

ACER

AGENCY FOR THE COOPERATION OF ENERGY REGULATORS

DECISION AB n° 05/2010

Adoption of the Agency's Multi-annual Staff Policy Plan for the period 2010 - 2013

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 a European Agency for the Cooperation of
Energy Regulators (hereafter referred to as the "ACER Regulation" and "Agency"),
and in particular Article 28 thereof;

HAVING REGARD to Commission Decision C(2005) 5304 of 16 December 2005
concerning the Guidelines on Staff Policy in the European Regulatory Agencies;

HAVING REGARD to the Rules of Procedure (hereafter referred to as 'RoP') adopted
by the Administrative Board on 6 May 2010;

Whereas:

It is necessary to define a Multi-annual Staff Policy Plan for the period 2010 –
2013, outlining the organigramme and the recruitment plan for the Agency, as
well as other essential aspects of its establishment;

HAS DECIDED, BY WRITTEN PROCEDURE, pursuant to Article 9(2) of the RoP:

To adopt the Multi-annual Staff Policy Plan 2010 – 2013 as detailed in the Annex to
this Decision.

This Decision shall enter into force on the day of its adoption.

Done at Brussels, on 22 June 2010



Piotr WOZNIAK

Chairman of the Administrative Board

ACER

Multi-annual Staff Policy Plan

2010 – 2013

MULTIANNUAL STAFF POLICY PLAN 2011-2013

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1. GENERAL OVERVIEW OF THE CURRENT SITUATION OF ACER

1.1. General information on the Agency's activities

1.1.1. Description of the agency, its mission and programmed tasks

Legal Basis

The tasks, organisation and operation of the Agency for the Cooperation of Energy Regulators (ACER) are set out in its founding regulation which is Regulation (EC) No 713/2009 of the European Parliament and of the Council establishing an Agency for the Cooperation of Energy Regulators of 13 July 2009 (Agency Regulation)¹. Some lesser tasks of ACER are specified in the other legal acts forming the Third Legislative Package on the Liberalisation of the Energy Markets.²

Mission

The purpose of ACER shall be to assist the regulatory authorities referred to in Article 35 of Directive 2009/72/EC and Article 39 of Directive 2009/73/EC³ in exercising, at EU level, the regulatory tasks performed in the Member States and, where necessary, to coordinate their action (Article 1 of Agency Regulation).

Programmed tasks

According to the Agency Regulation, ACER shall be an EU body with legal personality which will play a key role in the functioning of the EU markets in electricity and gas. ACER will in particular

- complement and coordinate the work of National Regulatory Authorities,
- participate in the creation of European network rules,
- take, under certain conditions, binding individual decisions on terms and conditions for access and operational security for cross border infrastructure,
- give advice on various energy related issues to the European institutions, and
- monitor and report developments of the energy markets.

In carrying out its tasks ACER shall consult extensively and at an early stage with market participants, transmission system operators, consumers, end-users and, where relevant, competition

¹ 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 Regulators (OJ L 211, 14.8.2009, p. 1).

² Directive 2009/72/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in electricity and repealing Directive 2003/54/EC (OJ L 211, 14.8.2009, p. 55), Directive 2009/73/EC of the European Parliament and of the Council of 13 July 2009 concerning common rules for the internal market in natural gas and repealing Directive 2003/55/EC (OJ L 211, 14.8.2009, p. 94), Regulation (EC) No 714/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the network for cross-border exchanges in electricity and repealing Regulation (EC) No 1228/2003 (OJ L 211, 14.8.2009, p. 15) and Regulation (EC) No 715/2009 of the European Parliament and of the Council of 13 July 2009 on conditions for access to the natural gas transmission networks and repealing Regulation (EC) No 1775/2005 (OJ L 211, 14.8.2009, p. 36).

³ See Footnote 2 for references.

authorities, without prejudice to their respective competence, in an open and transparent manner, in particular when its tasks concern transmission system operators.

Organisation

The Director heads and manages ACER and is its legal representative and public face. The Director is accountable to the Administrative Board and has to follow guidance of the Board of Regulators, in particular when it comes to the adoption of opinions, recommendations and decisions.

