

2011 discharge: Agency for the Cooperation of Energy Regulators (ACER)

2012/2210(DEC) - 05/09/2012 - Court of Auditors: opinion, report

PURPOSE: presentation of the EU Court of Auditors' report on the annual accounts of the European Agency for Cooperation of Energy Regulators (ACER) for the financial year 2011, together with the Agency's replies.

CONTENT: in accordance with the tasks conferred on the Court of Auditors by the Treaty on the Functioning of the European Union, the Court presents to the European Parliament and to the Council, in the context of the discharge procedure, a Statement of Assurance as to the reliability of the annual accounts of each institution, body or agency of the EU, and the legality and regularity of the transactions underlying them, on the basis of an independent external audit.

This audit concerned, amongst others, the annual accounts of the European Agency for Cooperation of Energy Regulators for the financial year 2011.

In the Court's opinion, the Agency's **Annual Accounts present fairly, in all material respects, its financial position as of 31 December 2011** and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of its Financial Regulation.

The Court also considers that the **transactions underlying the annual accounts** of the Agency for the financial year ended 31 December 2011 are, in all material respects, **legal and regular**.

The report confirms that the Agency's 2011 budget amounted to EUR 4.8 million and that the number of staff employed by the Agency at the end of the year was 39.

The report also makes a series of observations on the budgetary and financial management of the Agency, accompanied by the latter's response. The main observations may be summarised as follows:

Court's observations:

- carry-overs: the Court notes a particularly high level of carry-overs. The high level of appropriations not used and of carry overs as well as the low level of payments indicate shortcomings in budget planning and implementation and are at odds with the budgetary principle of annuality;
- payment of allowances: the Court notes that the Agency paid subsistence allowances to seconded experts (SNEs) who were nationals of the State where the Agency is situated. This payment conflicts with the Rules on the Secondment of National Experts adopted by the Administrative Board of the Agency, which provide for the granting of such allowances only to temporary agents who are not nationals of the Member State where they are employed; such payments are irregular.

Agency's replies:

- during its first operational year, ACER had to recruit most of its staff which represented a challenge and resulted in late occupancy of opened positions, which had a significant impact on the Agency's budget implementation rate. This also influenced the estimation of the procurement needs and led to a concentration of procurement procedures towards the end of the year, resulting in a high level of carry forwards to honour the signed legal and budgetary commitments;
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ACER accepts the remarks of the Court and has already stopped the payments of allowances to Slovenian SNEs.

Lastly, the Court of Auditors' report contains a summary of **ACER's activities in 2011**. This is focused on the following:

- framework guidelines and opinions in, inter alia, the gas field;
- two Agency Working groups established;
- new competence for the Agency was acquired via the Regulation on Energy Market Integrity and Transparency;
- establishment of a web platform.