

62nd Administrative Board Meeting**Ordinary session (hybrid mode)****Tuesday, 19 March 2024, 16:15 - 20:00****Wednesday, 20 March 2024, 09:00 - 14:00**ACER premises, Trg republike 3, 1000 Ljubljana, 8th 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 Paul RÜBIG (present online on 19 and 20 March 2024)		Member
Dr Jurijs SPIRIDONOVŠ (present online on 19 and 20 March 2024)		Member
Mr Václav BARTUŠKA		Member
Ms Karoline NARODOSLAWSKY		Member
Mr Tomasz DĄBROWSKI		Member
Ms Cristina CUADRA GARCIA		Alternate
Ms Rebecca HARMS (present online on 19 and 20 March 2024)		Alternate
Ms Britta THOMSEN		Alternate
Mr Boris MAKŠIJAN		Alternate
ACER	Christian Pilgaard ZINGLERSEN, Volker ZULEGER, Rodica MANDROC, Valter ILIĆ, Olga BORISSOVA, Silvia MANESSI, Paul MARTINET, Bart VEREECKE, Antonio SANTOS, Patick LUICKX, Joaquin GARCIA GIMENEZ, Martin GODFRIED, Riccardo GALETTA, Saša BORKO GRGIĆ, Tina VONČINA	
Board of Regulators	Clara POLETTI, Chair of the Board of Regulators	
European Commission	Anne MONTAGNON (present online on 19 March for an EC session) Juan-Ignacio DE DIOS MORALES (present online on 19 and 20 March 2024)	

Ms Ditte JUUL-JØRGENSEN gave proxy to Ms Cristina CUADRA GARCIA for 19 and 20 March 2024.
Ms CUADRA GARCIA is an alternate of Ms Anne MONTAGNON.

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 19 March 2024.

The Secretariat was provided by the Agency.

SUMMARY OF CONCLUSIONS OF THE 62ND MEETING OF THE ADMINISTRATIVE BOARD

At the 62nd meeting, the Administrative Board:

- 1) its new members and alternates who were recently appointed by the European Parliament and the Council of the EU were provided with the key information on the Agency and on the key tasks of the Administrative Board;
- 2) members and alternates were invited to reflect on the areas that they would like to follow as rapporteurs;
- 3) was informed about the Agency's internal preparation for the implementation of the revision of the REMIT regulation, which assigns to ACER several new tasks or renews the current ones. The Administrative Board found it important to be kept informed in time on the progress of implementation and of any challenges related to human resources and budget that might impact the ACER delivery of entrusted tasks.
- 4) took note of the activities of the Board of Regulators;
- 5) expressed full support to the implementation of the outlined Agency's recruitment policy and called on the importance of respecting gender balance in selection procedures;
- 6) took note of the current situation of the European School and emphasized the importance of reminding the Slovene government of its obligations to provide adequate schooling as outlined in the Seat Agreement, while conveying to the Ministry of Foreign and European Affairs expectation to gain cross-government support in prioritizing improvements of the European School situation;
- 7) was informed about the implementation of the 2024 budget and procurement plan and about the decision - taken based on the evaluation of the pilot phase - to stop the decentralization of procurement procedures of lower values;
- 8) welcomed the information of no new appeals lodged against the ACER decisions;
- 9) asked to be regularly and timely informed on the prospects of legal costs that could not be absorbed within the 2024 ACER annual budget and created reserve fund, thus enabling the European Commission to help finding an adequate solution;
- 10) called for closer cooperation with the Internal Audit Service (IAS) in 2024;
- 11) endorsed the timeline of envisaged steps in 2024 and 2025 to ensure long-term building for the Agency. It reminded the Agency of the importance to maintain strict adherence to the procedures and several deadlines. The Board asked to be regularly informed about the progress on the file and confirmed its full support in the approval process vis-à-vis the European institutions;
- 12) welcomed the outlined Slovene stakeholder engagement plan 2024-2026 and its communication and outreach goals;

13) was updated with the final conclusion of 2023 conflict of interest exercise and with the state of play of 2024 cycle. It expressed satisfaction with the significant positive impact of the amended conflict of interest policy and its implementation. The members and alternates who had not yet submitted the requested documents in 2024 were reminded of importance of this obligation so that the Review Panel can proceed with assessment.

