reiterated that in case of any additional need of the Administrative Board, the Agency has the possibility to support it through the regular budget transfers that occur during the year.

On the 2024 Establishment plan, Ms Borissova explained that it was aligned with the mandate.

The Director complemented that 2024 was expected to be a tough and dynamic year during which structural solutions to some of the outlined challenges would need to be addressed via the recast of the REMIT Regulation and its fee model decision as well as through the upcoming evaluation of the ACER Regulation. He stressed that in such a budgetary difficult year, ACER would have to adhere to the entry into force of the three packages (REMIT, Methane&Decarbonisation of Gas, and Electricity Market Design). On the latter, he informed that more tasks than initially envisaged could be assigned to the Agency, hopefully with the commensurate budget and human resources. If that would be the case, according to him, the Agency would be in principle well equipped to implement the tasks. This was confirmed by the Commission representative Ms Montagnon, who expressed expectation that the three packages will be formally adopted by April 2024, thus before the end of the mandate of the current Commission, who considers them one of the mandate's achievements. She expressed expectation that the final negotiations on the Electricity Market Design would indeed result in more resources for ACER than initially proposed.

The Administrative Board thanked the Agency for all the efforts to prepare the 2024 budget in a context with so many risks and unknowns. It expressed its support for the identified measures aiming to meet the annual budgetary balance between revenue and expenditure. Nevertheless, given so many risks it urged the Agency to pursue a conservative budget planning and implementation and to regularly report to the Board. Due to many budgetary conflicting priorities at the EU level at the end of the current multiannual financial framework, it was indicated that in case of a need, the Agency can not automatically rely on additional funding from the European Commission. Taking account the current uncertainties underlying some budget items (notably the court cases), the best course of action was the one of prudent budget management that ACER set out for 2024.

The Administrative Board adopted the 2024 Budget and Establishment Plan by unanimity.

## Decisions/ Conclusions

***The Administrative Board adopted the 2024 Budget and Establishment Plan by unanimity via the decision No 17/2023 of 13 December 2023 and called on the Agency to pursue a conservative budget given many risks that in the absences of structural solutions could have considerable financial implications.***



## **2.6. ACER's Strategy on Communications 2024-2026 and its Dissemination Plan**

Upon invitation of the Chair, Bart Vereecke, Team Leader of Strategy Delivery and Communications, and Una Shortall from the same department, informed the Board that the ACER draft Strategy on Communications for the 2024-2026 period and its Dissemination plan that were in detail presented at the 59<sup>th</sup> Administrative Board meeting did not receive any substantial remark by the Board of Regulators within the requested two week period. In that context, the Administrative Board was invited to adopt the Strategy, its principles, goals, target audiences, channels and tools that aim to equip ACER for the impactful communication in quickly evolving landscape in which the Agency operates (with evolving EU climate and energy context, huge digital and data transformation and on-going crisis mode).

The Administrative Board welcomed the additional strengthening of the paragraph on the communication with the host country that was suggested by the Administrative Board at its previous meeting. It also pointed to the need to liaise in more joint activities with the mayor of Ljubljana to increase the Agency's visibility and added value for the hosting country. Mr Vereecke and the Director explained that the Agency has been engaging with different Slovene stakeholders like government and its various ministries, universities and energy experts as well as with the Ljubljana municipality with which there had been much cooperation on the files in common interest – like the premises and the European School.

As part of the communication strategy, the Administrative Board also welcomed the efforts to facilitate the onboarding of the new members of the Board. In that context the recent joint session with the Board of Regulators was labelled as an example of a very good practice that should be repeated in the future. Given the new institutional set-up after the 2024 European elections, it was advised to reflect on cooperation with the new members of the European Commission and the European Parliament (especially ITRE committee members).

<b>Decisions/ Conclusions</b>	<b><i>The Administrative Board adopted by unanimity ACER's Strategy on Communications 2024-2026 and its Dissemination Plan.</i></b>
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## **2.7. The Single Programming Document for the years 2024-2026**

Upon the invitation of the Chair, Ms Borissova, head of the Corporate Service Department, presented to the Board the final text of the Single Programming Document 2024-2026. She recalled that the text had been discussed by the Board on several occasions and followed the approach that had been endorsed by the Board in the beginning of the year when its draft was adopted.

