

Composite Assessment report on potential conflicts of interest

2022

This report provides an assessment on the Declarations of Interests (“DoI”) and curricula vitae (“CVs”) submitted by the members and alternates of the Board of Appeal (“BoA”) of the Agency in order to comply with their obligation to act independently when carrying out their duties. The report confirms also that the Declaration of Commitments (“DoC”) were duly submitted by all members and alternates of the BoA. The purpose of the assessment is to raise awareness and help identify possible situations of conflict of interest so that these can be avoided and addressed at an early stage.

The assessment has been carried out taking into account the criteria set out in Decision AB N°. 02/2015 of the Administrative Board of the Agency, laying down a policy for the prevention and management of conflicts of interest, namely: family ties, financial investments in any relevant commercial entity (including any investment in the energy sector above 10,000 EUR per company) and other potential interests including, among others, professional relationships such as employment and consultancy, membership of a managing body or advisory body, other memberships or affiliations.

Further to the assessment and according to the above decision, one of the following risk levels have been assigned to each member and alternate of the BoA:

- **Level 1:** No relevant interests declared.
- **Level 2:** Relevant interests declared (e.g., in the energy sector) but which do not have any (and are not expected to have any for the year following the declaration) direct influence on the general decision-making process of the BoA or which are not directly impacted by the BoA’s general decision-making process. As regards case proceedings, potential situations of conflict of interest will be reviewed on a case by case basis.
- **Level 3:** Interests declared pertaining directly to the field of competence of the BoA and leading to a systemic conflict of interest.

Board of Appeal

This report has been established, as regards the members other than Chairman and Vice Chairman, by the Chairman and the Vice Chairmen, as regards the Chairman by the Vice Chairmen and the Member designated for that purpose by the Board, and as regards the Vice Chairmen by the Chairman, the Vice Chairman and the designated Member (“Panel”).

The Panel applied “Level 1” risk level where the member or alternate member had declared no relevant interest. The panel identified different types of involvement in Category I of the DoI form (employment, consultancy, legal representation or advice): members/alternates who are involved in the work of an NRA and others who have activities as private providers (for example as consultants and private legal practitioners). The categories of interest declared can be found in the table below:

Name	I. Employment	II. Body membership	III. Other m.ship	IV. Research	V. Investment	VI. Other
Prek						
Eeckhout						
Biondi						
Sardi						
Supponen						
Widegren						
Marien						
O’Brien						
Partanen						
Petruzzo						
Stritof						
Szőrenyi						

While these interests are relevant, however, none of them has a direct influence on the general decision-making process of the BoA. Therefore, the Panel assessed all members and alternate members who declared a relevant interest and assigned a “Level 2” risk. No “Level 3” risk was found, based on the declarations submitted or/and subsequent verifications and discussion with the members and alternate members concerned.

In accordance with the above-mentioned approach, the risk levels concerning the members and alternate members of the Board of Appeal are the following:

Board of Appeal

<p>Miro PREK Chair</p>	<p>Level 1: no relevant interest declared.</p>
<p>Piet EECKHOUT Vice Chair</p>	<p>Level 2: relevant interest declared in cat. I. (employment) in relation to the work as Expert in various international proceedings between Spain and investors under the Energy Charter Treaty, but it has no direct influence on the general decision-making process of the BoA.</p>
<p>Andrea BIONDI Vice Chair</p>	<p>Level 1: relevant interest declared in cat. IV. (research funding) in relation to a Research Project on Resilience and Tensions in the Single Market funded by ETUI (European Trade Union Institute Brussels), but it has no direct influence on the general decision-making process of the BoA.</p>
<p>Katerina SARDI Member</p>	<p>Level 2: relevant interest declared in cat. I. (consultancy) for various consultancy work in the field of energy and energy regulation. In relation to the relevant Interest declared in cat II. (Membership of Managing Body) for the position as Country Manager (Greece) for Energean PLC, the Panel received clarifications as to whether Ms Sardi is actually a member of the Board of Energean PLC and whether her responsibilities have an executive or non-executive nature. Ms Sardi explained that her job title is ‘Managing Director and Country Manager, Greece’ and she is Managing Director of Energean Oil and Gas S.A., the Greek Subsidiary of Energean Plc. She clarified that she is also a Member of the Executive Committee of Energean Plc with the role of the Country Manager for Greece, but she is not a Member of the Board of Energean Plc. This information is reflected in the updated Declaration of Interests reflecting this information. The relevant interest declared has no direct influence on the general decision-making process of the BoA.</p>
<p>Matti SUPPONEN Member</p>	<p>Level 2: relevant interest declared in cat. I. (consultancy) for his ongoing consultancy work in the energy sector, and cat. II. (Membership of Managing Body) as Member of the Board of ELFi, which includes membership in the Electricity Market Committee of Fingrid (the Finnish TSO). A relevant interest was also declared in cat III (other membership or affiliation) for the ongoing position as Private Member of CIGRE (an international organization on electricity transmission systems promoting cooperation and research in the area), as well as relevant interests declared in cat. V (investments) for investments undertaken in the energy sector. With regard to the latter, the Panel received clarifications as to whether Mr Supponen and/or his close family members hold stocks or comparable instruments in the mentioned companies amounting to voting rights of 5% or more and it was confirmed that no such voting rights exist. In addition, the Panel noted that the previous Declaration of Interests included shares in ELIA (the Belgian TSO) and EURONEXT, and asked to confirm whether these shares were sold. Mr Supponen confirmed that he does no longer hold shares in ELIA and EURONEXT. The relevant interests declared have no direct influence on the general decision-making process of the BoA.</p>