1. OPENING

The Administrative Board Chair Ms Herczog welcomed at their first Administrative Board meeting the members (Ms Narodoslowsky and Mr Dąbrowski) and alternate (Mr Makšijan) who were appointed by the Council of the EU and started their mandates on 27 January 2024. The Chair invited the new members along the recently appointed member (Mr Rübzig) and alternate (Ms Harms) by the European Parliament to present themselves. This was followed by a tour de table of the meeting participants.

Upon invitation of the Chair to the present Administrative Board members and alternates 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

The Chair explained that the 62nd meeting was divided into two parts: 19 March was dedicated to the onboarding sessions for newcomers on the key Administrative Board tasks, while the agenda of 20 March focused on current topics. The agenda of the 62nd meeting was approved.

2. DISCUSSION AND DECISION-MAKING

2.1 Onboarding sessions on the ACER and key tasks of the Administrative Board

The Administrative Board Secretariat delivered presentation on the Agency, its evolution, structure, and governance. The presentation was complemented by the perspective of the European Commission on the Agency and the role of the European Commission members in the Administrative Board.

Furthermore, ACER staff presented structure of the ACER budget and its annual adoption cycle, annual and multiannual programming documents and their adoption process as well as key audits and their follow-up by the Agency. Tasks and role of the Administrative Board in these processes were explained.

ACER staff provided the Board also with an overview of market integration efforts (electricity, gas and REMIT) since the Agency's establishment as well as with the new tasks that had been recently assigned to the Agency (e.g. Market Correction Mechanism, LNG price assessment/benchmark, hydrogen, Purchase Power Agreements). These tasks have been qualitatively new and different compared to other ACER tasks.

The Administrative Board members and alternates who have been in the Board for some time complemented the presentations with their experience, observations, and guidance to the newcomers.

**Decisions/
Conclusions**

The new members and alternates of the Administrative Board who were recently appointed by the European Parliament and the Council of the EU were provided with the key information on the Agency and on the key tasks of the Administrative Board.

2.2. Session with presence of members and alternates only

The Chair announced her intention to split chairing of meetings with the Vice-Chair.

The Chair and Vice Chair announced to keep the system of rapporteurs by which a rapporteur is responsible for following a certain file of key importance for the Board's mandate. It was clarified that the role of rapporteur should not be equalled with the one in the European Parliament. The rapporteur is a first contact point for a specific file on which he or she has an expertise and helps the Board with an opinion, while in the end the Board adopts decisions as a collegial body. The members and alternates were invited to reflect on the areas on which they are ready to work more closely and to inform the Chair and Vice-Chair in the course of Spring on their preferences, so that the rapporteurs' appointments would be done at the next meeting in June 2024.

The Chair listed three priorities for the Administrative Board in 2024 in addition to its regular work: 1) to strengthen cooperation with the Internal Audit Service, 2) to lead a dialogue with the Agency actors involved in the ongoing big recruitment wave (Director, HR team and Staff Committee) and 3) to conclude process of the reappointment of the Director.

**Decisions/
Conclusions**

The Administrative Board members and alternates were invited to reflect on the areas that they would like to follow as rapporteurs.

2.3. Energy market and regulatory developments – recent acer actions, efforts, perspectives and reflections

The Director and ACER colleagues updated the Board with the implications of the upcoming entry into force (April or May) of the revision of the REMIT Regulation (Regulation on Wholesale Energy Market Integrity and Transparency).

So-called REMIT II regulation that was presented by Mr Bart Vereecke, acting Head of the Market Information and Transparency Department, reflects an evolution, ensuring the area keeps pace with evolving market dynamics. The amended regulation brings some new tasks (reference data centre of information on Union wholesale energy market data, investigating REMIT breaches of the prohibitions/obligations), while some of the existing tasks are renewed and extended. Tight deadlines foreseen by the regulation require an intensive preparatory phase in 2024 (e.g. development of

Delegated Acts and Implementing Acts, creation of adequate IT tools, issuing of ACER Guidance/ACER Guidelines/Reporting Manuals and Internal manual of procedures). While this involves strong cooperation within different departments, it also requires high engagement with stakeholders (e.g., on data reporting aspects and notification obligations) and institutional coordination and cooperation (e.g., with the National Regulatory Authorities, European Commission, European Securities and Markets Authority-ESMA). Since human resources for REMIT II implementation come only in 2025, this will require a deprioritisation of some mandated work in 2024. A relevant accompanying part of this revision is also decision of the European Commission on the REMIT fees. Ms Cuadra Garcia explained that the REMIT fee decision is a European Commission implementing act and its autonomous decision, which however requires a stakeholder consultation. Thus, a draft proposal is tabled already and is expected to be concluded in 2024 with the aim of ensuring proper financing of the REMIT system.

