



MINUTES

**(Extraordinary) 22nd ACER Administrative Board meeting
Wednesday, 8 July 2015, 17.00 – 18.30
ACER, Trg republike 3, 1000 Ljubljana**

Present:

Mr Razvan Eugen Nicolescu, Chair, Member,

Mr Piotr Woźniak, Vice-Chair, Member,

Mr Jochen Penker, Member,

Ms Agnieszka Kaźmierczak, Member, with proxy from Mr Dominique Ristori,

Mr Rene Tammist, Member, with proxy from Mr Luis Martín Oar,

Mr Pál Kovács, Alternate Member,

Mr Alberto Pototschnig, Director of ACER, Observer,

Ms Marie-Christine Jalabert, Adviser,

Apologies were received from Lord Mogg, BoR Chair, Observer.

Main conclusion of the meeting

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| 1.) | The Board unanimously decided to extend the Director's mandate for 3 more years (from 16.9.2015-15.9.2018). |
| 2.) | The Chair declared the urgency to adopt the decision on the Director's reclassification, which will therefore be adopted by written procedure as soon as the European Commission clears it internally. |
| 3.) | The Board appointed Mr Tammist as a member of the Review Panel to review the declarations of interest of the Chair and the |

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| Vice-Chair. |
| 4.) The Board was informed about the EU Civil Service Tribunal Ruling on Case F-34/14 and will revert to it at its next meeting. |
| 5.) The Board will decide on business continuity issues at its next meeting. |

Opening

The Chair reported that the Review Panel for the AB declarations of interest had taken place before the Board meeting. He said that the declarations of other Board members were all assessed, without conflicting interests being detected; however the declaration of one alternate member was still missing and the panel was going to ask one member for a specific clarification. The review of the declarations of the Chair and the Vice-Chair were going to be examined as soon as the Board appointed another Board member to take part in the Panel. The minutes of the Review Panel will be circulated.

1. Approval of the Agenda

The following agenda of the extraordinary 22nd ACER Administrative Board meeting was approved with the addition of two items under AOB: - the appointment of an additional member of the Review Panel and - the reclassification of the Director.



Extraordinary 22nd ACER Administrative Board meeting
Thursday, 8 July 2015, 17.00 – 18.30
ACER, 6th floor meeting room, Trg republike 3, 1000 Ljubljana

DRAFT AGENDA V3

| Agenda Topics | Accompanying documents | Rapporteur |
|---|--|-------------------|
| <p>Opening</p> <p>1. Approval of the agenda</p> | <p>Doc 1 for approval</p> | <p>AB Chair</p> |
| <p>2. Decision on the extension of Director's mandate (Article 16 (4)) of Regulation (EC) No 713/2009</p> | <p>Doc. 2.1 for adoption Doc 2.2 for information Doc 2.3 for information</p> | <p>ACER Chair</p> |
| <p>3. AOB</p> | | <p>ACER Chair</p> |

*the meeting will be preceded by the Review Panel (Conflict of interest policy) from 16.00-17.00 in the meeting room on the 6th floor.

2. Decision on the extension of Director's mandate (Article 16 (4)) of Regulation (EC) No 713/2009

The AB Chair highlighted that the Director's mandate is coming to an end on 15 September 2015. The extension of the Director's mandate follows the procedure stipulated in Article 16 of the Regulation (EC) No 713/2009, whereby the Administrative Board, acting on a proposal from the Commission, after having consulted and given the utmost consideration to the assessment and the opinion of the Board of Regulators on that assessment and only in those cases where it can be justified by the duties and requirements of the Agency, may extend once the term of office of the Director by no more than three years.

On 18 June 2015 the European Commission submitted its proposal to extend the mandate of Director Pototschnig from 16.9.2015-15.9.2018, underlining that the achievements of the Agency and the upcoming duties and requirements justify an extension of the mandate of the current Director.

On 30 June the BoR endorsed the Commission's recommendation.

The Vice-Chair, who had been involved in the parallel 2014 appraisal procedure of Director Pototschnig reported that the Appraisal Panel marked the Director's work as excellent, without any dissenting opinions. The minor criticism was about the quality of the ACER webpage. The Panel did not make any recommendations, just encouraged the Director to carry on his work.

All Board members (8 votes) voted in favour of the extension of Director's mandate. They also stated that the achievements of the Director evidenced in his appraisals would justify his reclassification, which was inserted in the preamble of the decision.

The Chair was pleased with the Board's extension decision. All Board members congratulated the Director for the excellent work he performed, together with his team.

The Chair suggested that the Commission pays attention to the timing of the recruitment process of the new Director and encouraged it to start the procedure in time. The Commission appointed Board member confirmed that the recruitment process should start 18 months in advance.

A discussion on business continuity, especially in the case of impediments affecting the ability of the Director to adopt Agency's acts, took place. The Chair concluded that the Board will decide on business continuity issues at its next meeting.

Action: The Board unanimously decided to extend the Director's mandate for 3 more years. The Chair declared the urgency to adopt the decision on Director's reclassification by written procedure as soon as the European Commission clears it internally.

3. AOB

a.) The Board appointed Mr Tammist as a member of the Review panel to review the declarations of the Chair and the Vice-Chair. The Chair supported the decision by explaining that Mr Tammist, as Board member appointed by the EP, is best suited to take part in the Review panel because it was the EP, in its 2013 discharge decision, who requested that all EU Agencies adopt a conflict of interest policy.

b.) The Director reported that the EU Civil Service Tribunal had just ruled on the Case F-34/14. As the Judgement was made available only in the morning before the Board meeting took place, ACER was unable to study it and decide on any steps to take. The Director will keep the European Commission informed and will provide more information to the Board at its next meeting.

Done at Ljubljana, on 17 September.

SIGNED

Razvan Eugen Nicolescu

Chairman of the Administrative Board