



**ADMINISTRATIVE BOARD
OF THE EUROPEAN UNION AGENCY FOR THE COOPERATION OF ENERGY
REGULATORS**

***– 53rd Meeting –
– Extraordinary Session –***

Wednesday, 6-7 April 2022, 16:00 — 19:00

***CRE - Commission de Régulation de l'Énergie
– Paris – France –***

MINUTES

I. LIST OF ATTENDEES

The following Members and Alternates of the Administrative Board were present at the meeting:

Mr Michel THIOLLIERE,	<i>Chair</i>	Ms Edit HERCZOG,	<i>Vice-Chair</i>
Dr Jurijs SPIRIDONOVŠ	<i>Member</i>	Ms Romana JORDAN,	<i>Member</i>
Mr Bogdan CHIRIȚOIU,	<i>Member</i>	Ms Karin LUNNING,	<i>Member</i>
Mr Vaclav BARTUSKA,	<i>Member</i>	Ms Anne MONTAGNON,	<i>Member</i>
MS Cristina CUADRA GARCIA	<i>Alternate</i>	Ms Ksenia LUDWINIAK,	<i>Alternate</i>
Ms Britta THOMSEN,	<i>Alternate</i>		

Ms Anne MONTAGNON submitted proxy by Ms Ditte JUUL-JØRGENSEN.

Mr Christian Pilgaard ZINGLERSEN (*Director*) and Ms Clara POLETTI (*Chair of the Board of Regulators*) were present at the meeting, acting as observers in the open session of 6 April. They were not present in the closed session of 7 April.

The secretariat was provided by the Agency. The secretariat was invited to leave the meeting on 7 April before the discussion on the AB Secretariat – Governance.

II. SUMMARY OF CONCLUSIONS OF THE 53rd MEETING OF THE ADMINISTRATIVE BOARD

At the 53rd meeting, the Administrative Board:

- (1) took note of the Agency's road map for the building procedure and expressed concerns for the tight timeline in light of the date of expiry of the current lease agreement;
- (2) reflected on the limited offer in the market, the increasing inflation and costs for construction materials affecting new constructions in the market, possible additional costs;
- (3) sought clarifications on the calculation of the budget for the procurement procedure related to ACER premises, pointing out the difficulties with planning the budget in the correct year, avoiding significant carry-over and unnecessary double payments for concurrent premises;
- (4) invited ACER Director to bring for discussion/update the procurement procedure related to ACER premises and give more insights on the staff survey and the new concept of work at the 54th meeting. In particular, the Administrative Board invited to provide insights on: i) the rationale for additional office space compared to the current one; ii) the evolution of staff in the next years; iii) the projection on the yearly budget planning for the years to come (for each year beyond and/or before 2025); iv) how the possible delays would increase the budgetary risks for carry overs for all years;
- (5) further, with regard to the procurement procedure related to ACER Premises invited ACER Director to: (i) assess to which extent the timetable can be revised to reduce the risks of delays in the signature of the contract for the future premises; and (ii) to report on different renting options including one with the inclusion of one additional floor at the current premises;
- (6) was informed about the principal discussion on the future working model at ACER, including a mix of teleworking) and regular presence in the office, while noting that the exact ratio is still to be defined;
- (7) reflected on the consequences of the war in Ukraine and the latest energy developments and observed that while the Draft Programming Document 2023-2025 was adopted prior to the current crisis, the additional resources which will join the Agency in 2022 and in the coming years will help the Agency to better address the upcoming challenges;
- (8) took note of the activities of the Board of Regulators in light of the current crisis;
- (9) maintained that any restriction imposed by current employers with regard to the receipt of indemnities by Members and Alternates of the Board of Appeal for the exercise of their duties as set in Decision No 9/2021 is incompatible with the principle of independence and impartiality to which they have to attain and ACER ensure. In particular, under the principle of cooperation with National Regulatory Authorities and considering that Members and Alternates could be selected among current staff of those authorities, although appointed in their individual capacity, any restriction on the receipt of indemnities should be rejected as incompatible with ACER Regulation.
- (10) in order to enhance its role of oversight on administrative, budgetary and managerial matters, decided to appoint Rapporteurs acting as focal point on strategic matters for ACER as follows:
 - Ms Karin LUNNING – Communication Strategy and Communication and Dissemination Plans;
 - Ms Edit HERCZOG – Budget and Programming Documents;
 - Ms Romana JORDAN – ACER Premises;
 - Mr Jurijs SPIRIDONOV – Budget.
- (11) invited ACER to provide quarterly progress reports to be transmitted 15 days before each AB meeting and further presented at every meeting. Progress reports shall follow the structure and