Furthermore, Mr Antonio Santos, Team Leader in Market Surveillance and Conduct Department, presented in detail the progress on setting-up new REMIT Investigations department which is also one of the key novelties of the REMIT II Regulation. It similarly requires a lot of preparatory work in 2024 with the existing human resources, as the ones dedicated to performing these tasks are to come only in 2025. To prepare for this new segment of Agency's tasks and also to manage expectations of stakeholders who would like to be informed of new obligations, the Agency has set up a 3-stage implementation programme aiming above all to recruit talent, secure funding for the new IT tools, build-up NRA collaboration and engagement with investigatory authorities and create a cases pipeline. The implementation programme involves colleagues from different departments and will be dissolved once the Investigations Department is set-up.

Ms Clara Poletti, Chair of the Board of Regulators, stressed the need to manage expectations on new tasks by taking into account that a) each REMIT case takes years and b) it would be impossible to pursue everything, thus it would be important for ACER to identify priorities and avoid duplication of work with NRAs. In that context, it is in her view important to strengthen cooperation and work between ACER and NRAs and identify good practice.

The Administrative Board thanked for a very timely and useful presentation of upcoming tasks related with the implementation of amended REMIT Regulation. It found it important to be kept informed in time on the progress and of any challenges related to human resources, including legal support, and budget as the Board would like the Agency to succeed in delivering new tasks. In that aspect it would be important for the Board to be kept informed on the development of the REMIT fee decision. The Board also called for a close cooperation of the Agency with the Board of Regulators.

Mr Václav Bartuška, the rapporteur for the developments in the Council, reported that the pre-election period in the US (with temporary pause on approving new LNG projects) could impact the high dependence of Europe on the LNG imports from the US and that many pointed to Europe's vulnerability of over-reliance on one source. He also reported that the EU gas prices had decreased significantly and were now quite stable at the level last recorded before the war in Ukraine. This proves that the EU managed to survive second winter without major supply of Russian gas.

Mr Bartuška's intervention was complemented by the Director's announcement that in mid-April, the ACER would issue a Market Monitoring Report focused exclusively on the LNG Market. This first of

a kind report aims at providing a comprehensive overview of the role of LNG in the EU natural gas market.

**Decisions/
Conclusions**

The Administrative Board was informed about the Agency's internal preparation for the implementation of the revision of the REMIT Regulation, which assigns to ACER several new tasks or renews the current ones. The Administrative Board found it important to be kept informed in time on the progress of implementation and of any challenges related to human resources and budget that might impact the ACER delivery of entrusted tasks

2.4. Board of Regulators – progress report

Ms Clara Poletti, Chair of the Board of Regulators, updated the Administrative Board with key outcomes of the Board of Regulators' meeting (7 March 2024). The NRAs received update by the European Commission among others on the Communication on Europe's 2040 climate target and path to climate neutrality by 2050, requiring a 90% net greenhouse gas emissions reduction by 2040 compared to 1990 levels. Many sectors, including the energy one, will need to undergo a deep transformation to meet this target.

An important agenda item was discussion on the ACER-CEER paper on anticipatory investments, which analyses key barriers and develops recommendations for national incentive schemes to accelerate the integration of renewables. Following electronic endorsement, the joint ACER-CEER paper was submitted to the European Commission.

The Board of Regulators continued the orientation debate on the ACER decision on the European Resource Adequacy Assessment 2023 (ERAA 2023). This is a pan-European monitoring assessment of power system resource adequacy of up to 10 years ahead aiming to model and analyse possible events which can impact the balance between supply and demand of electric power. Since ACER was informed of a modelling error in ERAA 2023, which requires a rerun of the models, the decision on Board's favourable opinion is expected at the April meeting.