The current text integrated a few changes proposed by the European Commission in its Opinion submitted to the Agency on 9 October 2023 and had been amended in line with the final 2024 EU budget that was adopted by the two budgetary authorities on 22 November 2023. These amendments were mainly factual and/or represented updates in line with new developments and facts that have emerged during the year (e.g. outcome of the ongoing legislative packages like Electricity Market Design, REMIT, Methane and Decarbonised Gas packages). Therefore, the five strategic goals endorsed by the Administrative Board in January 2023 remain the same: four of these

strategic goals focus on delivering on the Agency's mandate, while a new strategic goal of horizontal nature had been added. It aims to ensure the resilience, efficiency and agility that is needed in fast evolving energy landscape, facing many new drivers, risks, and challenges.

The Administrative Board was informed that the Director presented the draft Programming Document 2024-2026 to the European Parliament on 28 November 2023.

The document had been simultaneously submitted for the Board of Regulator's favourable opinion, a prerequisite for adoption by the Administrative Board. The Director informed the Administrative Board that following the discussion at the meeting of the Board of Regulators on 13 December 2023, two updates of the text were proposed: the first one related to the acknowledgement that the reinforcing of the Agency's IT and cybersecurity posture would be one of the 2024 Agency priorities (this had been consequently included in the Director's Foreword), the second one is related to the reformulation of potential legal expenditures in 2024 (on pages 21 and 23). With the proposed two changes, the Board of Regulators adopted the document by consensus. Both change proposals were circulated in writing to the Administrative Board at the meeting and were endorsed also by the Administrative Board.

**Decisions/  
Conclusions**

***The Administrative Board adopted by unanimity the Single Programming Document 2024-2026, which will be submitted to the EU institutions by 31 December 2023.***

**Session with presence of members and alternates only**

The Secretariat provided an update on the appointment procedure of new members and alternates that were appointed by the Council and the European Parliament and would start the mandates in January 2024. The Secretariat provided the outline of their onboarding, so that they would be equipped and ready for their first meeting.

The Administrative Board also agreed that if the Council does not inform the Board by the end of 2023 about the decision on the two alternates who had been suspended by the Board due to their conflict of interest situation, the Administrative Board gave the mandate to the Chair to contact the Council on behalf of the Board and remind them of the need to have fully operational Administrative Board.

**2.8. Progress report – Energy Markets and Regulatory Developments – recent ACER actions, efforts, perspectives, and reflections**

The Director presented an overview of the key lessons from the crisis as captured in 2023 ACER reports, followed by in-depth updates delivered by colleagues on the three packages (on REMIT, on Electricity Market Design and on the Methane and Decarbonized gas) that were expected to give ACER in 2024 new tasks and powers.

The Director explained that in 2023 the Agency had sliced the usual Market Monitoring Report into different formats (reports and briefs) and time sequencing (several publication dates throughout the year) to provide more timely focus on different aspects of the integrated energy markets. The common overall message of all these reports had been the value and resilience of the integrated

markets (electricity and gas) in Europe which helped to bring multiple benefits also during the crisis. The integrated energy market namely enabled the integration of renewables, facilitated needed changes in gas flows, mitigated price volatility, provided flexibility to the system, and helped ensuring security of supply. It seems that the importance of the latter (providing security of supply in period of high geopolitical tensions) remained under the radar compared to the prevailing subsidy-orientated behaviour of the governments. While it should be acknowledged that the emergency measures shielded the end consumers, these mainly subsidy-type interventions came at high (public finance) costs. Thus, the Agency provided some insights on the crisis emergency measures that could in future contribute to a more informed governmental policies and decisions.

Moreover, the Director stressed that in 2023 the Agency had enhanced its focus on the needs and solutions of the future energy systems. For that, it had issued a joint a report with the European Environment Agency that showed that the growth of installing intermittent renewables requires almost doubling flexibility in the EU power system needs by 2030, compared to today's levels. The main provider of flexibility in short term is demand response, which the Member States would need to enable while at the same time removing many existing barriers. The alternative to this (from broader geographical perspective) is to enhance interconnectors that can provide the flexibility in longer intervals. In that context it was suggested that the National Climate and Energy Plans should capture better the planned energy developments not only from the national perspective, but also from enhanced cross-border and/or regional coordination.

