Basic information

2022/2092(DEC) DEC - Discharge procedure	Procedure completed
2021 discharge: European Union Agency for the Cooperation of Energy Regulators (ACER) **Subject** 8.70.03.11 2021 discharge	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
CONT Budgetary Control	CSEH Katalin (Renew)	14/07/2022
	Shadow rapporteur SARVAMAA Petri (EPP) MANDA Claudiu (S&D) EICKHOUT Bas (Greens /EFA) CZARNECKI Ryszard (ECR) KUHS Joachim (ID) OMARJEE Younous (The Left)	

Committee for opinion	Rapporteur for opinion	Appointed
ITRE Industry, Research and Energy	The committee decided not to give an opinion.	

European Commission

Commission DG	Commissioner
Budget	HAHN Johannes

Key events

Date	Event	Reference	Summary
23/06/2022	Non-legislative basic document published	COM(2022)0323	
13/09/2022	Committee referral announced in Parliament		

22/03/2023	Vote in committee		
04/04/2023	Committee report tabled for plenary	A9-0111/2023	
09/05/2023	Debate in Parliament		
10/05/2023	Decision by Parliament	T9-0175/2023	Summary
10/05/2023	Results of vote in Parliament		
29/09/2023	Final act published in Official Journal		

Technical information

Procedure reference	2022/2092(DEC)
Procedure type	DEC - Discharge procedure
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	CONT/9/09833

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE737.477	20/01/2023	
Amendments tabled in committee		PE742.562	21/02/2023	
Committee report tabled for plenary, single reading		A9-0111/2023	04/04/2023	
Text adopted by Parliament, single reading		T9-0175/2023	10/05/2023	Summary

Council of the EU

Document type	Reference	Date	Summary
Supplementary non-legislative basic document	06248/2023	13/02/2023	

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	COM(2022)0323	23/06/2022	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofA	Court of Auditors: opinion, report	N9-0002/2023 OJ C 412 27.10.2022, p. 0012	27/10/2022	

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act
Budget 2023/1844 OJ L 242 29.09.2023, p. 0192

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.