Board of Appeal

Karin WIDEGREN Member	Level 2: relevant interest declared in cat. I. (consultancy) for her current work as independent consultant in the energy sector, but it has no direct influence on the general decision-making process of the BoA.
Alain MARIEN Alternate	Level 2: no relevant interest declared. However, the Panel noted a relevant interest in cat I (employment) as Chief Advisor of CREG (the Belgian regulatory authority). Mr Marien updated his CV and Declaration of Interests, whereby he clarified that since 2022, he worked for CREG as Scientific Advisor, mainly on general principles of electricity market design, scarcity pricing and on the national development plan. Mr Marien further clarified the activities as Chief Advisor at CREG from 2017 until 2021, and in particular, whether he was involved in any decision-making process. Mr Marien explained that he mostly acted as a scientific advisor supporting younger colleagues, with the exception of the implementation of a scarcity pricing mechanism in Belgium (a matter which is still ongoing and that in his opinion should not impact the BoA work), while since 2017 another colleague took over his responsibilities at the CORE level. He also mentioned that he was involved in the elaboration of the Clean Energy Package, supporting the Belgian Administration during 2017, 2018 and 2019. The relevant interest has no direct influence on the general decision-making process of the BoA.
Keelin O'BRIEN Alternate	Level 2: the Panel noted a relevant interest for consultancy activities of O'Brien Energy Consulting, advising private clients in the energy sector. In more details, over the past five years, within the EU she undertook projects on behalf of small Irish market participants (or potential participants), which concerned issues with market entry strategy and network connections. The relevant interest has no direct influence on the general decision-making process of the BoA.
Timo PARTANEN Alternate	Level 2: the Panel noted that the ongoing position at the Finnish Energy Authority in the field of electricity and gas wholesale markets should have been reported in cat. I (employment) of the Declaration of Interests. Mr Partanen informed that he would retire in April 2022, without providing any additional detail. Mr Partanen was further asked to update the Declaration of Interests with details of the activity undertaken at the Finnish Regulatory Authority, including the time period and a description of the role and responsibilities undertaken. Mr Partanen provided an updated Declaration of Interests, including 'various managerial positions' held at the Finnish Regulatory Authority from 2008 until 2022, related to power and gas regulatory tasks. The relevant interest has no direct influence on the general decision-making process of the BoA.

Board of Appeal

<p>Chiara PETRUZZO Alternate</p>	<p>Level 2: relevant interests declared in cat. I. (employment) for her position as short term non-remunerated Legal Expert at ACER and Legal Expert on ACER activities at ARERA. Following a letter from her current employer ARERA (the Italian Regulatory Authority) stating that the position of ‘Legal Expert’ held by Ms Petruzzo at ACER is terminated from 15.10.2021, the Panel agrees that this declared interest has no direct influence on the general decision-making process of the BoA.</p>
<p>Ivona STRITOF Alternate</p>	<p>Level 2: relevant interest declared in cat. I. (employment) for the position as Director of EU and Regulatory Affairs at Hrvatska elektoprivreda jsc, as well as cat. II (Membership of Managing Body) for the position as Member of the Supervisory Board at HEP Telecommunications ltd, HEP-Distribution System Operator ltd, HEP-District Heating ltd. The Review Panel received the information that she was performing the position as Supervisory Board member in a subsidiary of HEP jsc, holding non-executive functions, while she held executive functions for HEP jsc. The Panel also noted a relevant interest for the ongoing position as Energy, Regulatory and EU Affairs Consultant, and asked Ms Stritof to provide explanations. Ms Stritof explained that she did not include this position due to the fact that so far, she did not engage in any project that would put her in any kind of conflict of interests with respect to her duties for the BoA, and she only engaged in projects for the government institutions and stakeholders which are not energy undertakings under the supervision of ACER or any national regulatory authority. The Panel agrees that the relevant interests have no direct influence on the general decision-making process of the BoA.</p>
<p>Gabor SZÖRENYI Alternate</p>	<p>Level 2: relevant interest declared in cat. I. (Employment) for his work as Contracted Advisor for the HEA (Hungarian Energy and Public Utility Regulatory Authority), and cat. II (Membership of Managing Body) for his Membership in the Supervisory Board of ELMŰ (Budapest Electricity Distribution and Supply Company). With regard to the latter, the Panel asked Mr Szorenyi clarification as to whether he held executive or non-executive responsibilities and he confirmed that he held non-executive responsibilities in the Board. Relevant interest declared in cat. III for being an Advisory Member (with no voting rights) of the German Innogy ‘International Business Council - Grid & Infrastructure’. The Panel agrees that the declared interests have no direct influence on the general decision-making process of the BoA.</p>

The Panel underlines that further to this general assessment, the potential situations of conflict of interest will be reviewed on a case-by-case basis.

The members and the alternate members of the BoA were informed that the Composite Assessment Report on potential conflicts of interest will be published on the website of the Agency in accordance with the decision of the Administrative Board.

Ljubljana, 31 October 2022

Miro Prek,
BoA, Chairman

Andrea Biondi,
BoA, Vice Chairman

Piet Eeckhout,
BoA, Vice Chairman

Matti Supponen
BoA, designated Member