# 2021 discharge: European Union Agency for the Cooperation of Energy Regulators (ACER)

2022/2092(DEC) - 10/05/2023 - Text adopted by Parliament, single reading

The European Parliament decided to **grant discharge** to the Director of the Agency for the Cooperation of Energy Regulators (ACER) for the financial year 2021 and to approve the closure of the accounts for that year.

Noting that the Court of Auditors has stated that it has obtained reasonable assurance that the Agency's annual accounts for the financial year 2021 are reliable and that the underlying transactions are legal and regular, Parliament adopted, by 552 votes to 76 with 2 abstentions, a resolution containing a series of recommendations which form an integral part of the discharge decision and which complement the general recommendations contained in the resolution on the performance, financial management and control of EU agencies.

***Agency's financial statements***

The Agency's final budget for the year 2021 was EUR 23 590 235, representing an increase of 36.38 % compared to 2020.

***Budgetary and financial management***

Budget monitoring efforts during the financial year 2021 resulted in a budget implementation of current year commitment appropriations rate of 94.06 % (short of the Agency's planned target of 95 %), representing a decrease of 4.81 % compared to 2020. The payment appropriations execution rate was 65.96 % (short of the Agency planned target of 75 %), representing a decrease of 15.11 % compared to 2020.

The Agency carried over EUR 6.6 million (29.9 %) of 2021 commitment appropriations to 2022, and , of that amount, EUR 4 million, or 54 % of operational expenditure, was related to core operational activities under Regulation (EU) No 1227/2011 on wholesale energy market integrity and transparency. A high rates of carry-overs was also noted in 2019 and 2020.

2021 was the first year that the Agency collected fees from the registered reporting mechanisms for the services it provides for the collection, handling and analysing of data reported by the energy market participants.

***Other observations***

Parliament also made a series of observations on performance, procurement, staff policy, conflict of interest and digitalisation.

In particular, it noted that:

- the Agency's work programme was largely implemented, and that a few tasks were deprioritised, cancelled, postponed or in part combined with other tasks, due to the limitation in available human resources;

- on 31 December 2021, the establishment plan was 95.77 % implemented, with 68 temporary agents appointed out of 71 temporary agents authorised under the Union budget (compared to 71 authorised posts in 2020). Gender balance is still a matter for concern;

- 200 procurement procedures were concluded in 2021, compared to 109 in 2020;

- public procurement weaknesses are increasing and remain the largest source of irregular payments for most of agencies;

- more systematic rules on transparency, incompatibilities, conflict of interests, illegal lobbying and revolving doors should be put in place. The Authority should also strengthen its internal control mechanisms, including the setting up of an internal anticorruption mechanism;

- the digitalisation of procedures should be accelerated;

- effective management and control systems is required to avoid potential cases of conflicts of interest, missing ex ante or ex post controls, inadequate management of budgetary and legal commitments, and failures to report issues in the register of exceptions;

- in 2021, as regard the gas sector, the Agency focused on the upcoming legislation to decarbonise the energy sector in line with the European Green Deal with a position paper on key regulatory requirements to achieve gas decarbonisation, a white paper on rules to prevent methane leakage in the energy sector and a regulatory white paper on when and how to regulate hydrogen networks.