

MINUTES

**25th ACER Administrative Board meeting
Wednesday, 27 January 2016, 18.00 – 19.30 (Part 1)
Berlaymont building (European Commission), meeting room WALTER
HALLSTEIN, Rue de la Loi 200, Brussels**

Present:

Mr Razvan Eugen Nicolescu, Chair, Member,

Mr Rene Tammist, Member,

Mr Guy Lentz, Member,

Ms Agnieszka Kaźmierczak, Member, with proxy from Mr Dominique Ristori,

Mr Alfonso González Finat, Alternate member, with voting right,

Mr Uwe Leprich, Alternate member, with voting right,

Mr Jorge Vasconcelos, Alternate member, no voting right,

Mr Alberto Pototschnig, Director of ACER, Observer,

Lord John Mogg, Chair of the Board of Regulators, Observer,

Mr Georgios Shammis, Observer,

Mr Carlos Aquirre Calzada, Observer,

Ms Marie-Christine Jalabert, Adviser.

Main conclusions of the meeting

1.) The Board adopted the revised 2016 Work programme by unanimity.

2.) The Board adopted the decision on the estimate of ACER revenue and expenditure for 2017, with the establishment plan (ANNEX 1).
3.) The Board endorsed the Timeline on the Programming Document process, as presented by the Director.
4.) The Board endorsed the draft Programming Document 2017-2019.
5.) The Board adopted the decision on the application of the flexibility rule for the modification of the establishment plan in 2016 (ANNEX 2).

Opening

The outgoing Chair, Mr Nicolescu, wished the new members of the Administrative Board good luck with the work during their mandate (see point 8 of the Agenda).

1. Approval of the Agenda

The following agenda of the 25th ACER Administrative Board meeting was approved:



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DRAFT AGENDA V4

Agenda Topics	Accompanying documents	Rapporteur
PART 1 (27 January 2016)		
Opening		
1. Approval of the agenda	Doc 1 for approval	AB Chair
2. Minutes of the 24 th ACER Administrative Board	Doc 2.1 for approval Doc 2.2 for information	AB Chair
General ACER Work		
3. Revised 2016 ACER Work Programme	Doc 3 for adoption	ACER Director
4. Estimate of ACER revenue and expenditure for 2017, with the establishment plan	Doc 4 for adoption	ACER Director
5. Timeline Programming Document	Doc 5 for endorsement	ACER Director
6. ACER draft Programming document 2017-2019	Doc 6 for endorsement	ACER Director
7. AB decision on the application of the flexibility rule for the modification of the establishment plan in 2016	Doc 7 for adoption	ACER Director
8. Appointment decisions of the AB new members	Doc 8.1, 8.2, 8.3 for information	AB Chair
CLOSING OF PART 1		

*Participation in Part 1 is also open, as observers, to members and alternates whose term of appointment starts on 28 January 2016.

2. Minutes of the 24th ACER Administrative Board

Lord Mogg, the BoR representative in the AB, had sent a comment concerning a clarification of the Chair's statement on the implications of the Common approach for the Agency, which has been already included in the final draft of the minutes. The minutes of the 24th ACER Administrative Board meeting were approved without further comments.

3. Revised 2016 ACER Work Programme

The Director reported that following the adoption of the ACER 2016 budget, adopted by the Administrative Board on 17 December 2015, ACER has revised its 2016 Work Programme. The BoR endorsed it on 27 January. The Work Programme 2016 was originally developed on the assumption that the Agency would be assigned the resources required effectively to deliver on its mission, which was the basis of the estimate of revenue and expenditure for the financial year 2016, adopted by the Administrative Board on 26 March 2015. The document has now been revised to take account of the fact that only a part of the requested resources has been made available to the Agency during the budgetary procedure. Despite the fact that Agency appreciates the additional resources, they fall short of the estimated requirements.

The multiannual outlook for the 2016 – 2018 period remains substantially unchanged from last year's version; only a number of factual updates have been introduced.

Within the 2016 Work Programme the Agency had to deprioritise a number of the activities. In particular, some activities planned, especially with respect to tasks related to the implementation of REMIT, and, to a lesser extent, the TEN-E Regulation and the Network Code implementation monitoring process, have been reduced in scope:

- In the area of Infrastructure/TEN-E, the deliverable “Report on national methodologies and criteria used to evaluate investments in electricity and gas infrastructure projects and the higher risks incurred by them” under 3.5.1 has been deleted, since this task is not foreseen in Regulation 347/2013 and it may overlap with work which the European Commission is likely to commission.
- In the area of the Regional Initiatives, the scope of the Agency's activities for coordinating and monitoring the early voluntary implementation of Network Codes before their rules become legally binding has been reduced.
- In the area of REMIT:
 - o The establishment of appropriate mechanisms to access emission allowances data has been postponed;
 - o The publication of parts of the trade information the Agency will collect under REMIT, provided that commercially sensitive information on individual market participants or individual transactions or individual market places are not disclosed and cannot be inferred, has been postponed to later years;

- The provision of commercially non-sensitive trade database for scientific purposes, subject to confidentiality requirements has been partly postponed to later years;
- The scope of the monitoring of trading activities in wholesale energy markets to detect and prevent trading based on inside information and market manipulation, in cooperation with NRAs, on the basis of data collected in connection with the REMIT implementing acts, is being reduced;
- The cooperation and coordination with NRAs, ESMA, national financial market authorities and, if applicable, competition authorities, to ensure a coordinated enforcement of market abuse rules under REMIT and under the Market Abuse Directive will only be developed to the limited extent allowed by the available resources.

The Director regretted such deprioritisation, leading to important activities being postponed; it is however inevitable, given the inadequate resources available to the Agency. Furthermore, with REMIT entering into the operational stage and infrastructure monitoring gaining momentum, any future deprioritisation may affect the ability of the Agency effectively to fulfil its legislative mandate.

The representative of the Commission commented that they have already passed to the Agency some technical comments regarding the consistency of the data, which they would like to see included in the final document. While understanding that the Agency was under difficult time constraints when preparing the revision of the Work programme, she underlined the need to improve the Agency's internal processes in order to provide sufficient quality checks of the documents.

An AB member was pleased about the additional 15 staff the Agency was allocated in 2016 and wondered whether the Agency could present an incremental approach in staff reflecting on the implementation of tasks. This would ensure an easier approach for decision-making.

The Director recognised there were typos in some instances of the revised Work programme 2016, however some of the Commission's comments require further clarifications. He recognised the need for better internal quality checks of the documents prepared for the AB.

On the incremental approach, he replied that the Agency's Work programme illustrates the resources allocated to each activity. Therefore, if the resources allocated to the Agency are lower than the requirements, it is not difficult to see how many activities needs to be deprioritised,

Action: The Board adopted the revised 2016 Work programme by unanimity, while some issues with consistency were going to be improved before submission to the EU institutions.