To support the challenge of ensuring demand response, the Director announced that in the coming days the Agency would issue its flagship 2023 report on the barriers to the demand response (he would present it at the December TTE Council) that come in different shapes and sizes and were often 'hiding in plain sight'. However, the sum of many smaller obstacles adds up to significant barriers, impeding system flexibility which would be the priority item for several years to come. The Director also explained that there are several different regulatory pathways in which ACER had been involved to enhance power system flexibility (e.g. it might be tasked to assess the flexibility needs at the EU and national level as part of the recast of the Energy Market Design, through the revision of the EU grid connection code, new EU rules on the demand response, etc.).

The ACER colleagues provided updates on the negotiations of the three simultaneous packages (REMIT revision, Electricity Market Design revision; Methane emission cut and Hydrogen and Decarbonised Gas Market Package) related to the three pillars of the Agency's work. Their entry into force in 2024 would have considerable impact on the Agency's tasks and powers.

On the revision of REMIT regulation (aiming to improve the EU's protection against market manipulation in the wholesale energy market), Mr Antonio Santos, Team Leader in Market Surveillance and Conduct Department, informed the Board that in November the co-legislators reached political agreement on the main controversial topics by agreeing on the scope of ACER investigatory and sanctioning powers. The provisional agreement provides that ACER has the right to investigate cases with a cross-border dimension and to prioritise cases. ACER has the right to investigate cases where the conduct affects at least two member states. This represents an important strengthening of the ACER mandate, yet these would be a completely new tasks for which the Agency needs to prepare. While many details still need to be resolved and many practical aspects would need to be agreed to operationalize it, the idea is nevertheless not to bypass NRAs, but to give ACER possibility and tools to intervene if NRAs were passive. NRAs would continue to be able to object to the exercise of the Agency's investigatory powers when the NRAs have formally opened or have conducted an investigation on the same facts. The NRAs will have a maximum of 3

months to object. The revision of the Regulation would assign ACER some other new or renewed task (e.g., the LNG price assessment and benchmark are to become a permanent task).

The revised Regulation is expected to enter into force by April 2024, however some of the provisions will enter into force at a later stage. The revision of the Regulation would have significant staff implications which will be gradually phased in until 2027 as well as budgetary impacts. However, the Agency would still need to prioritize in selecting investigatory cases and adapt the investigations to the human and budgetary resources. These tasks and staff will remain to be to a large extent (75%) fee-based. In parallel, the revision would have to be complemented also with the REMIT fee model revision that is aimed for 2024 as well as some other documents (implementing and delegated regulations, guidelines).

The Administrative Board called on the Agency to provide a clear distinction of what is EU subsidy and what is fee-based activity, and the consequent funding. The Director gave reassurances that the Agency had already a tool in place which has been already monitoring that. The Board also welcomed the Agency's plans to prepare in time for recruiting people, preparing manuals, standard operating procedure, trainings. The issues of relevance would also be organising adequate onboarding, settling the issue of European School for the newcomers. On the Administrative Board question on how the new powers could impact the relations with the NRAs, the Chair of the Board of Regulators Ms Poletti, confirmed that implementation would be challenging and a game changer for many NRAs, however they were ready to do it by ensuring they fully coordinate with ACER and do not duplicate work. In addition to this, according to her NRAs need also to increase cooperation with national financial regulators (similarly like ACER-ESMA).

On the Electricity Market Design, Mr Rafael Muruais Garcia, acting Head of Electricity Department & Team Leader for Market monitoring, provided an update on the negotiations since the latest presentation of the topic to the Administrative Board in June. The package put forward by the Commission in March 2023 has been about reshaping the electricity market as a reaction to the spikes in energy prices across the EU in 2022 due to Russia's invasion of Ukraine. In addition to the enhancing stability and predictability of energy costs, the package aims at boosting renewable investments and increasing protection of the consumers.

Mr Muruais Garcia reported that ACER has been engaged in all phases of the legislative process, which has been very speedy. The co-legislators reached political agreement on 14 December. It is expected that in the end the package will include a substantial number of additional tasks for ACER compared to the initial European Commission proposal. Depending on the scope of the additional tasks, the Agency estimates that a considerable increase of staff and an increase in IT budget would be allocated. ACER praised a very good collaboration and ongoing dialogue with the European Commission on that. The European Commission representative Ms Cuadra Garcia confirmed that DG ENER is committed to revising the financial statement of the package and was defending it vis-à-vis DG BUDG to be commensurate with allocated tasks. The aim is to ensure that all costs (including overheads) were to be included.

