2022 discharge: European Union Agency for the Cooperation of Energy Regulators (ACER)

2023/2140(DEC) - 11/04/2024 - 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 2022 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 2022 are reliable and that the underlying transactions are legal and regular, Parliament adopted, by 525 votes to 52 with 23 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 2022 was **EUR 24 827 843**, representing an increase of 5.25 % compared to 2021.

Budgetary and financial management

Budget monitoring efforts during the financial year 2022 resulted in a budget implementation of current year commitment appropriations rate of 99.26 %, representing an increase of 5.20 % compared to 2021. Payment appropriations execution rate was 70.12 % (short of the Agency planned target of 75 %), representing an increase of 4.16 %, compared to 2021.

The Agency had high rate of carry-overs of the commitment appropriations for several consecutive years, EUR 7.2 million in 2022 (29.4 %), a slight increase as compared to 2021 (29.9 %). The recurrent high rates of carry-overs could indicate a structural issue, weak budgetary planning, or possibly a contravention of the budgetary principle of annuality.

Other observations

Parliament also made a series of observations on performance, procurement, digitalisation, staff policy, transparency and internal control.

In particular, it noted that:

- 82 % of the work programme was achieved or achieved with a small issue and 18 % was not achieved or the related tasks deprioritised or postponed due to the limitation in available human resources;

- the key performance indicator targets were met, with the exception of the payments appropriation rate that reached 70.1 % (target 75 %) in 2022 as compared to 65.9 % in 2021;

- the digitalisation of procedures should be accelerated to avoid a digital gap between the agencies. Moreover, action should be stepped up against cyberattacks or infiltration attempts particularly originating from Russia or China;

- on 31 December 2022, the establishment plan was 97.40 % implemented, with 74 temporary agents appointed out of 76 temporary agents authorised under the Union budget (compared to 71 authorised posts in 2021);

- a total number of 246 procurement procedures of different types were concluded in 2022, compared to 200 in 2021;

- the Agency's website lacks transparency therefore the Agency should urgently improve the transparency and accountability of its work by facilitating public access to the documents and data contained on its website, ensuring full and timely publication of its decisions and data in accordance with legal requirements;

- improvements should be made to the Agency's governance by enhancing independence from national regulatory authorities and national interests, enforcement powers, and convergence tools;

- weaknesses were noted in the implementation of the Agency's internal rules on the management and publication of the declarations of interests for the board of regulators and the administrative board's members;

- the Agency should develop greater visibility in the media, internet, and social media in order to make its work known to the citizens;

- a number of internal policies have been revised during 2022 with the aim of strengthening the internal control system.