The Administrative Board will have to ensure that ACER carries out its mission and performs all the tasks assigned to it by the ACER Regulation. It consists of nine members: five designated by the Council and two each designated by the European Parliament and the European Commission. The Board of Regulators shall comprise senior representatives of the National Regulatory Authorities and one non-voting representative of the Commission. The Board of Regulators shall provide opinions to the Director on the opinions, recommendations and decisions considered for adoption by ACER. In addition, the Board of Regulators, within its field of competence, shall provide guidance to the Director in the execution of his tasks.

In addition, there will be a Board of Appeal which will have to decide on appeals against decisions issued by ACER.

The seat of ACER will be Ljubljana/Slovenia. According to the Agency Regulation ACER needs to be fully operational from 3 March 2011 onwards.

The director may decide to open a liaison office for the Agency in Brussels with one member of staff in order to efficiently organise and prepare possible meetings of working groups of national energy regulators during an initial start-up phase until the working groups are integrated in the operations of the Agency in Ljubljana. The need for maintaining such a liaison officer in Brussels will be reviewed two years after the Agency started operating in Ljubljana in March 2011.

1.1.2. Posts filled in the current year and figures reflecting staff evolution

N/A

1.1.2.1. Establishment plan posts for 2010

Category	2010	
	Permanent Posts	Temporary posts
AD 16		
AD 15		
AD 14		1
AD 13		
AD 12		
AD 11		2
AD 10		
AD 9		1
AD 8		
AD 7		
AD 6		
AD 5		9
Total AD category	0	13
AST 11		
AST 10		
AST 9		
AST 8		
AST 7		
AST 6		
AST 5		
AST 4		
AST 3		8
AST 2		
AST 1		
Total AST category	0	8
TOTAL	0	21

Please note that ACER was not yet operational in 2009 and therefore did not have an authorised establishment plan nor any posts filled in 2009.

1.1.2.2. Staff financed under administrative expenditure

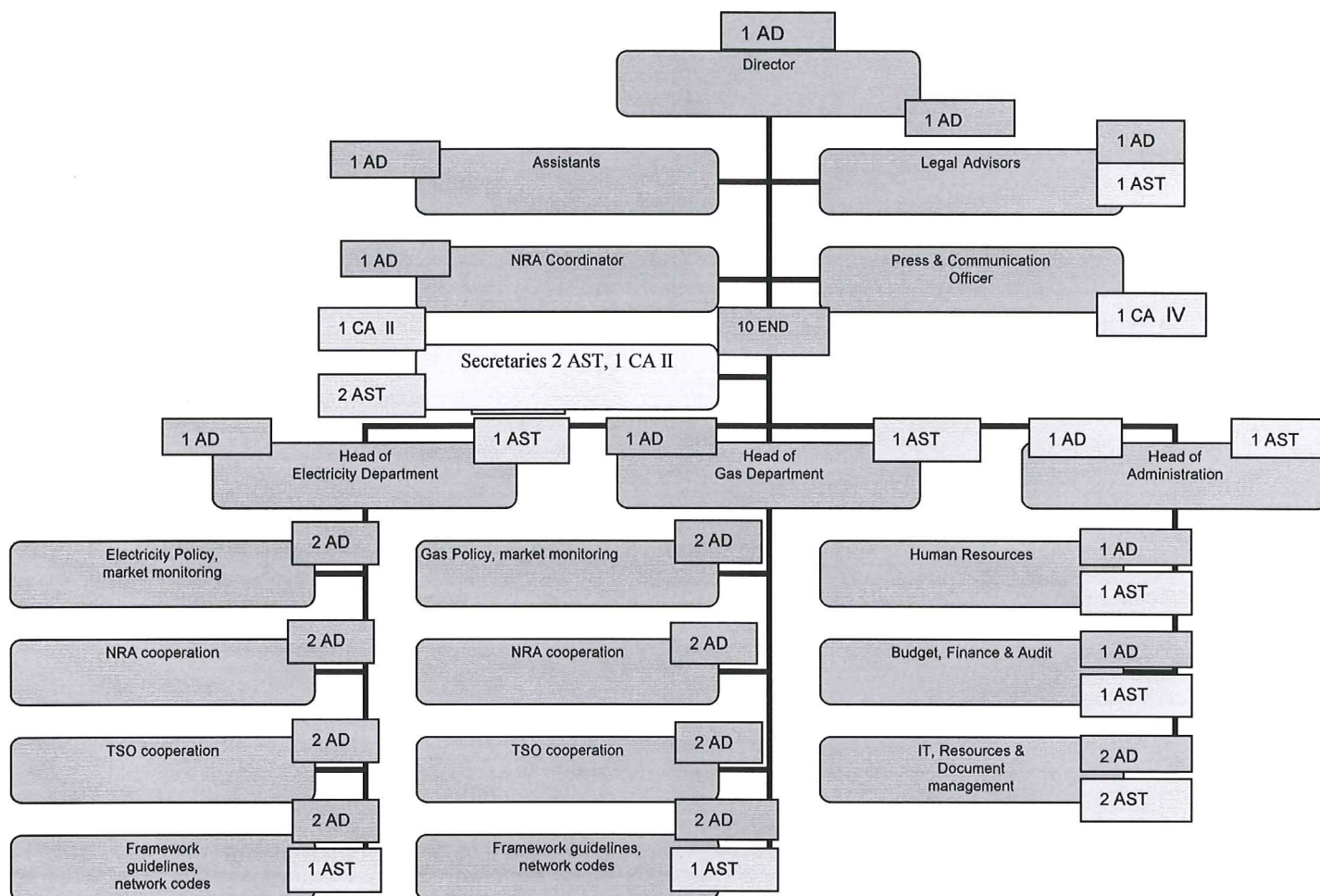
Number of Contractual Agents							
	<i>Posts actually filled at 31.12.2008</i>	<i>Envisaged 2009</i>	<i>Posts actually filled at 31.12.2009</i>	<i>Envisaged 2010</i>	<i>Envisaged 2011</i>	<i>Envisaged 2012</i>	<i>Envisaged 2013</i>
GF IV				0	1	1	1
GF III							
GF II				1	1	1	1
GF I							
TOTAL				1	2	2	2