4. Estimate of ACER revenue and expenditure for 2017, with the establishment plan

The Director reported that the Agency received fifteen (15) additional human resources through the 2016 EU budget. The Agency's proposed budget for the financial year 2017 covers both the remaining staffing requirements (29 additional staff members) following the 2016 allocation and the additional needs related to new tasks assigned to the Agency (4 additional staff members). More specifically: 1.) six (6) additional staff members are needed to support the implementation of the tasks attributed to the Agency by the TEN-E Regulation, especially the PCI monitoring and cross-border cost allocation decisions; 2.) four (4) additional staff members are required to perform new tasks assigned to the Agency related to the implementation of adopted Network Codes and Guidelines; 3.) nineteen (19) additional staff members are needed to support the implementation of the tasks attributed to the Agency by REMIT, especially the regional market monitoring area and the publication of data; and 4.) the achievement of the objectives foreseen for the financial year 2017 requires a further increase in human resources devoted to the function of horizontal support - four (4) additional staff members are essential to ensure a balanced development of the operational activities, avoiding shortages in the daily functioning of the Agency. A total number of staff would be amounting to a hundred and two (102) members.

As a result of the above, he suggested it was appropriate to estimate the expenditure and revenue for the financial year 2017 of the Agency in €19 866 138.

The AB member representing the Commission recalled the 2013 Commission communication on Programming of human and financial resources for decentralised agencies 2014-2020. In 2015 the Commission exceptionally supported additional 10 posts for ACER, to which the EP added 5 additional posts. The presented establishment plan, as well as the proposed budget of ACER, go beyond the 2013 Communication. Therefore, a good justification will have to be offered to the Commission. As it will be reflecting on the Agency's new tasks, the Commission is ready for the Agency to state the resources it estimates necessary for its work. Some corrections of the proposed establishment plan still need to be made. Finally, the new timeline for the adoption of the Programming Document will avoid past problems of the Commission not being able to deliver its Opinion in time.

Lord Mogg, the BoR representative, recalled that in the past the Commission introduced a Common Approach to be applied across all EU decentralised

Agencies, however this approach does not supersede the ACER Regulation. The BoR supports that the Agency states the resources it needs for its work. The BoR also endorsed the 2017 draft Programming document, however it was slightly concerned about the possibility to influence the process, as this year it was impeded from providing its opinion due to tight new schedules. In his opinion, the Programming document process should not supersede the regular Work Programme process, envisaging its adoption in September. Even though the BoR endorsed the draft Programming document, if there was to be a major change of regulatory circumstances in a specific year, the whole multiannual programme could be recast. In such case the Agency should not be bound by a potentially outdated document developed in N-2.

The outgoing Chair said that the AB members in the Board should be fully committed, without the conflict of interest. At the same time they should be remunerated for their work (in addition to the reimbursement of cost of their participation in the meetings to which they are currently entitled), as this would bring more value added for the performance of the Agency. He asked whether the proposed budgetary estimate envisaged the cost of such remuneration.

The Director replied that at the previous meeting the Commission promised to make a proposal on remuneration to AB members at the June AB meeting. As this would not entail a major component of the ACER budget, such amounts could be accommodated within the present budget estimate.

On the Agency's budget request, he welcomed the Commission's position. Most requested posts for TEN-E and REMIT have already been justified in the budget request for last year. The only exception are the additional 4 posts the Agency is requesting.

As regards the Agency's request for financial resources, he clarified that some of the investment in REMIT have a cyclical pattern. Apart from licences and maintenance, most of expenses will be allocated to operations. In terms of revenues, the Agency is still fully financed from the EU budget. In 2015 the Agency wrote to the Commission asking for the possibility to raise fees for its cross-border cost allocation (CBCA) decisions; however these fees, while welcomed, could not be forecasted, as they depend on CBCA decisions being referred to the Agency, and therefore are difficult to budget. He illustrated a recent example of a case submitted to the Agency that was later withdrawn. A more stable solution would be preferred (e.g. fees for REMIT registration activities). This could be reflected if the Agency's Founding Regulation were to be reopened.

Action: The Board adopted the decision on the estimate of ACER revenue and expenditure for 2017, with the establishment plan (ANNEX 1).

5. Timeline on the Programming Document process

The Director presented the scope of the paper. On 16 December 2014 the Commission issued the 'Communication on the guidelines for programming document for decentralised agencies and the template for the Consolidated Annual Activity Report for decentralised agencies'. The Communication states that the new template (annexed to the Communication) for the Work Programme (the so-called Programming Document-PD) must henceforth be sent to the Commission no later than 31 January of the preceding year, meaning that the timeline for the preparation of the Agency's 2017 Annual Work Programme has been brought considerably forward. The new deadlines, though different from the ones the Agency has been operating with until now, appear not to clash legally with those foreseen in the Agency's Founding Regulation, although some uncertainty regarding their implementation remains.

Based on a previous request from the AB, the Director then presented the timeline emerging from the integration of the two processes:

- A preliminary draft outline is consolidated internally by early October N-2, it is consulted with the Chairs of the Agency's Working Groups and submitted for consideration by the Board of Regulators by the end of October.

- In early November N-2, the draft outline is uploaded on the Agency's website for stakeholders' reference. An Infolash is published to announce the draft outline's publication, together with a reminder of the upcoming workshop on ACER's priorities in the following year.

- In early November N-2 a workshop is held in which the Agency presents its draft outline to interested parties and seeks feedback on its priorities. Stakeholders are invited to provide inputs within a two to three-week timespan (e.g. end of November N-2).

- In December N-2 the draft PD, which includes a budget estimate, is presented for endorsement to the BoR and to the AB. The AB will also make the estimate of the revenue and expenditure for year N on the basis of the preliminary draft budget prepared by the Director (the formal deadline on the basis of the Agency's Founding Regulation would have been 31 March N-1 and 15 February N-1, respectively)).

- By 31 January N-1 the final draft PD is submitted by the Director to the Commission (to the Partner DG and also to the Internal Audit Service). According to the Financial Regulation it is transmitted also to the BoR and the European Parliament.

- The Commission provides a written opinion on the PD by 1 July N-1. In fact, it would be useful if the Opinion could be provided by the end of May, so that it

can be taken into consideration for the finalisation of the draft Annual Work Programme to be submitted by the Director by 30 June.

-By 30 June N-1, the Director submits the draft Annual Work Programme to the BoR, the European Parliament and the Commission. If the Commission's Opinion is provided in good time, it can be taken into consideration in the preparation of the draft Annual Work Programme.

-By 1 September N-1 the BoR approves the Annual Work Programme and presents it for adoption to the AB.

-By the end of September N-1 the AB adopts the Annual Work Programme. Article 13(5) requires the AB to consult the Commission before its adoption. By 1 July the Commission will have provided its Opinion on the Programming Document. It can be assumed that this Opinion, albeit on the Programming Document and not on the draft Annual Work Programme, can be considered as fulfilling the consultation requirements for the AB.