Csilla Bartok, acting Head of Infrastructure, Gas and Retail Department, provided an update on the Regulation on tracking and reducing methane emissions in the energy sector and on the Hydrogen and gas markets decarbonisation package (composed of regulation and directive). These legislative proposals had been put forward by the Commission in 2021 as part of the European Green Deal to reach the EU climate goals (Fit for 55 package), but were sidelined during the crisis. However, in

recent weeks, the Spanish presidency reached political agreements on all three pieces of legislation which would again assign new tasks to the Agency.

Following the ACER presentation, rapporteur Mr Bartuška provided a debrief on the energy related discussions in the Council. He reiterated that the energy crisis is no longer topping the EU political agenda. The fact Member States injected a lot of funds in the sector though the emergency measures without real competition could become a challenge in the near-term.

The Administrative Board thanked the Agency for providing a broad and relevant presentation of the current developments and for pointing to Agency's recent and current priority areas.

**Decisions/  
Conclusions**

***The Administrative Board was provided with the overview of the Agency's key 2023 deliverables and with an outlook of new tasks and powers that are expected to be assigned to the Agency in 2024 with the entry into force of the three simultaneous legislative packages (REMIT revision; Electricity Market Design revision; Methane emission cut and Hydrogen and Decarbonised Gas Market Package).***

**2.9. Board of Regulators – Progress report**

The Chair of the Administrative Board congratulated on behalf of the Board to Ms Clara Poletti for her reappointment by consensus as the Chair of the Board of Regulators. Ms Poletti thanked for congratulations and expressed readiness to lead the Board for the next two-and-half period together with Mr Rafal Gawin who was also reappointed as the Board of Regulator's Vice-Chair.

Ms Poletti informed that the Board of Regulators dedicated majority of its meeting that took place a day before (13 December 2023 in Ljubljana) to the update on the upcoming legislative packages: on Electricity Market Design adjustment; political agreement on the REMIT reform and the new REMIT framework including new ACER powers and on the gas package to establish common rules for the internal markets in renewable and natural gases and in hydrogen.

The Board provided favourable opinion on a series of ACER acts, including on the ACER Single Programming Document 2024-2026, whilst suggesting a reference recognising the IT security challenges and reformulation of the reference to cost implications of potential legal appeals against ACER decisions.

Ms Poletti reported about two other items of discussion that according to her were important to update with the Administrative Board. First one, is about the ACER decision on the amended Core Intraday (ID) Capacity Calculation Methodology (CCM), which is very challenging, thus ACER organised a dedicated workshop on 10 November. At the workshop, ACER highlighted that the inclusion of the 70% requirement (requirement to grid operators to make a 70% minimum amount of capacity on interconnectors available for electricity trading with neighbours by the end of 2025) was considered legally necessary, technically widely feasible and strategically important for the Internal Energy Market and further decarbonisation. The European Commission also underlined the legal applicability of the requirement while acknowledging difficulties with implementation. Following the workshop, ACER concluded that the decision merited further exploring options for a possible compromise to maximise the support. Therefore, the proposal had not been yet submitted for adoption, and the difficulties in finding a suitable compromise may warrant taking additional time. The second issue is



about the ACER proposal to adopt a more strategic approach to the Retail Market Monitoring Report. The aim is to make the preparations of the report less burdensome and the report itself more impactful, serving as a key vehicle for advancing insights and best practices, capturing the consumer protection aspects crucial for the energy transition. Since the retail data gathering has been rather complex, the approach warrants further discussions at the technical level.

**Decisions/  
Conclusions**

***The Administrative Board took note of the activities of the Board of Regulators and congratulated its leadership on the reappointment.***

**2.10. Progress report – Organisational Developments**

Upon the invitation of the Chair, Ms Olga Borissova, head of the Corporate Service Department, provided the Board with the current implementation rate of the 2023 budget. While the commitment rate had already surpassed the obligatory 95% target, the payment target has not yet reached the 75% internal threshold, though the implementation rate had been so far considerably higher than it was in 2022 at that period. The same applies for the funds carried over from 2022, as 88% of them have been absorbed and the 95% target is expected to be achieved. On the revenue side, the 2023 fees had been collected with the small exception of the ongoing court case. Regarding the procurement, 92% of the plan against a 90% target has been implemented by mid-December (0.85m EUR left to be implemented out of the 12.09m EUR planned).