depth of progress reports provided until the end of 2019 and therefore encompass the administrative, budgetary and managerial matters, as well as the regulatory achievements and an outlook over ACER future's activities;

- (12) maintained that the current set-up for the secretariat of the Administrative Board and the Board of Appeal should remain unaltered until a decision is taken by the Administrative Board at the 54th meeting of 16 June 2022;
- (13) invited ACER Director to present at the 54th meeting of 16 June 2022 his proposal for a change in staff supporting the Administrative Board, providing all the necessary details and indicating the underlying reasons. In this regard, the Administrative Board maintained that any proposal should minimise potential conflict of interests (so as to maintain the independence of the Administrative Board in exercising oversight on the Director for managerial budgetary and administrative matters) and should ensure equal conditions, in terms of seniority and expertise, compared to the current set-up and maintained that the Administrative Board Secretariat shall remain at the seat of the Agency;
- (14) invited the secretariat to review the current status of attribution of indemnities to alternates and report to the Administrative Board in due course.

III. MINUTES

SESSION I

SECTION I – OPENING

The 53rd meeting of the Administrative Board of the European Union Agency for the Cooperation of Energy Regulators was convened, in extraordinary session, on 6-7 April 2022 in two sessions. The first session started on 6 April at 16h00 in open session. On 7 April, the 53rd meeting continued in closed session at the presence of the sole Administrative Board.

The Chair invited Members and Alternates of the Administrative Board to provide the documentation requested for the purpose of the yearly conflict of interests assessment by the following week the latest, otherwise consequential actions would be taken including the suspension of Members and Alternates.

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

(1) *Approval of the Agenda*

The Agenda of the open session of 53rd meeting of the Administrative Board was approved as follows:

<i>OPENING</i> 16:00 - 16:05	Opening of the 53rd Meeting of the Administrative Board <i>Adoption of the Agenda and Declaration of Interests</i> <i>Designation of Rapporteurs</i>
<i>STRATEGIC DISCUSSION</i> 16:05 - 16:45	Plans for ACER Premises beyond 2024 <i>Presentation by the Head of Corporate Service</i> <i>Roundtable Discussion</i>
17:00-18:15	Draft Programming Document 2023-2025 – latest developments <i>Presentation by the SDC Team Leader on the latest energy developments</i> <i>Update on the Energy Community Treaty</i> <i>Roundtable Discussion</i>
<i>REPORTING, INFORMATION, AND INTERNAL FUNCTIONING OF THE</i>	Report on the Board of Appeal – Impartiality and Independence <i>Presentation by the AB Secretariat</i> <i>Roundtable Discussion</i>

AGENCY
18:15-19:00

Report on the activities of the Board of Regulators
Presentation by the Chair of the Board of Regulators

CLOSURE
19:00-19:05

Invitation to the 54th Meeting of the Administrative Board
AoB

In light of the timing, the Chair of the Administrative Board, with the agreement of the present Members, moved the discussion related to Report on the Board of Appeal – Impartiality and Independence to 7 April.

SECTION II – STRATEGIC DISCUSSION

(2) Plans for ACER Premises beyond 2024

The Chair of the Administrative Board invited the Agency to present the topic.