Members also discussed ACER opinion on the necessary developments for the fulfilment of the minimum cross-zonal capacity requirements (the 70% requirement). ACER's monitoring of this requirement over the last years has shown that most TSOs are still far off and that significant barriers towards the maximisation of cross-zonal capacities persist. ACER will thus issue an Opinion to the European Parliament and to the European Commission on measures to remove those barriers. While there is no legal obligation to endorse the Opinion, ACER offered to the NRAs the possibility to express endorsement through a subsequent electronic procedure. The members responded positively to that possibility.

NRAs were updated on the Market Monitoring Report: LNG Market Volume (aimed to be published in mid-April) and with the summary of the February 2024 ACER-CEER expert workshop on the enduring electricity market design.

Among the decisions, the Board of Regulators granted a favourable opinion on the ACER decision on the amended Intraday Capacity Calculation Methodology. Ms Poletti expressed satisfaction that this rather controversial item, difficult both from economic and technical perspective, had been

endorsed after several months. It thanked ACER for managing to overcome initial opposition of some NRAs and its blocking minority by proposing additional changes that led to a consensual endorsement. The ACER Director complemented that this decision showed that compromise was inherent in the Board's functioning.

**Decisions/
Conclusions*****The Administrative Board took note of the activities of the Board of Regulators.*****2.6. Organisational developments (human resources management, European school, budget & procurement implementation, budgetary challenges, recent developments in legal services, audits, ICT strategy)**

Upon the invitation of the Chair, Ms Silvia Manessi, Team Leader of Human Resources Management, provided the recruitment outlook. Given the anticipated Agency's growth in terms of human resources over the next years, recruitment procedures have become the key activity of the team. Ms Manessi reported that to accelerate the recruitment process the recruitment rules were recently updated while being fully in line with the legal framework stemming from the Staff Regulation. The HR team has also increased efforts in reaching out to new target audiences (universities and institutions) to promote vacancies and in scouting, especially for the new profiles. It had updated 2024 training activities aiming to develop operational versatility, flexibility, leadership, stakeholder management, communication, etc. While the onboarding process of newcomers has been improved, Ms Manessi reported that the HR pays attention to create a "feeling of belonging" also among the existing staff that had been recently under increased workload (e.g., they were required to take on new tasks, while in parallel they were asked to onboard many newcomers). Staff increase trajectory also requires a certain refitting of workspace to accommodate the newcomers within the existing premises. Several proposals (hot desking, better use of common space) are in the pipeline. Ms Manessi announced that many recent organisational changes would be reflected also in a dialogue with staff as a Staff Survey is to be launched during the year.

Per Administrative Board question on the gender equality, it was acknowledged that the gender equality at the Agency level has not been achieved, though the selection procedures pay attention to gender equality. While this seems to be sector specific and reflect the gender ratio of submitted applications, Ms Manessi stressed that special attention is being paid to ensure selection vacancies are written as gender neutral.

Ms Olga Borissova, Senior Advisor, provided update on the European School in Ljubljana, which is of high relevance for the Agency, as modern, quality-driven schooling is an important factor of retention and attraction of staff. The European School has been facing two interconnected issues: lack of appropriate school facilities and quality of schooling that has not been up to the expectations of parents especially as the European School is in competition with other international schools in Ljubljana. Furthermore, a *sui generis* nature of the European school which is accredited as part of national school system should be recognized by an adoption of a dedicated national legislation, granting it a special support by the Slovene Government. According to Ms Borissova recent talks with the Ministry of Education, some moves in that direction have been done within the Government.

There had been also certain developments in efforts to ensure new premises. The Ministry of Education has been in contact with the municipality of Ljubljana for a possible plot for construction of the new building in the next 3–4 years. However, in addition to the municipal investment in the building also the Government needs to approve a one-off investment. That decision had not yet been

taken and would be raised at the forthcoming meeting of the Administrative Board Chair Ms Herczog and ACER Director with minister for Foreign and European Affairs Ms Tanja Fajon.