As discussed already a day before (as part of the reporting on the written procedures on the two budget amendments and as part of the 2024 budget adoption – points 2.4. and 2.5.), Ms Borissova recalled that the 2023 budget required three amendments (two of them via written procedure) to regularise revenues and expenditures in line with the developments in course of the year.

According to her, there are still some open items for the 2023 budget that would require further action. The Agency namely still needs to pay legal costs for the two lost cases in 2023. The high amounts that have been claimed by the appellants are still under negotiations, and the Agency tries to lower these as much as possible. It is clear that the final claims for these two legal cases will be settled next year. However, any potential savings this year will be used to at least partially cover the amount due. For that purpose, the Agency proposed (in the form of a Director's Decision) to transfer all 2023 savings from different budget lines to a budget line on legal costs, which is to be carried forward to 2024. Since these transfers are between different budgetary titles and above 10%, the Administrative Board would be asked to endorse it (the following agenda point).

Ms Borissova informed that initially it was foreseen that there would have been some additional savings within the Title 1 due to the mid-year indications from the Paymaster Office (PMO) that the annual coefficient correction would be negative. However, based on the Eurostat data, the PMO informed the Agency in November that the correction coefficient has increased considerably for Slovenia (by 4,8 percentage points), which leads to significant salary adjustments for 2023 and has implications for the future. The Agency managed to use its own savings to cover the unexpected adjustment of the salaries, however this depleted the expected reserve from savings.

As already reported a day before, the negotiations with the European Commission on the long-term gradual repayment of the debt for non-payment of the obligation to cover the employer pension contribution towards staff whose salary is covered by REMIT fees that was accumulated in 2021-2023 period are still ongoing and might be settled next year.



Ms Silvia Manessi, Team Leader for Human Resources Management, reported on recent HR policies and projects. The announced reorganisation of ACER has been ongoing and further discussions with the Staff Committee did not provide any major comments. The HR has been currently working on the accompanying internal processes linked with setting 2024 objectives, roles and responsibilities.

The teleworking policy has been implemented in line with the previous discussions and endorsement of the Administrative Board. Several HR projects (leadership pipeline, 2024 learning and development needs; onboarding of newly recruited staff) have been ongoing as planned. To support the growth of the Agency in terms of future recruitments and also specific competences that would be sought (e.g. investigators), Ms Manessi reported that the HR had been working intensively on strengthening employer branding activities. She also mentioned that all the above-mentioned projects should fit into the HR strategy for 2024.

Moreover, all the 2023 vacancies had been filled; the Agency currently employs 176 people. The HR has been preparing the 2024 recruitment plan that had been discussed with departments. It was recalled that, as mentioned before, to build up some savings in tough 2024 budgetary year, some recruitments might be delayed for a certain period of time. However, the most urgent positions would be fast-tracked.

The Director and Mr Paul Martinet, Team Leader of the Legal Service, provided the Board with an update on the issue of structural challenge of absorbing legal costs only by the Agency's annual budget in years of their spikes. The further inquiry with other agencies confirmed that ACER had been in a rather unique situation – especially as appeals have become an inherent and structural feature (e.g., currently 18 appeal procedures pending before the GC and ECJ) leading to potentially significant budgetary implications which are difficult to plan and budget. Mr Martinet reiterated that due to a high degree of volatility in both the timing and the amount of recoverable costs, it was impossible to even out any spike years (e.g. 2024), whilst only having recourse to the annual budget. Hence, the Agency emphasised that it was crucial to establish a structural solution to this challenge. Even more so, as the future REMIT investigatory powers may well become a new source of appeals. Thus the Agency considers several options that could be contemplated for a long term solution: a) use of a loan to allow spreading high appeal-related costs over several budget years; b) possibility to charge fees for appeals submitted to the Board of Appeal; c) use of fees as assigned revenue, with a reserve fund that can be tapped in exceptional situations; or d) possibility to charge fees for any challengeable decision. However, these solutions would be realistically applicable – in the best case scenario – only in 2025, after the 2024 evaluation of the ACER Regulation.

