

Minutes of the Review Panel meeting of the Administrative Board and composite 2024 assessment report on potential conflict of interest

The Review Panel assessed the annual Declaration of Interests (“DoI”), Curricula Vitae (“CV”) and Declarations of Commitments (“DoC”) submitted by the members and alternates of the Administrative Board (AB) of the Agency for the Cooperation of Energy Regulators (ACER) to comply with the obligation of acting independently when carrying out their duties.

The AB members and alternates were informed about the upcoming annual conflict of interest exercise by the AB Secretariat on 12 December 2023 with the aim of its official launching on 1 January 2024 and with expected submission of documents by 31 January 2024 through the platform E-declaration. However, due to subsequent unavailability of the platform the AB decided at its 61st meeting in January 2024 to a) revert the 2024 process to a manual submission of documents to the AB Secretariat and b) to extend the submission deadline to 9 February 2024. The argument for the latter was also linked with the fact that several new AB members and alternates started their mandates at the end of January 2024 and would need as part of their onboarding a reasonable time for submission of documents.

The composition of the 2024 Review Panel

The members of the 2024 Review Panel were appointed by the AB at its 60th meeting on 13 December 2023. The 2024 Review Panel is composed of **Ms Edit Herczog**, the AB Chair, **Mr Bogdan Chirițoiu**, the AB Vice-Chair, and **Ms Anne Montagnon**, European Commission member of the Board. **Mr Václav Bartuška** was appointed as an alternate member of the Review Panel reviewing the individual cases of Ms Herczog, Mr Chirițoiu and Ms Montagnon.

The assessment of the Review Panel

The Review Panel took note that 16 out of 18 AB members and alternates submitted their 2024 Declaration of Interests, CVs and Declaration of Commitment. The documents were not submitted by the two alternate members Mr Peter Káderjak and Ms Ksenia Ludwiniak who submitted resignation from the Board (on 31 January 2024 and 8 February 2024, respectively).

The members of the Review Panel were asked to assess the submitted documents by 8 April in line with the following decisions that are laying down the policy for the prevention and management of conflict of interest for the ACER AB:

- **Decision N° 02/2015 of the AB of the Agency for the Cooperation of Energy Regulators of 31 January 2015 laying down a policy for the prevention and management of conflict of interest.** The decision sets out criteria to be considered in the assessment such as family ties, financial investments in any relevant commercial entity (including any investment in the energy sector) and other potential interests including, among others, professional relationship such as employment and consultancy, membership of the managing body or advisory body, other membership and affiliations.
- **Decision N° 16/2022 of the AB of the Agency for the Cooperation of Energy Regulators of 14 December 2022 laying down the Guidelines on the prevention and management of conflicts of interest for the Administrative Board and the Board of Appeal of the Agency for the Cooperation of Energy Regulators.**

The assessment of each AB member/alternate was performed individually by each member of the Review Panel and was followed by a meeting, which took place on 8 April 2024. The Panel took note of interests declared by the members and alternates according to different categories:

Category Name	I. Employment	II. Body membership	III. Other membership	IV. Research	V. Investment	VI. Other
Herczog						
Rübig						
Thomsen						
Harms						
Chirițoiu						
Bartuška						
Spiridonovs						
Dąbrowski						
Narodoslawsky						
Čelić						
Lunning						
Makšijan						
Juul-Jørgensen						
Montagnon						
Cuadra Garcia						
Lessenich						

Based on the interests declared by the members and alternates, individual assessments and further discussions at the meeting, the Panel assigned to each member and alternate of the AB one of the following risk levels:

- Level 1: No relevant interests declared
- Level 2: Relevant interests declared (e.g., in the energy sector) but which do not have (and are not expected to have any for the year following the declaration) direct influence on the general decision-making process of the Administrative Board or which are not directly impacted by the Board's decision-making
- Level 3: Interests declared pertaining directly to the field of competence of the Board

The assigned risk levels for the member and alternates of the AB

Edit HERCZOG Chair	Level 1: No relevant interests declared
Bogdan Marius CHIRIȚOIU Vice-Chair	Level 1: No relevant interests declared
Václav BARTUŠKA Member	Level 1: No relevant interests declared
Dr Jurijs SPIRIDONOVŠ Member	Level 1: No relevant interests declared
Karoline NARODOSLAWSKY Member	Level 1: No relevant interests declared
Tomasz DĄBROWSKI Member	Level 2: Relevant interests declared in the category 1 (employment): current employment as Head of Legal Service of company Zarządca Rozliczeń S.A. (Poland), which is company in charge of disbursement and clawback of payments under the state aid schemes for the power sector in Poland that includes renewable energy sources, offshore wind, high-efficiency cogeneration, capacity mechanism.

Ditte JUUL-JØRGENSEN Member	Level 1: No relevant interests declared
Anne MONTAGNON Member	Level 1: No relevant interests declared
Paul RÜBIG Alternate	Level 1: No relevant interests declared
Britta THOMSEN Alternate	Level 1: No relevant interests declared
Rebecca HARMS Alternate	Level 1: No relevant interests declared
Kristina ČELIĆ Alternate	Level 1: No relevant interests declared
Karin LUNNING Alternate	Level 1: No relevant interests declared
Christof LESSENICH Alternate	Level 1: No relevant interests declared
Cristina CUADRA GARCIA Alternate	Level 1: No relevant interests declared

Outcome of Review Panel Assessment

The Review Panel assessed members and alternates with the risk levels 1 and 2, which do not require further action. However, it reminded all members and alternates, especially the one with the identified risk level 2, about the obligation to inform the Secretariat of a potential conflict of interest in connection to any item on the agenda of the meeting, which could be considered as prejudicial to his independence and impartiality. It was reiterated that the latter

would be checked also at the beginning of each AB meeting or launch of a written procedure.

The members and alternates were also reminded about the obligation to inform immediately the AB Secretariat of any new circumstances not covered by the existing declarations, but which might arise to a potential conflict of interest.

The Review Panel would assess the conflict of interest situation of the two alternates once they are appointed by the Council and would complement the report accordingly.

In line with the Article 6.6 of the AB Decision 16/2022, the 2024 Assessment report on potential conflict of interest of the AB members and alternates will be published on the website of the Agency.

Ljubljana, 15 April 2024

Signed by:

Edit Herczog,
AB Chair, acting as Review Panel Member

Bogdan Chirițoiu,
AB Vice-Chair, acting as Review Panel Member

Anne Montagnon,
AB Member, European Commission representative, acting as Review Panel Member

Václav Bartuška,
AB Member (acting as Review Panel Alternate)