Number of Seconded National Experts						
<i>Posts actually filled at 31.12.2008</i>	<i>Envisaged 2009</i>	<i>Posts actually filled at 31.12.2009</i>	<i>Envisaged 2010</i>	<i>Envisaged 2011</i>	<i>Envisaged 2012</i>	<i>Envisaged 2013</i>
			0	10	10	10

1.1.3. Annual staff-related expenditure for 2010, in absolute terms and as percentage of the overall operating budget.

	<u>Executed Budget 2009 M€</u>	<u>2010 M€</u>	<u>2010 % of total</u>
<u>Title 1</u> :Staff salaries & allowances		1.584.000	79 %
Expenditure related to staff recruitment	26.500	120.200	6 %
Mission expenses		45.000	2 %
Title 1 total		1.749.200	87 %
<u>Title 2</u> : Infrastructure and operating expenditure		250.800	13 %
Total costs		2.000.000	100%

1.1.4. Organisation and organigramme of ACER



This organigramme reflects the final structure of ACER, which will be composed by 40 temporary agents by 2013. The recruitment in 2010 of 1 Contractual agents on long term employment and 10 END's (as from 2011) is also foreseen. These National Experts seconded from national regulatory authorities or Member States will assist the Director and key staff with particular energy topics within their expertise.

In the course of the legislative procedure a number of additional tasks were assigned to ACER, in particular as regards the monitoring of internal markets in electricity and natural gas.

In its final structure the Agency will thus employ 52 staff, out of which 21 will take up duty in 2010. Their tasks, functions, type and duration of employment, grades and number are detailed in the following table:

Agency's activities and tasks	Function/Job Title	Type & duration of the employment	Grades / Function Groups	Number of staff
<u>Executive Director's Office</u>	Director	TA short term of 5 years, renewable once	AD 14	1
	Assistant to the Director	TA long-term	AD 5	1
	Internal Audit Officer	TA long-term	AD 8	1
	<i>Secretary</i>	<i>CA long-term</i>	<i>Function Group II</i>	<i>1</i>
	Secretary	TA long-term	AST 3	2
	NRA Coordinator	TA long-term	AD 9	1
	Legal Advisor	TA long-term	AD 9	1
	Legal Assistant	TA long-term	AST 3	1
	<i>Press & Communications Officer</i>	<i>CA long-term</i>	<i>Function Group IV</i>	<i>1</i>
	<i>Policy & Market monitoring & TSO Policy Officer</i>	<i>4 years term</i>	<i>END</i>	<i>10</i>
<u>Electricity Department</u>	Head of Electricity Department	TA long-term	AD 11	1
	Assistant to the Head of Electricity Department	TA long-term	AST 3	1
	Electricity & Market monitoring Policy Officer	TA long-term	AD 6	1
	Electricity & Market monitoring Policy Officer	TA long-term	AD 8	1
	NRA Cooperation Officer	TA long-term	AD 5	1
	NRA Cooperation Legal Officer	TA long-term	AD 7	1
	TSO Cooperation Officer	TA long-term	AD 5	1
	TSO Cooperation Officer	TA long-term	AD 7	1
	Framework guidelines & network codes Officer	TA long-term	AD 5	1
	Framework guidelines & network codes Officer	TA long-term	AD 8	1
	Assistant to the Framework guidelines & network codes Officers	TA long-term	AST 3	1
<u>Gas Department</u>	Head of Gas Department	TA long-term	AD 11	1
	Assistant to the Head of Gas Department	TA long-term	AST 3	1

	Gas Policy and Market monitoring Officer	TA long-term	AD 6	1
	Gas Policy and Market monitoring Officer	TA long-term	AD 8	1
	NRA Cooperation Officer	TA long-term	AD5	1
	NRA Cooperation Legal Officer	TA long-term	AD 7	1
	TSO Cooperation Officer	TA long-term	AD 5	1
	TSO Cooperation Officer	TA long-term	AD 7	1
	Framework guidelines & network codes Officer	TA long-term	AD 5	1
	Framework guidelines & network codes Officer	TA long-term	AD 8	1
	Assistant to the Framework guidelines & network codes Officers	TA long-term	AST 3	1
<u>Administration Department</u>	Head of Administration	TA long-term	AD 11	1
	Assistant to the Head of Admin. /Internal Control Coordinator	TA long-term	AST 3	1
	Human Resources Officer	TA long-term	AD 5	1
	Human Resources Assistant	TA long-term	AST 3	1
	Accounting & Budget Officer	TA long-term	AD 5	1
	Accounting & Budget Assistant	TA long-term	AST 3	1
	IT Resources Officer	TA long-term	AD 5	1
	Knowledge Manager	TA long-term	AST 5	1
	IT & Document Management Assistant	TA long-term	AST 3	1
	IT & Document Management Assistant	TA long-term	AST 3	1
TOTAL				52

An overview of the main tasks and responsibilities of the staff is presented hereunder:

Director (AD14)

- To recruit and supervise Agency staff and to foster a good team spirit and working environment
- To prepare and participate in the work of the Administrative Board, without the right to vote
- To adopt and publish the opinions, recommendations and decisions of the Agency after having received a favourable opinion of the Board of Regulators which consists of senior representatives of the National Regulatory Authorities

- To prepare the annual draft work programme of the Agency as well as the Agency's annual report
- To implement the annual work programme of the Agency, under the guidance of the Board of Regulators of the Agency, and under the administrative control of the Administrative Board
- To draw up a preliminary draft budget of the Agency and to implement the budget of the Agency
- To take the necessary measures, notably the adoption of internal administrative instructions and the publication of notices, to ensure the smooth functioning of the Agency
- To exercise the powers conferred on the appointing authority by the Staff Regulations of Officials of the European Communities and on the authority entitled to conclude contracts by the Conditions of Employment of Other Servants of the European Communities
- To communicate with the public on all matters within the Agency's remit.