As signalled already on several meetings, including a day before while discussing the 2024 ACER budget, this makes 2024 especially challenging, as an unusually high number of appeals is expected to be decided by the ECJ, including on a very difficult one on the so-called redispach cost-sharing decisions of the Agency (with seven different appeals going in different directions from each other). In the worst-case scenario, the recoverable costs to be paid to successful appellants could be really high, which, as stressed again by the Director, would be impossible to accommodate in a yearly budget the size of ACER's. Therefore – as presented already a day before when presenting the 2024 budget - ACER had opted for considerable savings in the 2024 budget to build some financial buffers enabling to reimburse at least a part of the recoverable costs. However, if the costs are really significant, it was stated that there might be a need to consider either a) one-off transfer of the EU Budget for at least partial coverage or b) a multi-annual loan to ACER, allowing to spread the budgetary impact over multiple years, ultimately paying back the loan.

Ms Borissova reported also on the two ongoing internal (IAS) audits, one on the “planning, budgeting and monitoring” from 2021/2022 already being close to the end, while the second one on the “stakeholder management and external communication” from 2023 was still in its initial phase with the scope to be defined and fieldwork planned for a beginning of 2024. In parallel, the annual budgetary ECA audit has been in progress and the first indications suggest the Agency was doing fine. The ECA audit scrutinizes mostly the procurement.

On the building file, Ms Borissova reported that current focus has been on the current premises in order to accommodate all newcomers. Office sharing is to be introduced. In parallel, the core group has been working on drafting future premises tender specifications aiming to incorporate comprehensive definition of future Agency needs, including on the IT and cybersecurity requirements. Moreover, a new market prospect would be launched as recently there had been many new building projects in Ljubljana that could be considered. This would enhance the available options and prevent the monopolistic situation. As budgetary authorities will not be available before November 2024 for the approval of the file due to the European elections, Ms Borissova explained that that period would be used for the procurement procedure. She stated that no delay in the overall procurement procedure timeline was anticipated, still aiming to finish it by Q2 2025.

Ms Borissova also provided an update on the situation on the European School. Since the last Administrative Board meeting, the Agency had a constructive meeting with the newly appointed State Secretary at the Ministry of Education who had expressed readiness for regular and open dialogue and close cooperation on this file. The State Secretary had acknowledged management and quality issues and emphasised the challenge of changing mentalities in the Slovenian public educational space. Ms Borissova reported that the issue of the European School had been brought to the attention of Prime Minister (PM) twice recently, also by a letter from the Director of the European School Ljubljana. ACER is still aiming to organise a meeting with PM to present the anticipated growth of the ACER pupil's population as well as the importance of the school for ACER. It was signalled that the currently ongoing accreditation audit on the baccalaureate would call for providing the commensurate and adequate school premises. On the new school building, the three scenarios, which include different combinations of the location of pre-school/primary and secondary level, had been provided to the Cabinet of the Prime Minister's office in the beginning of November for discussion, consideration and, hopefully, for a decision. The option fully supported by ACER is to have the whole school in one location. Ms Borissova confirmed that the Agency would continue to give the necessary priority to this issue by liaising with the Ministries and the European Commission Representation.

The Administrative Board thanked for the comprehensive overview on the different files.

In addition to the discussion on the 2024 budget that was held prior to its adoption by the Board a day before, the Board stressed again that it was important to build additional buffers for the identified challenges and risks. It was again suggested to see how issues evolve in the first half of the year and then take stock of the budgetary situation in summer, this enabling to forecast budgetary needs until the end of 2024. The Board hence asked the Agency to prepare for the March meeting a consolidated table of budgetary flows (“budgetary stress test”) indicating different budgetary flows, timelines and any potential risks/delays so the Board would be kept abreast of the budgetary developments and could call for action. It was also emphasised that the emergencies of asking additional funds to the Commission cannot be used all the time, thus in case of a need, DG ENER would be willing to provide a loan rather than funds (pending also DG BUDG green light). It was reconfirmed by DG ENER that

the REMIT fee model decision was meant for the revision in mid-2024, which should bring the structural solution for the obligation to cover the employer pension contribution towards staff whose salary is covered by REMIT fees. At the same time, it was advised to start discussions with the European Commission on the above-mentioned challenges (like current budgetary issues, structural issue of covering increasing legal costs) as well as on the Agency's "big bang growth" (need on more horizontal support) that should feed in the upcoming evaluation of the Regulation.

The Administrative Board pointed to the worrying increase of the procurement procedures which represent an administrative burden and increase audit risk. It asked for the analysis and systematic approach to prevent any future growth of the procurement. On that point Ms Borissova explained that the Agency undertook in the second half of 2023 decentralization and simplification of the procurement, as the analysis showed that 75% of the procedures were of lower value (below 15.000€) that would be now taken by staff to disburden the procurement staff. The process has been a pilot one and would be reassessed in June 2024 when impact could be assessed. She expressed hope the Agency would start receiving also staff executing horizontal support linked with the Agency's growth and new tasks assignments.

