

**DECISION No 10/2021**

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

**of 30 September 2021**

**on the appointment of the members and alternates of the Board of Appeal of the European  
Union Agency for the Cooperation of Energy Regulators**

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

Having regard to Regulation (EU) 2019/942 of the European Parliament and of the Council of 5  
June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators<sup>1</sup>, and,  
in particular, Article 19(1)(c),(d) and (o) thereof,

Having regard to Commission Decision C(2021) 6491 of 6 September 2021 on the adoption of a  
list of proposed members and alternates of the Board of Appeal of the European Union Agency  
for the Cooperation of Energy Regulators,

Having regard to the consultation with the Board of Regulators of 13 July 2021,

Whereas:

- (1) The Board of Appeal shall comprise six members and six alternates selected from among current or former senior staff of the regulatory authorities, competition authorities or other Union or national institutions with relevant experience in the energy sector.
- (2) The members of the Board of Appeal shall be formally appointed by the Administrative Board, on a proposal from the Commission, following a public call for expression of interest.
- (3) On 10 March 2021, the European Commission published a call for expression of interest for the appointment of the members and alternates of the Board of Appeal.
- (4) After duly assessing the applications, the Commission submitted its proposal for members and alternates of the Board of Appeal to the Board of Regulators for consultation.
- (5) Although the term of office of the members and alternates of the Board of Appeal shall be five years, in light of the length of the appeal proceeding and in order to ensure procedural economy and the right of defence, it is necessary that those appeal proceedings that are pending at the time of the end of the office of the Board of Appeal at the phase of the completion of the first exchange of pleadings, are heard by the same Board that has been composed to that end.
- (6) The members and alternates of the Board of Appeal shall be independent in making their decisions. 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

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<sup>1</sup> OJ L 158, 14.06.2019, p. 22.

working groups or expert groups. A member of the Board of Appeal shall not be removed during his or her term of office, unless he or she has been found guilty of serious misconduct.

- (7) In order to ensure a fully independent and impartial decision-making process, free from any external conditioning, it is necessary that the members and alternates of the Board of Appeal shall be maintained immune from legal proceedings in respect of acts performed in the exercise of their duties.

HAS ADOPTED THIS DECISION:

*Article 1*

The following persons shall be appointed members of the Board of Appeal of the European Union Agency for the Cooperation of Energy Regulators for a period of five years from 18 October 2021:

- Mr Andrea BIONDI,
- Mr Piet EECKHOUT,
- Mr Miro PREK,
- Ms Katerina SARDI,
- Mr Matti SUPPONEN,
- Ms Karin WIDEGREN.

*Article 2*

The following persons shall be appointed alternates of the Board of Appeal of the European Union Agency for the Cooperation of Energy Regulators for a period of five years from 18 October 2021:

- Mr Alain MARIEN,
- Ms Keelin O'BRIEN,
- Mr Timo PARTANEN,
- Ms Chiara PETRUZZO,
- Ms Ivona STRITOF,
- Mr Gabor SZÖRENYI.

*Article 3*

The members and alternates of the Board shall be immune from legal proceedings, even after they have ceased to hold office, in respect of acts performed in the exercise of their duties, other than in case of serious misconduct.

*Article 4*

Any pending appeal proceedings with a completed first exchange of written pleadings at the end of the term of office of the members and alternates of the Board of Appeal shall rest under the competence of the members and alternates of the Board of Appeal appointed at the initial stage of the proceedings.

*Article 5*

This Decision shall enter into force on the day of its adoption and it shall be notified to the appointed members and alternates of the Board of Appeal.

Done at Ljubljana, 30 September 2021.

*For the Administrative Board*

*The Chair*

Dr. J. PENKER