



Brussels, 24.11.2015
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COMMISSION DECISION

of 24.11.2015

on contribution for 2016 for the Agency for the Cooperation of Energy Regulators

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the functioning of the European Union,

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 Regulators, and in particular Article 21(1)(a) thereof,

Having regard to the Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012¹ on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002², and in particular Article 84(2) thereof,

Whereas:

- (1) In accordance with Article 84 of Regulation (EU, Euratom) No 966/2012 and Article 94(1) of Commission Delegated Regulation (EU) No 1268/2012 of 29 October 2012 on the rules of application of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council on the financial rules applicable to the general budget of the Union³, the commitment of expenditure from the Union's budget shall be preceded by a financing decision setting out the essential elements of the action involving expenditure and adopted by the institution or the authorities to which powers have been delegated by the institution.
- (2) It therefore falls to the Commission to adopt a financing decision for 2016 for the contributions allocated for 2016 to the Agency for the Cooperation of Energy Regulators (ACER).
- (3) For the application of this Decision, it is appropriate to define the term 'substantial change' within the meaning of Article 94(4) of Delegated Regulation (EU) No 1268/2012.

¹ OJ L 298, 26.10.2012, p. 1.

² OJ L 248, 16.09.2002, p. 1.

³ OJ L 362, 31.12.2012, p. 1

HAS DECIDED AS FOLLOWS:

Article 1

The Agency for the Cooperation of Energy Regulators (ACER) was set up by 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 Regulators⁴.

In 2016 the total contribution to ACER is composed of the appropriations to be charged to the budget for 2016.

Actions are implemented by the Agency's Executive Director under the authority of the Administrative Board.

The maximum contribution for 2016 for the Agency for the Cooperation of Energy Regulators is set at EUR 14,839,582 and shall be financed from the budget line 32 02 10 of the general budget of the European Union for 2016. That amount shall be increased by EUR 708,000 of the assigned revenues from the budgetary exercise 2014. The amount of EUR 14,839,582 corresponding to the fresh appropriations may be increased by EFTA contribution at the level of 2,76% subject to the agreement on the participation of the EFTA States. The details and precise amounts are set out in the Annex.

The appropriations provided for in the previous paragraph may also cover interest due for late payment.

The implementation of this Decision is subject to the availability of the appropriations provided for in the draft budget for 2016 after the adoption of the budget for 2016 by the budgetary authority or as provided for in the system of provisional twelfths.

Article 2 *Flexibility clause*

The contributions as referred to in Article 1 may be adjusted to the amount of appropriations decided by the budgetary authority in the general budget of the Union for year 2016 if the changes do not exceed 20%.

⁴ 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 Regulators (OJ L 211, 14.08.2009, p. 1).

Done at Brussels, 24.11.2015

For the Commission
Miguel ARIAS CAÑETE
Member of the Commission

CERTIFIED COPY
For the Secretary-General,

Jordi AYET PUIGARNAU
Director of the Registry
EUROPEAN COMMISSION