The rapporteur for the European School thanked the Agency for all the efforts on that file as she had acknowledged that given current many budgetary conflicting priorities the government has to face, it was important to inform the Prime Minister. The rapporteur encouraged the organisation of meeting of the ACER Director with the Prime Minister. In this context it was stressed again that this issue was a clear example why the general visibility of ACER in Slovenia was very relevant.

On the building file, the rapporteur asked for a clear timetable for transparency reasons for the next rapporteur on this file (as the mandate of the current rapporteur is to finish). The current rapporteur called on the Board colleagues that it would be relevant to keep a rapporteur on this. An anonymous staff survey on the satisfaction with the premises/working conditions was suggested. The Administrative Board also pointed to the fact that if the building procedure was up to the 2026 exercise, it should be checked whether there were adequate funds available for ensuing payments given the approaching end of the current multiannual financial framework in 2027.

Ms Borissova responded that clearer timetable on the building procurement procedure could be provided for the March or June meetings. The Director recalled that the Agency had been currently nevertheless in a different situation than at the beginning of this year, as the Agency has now a longer term lease contract. Ms Borissova informed the Board that the Staff Committee provided management with anonymous feedback from staff on such issues as the premises and office arrangements, showing there has been a constant and immediate dialogue on that. The management could however consider a similar survey mid-way through the process.

## Decisions/ Conclusions

1. ***The Administrative Board was informed of the implementation of the 2023 budget and procurement plan and on the outstanding budgetary challenges the Agency is facing in 2024. In particular, the Board was cautioned that the issue of accommodating legal costs in case of lost legal cases in unusual years with high spikes remains a structural challenge that should be addressed.***
2. ***The Administrative Board asked the Agency to prepare for March meeting a consolidated table of budgetary flows in order to evaluate the budgetary situation and if needed to be able to call for necessary mitigation actions.***
3. ***The Administrative Board initiated the discussion on lessons learnt and challenges the Agency faces in order to provide input for the 2024 evaluation of the ACER Regulation and REMIT fee model decision.***
4. ***The Administrative Board asked the Agency to provide in the first half of 2024 a clear timetable for the procurement procedure for the premises commensurate with the Agency's growth.***
5. ***The Administrative Board might consider appointing a new rapporteur of the budling file given its importance for the functioning of the Agency.***
6. ***The Administrative Board asked the Agency to provide the analysis on the decentralization and simplification of the procurement procedures at the end of the pilot phase which is set for June 2024.***

### **2.11. Budget review - Proposal to Adopt Budget Transfers Pursuant to Article 26(4) of the Agency Financial Regulation**

Ms Borissova stated that a few significant events with financial implications occurred during 2023, which were out of the Agency's control (e.g. salary increases due to an increase of correction coefficient for Slovenia, cyberattack) and had thus not been anticipated. They drained the Agency's resources for the year. One of these events are also legal costs of the lost Court cases against two successful appellants (BNetzA vs ACER in case T-631/19, and Aquind vs ACER in case T-735/18 and Case C-46/21 P). The amounts claimed by the successful appellants are high - approximately 1 million EUR. The Agency aims at lowering these costs by negotiating the amount with the legal representatives of the appellants. To provide at least partially coverage for these costs, the Agency had decided to collect all possible savings towards a provision for the legal costs and carry them forward. A total amount of 275,381.88 EUR of savings has been identified within the 2023 budget and has been proposed for transfer between Titles 1, 2 and 3. Given that the appropriations to be transferred from Title 1 and 3 are beyond the limit of 10% specified in Article 26(1) of the Agency's Financial Regulation, the Director proposed to the Administrative Board to endorse, in accordance with Article 26(2) of the Agency's Financial Regulation, the transfer as presented in the draft Director Decision. The Administrative Board considered the transfer as well justified and endorsed it. As a follow-up to the conclusion of the 59<sup>th</sup> Administrative Board meeting, the Agency provided the Board with all 2023 budgetary transfers below the 10% in a dedicated folder on the Extranet. Ms

Borissova explained that these transfers between budget lines do not follow the quarterly budget reviews but can be done in-between to ensure the best implementation of the budget.