It should be noted that with the growing number of ACER staff and ACER kids in the coming years, the Agency could fill in up to 25% of the enrolled pupils in the School, if quality both of education and premises are fulfilled. Consequently, ACER could contribute a considerable amount in tuition fees to the European School. Ms Borissova assured that the Agency would continue to keep this topic high on the agenda by regular contacts with the Ministry on the next steps in the decision-making process on building and development of the European School, by regular meetings with the Director of the School on the quality of learning and by being in contact with the Staff Committee and ACER parents.

Mr Volker Zuleger, Head of the Coordination Operations and Legal Department, provided the Board with the implementation rate of the 2024 budget by 1 March and reminded about the 2024 budget challenges that might require additional actions by the Agency and Administrative Board during the year. Mr Zuleger announced that a budget amendment would be needed to align the collected REMIT fees with the eligible REMIT costs, since the amount of generated REMIT fees is lower than the eligible REMIT costs planned for 2024. Mr Zuleger pointed again to the biggest unknown for the 2024 budget which are possible legal costs from the on-going Court cases. He reminded that the Agency had created a budgetary reserve for these cases, but since 2024 might be a spike year in terms of Court decisions on appeals, in worst case this reserve might not suffice. Thus, the Agency continues to consider that such extraordinary years require a structural solution that should be contemplated as part of the upcoming evaluation of the ACER Regulation.

The Agency submitted to the Board a detailed 2024 procurement plan expected to consume 36% of the 2024 budget and reported on its implementation as well as on the spread of procedures per month. The latter is planned to ensure the services/goods are purchased when needed and bottlenecks in the workload are smoothed out wherever possible. The peak of procurement procedures is expected in June. While there were efforts to decrease number of procurement procedures, their number will change as additional budget, especially the funds from the Electricity Market Design Regulation, is expected during the year and requires implementation. Mr Zuleger ensured that an increase in numbers of procurement procedures would be accompanied by a reinforcement of the procurement team at the earliest convenience in 2024. Mr Zuleger also informed the Board that the Senior Management already took some conclusions from a mid-term review of the pilot project of simplification and decentralization of the procurement procedures: it was agreed to continue with the simplification of procedures up to 1K EUR, but to stop the decentralization of procurement up to 15k EUR since it caused several compliance issues. With this decision, Management met staff's request to be relieved from these additional tasks.

Mr Paul Martinet, Team Leader of Legal Services, reported about the recent legal developments. A very good news is that no new appeal to the ACER Decision has been launched in last months. As reported already several times, a very difficult case on the so-called redispatch cost-sharing decisions of the Agency (with seven different appeals going in different directions from each other) is currently with the European Court of Justice, however with no indication on the date of judgement. The decision is of high importance also in budgetary terms as it might have budgetary repercussions (as it was reported already on several previous meetings). On the two cases lost in 2023 where ACER has to pay recoverable costs, the Agency continues with negotiations to lower the amounts claimed by the appellants. Another proposal of reasonable costs for ACER has been tabled and ACER is awaiting response.

Mr Zuleger reported also on the ongoing audits. The Agency has been implementing the action plan of the two IAS audits and their recommendations (namely 2021/2022 audit on Planning, budgeting and monitoring; 2022/2023 audit on decision-making process under Article 2(d) of Regulation (EU)

2019/942). The IAS is still performing fieldwork for the 2023/2024 audit on Stakeholder management and external communication. On the audit of accounts performed by the European Court of Auditors (ECA), the second mission was concluded in February and final opinion on the provisional accounts is expected towards end of May. ECA's horizontal task audit on revenue from fees is still on-going.

Mr Zuleger reported also on the implementation of the recommendations stemming from the special ECA report "Internal electricity market integration". Mr Zuleger recalled that the report, which was published on 31 January 2023, issued seven recommendations in total, of which three have been directly addressed to ACER. While ACER is not obliged to define and submit an action plan, the Agency has prepared one, which was presented to the Administrative Board in June 2023. Mr Zuleger presented an update on the implementation of the three recommendations:

- Regarding the implementation of the recommendation "to enhance ACER's surveillance of wholesale markets integrity" it has to be noted that ECA expects delivery in 2025, while the Agency considers it much more realistic by 2027 (e.g., data quality would improve with REMIT II Regulation). The implementation has been on-going, and the progress achieved will be assessed in the Consolidated Annual Activity Report 2023 to be issued in June 2024.
- On the recommendation "to speed up the use of REMIT fees to address shortcomings in ACER's market surveillance", all three specific actions (upgrade operational service model; develop a new ICT Strategy; on-boarding colleagues/new recruits) were implemented by taking into account also information security and resilience policy that became the Agency's priority following cyber incident.
- The latter impacted also the implementation of the third recommendation "to improve ACER's transparency and accountability" by delaying some actions as resources had to deal as a priority on containing cyber incident. Some improvements to the website and IT tools had been nevertheless done, while the rest would continue to be pursued in 2024 which is the target implementation date.

