

DECISION AB n° 34/2011

**GRANTING PERMISSION TO THE DIRECTOR TO ENGAGE IN
ACADEMIC COOPERATION WITH THE FLORENCE SCHOOL OF
REGULATION AT THE EUROPEAN UNIVERSITY INSTITUTE**

THE ADMINISTRATIVE BOARD OF THE AGENCY FOR THE COOPERATION
OF ENERGY REGULATORS,

HAVING REGARD to Regulation (EC) No 713/2009 of the European Parliament and
of the Council of 13 July 2009 establishing a European Agency for the Cooperation of
Energy Regulators (hereafter referred to as the "ACER Regulation" and "ACER"), and,
in particular, to Article 28 thereof;

HAVING REGARD to the Staff Regulations of Officials of the European
Communities, laid down by Council Regulation (EEC, EURATOM, ECSC) No
259/68, (hereafter referred to as the "Staff Regulation") and, in particular, Article 12b
thereof, and to the Conditions of Employment of Other Servants of the Communities;

WHEREAS:

- Article 12b of the Staff Regulations requires "an official wishing to engage in
an outside activity, whether paid or unpaid, or to carry out any assignment
outside the Communities shall first obtain the permission of the Appointing
Authority" and envisages that "permission shall be refused only if the activity
or assignment in question is such as to interfere with the performance of the
official's duties or is incompatible with the interest of the institution";
- The Florence School of Regulation (hereafter referred to as the "School") is a
partnership between the European University Institute (EUI) - Robert Schuman
Centre for Advanced Studies (RSCAS), the Council of the European Energy
Regulators (CEER) and the Independent Regulators Group (IRG), and it works
closely with the European Commission. It is a European forum dedicated to
economic regulation;
- The objectives of the School are to organise policy events dealing with key
regulatory issues, to provide state-of-the-art training for practitioners, to
produce analytical and empirical research in the field of regulation and to
promote networking, through documents and ideas exchanges;

- Mr Alberto Pototschnig has been cooperating with the School since its foundation in 2004, therefore well before his appointment as Director of the Agency;
- At the School, Mr Pototschnig has been acting as Adviser to the Director on the School's activities in the energy policy area, as well as participating, as instructor, to the Training Courses organised by the School;
- Through its activities, the School contributes to enhancing and spreading best practices in regulation, including for the energy sector;
- The involvement of Mr Pototschnig in the activities of the School, in his current role of adviser to the Director of the School, ensures that the School focuses on the most relevant issues in the regulation of the European energy sector;
- It is therefore of utmost important for ACER that Mr Pototschnig maintains his current role as Adviser to the Director of the School and is involved in other related activities, including, as an instructor, in training courses organised by the School;



HAS DECIDED:

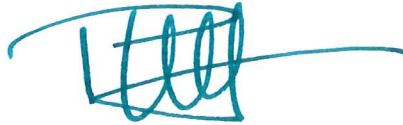
- 1) To grant permission to Mr Alberto Pototschnig to continue in his role of adviser to the Director of the School and with his activities of instructor at the School;
- 2) That the permission is granted for the duration of his appointment as Director of the Agency, but can be revoked by the Administrative Board at any time;
- 3) That the activities for which permission is granted shall be carried out mainly outside working hours, and within working hours with a limit of one hundred (100) hours per years, and that, to the extent that they are carried out during working hours, they are considered to be carried out in the interest of the service;
- 4) That permission is granted subject to the condition that no costs shall be incurred by the Agency;
- 5) That, given the governance and mission of the School, the activities for which permission is granted do not raise any conflict of interest;
- 6) That Mr Pototschnig shall receive no remuneration in connection with the activities for which permission is granted to the extent that they are carried out during working hours. To the extent that these activities are carried out outside working hours, Mr Alberto Pototschnig shall hand over any remuneration received in excess of EUR ten thousand (10,000). Such limit shall apply to net remuneration and shall exclude any royalties or similar utilities received for publications, as well as any reimbursement of expenses, including per diems;

- 7) Mr Alberto Pototschnig will report annually to the Administrative Board on his activities at the School;
- 8) To give mandate to the Chairman for the implementation of this Decision and for any procedural step related to the permission granted with this Decision.

This Decision shall take effect on the day following that of its adoption.

Done at Ljubljana, on 2 December 2011

For the Administrative Board:

A handwritten signature in blue ink, consisting of a series of loops and a long horizontal stroke extending to the right.

Piotr Woźniak

Chairman of the ACER Administrative Board