



EUROPEAN COMMISSION
DG BUDGET

Director General

Brussels, 27.11.2014
BUDG/D1/AS/Ares(2014)

**NOTE TO THE ATTENTION OF Ms ALBERTO POTOTSCHNIG
DIRECTOR OF ACER**

Subject: Your letter concerning request for consent on the implementing rules to EU ACER's financial rules

Ref: ACER-AP-RM-ss-2014-542

Following the adoption of the revised financial rules of the Agency for the Cooperation of Energy Regulators (ACER), DG Budget has examined the ACER's draft implementing rules (IR) and concluded that they do not differ from the relevant rules and principles enshrined in the Financial Regulation and its Rules of Application (RAP), except for draft Article 73(5). This draft provision limits the scope of reporting on the compliance with the time-limits and on the suspension of the time-limits to the payments above EUR 100 000, which cannot be accepted (detailed comments on the draft document are provided in the Annex).

In this examination DG Budget has also taken into account the common implementing rules (IR) to agencies financial rules drafted by the inter-Agency and Commission working group and endorsed by the Heads of Agencies.

Therefore, provided that the comments mentioned in the Annex are taken into account, I can acknowledge that the draft implementing rules to ACER's financial rules can be submitted to the Administrative Board of ACER for adoption.

I would like to also indicate that, in order to ensure legal certainty and consistency of the financial rules, DG Budget recommends that IRs of agencies apply as of 1 January 2014 (not as of 1 January 2015 as foreseen in Article 107 ('Entry into force') of ACER's draft implementing rules).

Nadia Calviño

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