The Director invited the Board to endorse these timelines. He commented that the current process has the advantage to give more time to the Commission to deliver its Opinion. He asked for the confirmation that the Commission was going to deliver its single Opinion on the Programming Document in June.

The AB member representing the Commission confirmed it, based on assumption that the Programming Document would be a solid document, which was not going to change significantly.

Action: The Board endorsed the Timeline on the Programming Document process, as presented by the Director.

6. ACER draft Programming document 2017-2019

The Director presented the Programming Document (PD) 2017 – 2019 and said it is based on the format of the template for decentralised agencies prepared by the Commission, which has become mandatory as of this year. The Agency to a large extent already used this template for its 2015 and 2016 Annual Work Programmes (AWPs), so only a few changes were necessary in terms of structure. For example the multiannual part, although largely unchanged in substance, has been adjusted to the structure foreseen in the PD. The new timeline for the submission to the institutions – 31 January of the preceding year - has however meant that the preparation of the Agency's 2017 AWP has been brought considerably forward and coincided also with the revision of the Work Programme 2016.

While the Agency has strived to make the document as complete as possible, on the basis of the information available at the time of drafting, it remains

nevertheless a draft. He apologised for some inconsistencies that arose due to the short timelines.

In line with the Agency's Founding Regulation, the Agency's Work Programme is adopted by the AB, with the approval of the BoR, taking into consideration the Opinion of the Commission. This Opinion is expected to be available considerably earlier than in previous years.

In terms of substance, the Agency's Draft Work Programme 2017 has been prepared in line with the Strategic Outlook for 2017 presented to the Board in December. It is based exclusively on the current mandate of the Agency, since the Agency cannot speculate at this stage on the new tasks it may be attributed within the Energy Union. The Agency has assessed that to fulfil its current mandate, it needs 33 additional staff members.

The AB member representing the Commission endorsed the draft PD, however she clarified that this endorsement goes without prejudice to the Opinion the Commission is going to issue by 1 July, as the document is a draft.

Action: The Board endorsed the draft Programming Document 2017-2019.

7. AB decision on the application of the flexibility rule for the modification of the establishment plan in 2016

The Director presented the draft document explaining that in order to meet the Agency's current operational needs (infrastructure challenge, monitoring of the markets, new tasks derived from the NCs) it is appropriate to adapt the 2016 establishment plan of the Agency, as adopted by Decision AB No 21/2015 of 17 December 2015, in the following way:

- (a) One established post, currently vacant, within the grade AD7 is upgraded to grade AD8;
- (b) Two established posts, currently vacant, within the grade AD7 are downgraded to grade AD6.
- (c) One established post, currently vacant, within the grade AD5 is upgraded to grade AD6.

He confirmed that the modification of the establishment plan does not affect the grades AD16, AD15, AD14 and AD13, the volume of staff appropriations corresponding to a full financial year is not affected and the limit of the total number of posts authorised is not exceeded. The results of the first job screening exercise were reported in the Annual Activity Report 2014. The

changes in the grades as per the establishment plan are also reflected in the 2017-2019 draft Programming Document.

Lord Mogg, the BoR representative informed the members that the cost-free SNE position supporting one staff member in Brussels will cease in May. There could be a serious problem in getting further support to the staff in Brussels office.

The Director commented that the staffing of the Brussels office has been the concern of the Agency. He is committed to maintaining the necessary support of the Brussels office, even with non-statutory staff, if needed.

The Director also made a short presentation on how the Slovenian government is fulfilling the obligations emanating from the Seat Agreement. He underlined that the establishment of the European school remains an issue. The Agency held a meeting with the Slovenian Ministry of Foreign Affairs in July 2015 where they promised to advance, but no action has since been taken. The Director will be writing to the Prime Minister. Some discussion on the location of the Seat of the Agency took place.

Action: The Board adopted the decision on the application of the flexibility rule for the modification of the establishment plan in 2016 (ANNEX 2).

8. Appointment decisions of the AB new members

The outgoing AB Chair reported on the letter he received on 15 December 2015 from the EP President Schultz informing him of the EP's decision to appoint Ms Jordan as the new AB member and Mr Leprich as the new alternate member with a mandate until 21 January 2020.

Moreover, the Council published its decision to appoint as members Mr Hosker, Mr Shammas, Mr Wozniak with mandates until 28.1.2020, and as alternates Mr Spiridonovs, Mr Hansen with a mandate until 28.1.2020 and Mr Calzada with a mandate until 28.1.2018. Finally, the Commission has also informed the Agency about its decision on the appointment of its members in the AB - from 23.3.2016 the Head of Unit responsible for wholesale markets, electricity and gas, post held by Mr Ermacora, will be the alternate from Mr Ristori, both with mandates until 22. March 2020.

He wished the new AB members good luck and a photo was taken.

He announced that the new Chair and the new Vice-Chair were going to be appointed in the new composition of the Board in Part 2 of the 25th

Administrative Board meeting, taking place the next day. He thanked everyone for the way the AB has been working since 6 years ago when he started as a member and Vice-Chair. He concluded by wishing Lord Mogg to become the first President of the European energy regulator.

Lord Mogg remembered the early discussions on the competencies of the two Boards (AB and BoR). In his view the AB has become very mature and professional. He remarked that he will be long retired before a European energy regulator is established, if ever.

The Director expressed appreciation for the work of Mr Nicolescu and thanked him for all that he has done for the Agency. He has always felt he could rely on him for advice and support. The Agency was able to deliver under his and Mr Wozniak's chairmanship. With the help of the Commission's DG ENER the Agency has performed well, considering the circumstances.

The AB member representing the Commission thanked Mr Nicolescu for the patience and the quiet drive he has been giving to the Board. In her view the duo Mr Wozniak and Mr Nicolescu was crucial in shaping the Agency.

Other members of the Board thanked him and congratulated for the work done.