The Director began by informing that the ACER premises project seeks to identify the Agency's future way of working and the value proposition of being at the office, including interaction among staff members (within teams, but also cross-departmental) and explained that this will imply specific requirements on the configuration of the office space and increased flexibility. He opined that the premises configuration can play a role in underpinning the organizational culture, and commented that while the current Agency building is structured in an aggregation of floors which result in a departmentalized type of culture, a more interacting configuration would favour cross-departmental way of working and better internal dynamics. The Director informed that the Agency is working on this project alongside staff members and consultants, while looking at the experiences of other EU agencies and NRAs.

Ms BORISSOVA, Head of Department of Corporate Services, presented the key principles and novelties of the building procedure and related road map. Firstly, she emphasised the new concept of work space and related configuration, with the aim to establish an innovative and collaborative culture within the Agency; secondly, she mentioned greening efforts and energy efficiency of the premises, in line with the Commission's efforts to use performing buildings; thirdly, she pointed out that this is the first time whereby the Agency handles a procurement procedure above 750.000 Euros; in this regard, she informed that the European Parliament and the Council were notified of the start of the procedure and the Agency is on the agenda of the European Parliament's hearing of the Committee on budgets, which is scheduled on 19 April 2022.

Ms BORISSOVA explained that in order to accommodate these novelties, the Agency's efforts were focused on the following: 1) setting the right internal organization (project team, co-project team, involvement of the senior management to approve every steps of the procedure); 2) internal communication; 3) external consultations with other agencies and the OIB services of the Commission, including discussions with the Chief Architect of the Commission. In addition, she informed about extensive talks with the Slovene government and the Ministry of Public Administration, and reported that an expert has already been appointed to work beside the Agency during the procedure, to help defining terms of reference, Slovene standards, as well as to help with possible negotiations with the future landlord.

Ms BORISSOVA proceeded explaining the four main phases of the building procedure: the definition and preparation phase, the procurement phase, the approval phase, and the fitting out phase. She clarified that the road map provided to the Administrative Board defines the tasks to be performed by the Agency, the benchmarks that the Agency has to follow throughout the different tasks, the identified key risks, as well as the general comments taken into account. She further explained that the office space was calculated on the basis of the approval already received for the additional human resource for 2022, as well as on the basis of the Agency growth trajectory envisaged until 2027, and the additional human resources anticipated for the gas package. She reported that overall, the Agency is expecting a growth of 60% of statutory staff, which may translate into a space of approximately 4500-6000 square meters (against the 4000 square meters of the current building).

Moreover, Ms BORISSOVA informed that the Agency is applying a ratio of 0.8, which means that for every 10 staff members, the Agency will have 8 working stations. She also informed that beside the work space (which will be mainly an open work space), the Agency is planning to have a number of small and medium size meeting rooms and a few large meeting rooms; in addition, there will be bubbles for short term talks or phone calls, as well as some focus areas for staff members that need to perform individual tasks. She reported that the size of the space of the Agency's premises will be discussed more concretely during the senior management meeting scheduled on 20 April 2022.

Ms BORISSOVA focused then on the market situation in Ljubljana and the current limited offer, especially for green buildings, and informed the Administrative Board that by the end of April, the Agency will be provided with a detailed report on the available offers on the market. She also mentioned that the Agency has identified a potential building, but this will be available in the second half of 2025, while the current lease agreement expires by the end of January 2024. Therefore, the Agency is considering alternative scenarios (including a possible negotiated procedure for the current premises).

Ms BORISSOVA also reported that both the EC representation in Slovenia and the OIB services advised to have engineering consulting services; in fact, she explained that while there are certain guidelines and standards to be followed ('MIT') for Commission's buildings, these do not necessarily reflect Slovene standards. Nevertheless, she reported that the Agency is preparing a guidance with the criteria to select suitable buildings, taking into account both Slovene legislation and the MIT requirements for Commission's buildings, with the aim to compile a comprehensive list for the tender specifications.

