

DECISION AB n° xx/2015

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

of xx June 2015

**amending Decision AB n° 03/2010 of 6 May 2010 on the Rules of Procedure of the
Administrative Board of the Agency for the Cooperation of Energy Regulators**

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 an Agency for the Cooperation of Energy
Regulators¹, and, in particular, to Articles 12(5), 12(7) and 13(13) thereof,

HAVING REGARD to the Decision of the Administrative Board of the Agency for the
Cooperation of Energy Regulators No 03/2010 of 6 May 2010 on the Rules of Procedure
of the Administrative Board of the Agency for the Cooperation of Energy Regulators,
and, in particular, Article 17 thereof,

Whereas:

- (1) In light of the initiatives taken by the European Commission, the Council of the
EU and the European Parliament, the Administrative Board for the Cooperation
of Energy Regulators (hereinafter “the Administrative Board”) has laid down in
Decision AB n° 02/2015 of 31 January 2015 a comprehensive and coherent
policy for the prevention and management of conflicts of interest which, in the
interest of internal consistency, should also be reflected in its Rules of Procedure.
- (2) The Rules of Procedure of the Administrative Board currently do not contain any
provision as regards the signing of the acts of the Administrative Board. In order
to remove any legal uncertainty, it is appropriate to introduce a general provision
empowering the Chair or, where relevant, the Vice-Chair, to sign the acts as
adopted or approved by the Administrative Board,

HAS ADOPTED THIS DECISION:

Article 1

In Article 2 of Decision AB n° 03/2010 of the Administrative Board of the Agency for
the Cooperation of Energy Regulators of 6 May 2010 (hereinafter “Decision AB n°
03/2010), the following paragraph is inserted:

¹ OJ L211, 14.8.2009, p.1.

“7. The Chair or, where relevant, the Vice-Chair, shall be mandated to sign the acts as adopted or approved by the Board. The signed copy of such acts shall be kept in the archives of the Agency.”

Article 2

Article 13 of Decision AB n° 03/2010 is replaced by the following:

“Article 13 Conflict of Interest

1. The members and alternates shall comply with the rules for the prevention and management of interest as laid down in chapter 4.2 of the Annex to Decision AB n° 02/2015 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 31 January 2015 laying down a policy for the prevention and management of conflicts of interest (hereinafter “Decision AB n° 02/2015”). They shall use the templates adopted in the framework of this Decision when submitting the written declarations as referred to in Art. 12(7) of the Regulation.

2. The appointed Board members of the review panels referred to in chapter 4.2.3.2 of the Annex to Decision AB n° 02/2015 shall be appointed at the Board meeting in December for the following year.

3. Any deliberations of the review panels under chapter 4.2.3.2 of the Annex to Decision AB n° 02/2015 shall take place by simple majority of its members.

4. If any member or alternate were subject to deliberations under chapters 4.2.4 or 4.2.5 of the Annex to Decision AB n° 02/2015, he/she shall not participate in the deliberations of the Board. Where possible, he/she shall be replaced for the deliberations on this point by his/her alternate.

5. At each meeting of the Board, members and observers, as well as advisors or experts, shall declare any interest which could be considered to be prejudicial to their independence with respect to any point on the agenda. Anyone declaring such interests shall not attend any deliberations of nor participate in any voting on the relevant point.”

Article 3

In Art.17(1) of Decision AB n° 03/2010, the following sentence is added:

“Once amended, a consolidated version of the Rules of Procedure shall be published on the Agency’s website.”

Article 4

This Decision shall enter into force on the day following that of its adoption.

Done at **Ljubljana on xx** June 2015.

For the Administrative Board:

Razvan Eugen Nicolescu

Chairman of the Administrative Board