For the Administrative Board:

Razvan Eugen Nicolescu
Chairman of the ACER Administrative Board

ANNEX 1

DECISION AB 02/2016
OF THE ADMINISTRATIVE BOARD
OF THE AGENCY FOR THE COOPERATION OF ENERGY REGULATORS
of 27 January 2016

**on the estimate of revenue and expenditure and the establishment plan of the
Agency for the Cooperation of Energy Regulators for the financial year 2017**

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 an Agency for the Cooperation of Energy Regulators¹, and, in particular, Articles 1(1) and 23(1) thereof,

Having regard to the preliminary draft budget and establishment plan of the Agency for the Cooperation of Energy Regulators for the financial year 2017, as prepared by the Director of the Agency for the Cooperation of Energy Regulators and submitted to the Administrative Board on 21 January 2016,

Having regard to the Programming Document 2017-2019 of the Agency for the Cooperation of Energy Regulators, as submitted to the Administrative Board on 21 January 2016,

Having regard to the endorsement of the Board of Regulators of the Agency for the Cooperation of Energy Regulators of 27 January 2016 on the preliminary draft budget and establishment plan of the Agency for the Cooperation of Energy Regulators for the financial year 2017,

Whereas:

- (1) In its Communication of 25 February 2015 the European Commission proposed the creation of a new European Energy Union, to fulfil one of the main priorities of its political agenda, as defined in July 2014. A new European Energy Union entails, *inter alia*, the creation of a single internal energy market and the enhancement of security of supply.
- (2) The Agency for the Cooperation of Energy Regulators (hereinafter referred to as “the Agency”) performs tasks and responsibilities that are at the heart of the

¹ OJ L 211 14.8.2009, p. 1.

creation of the European Energy Union with the integration of the electricity and gas markets. In spite of that, the human and financial resources currently assigned to the Agency are not sufficient to fulfil its mission, as defined in its legislative mandate and so as fully to support the creation of the European Energy Union.

- (3) Regulation (EU) No 347/2013 of the European Parliament and of the Council on guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC and amending Regulation (EC) No 713/2009, (EC) No 714/2009 and (EC) No 715/2009² (hereinafter referred to as “the TEN-E Regulation”), entrusts the Agency with important tasks related to the integration of the European energy systems and the removal of energy islands, through its role in the process for the selection and in the monitoring of the implementation of projects of common interest (PCIs), involving electricity transmission lines, gas pipelines, electricity storage projects, underground gas storage projects, LNG terminals, and smart grid projects.
- (4) On 18 November 2015, a new Union-wide PCI list has been adopted. The implementation of the 2013 Union-wide PCI list has determined an increase in activities for the Agency. In particular, the referral of investment requests to the Agency, pursuant to Article 12(6) of the TEN-E Regulation, with the consequent need to issue decisions on cross-border cost allocation, has shown the need to provide additional human resources and consequential financial support to the Agency, to ensure an adequate functioning of the electricity and gas departments, whereas implementing measures on the setting of fees for such decisions within the meaning of Articles 22 of Regulation (EC) No 713/2009 and 20 of the TEN-E Regulation are missing. The Agency expects the trend of the Agency having to take cross-border cost allocation decisions to increase with the implementation of the new PCI list.
- (5) In addition, in order to monitor the implementation of PCIs, while at the same time continuing to contribute to the PCI selection process for the subsequent lists, it is also advisable to ensure that the Agency is assigned the full staffing requirement.
- (6) Regulation (EU) No 1227/2011 of the European Parliament and of the Council of 25 October 2011 on wholesale energy market integrity and transparency³ (hereinafter referred to as “REMIT”) entrusts the Agency with the responsibility of monitoring trading in wholesale energy products in the EU and to ensure that national regulatory authorities (NRAs) carry out their monitoring, investigation and enforcement tasks in a coordinated and consistent way, not only by establishing and maintaining a centralised transaction monitoring system, but also by conducting initial assessments or analysis with the aim of requesting NRAs to commence an investigation of

² OJ L 115, 25.4.2013, p. 39.

³ OJ L 326, 8.12.2011, p. 1.

suspected abusive market practices and to take appropriate action to remedy any abuse found.

- (7) In this context, the Commission Implementing Regulation (EU) No 1348/2014 of 17 December 2014⁴ has defined the dates in 2015 and 2016 by which the new sector-specific monitoring framework for wholesale energy markets will have to become fully operational and the Agency will have to start monitoring the EU wholesale energy markets using the framework and the purposely-developed IT system.
- (8) The current estimate of expenditure and revenue and the draft establishment plan for the financial year 2017 are based on the assumption that the Agency will perform the monitoring and data collection tasks for monitoring the wholesale energy market under REMIT. However, the forecasts of the expected large volume of data to be received by the Agency from markets participants, the monitoring of wholesale energy markets and the subsequent follow-up of suspected market abuse instances show the need for all the additional human resources and financial support, as initially requested, to ensure a proper functioning of the REMIT operations in the course of the financial year 2017.
- (9) Additional fifteen (15) human resources have been allocated to the Agency through the 2016 approved budget with financial resources covering the costs of five (5) of the additional staff for only half-year. The Agency budget for the financial year 2017 covers the remaining difference in staffing (i.e., 33 additional staff members) required for the implementation of the above mentioned tasks. More in particular, ten (10) additional staff members are needed to support the implementation of the tasks attributed to the Agency by the TEN-E Regulation especially the PCI monitoring and cross-border cost allocation decisions as well as in the implementation of adopted Network Codes and Guidelines. Nineteen (19) additional staff members are needed to support the implementation of the tasks attributed to the Agency by REMIT especially, the regional market monitoring area and publication of data. Finally, the achievement of the objectives foreseen for the financial year 2017 requires a further increase in human resources devoted to function of horizontal support. It is therefore estimated that four (4) additional staff members are essential to ensure a balanced development of the operational activities, avoiding shortages in the daily functioning of the Agency.
- (10) As a result of the above, it is appropriate to estimate the expenditure and revenue for the financial year 2017 of the Agency in Euro 19 866 138. In addition, it is adequate to foresee in the draft establishment plan for the financial year 2017 a total number of staff amounting to a hundred and two (102) members,

⁴ OJ L363, 18.12.2014, p. 1.

HAS ADOPTED THIS DECISION:

Article 1

The estimate of revenue and expenditure and the draft establishment plan of the Agency for the financial year 2017, as respectively detailed in Annex I and II, and Annex III to this Decision, are hereby adopted.

Article 2

This Decision shall enter into force on the day following that of its adoption and shall be transmitted to the Commission.

Done at Brussels, 27 January 2016.

For the Administrative Board:

Razvan Eugen Nicolescu

Chairman of the Administrative Board

Annex I: Agency Draft Budget 2017

Title Chapter	Heading	EU contribution	Assigned revenue 2015 surplus	Total budget 2017
		€	€	€
REVENUE				
TITLE 9	SUBSIDY	19,114,138	752,000	19,866,138
EXPENDITURE				
TITLE 1	EXPENDITURE RELATING TO STAFF AND RESOURCES			
CHAPTER 11	STAFF IN ACTIVE EMPLOYMENT	11,801,960	565,904	12,367,864
CHAPTER 12	MISSIONS AND DUTY TRAVEL	173,834	8,335	182,169
CHAPTER 13	SOCIOMEDICAL INFRASTRUCTURE	58,916	2,825	61,741
CHAPTER 14	SOCIAL SERVICES	54,024	2,590	56,615
	TOTAL TITLE 1	12,088,733	579,655	12,668,389
TITLE 2	AGENCY'S BUILDING AND ASSOCIATED COSTS			
CHAPTER 20	AGENCY'S PREMISES COSTS	1,156,267	55,443	1,211,710
CHAPTER 21	DATA PROCESSING	876,490	42,028	918,518
CHAPTER 22	MOVABLE PROPERTY AND ASSOCIATED COSTS	406,079	19,472	425,551
CHAPTER 23	CURRENT ADMINISTRATIVE EXPENDITURE	957,891	45,931	1,003,822
CHAPTER 24	COMPUTER INFRASTRUCTURE TELECOMMUNICATION AND POSTAGE	197,529	9,471	207,000
	TOTAL TITLE 2	3,594,256	172,345	3,766,601
TITLE 3				
CHAPTER 30	REPRESENTATION EXPENSES	22,400	0	22,400
CHAPTER 31	OPERATIONAL MISSIONS	331,400	0	331,400
CHAPTER 32	STAKEHOLDER INVOLVEMENT, PUBLIC RELATIONS AND WEE	375,000	0	375,000
CHAPTER 33	TRANSLATIONS	294,348	0	294,348
CHAPTER 34	PROFESSIONAL INDEMNITY	8,000	0	8,000
CHAPTER 35	REMIT OPERATIONS	2,400,000	0	2,400,000
	TOTAL TITLE 3	3,431,148	0	3,431,148
	TOTAL BUDGET 2017	19,114,138	752,000	19,866,138

Annex II: ACER Detailed Draft Budget for the Financial Year 2017

Title Chapter Article Item	Heading	EU subsidy	Assigned revenue 2015 surplus	Total budget for the financial year 2017	Remarks
9	REVENUE				
90	ANNUAL INCOME				
901	Subsidy from the EU general budget			19,114,138	This represents the annual operating subsidy from the European Union budget.
902	Others			752,000	Other revenue including assigned revenue of year N-2.
903	Bank interest			p.m.	This represents the interest received on the balance of the bank accounts.
	CHAPTER 9 0 — TOTAL			19,866,138	
	TITLE 9 — TOTAL			19,866,138	
	GRAND TOTAL			19,866,138	
	EXPENDITURE				
	EXPENDITURE RELATING TO STAFF AND RESOURCES				
1	STAFF IN ACTIVE EMPLOYMENT				
11	Temporary staff holding a post provided in the establishment plan				
110					
1100	Basic salaries and correction	5,645,307	270,693	5,916,000	Staff Regulations of officials and Conditions of employment of other servants of the European Communities, and in particular Articles 62 and 66 thereof. This appropriation is intended to cover basic salaries and corrections for temporary staff.
1101	Family allowances	875,996	42,004	918,000	Staff Regulations of officials of the European Communities, and in particular Articles 62, 67 and 68 thereof and section I of Annex VII thereto. This appropriation is intended to cover the household, dependent child and education allowances for temporary staff.
1102	Expatriation and foreign residence allowances	973,329	46,671	1,020,000	Staff Regulations of officials of the European Communities, and in particular Articles 62 and 69 thereof and Article 4 of Annex VII thereto. This appropriation is intended to cover the expatriation and foreign-residence allowances for temporary staff.
	Article 1 1 0 — Total	7,494,632	359,368	7,854,000	
111	Other agents				
1110	Contract agents	1,789,894	85,826	1,875,720	Conditions of employment of other servants of the European Communities, and in particular Article 4 and Title IV thereof. This item is intended to cover the remuneration and the employer's share of social security contributions for contract agent staff.
1111	Seconded National Experts	241,752	11,592	253,344	Various Seconded National Experts are placed at ACER to fulfil the need for assistance to the agency's work programme. This appropriation includes their daily and monthly allowances
	Article 1 1 1 — Total	2,031,646	97,418	2,129,064	

Title Chapter Article Item	Heading	EU subsidy	Assigned revenue 2015 surplus	Total budget for the financial year 2017	Remarks
112	Further training, retraining and information for staff				
1120	Training and information for staff	309,223	14,827	324,050	Staff Regulations of officials of the European Communities, and in particular the third paragraph of Article 24 a) thereof. This also includes costs related to missions for training events and trainer expenses.
	Article 1 1 2 — Total	309,223	14,827	324,050	
113	Insurance against sickness, accidents and unemployment				
1130	Insurance against sickness	243,332	11,668	255,000	Staff Regulations of officials of the European Communities, and in particular Article 72 thereof. Rules on sickness insurance for officials of the European Communities, and in particular Article 23 thereof. This appropriation is intended to cover the employer's contribution and the official's contribution of the basic salary.
1131	Insurance against accidents and occupational disease	48,666	2,334	51,000	Staff Regulations of officials of the European Communities, and in particular Article 73 thereof. This appropriation is intended to cover the employer's contribution to insurance against accidents and occupational disease (0,875 % of the basic salary).
1132	Unemployment insurance for temporary staff	97,333	4,667	102,000	Council Regulation (ECSC, EEC, Euratom) No 2799/85 of 27 September 1985 amending the Staff Regulations of officials of the European Communities and the Conditions of employment of other servants of the European Communities. This appropriation is intended to insure temporary staff against unemployment.
	Article 1 1 3 — Total	389,332	18,668	408,000	
114	Miscellaneous allowances and grants				
1140	Birth and death grants	2,386	114	2,500	Staff Regulations of officials of the European Communities, and in particular Articles 70, 74 and 75 thereof. This appropriation is intended to cover: — the childbirth grant, — Death allowances payable in the event of the death of an official.
1141	Annual travel expenses from the place of work to origin	145,999	7,001	153,000	Staff Regulations of officials of the European Communities, and in particular Article 8 of Annex VII thereto. This appropriation is intended to cover the payment to staff members in each calendar year of a sum equivalent to the cost of travel from the place of employment to the place of origin for themselves and, if they are entitled to the household allowance, for the spouse and dependants.
1142	Schooling fees	367,145	17,605	384,750	This appropriation is intended to cover the additional schooling fees incurred by staff members for their children's education.
	Article 1 1 4 — Total	515,530	24,720	540,250	