The Administrative Board expressed concerns about the short time left for the procedure, and suggested to rethink the timetable; on the other hand, it pointed out that green building will be a challenge, as only new buildings may qualify. The Administrative Board also requested to receive information about the working environment, the organization of work and the consequences of changing the building. In addition, it enquired on the number of employees who will work from abroad (for example from Brussels).

The Administrative Board reflected further on the reduction of working spaces, underlining that not all the employees will have its own working space and asked whether this could potentially impact employees' performance; it also enquired about the number of floors of the new building and how security will be managed, for example for the REMIT department.

The Director recalled the staff survey from 2018, pointing out that employees' perception was that the Agency was somehow compartmentalized; he commented that this perception has improved, thanks to both teleworking and targeted cross-departmental projects. In this respect, he emphasised that he is keen to implement a configuration which will result in a less compartmentalized way of working, while applying a mixed working model of teleworking and regular presence in the office. In relation to floors layout, the Director reported that the idea is to have maximum two or three floors

with open spaces, but this will depend on the market availability, while security requirements and staff wellbeing remain a priority.

With regard to the teleworking regime, the Director commented that the preference would be to implement a flexible model, whereby staff members can telework at a distance allowing the proper exercise of their duties, provided that the established teleworking ratio is respected (the Agency is working on defining a ratio to ensure an adequate amount of time spent in the office). With regard to the Brussels liaison office, he mentioned that it may be important to grow the Agency's presence in Brussels in the future, but clarified that this is immaterial to the new building procedure, as the vast majority of staff will be based in Ljubljana, and invited the Administrative Board to discuss the topic in the future.

In relation to the timetable, Ms BORISSOVA confirmed that this is a sensitive matter and whenever there will be a possibility to extend the timeline, the Agency will do it. She clarified that after the senior management meeting on 20 April 2022, the Agency will make a short proposal on the work space strategy, which will be shared with the Administrative Board. With regard to security, she informed that following the engineering services' report, the Agency will lay down specific requirements, although the Agency is already looking into the topic, especially in light of the upcoming Cyber Security Regulation and the Information Security Regulation. She reported that the senior management is also discussing raising the security level of the whole Agency and of the REMIT department.

Ms BORISSOVA agreed that the working space is a sensitive topic, and suggested that, following discussions with other institutions, the key point seems to be allowing each team to design their own working area, along with clear communication on the matter. She also informed that a consultancy firm has already developed a proposal for the new space configuration and that the idea will be piloted next year, in order to test whether the configuration will work or whether it may require any adjustments.

The Administrative Board further enquired on the calculation of the budget for the building procedure, especially in view of the increasing inflation, the impact on the building sector, and the current scarcity of primary sources within Europe. In addition, it highlighted that delays in the construction sector are likely to occur and asked whether this factor and additional costs, such as moving from one building to another (including possible double rental payments during the process), as well as costs related to furniture, archives and cluttering have been taken into account. Nonetheless, the Administrative Board asked clarifications as to how the Agency will make sure that the budget foreseen for the procedure will be planned in the correct year.

With regard to the budget, Ms BORISSOVA explained that the Agency's plan is to outweigh the increased costs of ACER premises by lowering the costs of its maintenance (through energy efficiency); in this way, the difference between the overall costs paid for the current building and the total costs foreseen for the future building will be lowered. In addition, she reported that the Agency is taking into account the costs of moving, and a security officer is already involved in the project, although she clarified that this will be duly included in the plan (along with the costs related to the Cyber Security Regulation and the Information Security Regulation). She also informed that the Agency is aware of the increasing inflation and it is trying to be as much economical as possible; with regard to budget planning, she reported that the costs for this procedure will likely fall into the budgetary procedure for 2025, unless there will be further delays during the process.

Conclusion: (1) The Administrative Board took note of the current plans for the building project.

