

DECISION AB n° [NN]/2014

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

of [DD] [Month] 2014

On the support granted to ACER staff members in respect to kindergarten and school fees and repealing Decision AB No 01/2011

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 the Agency for the Cooperation of Energy Regulators¹, and, in particular, Article 13(4) thereof,

HAVING REGARD to the Staff Regulations of Officials of the European Communities (hereinafter referred to as “Staff Regulations”) and the Conditions of Employment of Other Servants of the European Communities (hereinafter referred to as “CEOS”), as laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68 of 29 February 1968², and, in particular, Article 1 e) of the Staff Regulations and Article 10 of CEOS,

HAVING REGARD to Decision AB No 01/2011 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 11 February 2011 on the support granted to ACER staff members in respect to kindergarten and school fees,

HAVING REGARD to Decision AB No 02/2014 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 13 February 2014, amending Decision AB No 01/2011 on the support granted to ACER staff members in respect to kindergarten and school fees, and, in particular, Article 1 thereof,

HAVING REGARD to Decision AB No 3/2010 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 6 May 2010 adopting the Rules of Procedure of the Administrative Board of the Agency for the Cooperation of Energy Regulators, and, in particular, Article 9 thereof,

WHEREAS:

- (1) The Agency for the Cooperation of Energy Regulators (hereinafter referred to as “Agency”) needs to attract, employ and retain staff of the highest standards of ability,

¹ OJ L211, 14.8.2009, p.1.

² OJ L 56, 4.3.1969, p.1.

efficiency and integrity, recruited on the broadest possible geographical basis from among nationals of EU Member States.

- (2) Staff members of EU institutions, including agencies, enjoy free access to European Schools under the condition that they have a contract of at least one year.
- (3) No European School has yet been established in Ljubljana, despite the undertaking expressed in Article 13 of the Seat Agreement between the Agency for the Cooperation of Energy Regulators and the Government of the Republic of Slovenia, signed in Ljubljana on 26 November 2010³. Agency staff members thus have no alternative but to register their children in the existing international schools established in Ljubljana offering education in English or French.
- (4) In the absence of a European School in Ljubljana, and given the high school fees charged by the international schools in Ljubljana, there is a need to address the unequal working conditions to which the staff of the Agency is subject compared to staff working for other European institutions where European Schools are available.
- (5) In order to better reconcile working life with family life, it is appropriate that the Agency provides, as a social measure until a European School is established in Ljubljana, financial support to staff members whose children are attending schools and kindergartens in the Ljubljana area.
- (6) While Decision AB No 01/2011 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 11 February 2011 (hereinafter referred to as "Decision AB No 01/2011") acknowledged this financial support to the staff members for the international schooling of their children, it is appropriate to make the payments directly to the school, subject to the prior conclusion of a tuition services agreement with the school concerned.
- (7) It is appropriate that the level of such support covers fully kindergarten and school fees for the children of Agency staff members in Ljubljana,

HAS ADOPTED THIS DECISION:

Article 1 Scope

This Decision defines the financial support afforded by the Agency towards kindergarten and school fees for the children of Agency staff members.

Article 2 Eligibility

1. All temporary and contract agents of the Agency with a contract of at least one year of duration shall have access to the support granted by this Decision.

³ Official Journal of the Republic of Slovenia, number 22 (109) of 30 December 2010.

2. In order to be eligible for the support granted by this Decision, children of Agency staff members must be considered as dependent children within the meaning of Article 2(2) of Annex VII of the Staff Regulations.
3. The support granted by this Decision is available only in respect to children attending schools and kindergarten in the Ljubljana area.

Article 3
Level and provisions for the financial contribution

1. The Agency fully covers kindergarten and school costs exceeding the sum of allowance received by staff members under the provisions of the Staff Regulations.
2. The financial contribution as provided in this article is subject to the Agency having concluded a tuition services agreement with the school and kindergarten concerned.

Article 4
Applicability of the Staff Regulations

Agency's staff members will continue to receive the education (pre-school and school) allowance, as defined by the Staff Regulations in Article 3 of Annex VII and determined by the European Commission's Office for the Administration and Payment of Individual Entitlements (PMO), in accordance with the Commission Decision on general implementing provisions for the grant of educational allowance (C(2013)8971 of 16 December 2013).

Article 5
Entry into force, duration and implementation

1. This Decision shall enter into force on the day following that of its adoption, with effect from school year 2014-2015. It shall be communicated to the staff and published on the intranet of the Agency.
2. The support granted by this Decision will be maintained until a European School is established in Ljubljana, Slovenia.
3. The Director shall implement this Decision, pursuant to Article 17(5) of Regulation (EC) 713/2009 and shall define provisions of financial contribution, as defined in Article 3.
4. Decision AB No 01/2011 as amended by Decision AB No 02/2014 is repealed.

Done at Ljubljana on [DD] [Month] 2014.

For the Administrative Board

Razvan Eugen Nicolescu
Chairman of the Administrative Board