Title Chapter Article Item	Heading	EU subsidy	Assigned revenue 2015 surplus	Total budget for the financial year 2017	Remarks
115	Overtime				
1150	Overtime			p.m.	Staff Regulations of officials of the European Communities, and in particular Article 56 thereof and Annex VI thereto. This appropriation is intended to cover flat-rate payments or hourly-rate payments for overtime worked by temporary agents in categories AST 1 - AST4 whom it has not been possible to compensate by flexi-hours.
	Article 1 1 5 — Total	0	0	0	
116	Expenses on entering and leaving the service and on transfer				
1160	Expenditure related to Recruitment	174,054	8,346	182,400	Staff Regulations of officials of the European Communities, and in particular Articles 27 to 31 and 33 thereof. This appropriation is intended to cover the expenditure involved in recruitment procedures.
1161	Travel expenses taking up duty	19,085	915	20,000	Staff Regulations of officials of the European Communities, and in particular Articles 2 and 71 thereof and Article 7 of Annex VII thereto. This appropriation is intended to cover the travel expenses of staff (including members of their families) entering or leaving the service.
1162	Installation, resettlement and transfer allowances	269,097	12,903	282,000	Staff Regulations of officials of the European Communities, and in particular Articles 20 and 71 thereof and Article 9 of Annex VII thereto. This appropriation is intended to cover the removal costs of staff obliged to change residence after taking up their appointment or when transferred to a new place of work or when they definitively cease their duties and settle elsewhere.
1163	Temporary daily subsistence allowances	187,032	8,968	196,000	Staff Regulations of officials of the European Communities, and in particular Articles 20 and 71 thereof and Article 10 of Annex VII thereto. This appropriation is intended to cover the daily subsistence allowances due to staff able to prove that they were obliged to change their place of residence after taking up their duties (including transfer).
	Article 1 1 6 — Total	649,268	31,132	680,400	
117	Supplementary services				
1170	Supplementary clerical and interim services	206,117	9,883	216,000	This appropriation is intended to cover the services provided by interim agents employed to cover staffing needs where the establishment plan does not cover requirements as well as traineeship expenditure.
1171	Administrative Assistance	91,703	4,397	96,100	This appropriation is intended to cover the administrative assistance received from PMO in processing the salaries of temporary agents and contract agents, maintenance of the electronic personal files database and budget publication in the EU Official Journal.
1172	Trainees	114,509	5,491	120,000	This appropriation is intended to cover the costs of traineeship for the Agency.
	Article 1 1 7 — Total	412,329	19,771	432,100	
	CHAPTER 1 1 — TOTAL	11,801,960	565,904	12,367,864	

Title Chapter Article Item	Heading	EU subsidy	Assigned revenue 2015 surplus	Total budget for the financial year 2017	Remarks
12	MISSIONS AND DUTY TRAVEL				
120	Mission expenses, travel expenses and incidental expenditure				
1200	Mission expenses Administrative staff	54,955	2,635	57,590	This appropriation is intended to cover expenditure related to mission of the Administrative department.
1201	Mission expenses - Director	47,712	2,288	50,000	This appropriation is intended to cover expenditure related to the missions of the Director.
1202	Mission expenses Director office staff	71,167	3,412	74,579	This appropriation is intended to cover expenditure related to missions of the Director office staff.
	Article 1 2 0 — Total	173,834	8,335	182,169	
	CHAPTER 1 2 — TOTAL	173,834	8,335	182,169	
13	SOCIOMEDICAL INFRASTRUCTURE				
130	Medical service				
1300	Medical services and equipment	58,916	2,825	61,741	Staff Regulations of officials of the European Communities, and in particular Article 59 thereof and Article 8 of Annex II plus purchase of medical supplies and equipment.
	Article 1 3 0 — Total	58,916	2,825	61,741	
	CHAPTER 1 3 — TOTAL	58,916	2,825	61,741	
14	SOCIAL SERVICES				
140	Social services				
1400	Special assistance grants			p.m.	This item is intended to cover assistance in the form of cash which may be granted to an official, former official or survivors of a deceased official who find themselves in difficult circumstances.
1401	Social welfare of staff	38,170	1,830	40,000	This appropriation is intended to cover expenditure by the Agency on the social welfare activities of its staff, including schooling informative events.
	Article 1 4 0 — Total	38,170	1,830	40,000	
141	Staff Committee				
1410	Staff Committee	15,855	760	16,615	This appropriation is intended to cover the costs such as missions or other administration costs of the Staff Committee representing the staff of ACER.
	Article 1 4 1 — Total	15,855	760	16,615	
	CHAPTER 1 4 — TOTAL	54,025	2,590	56,615	
	TITLE 1 — TOTAL	12,088,734	579,655	12,668,389	
2	AGENCY'S BUILDING AND ASSOCIATED COSTS				
20	AGENCY'S PREMISES COSTS				
200	Rental costs				
2000	Rent	755,007	36,203	791,210	This appropriation is intended to cover the rental costs of ACER premises.
2001	Removal costs	10,020	480	10,500	This appropriation is intended to cover the costs related to the removal of furniture and equipment to new premises.
	Article 2 0 0 — Total	765,027	36,683	801,710	
201	Utilities and Services				
2010	Utilities	109,738	5,262	115,000	This appropriation is intended to cover the utility costs like: water, gas, electricity, waste collection.
2011	Cleaning and maintenance	98,287	4,713	103,000	This appropriation is intended to cover the costs of cleaning and maintenance of the premises.
	Article 2 0 1 — Total	208,025	9,975	218,000	

Title Chapter Article Item	Heading	EU subsidy	Assigned revenue 2015 surplus	Total budget for the financial year 2017	Remarks
202	Insurance				
2020	Insurance	9,542	458	10,000	This appropriation is intended to cover the insurance policy premiums including insurance of the building occupied by ACER and its assets.
	Article 2 0 2 — Total	9,542	458	10,000	
203	Security of buildings and persons				
2030	Security and surveillance of buildings	76,817	3,683	80,500	This appropriation is intended to cover expenditure on buildings connected with security and safety in particular loss, theft, unauthorized use or access, and other internal or external threats.
2031	Health and safety at work	10,974	526	11,500	This appropriation is intended to cover for the costs of health and safety issues at the work place.
	Article 2 0 3 — Total	87,790	4,210	92,000	
204	Other expenditure on buildings				
2040	Other expenditure on buildings	66,797	3,203	70,000	This item is intended to cover expenditures on buildings, renovations and refurbishment including the upgrade and maintenance of existing facilities.
2041	Audio & Video equipment-maintenance	19,085	915	20,000	This appropriation is intended to cover the repair and maintenance costs of audio/video equipment.
	Article 2 0 4 — Total	85,882	4,118	90,000	
	CHAPTER 2 0 — TOTAL	1,156,267	55,443	1,211,710	
21	DATA PROCESSING				
210	Equipment, data processing equipment and operating costs				
2100	Consumables	14,314	686	15,000	This appropriation is intended to cover the cost of consumables.
2101	Software	57,255	2,745	60,000	This appropriation is intended to cover the purchase/licensing of software.
2102	Subscriptions IT	757,210	36,308	793,518	This appropriation is intended to cover the subscription costs to various support services and shared applications such as ABAC, Business Objects, ABAC Assets etc.
2103	Disaster recovery site	47,712	2,288	50,000	This appropriation is intended to cover the expenditure related to the establishment and maintenance of a disaster recovery site.
	Article 2 1 0 — Total	876,490	42,028	918,518	
	CHAPTER 2 1 — TOTAL	876,490	42,028	918,518	
22	MOVABLE PROPERTY AND ASSOCIATED COSTS				
221	Purchase, hire, maintenance and repair of furniture				
2210	Purchase of furniture	116,895	5,605	122,500	This appropriation is intended to cover the purchase of furniture.
	Article 2 2 1 — Total	116,895	5,605	122,500	
222	Transportation				
2220	Transportation costs	171,764	8,236	180,000	This appropriation is intended to cover the costs of parking, cabs and hire of vehicles.
	Article 2 2 2 — Total	171,764	8,236	180,000	