- (2) The Administrative Board appointed Ms JORDAN as rapporteur for the building file and invited ACER's services to maintain close contacts with the Rapporteur to ensure adequate information and reporting on the future developments on this topic.
- (3) The Administrative Board invited ACER Director to bring for discussion/update the procurement procedure for ACER Premises and give more insights on the staff survey and the new concept of work at the 54th meeting. In particular, the Administrative Board invited to provide insights on: i) the rationale for additional office space compared to the current one; ii) the evolution of staff in the next years; iii) the projection on the yearly budget planning for the years to come (for each year beyond and/or before 2025); iv) how the possible delays would increase the budgetary risks for carry overs for all years.
- (4) The Administrative Board invited ACER Director to: (i) assess to which extent the timetable can be revised to reduce the risks of delays in the signature of the contract for the future premises; and (ii) to report on different renting options including one with the inclusion of one additional floor at the current premises.

(3) Draft Programming Document 2023-2025 – latest developments

The Chair recalled that the Draft Programming Document 2023-2025 was approved and adopted last January, and reflected on the war in Ukraine and the uncertain consequences for Europe, including its energy sector. He then invited the Agency to present the latest energy developments and asked the Administrative Board to reflect about the possible consequences on the Programming Document.

Mr VEREECKE, Team Leader in the Strategy Delivery and Communication Team, presented the topic focusing on three main points: the current energy scenario, the initiatives to manage high prices and security of supply, and the possible impacts on the Agency.

The Administrative Board thanked the Agency for the presentation. In relation to the Programming Document and the subsequent criticalities brought by the war in Ukraine and the energy price crisis, the Administrative Board commented that these circumstances will not dramatically impact the work of the Agency. In this respect, the Administrative Board recalled that at the end of last year, Europe was facing another price crisis (as a consequence of the accelerated recovery from Covid-19); at the same time, the Commission was making several proposals (for example on hydrogen and decarbonisation), which took into account those critical circumstances, both in terms of staff and budget.

Furthermore, the Administrative Board pointed out that the Agency has recently been assigned 25 more posts for the next few years and thanks to these additional resources, the Agency will be more prepared to face urgencies and crisis, as well as the increasing integration of the Energy Community countries.

Conclusion: (1) The Administrative Board thanked the Agency for the presentation and proceeded to the next topic.

SECTION III – REPORTING, INFORMATION, AND INTERNAL FUNCTIONING OF THE AGENCY

(4) Report on the activities of the Board of Regulators

Ms POLETTI, Chair of the Board of Regulators, provided an update on the activities of the Board of Regulators, especially on gas prices, and explained that there is a consensus among BoR members and NRAs to safeguard the internal energy market, for both electricity and gas, as a matter of priority, and to focus on finding solutions for the current crisis.

CLOSING OF THE OPEN SESSION

In the absence of any other business to be treated, the Chair closed the ordinary session of the 53rd meeting of the Administrative Board at 19:00. The meeting was adjourned to April the 7th at 9:00 to proceed in closed session.

OPENING OF THE CLOSED SESSION

The 53rd meeting of the Administrative Board of the European Union Agency for the Cooperation of Energy Regulators was resumed, in extraordinary session, on 7 April 2022 in two sessions in closed session at the presence of the sole Administrative Board at 9h00.

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

(1) Approval of the Agenda

The Agenda of the closed session of 53rd meeting of the Administrative Board was approved as follows:

OPENING 09:00 **Opening of the closed session of the 53rd Meeting of the Administrative Board**

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09:05 *Adoption of the Agenda and Declaration of Interests*

STRATEGIC 09:05 **Administrative Board – Mission and Governance**

DISCUSSION -
10:00 09:05 – 09:20 - *Presentation by the AB Secretariat*

09:20 – 09:50 - *Roundtable Discussion on working arrangements*

09:50 – 10:00 - *Decision on working Arrangement*

10:10- **Definition of format, content of information, frequency of information to be provided to the**
11:00 **AB**

10:10 – 10:20 - *Presentation by the AB Secretariat*

10:20 – 10:50 - *Roundtable Discussion*

10:50 – 11:00 - *Decision*

11:10- **AB Secretariat – Governance**

12:00 11:20 – 10:50 - *Roundtable Discussion*

11:50 – 12:00 - *Decision*

SECTION I – REPORTING, INFORMATION, AND INTERNAL FUNCTIONING OF THE AGENCY

(2) Report on the Board of Appeal – Impartiality and Independence

Before starting the discussion, the Administrative Board was provided with the Report on the Board of Appeal – Impartiality and Independence.