Mr Zuleger also presented outline of the Agency's new ICT strategy that was adopted on 1 March 2024 and introduces a new multilayered governance. Its core objective is to progressively harmonise all IT-related processes by introducing common frameworks that are applicable to all teams with the ultimate goal to increase the maturity of the ICT capabilities by 2026. Mr Zuleger also recalled that the cybersecurity revealed some vulnerabilities, thus some tools need to be upgraded security-wise before being put online.

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

- The Board expressed full support to the implementation of the recruitment trajectory. As a recognition of importance of this process, the Board expressed wish to discuss overall hiring policy with the Director, HR department and Staff Committee at one of the forthcoming meetings. The Board reminded the Agency to pay attention to the gender balance.
- On the European School, the Board referred to the Seat Agreement as the cornerstone of the Member State /government's obligation to provide for an adequate schooling. In that context, the Chair announced she would convey this message at the meeting with the Minister for Foreign and European Affairs (organized on 20 March) who is responsible for the Seat Agreement.
- The Administrative Board welcomed the information of no new appeals lodged against the ACER decisions in recent period. On the issue of legal costs, the Board asked to be regularly

updated on the prospects of these costs, especially given its uncertainty. The European Commission highlighted the latter as very crucial in case it was asked to step in, as it should prepare a solid demonstration how the Agency cannot meet these costs with the available budget despite additional savings. While the Commission referred to last year's timely cooperation on budgetary supplement as exemplary, the Director confirmed that the Agency would keep the Board immediately informed about developments.

- On audits, the Board confirmed that it would like to organise in 2024 a meeting with the IAS to discuss further cooperation.

Decisions/ Conclusions

The Administrative Board:

- 1. expressed full support to the implementation of the outlined Agency's recruitment policy and called on the importance of respecting gender balance in selection procedures;**
- 2. took note of the current situation of the European School and emphasized the importance of reminding the Slovene government of its obligations to provide adequate schooling as outlined in the Seat Agreement, while conveying to the Ministry of Foreign and European Affairs expectation to gain cross-government support in prioritizing improvements of the European School situation;**
- 3. was informed about the implementation of the 2024 budget and procurement plan and about the decision – taken based on the evaluation of the pilot phase - to stop the decentralization of procurement procedures of lower values;**
- 4. welcomed the information of no new appeal cases lodged against the ACER decisions;**
- 5. asked to be regularly and timely informed on the prospects of legal costs that could not be absorbed within the 2024 ACER annual budget and created reserve fund, thus enabling the European Commission to help finding an adequate solution;**
- 6. called for closer cooperation with the Internal Audit Service (IAS) in 2024.**

2.7. Building project

Upon the invitation of the Chair, Ms Olga Borissova, Senior Advisor, presented the timeline of envisaged steps in 2024 and 2025 of the process for a new long-term lease for its seat in Ljubljana – Slovenia. It foresees strong and regular involvement of the Administrative Board, including in the approval process of the dossier with the Council, the European Parliament and the European Commission. The Agency is currently identifying future office space needs, considering an optimal configuration of the office space per EU standards of working conditions, the Agency's future work patterns in line with flexible working arrangements, the anticipated growth of the Agency in terms of human resources in the years 2024-2027 as well as security requirements.

On behalf of the Administrative Board the rapporteur for this file will be the Chair Ms Herczog (as a related task to her role as rapporteur on the relations with the Slovenian stakeholders) in close cooperation with the budget rapporteurs. The Administrative Board reminded the Agency of importance to maintain strict adherence to the procedures and several deadlines. The Administrative

Board stressed that it had been pointing for some time to the importance of adequate building and working conditions, while the co-legislators have been assigning new tasks to the Agency accompanied with additional posts but without considering the logistical aspects where these employees would be placed.