Title Chapter Article Item	Heading	EU subsidy	Assigned revenue 2015 surplus	Total budget for the financial year 2017	Remarks
223	Documentation and library expenditure				
2230	Library Acquisitions	117,421	5,630	123,051	This appropriation is intended to cover the purchase of hard copies or electronic material, e.g. books, reference works or CD's etc. to support and strengthen the knowledge of the agency.
	Article 2 2 3 — Total	117,421	5,630	123,051	
	CHAPTER 2 2 — TOTAL	406,079	19,472	425,551	
23	CURRENT ADMINISTRATIVE EXPENDITURE				
230	Stationery and office supplies				
2300	Stationery and office supplies	42,941	2,059	45,000	This appropriation is intended to cover the purchase of paper and office supplies.
	Article 2 3 0 — Total	42,941	2,059	45,000	
231	Financial charges				
2310	Bank charges	1,145	55	1,200	This appropriation is intended to cover bank charges in relation to the bank accounts hold by the agency.
	Article 2 3 1 — Total	1,145	55	1,200	
232	Legal expenses				
2320	Legal expenses	81,111	3,889	85,000	This appropriation is intended to cover legal costs and the services of lawyers or other experts.
2321	Expert consultations - MMD	47,712	2,288	50,000	This appropriation is intended to cover the expert consultation costs of the Market Monitoring Department.
2322	Expert consultations - Gas	190,849	9,151	200,000	This appropriation is intended to cover the expert consultation costs of the Gas department.
2323	Expert consultations - Electricity	229,019	10,981	240,000	This appropriation is intended to cover the expert consultation costs of the Electricity department.
2324	Expert consultations - Administration	38,170	1,830	40,000	This appropriation is intended to cover the expert consultation costs of the Administration department.
2325	External audit expenses	8,588	412	9,000	This appropriation is intended to cover the expenses with the external audit of the Agency's accounts.
2326	Information security	76,053	3,647	79,700	This appropriation is intended to cover expenditure related to security of information for the Agency.
	Article 2 3 2 — Total	671,501	32,199	703,700	
233	Other operating expenditure				
2330	Administrative Board meetings	48,666	2,334	51,000	This appropriation is intended to cover the costs for the members of the Administrative Board participating to meetings during the year.
2331	Board of Regulators meetings	134,951	6,471	141,422	This appropriation is intended to cover the costs for the members of the Regulatory Board participating to meetings during the year.
2332	Board of Appeal	32,444	1,556	34,000	This appropriation is intended to cover the costs of the Board of Appeal related to meetings, secretarial and legal support.
2333	External Participants to meetings	14,314	686	15,000	This appropriation is intended to cover the costs of external participants to meetings organised by ACER.
2334	EU Agencies Network	11,928	572	12,500	This appropriation is intended to cover the costs of the liaison office in Brussels and of the coordination of EU agencies.
	Article 2 3 3 — Total	242,304	11,618	253,922	
	CHAPTER 2 3 — TOTAL	957,891	45,931	1,003,822	

Title Chapter Article Item	Heading	EU subsidy	Assigned revenue 2015 surplus	Total budget for the financial year 2017	Remarks
24	COMPUTER INFRASTRUCTURE TELECOMMUNICATION AND POSTAGE				
240	Postal charges				
2400	Postal charges	11,451	549	12,000	This appropriation is intended to cover expenditure on postal and delivery charges, including parcels.
	Article 2 4 0 — Total	11,451	549	12,000	
241	Telecommunications				
2410	Telecommunications subscriptions and charges	85,882	4,118	90,000	This appropriation is intended to cover all telecom related running costs, including fixed lines, mobile telephones and Internet access.
	Article 2 4 1 — Total	85,882	4,118	90,000	
242	Equipment and Computer infrastructure				
2420	Hardware and other equipment	100,196	4,804	105,000	This appropriation is intended to cover the purchase of hardware and other equipment for Agency's employees.
	Article 2 4 2 — Total	100,196	4,804	105,000	
	CHAPTER 2 4 — TOTAL	197,529	9,471	207,000	
	TITLE 2 — TOTAL	3,594,256	172,345	3,766,601	
3	OPERATIONAL EXPENDITURE				
30	REPRESENTATION EXPENSES				
300	Entertainment and Representation expenses				
3000	Representation expenses - Director office	5,000	0	5,000	This appropriation is intended to cover costs relating to representation on behalf of ACER.
3001	Representation expenses - Administration	1,200	0	1,200	This appropriation is intended to cover costs relating to representation on behalf of ACER.
3002	Representation expenses - Electricity	8,700	0	8,700	This appropriation is intended to cover costs relating to representation on behalf of ACER.
3003	Representation expenses - Market Monitoring	2,500	0	2,500	This appropriation is intended to cover costs relating to representation on behalf of ACER.
3004	Representation expenses - Gas	5,000	0	5,000	This appropriation is intended to cover costs relating to representation on behalf of ACER.
	Article 3 0 0 — Total	22,400	0	22,400	
	CHAPTER 3 0 — TOTAL	22,400	0	22,400	
31	OPERATIONAL MISSIONS				
310	Missions				
3100	Operational Missions - Gas Department	95,000	0	95,000	This appropriation is intended to cover costs of missions related to operational issues of the Gas department.
3101	Operational Missions - Electricity Department	107,900		107,900	This appropriation is intended to cover costs of missions related to operational issues of the Electricity department.
3102	Operational Missions - Market Monitoring Department	128,500		128,500	This appropriation is intended to cover costs of missions related to operational issues of the Market Monitoring department.
	Article 3 1 1 — Total	331,400	0	331,400	
	CHAPTER 3 1 — TOTAL	331,400	0	331,400	

