

Board of Appeal

Composite Assessment report on potential conflicts of interest

2024
(updated)

This report provides an assessment of the Declarations of Interests (“DoI”) and curricula vitae (“CVs”) submitted by the members and alternates of the Board of Appeal (“BoA”) of the European Union Agency for the Cooperation of Energy Regulators (“Agency”) in order to comply with their obligation to act independently when carrying out their duties. The report also confirms that the Declarations of Commitments (“DoCs”) 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 of 31 January 2015 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) 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.

The assessment has been carried out taking into account also Decision No 16/2022 of the Administrative Board of the Agency 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.

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”).

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Further to the assessment and according to the above decisions, 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.

The Panel applied “Level 1” risk level where the member or alternate had declared no relevant interest or no current 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 membership	IV. Research	V. Investment	VI. Other
Prek						
Eckhout						
Biondi						
Sardi						
Supponen						
Widegren						
Marien						
O’Brien						
Partanen						
Petruzzo						
Stritof						
Szörenyi						

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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 alternates 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 alternates concerned.

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

Miro PREK Chair	Level 1: no relevant interest declared.
Piet EECKHOUT Vice Chair	Level 2: relevant interest declared in cat. I (employment) in relation to the work as Expert in various international proceedings between Spain and various investors under the Energy Charter Treaty, but it has no direct influence on the general decision-making process of the BoA.
Andrea BIONDI Vice Chair	Level 1: no relevant interest declared.
Katerina SARDI Member	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 Managing Director and Country Manager (Greece) of Energean Oil and Gas S.A. (EOGSA), the Greek subsidiary of Energean PLC, the Panel received clarifications as to whether Ms Sardi is a member of the Board of Energean PLC and whether her responsibilities have an executive or non-executive nature. Ms Sardi explained that her employment situation has not changed since last year: she is Managing Director of Energean Oil and Gas S.A., the Greek Subsidiary of Energean Plc, and she is not a member of the Board of Energean Plc. She clarified also that since January 2024, she is no longer a Member of the Executive Committee of Energean Plc and that her tasks continue to relate to operations and business development in Greece in the upstream sector (exploration and production of hydrocarbons) and also in the development of a CO2 storage facility. The relevant interest declared has no direct influence on the general decision-making process of the BoA.
Matti SUPPONEN Member	Level 2: relevant interests declared in cat. I (consultancy) for his consultancy work in the energy sector, and cat. II (Membership of Managing Body) as Member of the Board of ELFi (the Finnish Electricity Users Association). In the same cat. II, relevant interest declared as Member

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	<p>of the Energy Market Board, administered by the Ministry of Economic Affairs and Employment of Finland; the Energy Market Board is an independent expert board which gives its opinion on complaints related to energy market issues. Other relevant interests were declared in cat. V (investments) for shares currently held by himself and his close family members.</p> <p>The relevant interests declared have no direct influence on the general decision-making process of the BoA.</p>
<p>Karin WIDEGREN Member</p>	<p>Level 2: relevant interest declared in cat. I (consultancy) for her current work as independent consultant, giving advice primarily to Swedish authorities, including Ei (the Swedish regulatory authority) on energy policy strategies and market design. Relevant interest declared in cat II. (Membership of Advisory Body) as Member of Advisory Body (Steering Group) of the Swedish Smart Grid Forum, an organization funded by the Swedish Government which promotes smart grid development and deployment.</p> <p>Relevant interest declared in cat. III (Other membership or affiliation) for the activity as Independent observer at the Board of the nuclear company Ringhals AB, a daughter company of Vattenfall AB.</p> <p>The relevant interests declared have no direct influence on the general decision-making process of the BoA.</p>
<p>Alain MARIEN Alternate</p>	<p>Level 1: no relevant current interest declared.</p>
<p>Keelin O'BRIEN Alternate</p>	<p>Level 2: the Panel noted a relevant interest in cat. I (consultancy) for consultancy activities for various energy consultancy firms, and in a private capacity, for clients in Ireland. In more details, Ms O'Brien advises Irish market participants on connection policies, market entry strategies and other issues (the current assignment is outside the EU).</p> <p>The relevant interest has no direct influence on the general decision-making process of the BoA.</p>
<p>Timo PARTANEN Alternate</p>	<p>Level 1: no relevant current interest declared.</p>
<p>Chiara PETRUZZO Alternate</p>	<p>Level 2: the Board noticed a relevant interests in cat. I (employment) for her current position at ARERA as Data Protection Officer.</p> <p>The Panel agrees that the relevant interest has no direct influence on the general decision-making process of the BoA.</p> <p>Re-assessment as of 2 October 2024:</p> <p>Level 2: on 2 September 2024, Ms Petruzzo submitted an updated Declaration of Interests which includes a relevant interest declared in cat. I (employment) for the position of Legal Expert on ACER activities at ARERA, which started on 8 July 2024 and it is currently ongoing. In more</p>

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	<p>details, pursuant to the description provided in the form, she will work as Legal Expert on “the methodological and preparatory analysis relating to the possible coordinated enforcement actions at international level, of a sanctioning nature, against the European bodies in which the TSOs/national market operators sit in order to verify non-compliance with the constraints set by EU legislation, i.e. Regulations (Network Codes) adopted by the Commission and implementing rules approved by ACER or by the regulators (so-called European regulation methodologies (Network Codes or Guidelines)”.</p> <p>On 10 September 2024, following a request for clarifications, Ms Petruzzo submitted a copy of ARERA decision 275/2024/A of 4 July 2024.</p> <p>On 18 September 2024, Ms Petruzzo submitted another version of the Declaration of Interests, with a more recent update regarding the judicial action initiated on 3 September 2024 before the national Court (Tribunale Amministrativo Regionale - TAR Lombardia) against ARERA's decision 275/2024/A of 4 July 2024.</p> <p>The Panel agrees that the relevant interest declared 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 consultancy activity currently carried out for Interenergo llc, providing support in relation to the Croatian legislative and regulatory framework. The Panel agrees that the relevant interest has 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 advising MEKH (the Hungarian regulatory authority) on the implementation of the CEP. With respect to this relevant interest, the Panel received clarifications that Mr Szörényi had a contract as external advisor which was terminated on December 2023. Since 1 February 2024, Mr Szörényi resumed the advisory activity for MEKH, which will be terminated on 31 December 2024.</p> <p>Relevant interest declared in cat. II (Membership of Managing Body) for the position as Chair (with voting rights) of the Supervisory Board at MVM Ltd, a private limited company fully owned by the Hungarian State, who acts as a Sole Shareholder.</p> <p>The Review Panel received clarifications that the duties and responsibilities of the Supervisory Board of MVM Ltd have non-executive nature. The Panel agrees that the declared interests have no direct influence on the general decision-making process of the BoA.</p>

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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 alternates 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, 10 October 2024

Miro Prek,
BoA, Chairman (acting as Review Panel Member)

Piet Eeckhout,
BoA, Vice Chairman (acting as Review Panel Member)

Andrea Biondi,
BoA, Vice Chairman (acting as Review Panel Member)