Decisions/ Conclusions

The Administrative Board endorsed the timeline of envisaged steps in 2024 and 2025 to ensure long-term building for the Agency. It reminded the Agency of the importance to maintain strict adherence to the procedures and several deadlines. It asked to be regularly informed about the progress and confirmed its full support in the approval process vis-à-vis the European institutions.

2.8. Slovene stakeholder engagement plan

Following the Administrative Board request for a more structured approach of the Agency vis-a-vis Slovene authorities and different stakeholders, Ms Saša Borko Grgič, policy officer in the Strategy, Delivery and Communications team, presented the contours of Slovene stakeholder engagement plan that was recently drafted by the Agency. Ms Borko Grgič explained that while the Agency had been nurturing relations with select target groups (e.g. energy community, government/select ministries, students), the visibility of the Agency remained low among citizens and media.

Thus, the Agency has set as its goals vis-à-vis the Slovene stakeholders to a) elevate Agency's visibility by enhancing awareness and recognition of the only EU Agency in the country and as a trusted and highly regarded institution; b) cultivate positive relationships with Slovenian authorities for favourable legislative outcomes and resources and cooperation on open issues; c) support long-term talent acquisition and development and d) continue to promote energy-related policies to various groups and build support for more integrated EU energy internal markets. For each of these communication and outreach goals in 2024-2026, key stakeholder group(s) were identified and KPI for measuring success were developed.

As guiding criteria for ACER engagement and the Agency's prioritisation amongst multiple options, particular weight is to be attributed to energy issues close to ACER's mandate, in particular cross-border and/or regional integration perspectives. Moreover, given limited resources, commitments to a particular activity need to be evaluated and balanced (e.g., host country vs. EU-27 relevance).

The Administrative Board thanked the Agency for responding quickly to the Board's requirement and for having developed a 2024-2026 engagement plan. It considers important for the Agency to be well positioned in the country and to leverage the credibility and trust it enjoys among the energy community also more broadly, helping to solve several administrative issues that come along having a seat in the country. It called on considering organising again an annual event in Slovenia.

Decisions/ Conclusions

The Administrative Board welcomed the Slovene stakeholder engagement plan 2024-2026 and its communication and outreach goals.

2.9. 2024 Conflict of interest policy: implementation

Ms Tina Vončina, Administrative Board Secretariat, reported that since the 61st Administrative Board meeting, the 2023 exercise on conflict of interest was officially concluded, as the two outstanding alternates appointed by the Council - who were assigned risk level 3 by the 2023 Review Panel and consequently also by the Board - submitted resignations.

The Council launched appointment process for the two vacant alternate posts. Per discussions of the Administrative Board Secretariat with the relevant Council bodies, the vacancy notices now include two important references to the Administrative Board conflict of interest policy.

Regarding the 2024 conflict of interest implementation, the Secretariat informed the Board that the IT tool has not been yet online, thus the 2024 cycle will continue to be processed manually. While majority of members and alternates have submitted the documents, the remaining ones were reminded of this important obligation, so that the Review Panel can proceed with assessment. The assessment of the Review Panel should take place shortly, while the received documents had been already published on the Agency's website.

The members and alternates were reminded of their commitment, adopted at the 61st meeting, that at later stage, the members and alternates would be required to submit the documents also electronically.

The Administrative Board expressed satisfaction with the significant positive impact of the amended conflict of interest policy and its implementation.

Decisions/ Conclusions

The Administrative Board was updated with the final conclusion of 2023 conflict of interest exercise and the state of play of 2024 cycle. It expressed satisfaction with the significant positive impact of the amended conflict of interest policy and its implementation. The members and alternates who had not yet submitted the requested documents in 2024 were reminded of importance of this obligation so that the Review Panel can proceed with assessment.

3. CLOSING SESSION

3.1 Any other business

The Chair reminded the members and alternates to submit at earliest convenience the reimbursement costs related to the participation at the meeting and, in that way, facilitate a timely execution of budget.

3.2 Next meetings

The next 63rd meeting will take place on 18-19 June 2024 in Ljubljana (ACER premises).

The remaining meetings in 2024 are: 23-24 October, 11-12 December 2024.