The Chair introduced the agenda item by stressing the importance of the impartiality and independence of the Board of Appeal and invited the secretariat of the Administrative Board to present the topic.

The secretariat recalled that on 30 September 2021, ACER Administrative Board appointed the Members and Alternate Members of the Board of Appeal on the basis of the proposal from the Commission, which followed a public call for expression of interest, and a consultation with the Board of Regulators. Members and Alternates may be also selected from among current or former senior staff of the regulatory authorities. Among the Alternate Members, ACER Administrative Board appointed Ms C. PETRUZZO, M. A. MARIEN, and Mr T. PARTANEN, current staff members of the Italian, Belgian and Finnish NRAs respectively.

On 15 October 2021, the Italia NRA ('ARERA') informed ACER that it had authorised Ms PETRUZZO to act as Alternate Member of ACER Board of Appeal and indicated its intention to impose conditions on the actual receipt of indemnities by Ms PETRUZZO as well as with regard to the reimbursement of the costs incurred in the exercise of her duties within ACER Board of Appeal.

On 21 December 2021, the Chairs of the Administrative Board and of the Board of Appeal jointly communicated to ARERA the impossibility to impose restrictions or conditions as regards the receipt of such amounts as it would harm the principle of impartiality and independence and the underlying principle of free appreciation of the Alternate Member in the exercise of her duties, in contradiction of Article 27 of ACER Regulation, likely excluding, *de facto*, Ms PETRUZZO from all deliberations of the Board of Appeal. It was also maintained that ACER and its Board of Appeal do not have any direct relationship with the NRAs with regard to the Members and Alternate Members of the Board of Appeal, being the latter Board independent from ACER.

The Secretariat reported that last 23 February 2022, ARERA informed ACER of its decision that all remunerations related to any activity performed by Ms PETRUZZO outside the normal duties of her role in ARERA shall be paid directly to ARERA into a specifically appointed account.

According to ACER Regulation, where ACER has decision-making powers, interested parties, for reasons of procedural economy, are granted a right of appeal to a Board of Appeal, which should be part of ACER, but independent from its administrative and regulatory structure. In order to guarantee its functioning and full independence, the Board of Appeal has a separate budget line in the budget of ACER.

In addition, the BoA members shall be independent in making their decisions. To that end, the BoA members shall undertake to act independently and in the public interest. They shall not be bound by any instructions. They shall not perform any other duties in ACER, in its Administrative Board, in its Board of Regulators or in any of its working groups.

Still, BoA members they are not required to suspend their current professional activities (even being current staff of, *inter alia*, Union institutions or regulatory authorities), but any such activities must be, *in concreto*, compatible with the requirements that members and alternates of the Board of Appeal shall be independent.

In particular, BoA members shall not take part in any appeal proceedings if they have any personal interest therein, if they have previously been involved as representatives of one of the parties to the proceedings, or if they participated in the decision under appeal. Any party to the appeal proceedings may object to the participation of a BoA member on the ground indicated above or in the case of suspected bias.

The decisions of the Board of Appeal are subject to review by the Court of Justice and that, in that connection, it is essential to undertake all possible steps to ensure that the Board of Appeal Members

or Alternate Members cannot be accused of any deviation from the principles of impartiality and objectivity.