Given the fact that the transfers do not follow the rhythm of the AB meetings, the budget rapporteur suggested to provide the Board before each meeting with an Excel summary table showing budgetary flows as they indicate the dynamics and could point to some challenges. It was added that the table should show the 10% limit in cumulative terms, as once this 10% limit is reached, the decision for the transfer needs to be submitted to the Administrative Board for the approval. The Agency agreed to provide the requested information in suggested format for the Board's meetings.

## Decisions/ Conclusions

1. **The Administrative Board endorsed the proposed transfers between different 2023 budgetary titles towards the budget line for legal costs in order to provide at least partial coverage for the payment of legal costs of the two lost Court cases in 2023.**
2. **The Administrative Board asked the Agency to provide for each meeting a summary table showing budgetary flows below 10% in cumulative terms.**

### 2.12. Update on the cyber incident

The Director and the ACER IT Security Officer updated the Administrative Board on the IT security breach experienced, on which a notice was published on the ACER website on 27 November, and ACER Boards were informed on the same day. The incident continues to be investigated by the Computer Emergency Response Team for the EU institutions, bodies and agencies (CERT-EU), which confirmed that the Agency's external firewall was compromised. The problem has been remedied. Steps were taken immediately by the Agency to mitigate the potential consequences, to contain the incident and to recover the relevant business functions. The Agency is working to further improve its cybersecurity posture in the short and medium term. Based on assessments to date, ACER's REMIT information systems that hold REMIT data and LNG market data have not been impacted by this cybersecurity incident.

An update to the external communication will be issued in the next days. The final CERT report is expected in January. The Agency will provide regular updates to the Administrative Board.

## Decisions/ Conclusions

**The Administrative Board was updated on the IT security incident.**

### 2.13. Discussion on the draft Single Programming Document for the years 2025 – 2027

Upon the invitation of the Chair, Ms Olga Borissova and Mr Valter Ilić, Quality Management Assistant, presented the structural overview of the draft Single Programming Document 2025-2027 that the Agency has started to prepare for submission in January 2024, for discussion and endorsement by the two boards – the Board of Regulators and the Administrative Board. Following adoption, the document will need to be submitted by 31 January 2024 for further review by the EU institutions, especially the European Commission (formal opinion).

Mr Ilić stated that the draft multiannual programming document for 2025-2027 defines the Agency's strategic goals, actions, objectives and tasks to deliver on its mandate. Moreover, it takes into account the quickly evolving context and evolving role of the Agency.

The Agency plans to sustain in the 2025-2027 period the same five strategic goals that were introduced last year – namely, four strategic areas related to the delivery on the Agency's mandate and one more recent strategic goal reflecting the need for flexibility, efficiency, agility and resilience in implementing the tasks. Prioritisation system of the tasks would remain the same.

Compared to the programming document for 2024-2026 that was adopted by the Administrative Board a day before, this draft document nevertheless contains new tasks and objectives that are expected to be assigned to the Agency by the different legislative packages presented during the meeting. Though these legislative packages have still not been concluded, the Administrative Board asked the Agency to make the document as complete as possible for the January's endorsement. The Board endorsed the proposed structure and outline.

**Decisions/  
Conclusions**

**The Administrative Board endorsed the structural overview of the draft Single Programming Document 2025-2027 by unanimity.**

## 3. CLOSING SESSION

### 3.1 Updates

The Administrative Board decided to organize an additional meeting in spring (on 19-20 March 2023), given the fact that otherwise there would be a too large time gap between the January and June meeting. This March meeting would also be the first one led by the new Chair and Vice-Chair and should focus on onboarding of new members appointed by the European Parliament and the Council.

Moreover, the Administrative Board changed the dates of the June meeting by moving it earlier for a day to the 18 and 19 June 2024.

The agreed meetings in 2024 are: 24-25 January, 19-20 March, 18-19 June, 23-24 October, 11-12 December 2024.

### 3.2 Any other business

The Administrative Board and the ACER Director thanked the previous Chair and longstanding member of the Administrative Board (2016 – 2024) Ms Romana Jordan for esteemed contribution, great commitment, outstanding performance and impact she had demonstrated in her function as a Chair and member of the Administrative Board during the last 8 years. The mandate of Ms Jordan ends on 21 January 2024.

### 3.3 Next meetings

The next 61<sup>th</sup> meeting will take place on 24-25 January 2024 in Ljubljana (ACER premises).