Title Chapter Article Item	Heading	EU subsidy	Assigned revenue 2015 surplus	Total budget for the financial year 2017	Remarks
32	STAKEHOLDER INVOLVEMENT, PUBLIC RELATIONS AND WEBSITE				
320	Stakeholder Involvement, Public Relations & Website				
3200	Public hearings, workshops, conferences	158,000	0	158,000	This appropriation is intended to cover the cost of public relations activities including workshops organised by ACER.
3201	Website set-up and maintenance	163,000	0	163,000	This appropriation is intended to cover the costs of setting-up and maintenance of the website as primary communication tool with external party in the co-operation process.
3202	Publications, information material	54,000	0	54,000	This appropriation is intended to cover the cost of promotional material informing the public on ACER's activities and any reports production and distribution.
	Article 3 2 0 — Total	375,000	0	375,000	
	CHAPTER 3 2 — TOTAL	375,000	0	375,000	
33	TRANSLATIONS				
330	Translation of documents				
3300	Translation at CDT	294,348	0	294,348	This appropriation is intended to cover the translation of materials or other operational needs of ACER.
	Article 3 3 0 — Total	294,348	0	294,348	
	CHAPTER 3 3 — TOTAL	294,348	0	294,348	
34	PROFESSIONAL INDEMNITY				
340	Liability Insurance				
3400	Insurance	8,000	0	8,000	This appropriation is intended to cover the liability insurance costs.
	Article 3 4 0 - Total	8,000	0	8,000	
	CHAPTER 3 4 - TOTAL	8,000	0	8,000	
35	REMIT OPERATIONS				
350	REMIT Operations				
3500	Hosting deployment and operations	150,000	0	150,000	This appropriation is intended to cover the expenditure related to the REMIT hosting services.
3501	ARIS development, support, licences, subscriptions and fees	500,000	0	500,000	This appropriation is intended to cover the expenditure related to the development of REMIT applications.
3502	Surveillance and BI tools customisation, licences and consultancy	1,000,000	0	1,000,000	This appropriation is intended to cover the expenditure related to REMIT monitoring software.
3503	IT and expert consultancy	750,000	0	750,000	This appropriation is intended to cover the expenditure related to consultancy services for REMIT.
3504	REMIT hardware	0	0	p.m.	This appropriation is intended to cover the costs related to IT hardware purchase for REMIT.
	Article 3 5 0 - Total	2,400,000	0	2,400,000	
	CHAPTER 3 5 - TOTAL	2,400,000	0	2,400,000	
	TITLE 3 — TOTAL	3,431,148	0	3,431,148	
	GRAND TOTAL	19,114,138	752,000	19,866,138	

Annex III: Establishment plan 2017

Category and grade	Establishment plan in EU Budget 2015 ⁵		Modifications in 2015 in application of flexibility rule ⁶		Establishment plan in voted EU Budget 2016 ^{7,8}		Modifications envisaged in establishment plan 2016 in application of flexibility rule		Establishment plan – Agency’s request in Draft EU Budget 2017 ^{9,10}	
	officials	TA	officials	TA	officials	TA	officials	TA	officials	TA
AD 16										
AD 15								1		1
AD 14				1		1				
AD 13										
AD 12										
AD 11				4		5		5		5
AD 10										
AD 9				2		2		2		2
AD 8		8		6		10		11		13
AD 7		5		6		10		7		11
AD 6		4		7		7		10		11
AD 5		15		13		19		18		37

⁵ Establishment plan grades (EU Budget 2014) and promotions in 2013.

⁶ In line with Article 32 (1) of the framework Financial Regulation, the management board may modify, under certain conditions, the establishment plan by in principle up to 10% of posts authorised, unless the financial rules of the body concerned allows for a different % rate.

⁷ Establishment plan grades (EU Budget 2015) and promotions in 2014 (incl. modification of the establishment plan in application of the flexibility rule).

⁸ These are recruitment grades.

⁹ Current grades (2015) and new posts requested. No information on 2015 reclassifications (not yet available).

¹⁰ These are recruitment grades.

Total AD				39		54		54		80
AST 11										
AST 10										
AST 9										
AST 8										
AST 7										
AST 6										
AST 5				1		1				1
AST 4				1		1				2
AST 3				13		13				19
AST 2										
AST 1										
Total AST				15		15				22
AST/SC6										
AST/SC5										
AST/SC4										
AST/SC3										
AST/SC2										
AST/SC1										
Total AST/SC										
TOTAL		54		54		69		102		102

ANNEX 2

DECISION AB n° 03/2016

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

of 27 January 2016

amending Decision AB No 21/2015 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 17 December 2015 on the adoption of the budget for the financial year 2016 and of the establishment plan of the Agency for the Cooperation of Energy Regulators

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 an Agency for the Cooperation of Energy Regulators¹¹, and, in particular, Articles 1(1), 3 and 13(4) thereof,

HAVING REGARD to Commission Delegated Regulation (EU) of 30 September 2013 on the framework financial regulation for the bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council¹², and, in particular, Articles 33 and 38 thereof,

HAVING REGARD to Decision AB No 22/2013 of the Administrative Board of the Agency for the Cooperation of Energy Regulators on the adoption of the Financial Regulation of the Agency for the Cooperation of Energy Regulators of 12 December 2013 and, in particular, Article 38 thereof,

HAVING REGARD to Decision AB No 21/2015 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 17 December 2015 on the adoption of the budget for the financial year 2016 and of the establishment plan of the Agency for the Cooperation of Energy Regulators,

WHEREAS:

- (1) It is appropriate to adapt the 2016 establishment plan of the Agency, as adopted by Decision AB No 21/2015 of 17 December 2015, so as to meet its current operational needs, contributing to the energy infrastructure challenge through the role of the Agency in the process of identification and monitoring of Projects of Common Interest

¹¹ OJ L 211, 14.8.2009, p. 1.

¹² OJ L 328, 7.12.2013, p. 42.

(PCIs), monitoring the functioning of gas and electricity markets in general, implementing additional specific tasks are assigned to the Agency by the Network Codes and Guidelines adopted as part of the secondary legislation required to implement the Internal Electricity and Gas Markets.

- (2) The modification of the establishment plan does not affect the grades AD 16, AD15, AD14 and AD 13, the volume of staff appropriations corresponding to a full financial year is not affected and the limit of the total number of posts authorised is not exceeded.
- (3) The Job Screening Methodology has been endorsed on 15th October 2014, by the Network of Heads of Administrations of the Agencies. The results of the first job screening exercise have been reported in the Annual Activity Report 2014.
- (4) The changes in the grades as per the establishment plan will be reflected in the 2017-2019 Programming Document,

HAS ADOPTED THIS DECISION:

Article 1

The establishment plan listed in Annex I of Decision AB No 21/2015 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 17 December 2015 on the adoption of the budget for the financial year 2016 and of the establishment plan of the Agency for the Cooperation of Energy Regulators shall be amended as follows:

- (a) One established post, currently vacant, within the grade AD7 is upgraded to grade AD8;
- (b) Two established posts, currently vacant, within the grade AD7 are downgraded to grade AD6.
- (c) One established post, currently vacant, within the grade AD5 is upgraded to grade AD6.

Article 2

1. This Decision shall be implemented by means of filling the posts in the respective grades as per the amended establishment plan.
2. This Decision shall enter into force on the day following its adoption and shall have effect from 1 February 2016.

Done at Brussels, on 27 January 2016.

For the Administrative Board:

Razvan Eugen Nicolescu
Chairman of the Administrative Board