The Secretariat reported that, in order to guarantee the full independence and impartiality of Members and Alternates of the Board of Appeal of ACER, as well as the integrity of the decision-making process, the reimbursement of travel and subsistence expenses incurred as well as the attribution of indemnities due for the handling of an appeal proceeding are granted through a separate budget line directly to the relevant Board of Appeal's Member or Alternate Member. This system is defined in Decision No 9/2021 of the Administrative Board of 16 June 2021, implementing *inter alia*, ACER Regulation.

The Administrative Board considered that a determination on the indemnities due for the handling of an appeal proceeding and the reimbursement of related expenses to another party, including the current employer of a BoA member, would compromise the full independence of the BoA member concerned and it would have the potential to interfere with the assignment attributed to each BoA member by the ACER Regulation, with the risk of affecting the impartiality of the proceedings by making manifest the existence of suspected bias or personal interests in a case. In light of the above, any condition imposed by third parties to BoA members on the attribution of indemnities and the reimbursement of expenses would *de facto* impede the said BoA member to exercise its duties and it would therefore deprive the BoA of one of its experts eventually impacting on the effective exercise of its mandate.

- Conclusion:*
- (1) The Administrative Board maintained that any restriction imposed by current employers with regard to the receipt of indemnities by Members and Alternates of the Board of Appeal for the exercise of their duties as set in Decision No 9/2021 is incompatible with the principle of independence and impartiality to which they have to attain and ACER ensure.
 - (2) The Administrative Board maintained that, under the principle of cooperation with National Regulatory Authorities and considering that Members and Alternates could be selected among current staff of those authorities, although appointed in their individual capacity, any restriction on the receipt of indemnities should be rejected as incompatible with ACER Regulation as it would impede *de facto* the said BoA member to exercise its duties and it would therefore deprive the BoA of one of its experts eventually impacting on the effective exercise of its mandate.

SECTION II – STRATEGIC DISCUSSION

The Administrative Board further proceeded with the discussion related to the organisation of its work, by appointing rapporteurs dealing with specific focus area, and the flow of information to be provided to the Administrative Board to adequately perform its mission and the support needed from the Secretariat to that end.

In particular, in order to enhance its role of oversight on administrative, budgetary and managerial matters, the Administrative Board decided to appoint Rapporteurs acting as focal point on strategic matters for ACER as follows:

- i) Ms Karin LUNNING – Communication Strategy and Communication and Dissemination Plans;
- ii) Ms Edit HERCZOG – Budget and Programming Documents;
- iii) Ms Romana JORDAN – ACER Premises;
- iv) Mr Jurijs SPIRIDONOV – Budget.

In this context, the Administrative Board tasked the secretariat to review the current status of attribution of indemnities to alternates and report to the Administrative Board in due course.

The Administrative Board further established that ACER should provide quarterly progress reports to be transmitted 15 days before each AB meeting and further presented at every meeting. Progress reports shall follow the structure and depth of progress reports provided until the end of 2019 and therefore encompass the administrative, budgetary and managerial matters, as well as the regulatory achievements and an outlook over ACER future's activities.

As regards the support needed, the Administrative Board maintained that the current set-up for the secretariat of the Administrative Board and the Board of Appeal should remain unaltered until a decision is taken by the Administrative Board at the 54th meeting of 16 June 2022.

It also invited ACER Director to present at the 54th meeting of 16 June 2022 his proposal for a change in staff supporting the Administrative Board, providing all the necessary details and indicating the underlying reasons. In this regard, the Administrative Board maintained that any proposal should minimise potential conflict of interests (so as to maintain the independence of the Administrative Board in exercising oversight on the Director for managerial budgetary and administrative matters) and should ensure equal conditions, in terms of seniority and expertise, compared to the current set-up and maintained that the Administrative Board Secretariat shall remain at the seat of the Agency.

CONCLUSION

In the absence of any other business to be treated, the Chair closed the 53rd meeting of the Administrative Board at 12h00.

The Chair invited the Administrative Board to the 54th meeting, which will take place on 16 June 2022 in Ljubljana.