Director's Assistant (AD5)

- Assistance in management of and coordination within ACER
- Coordination and consultation with other EU institutions, Member States and stakeholders
- Preparation of work of Administrative Board (AB)
- Coordination of preparation of annual report on the activities of ACER
- Coordination of preparation of annual and multi annual work programmes
- Coordination of preparation of preliminary draft budget
- Preparation of internal administrative instructions

Internal Audit Officer (1 AD8)

- Achieve the objectives of the policies, programmes and action of the Agency in accordance with the principle of sound financial management
- Comply with the rules of EU law and minimum control standards established by the Agency
- Safeguard the Agency assets and information
- Prevent and detect irregularities, errors and fraud
- Identify and prevent management risks and manage them effectively
- Ensure reliable production of financial and management information
- Keep supporting documents relating to and subsequent to budget implementation and to budget implementation measures
- Keep documents relating to advance guarantees for the institution and keep a log to provide suitable monitoring of such guarantees to be adequately monitored

Secretaries (CA, FGII), (2 AST 3)

- Secretarial services for Director or Gas / Electricity Departments
- Co-ordination of meetings
- Organisation of travel activities
- Administrative support to the Legal Advisor and NRA Coordinator
- Co-ordination of administrative issues related to budget and staff
- Archiving (assistance to the Knowledge Manager)
- Co-ordination of requests for access to documents
- Assistance to and secretarial services for Electricity / GasDepartment

- Organisational issues related to the Working Groups with NRAs, all stakeholder consultations etc...
- Administrative assistance to the rest of the Electricity / Gas Department staff according to needs

Legal Advisor (AD9) & Legal Assistant to the legal Advisor (AST3)

- Legal advice to Director and ACER departments on all legal issues, in particular on European law, notably on internal energy market legislation
- Scrutiny of all legally binding decisions to be adopted by ACER
- Proceedings before the Board of Appeals (BoA)
- Procurement, employment contracts and other legal administrative issues

Coordinator for relations with National Regulatory Authorities (AD9)

- Coordination of NRA Working Groups and relations between ACER and NRAs
- Recommendations for sharing good practices among NRAs and market players
- Development of framework for NRA cooperation
- Promotion of cooperation between NRAs and regulatory authorities at regional and EC level. If considered necessary, recommendation to Commission to propose binding rules
- Preparation of meetings of Board of Regulators (BoR)

Press & Communication Officer (CA, FGIV)

- Corporate Communication, Media & Public Relations
- Prepare meetings and liaise with Commission, MS and third parties
- Internal Communication
- Coordination of and assistance to departments on consultation processes
- Publication of all documents and minutes of consultation meetings
- Publication of information in relation to meetings of ACER Boards

Head of Electricity Department (AD11)

- Co-ordination and management of the Electricity Department

Assistant to the Electricity Department (1 AST3)

- Assistance to for Electricity Department
- Organisational issues related to the Working Groups with NRAs, all stakeholder consultations etc...
- Administrative assistance to the rest of the Electricity Department staff according to needs

NRA cooperation, including a Legal Officer (1 AD5, 1AD7)

- Decisions on terms and conditions for access to and operational security of electricity cross-border infrastructure
- Decisions on exemptions from regulatory regime for cross-border infrastructure
- Work in the context of the Inter Transmission System Operators' (TSO) compensation mechanism Guideline

- Opinion on whether a NRA decision complies with Guidelines or other relevant provisions and □ information of Commission or Member States concerned where NRA does not comply with opinion of Agency
- Opinion to NRA which encounters difficulties with application of Guidelines
- Opinion on decisions of NRAs on TSO certification
- Cooperation with NRAs and TSOs to ensure compatibility of regulatory frameworks between regions. If needed, appropriate recommendations
- Recommendations towards achieving compatibility of technical rules

TSO cooperation (1 AD5, 1 AD7)

- Opinion on draft statutes, list of members and draft rules of procedure of ENTSO-E
- Monitoring of execution of tasks of ENTSO-E
- Opinion (if need be: duly reasoned) to ENTSO-E on draft annual work programme, draft EU-wide network development plan and other relevant documents (e.g. annual summer and winter supply outlooks)
- Monitoring of progress of new inter-connector projects
- Monitoring of implementation of EU-wide Network Development Plans; investigate reasons for inconsistencies and make recommendations to TSO et al.
- Monitoring of regional cooperation of TSO
- Approval of compliance programmes for joint undertakings

Framework guidelines & network codes (1 AD5, 1 AD8 & 1 AST3)

- Opinion to Commission on annual priority list
- Framework guideline
- Reasoned opinion to ENTSO-E on draft network codes, submission of draft network codes to Commission and recommendation that they be adopted
- If required, preparation of draft network codes
- If required, opinion on draft network codes prepared by Commission
- If required, proposal of amendments to network codes
- Monitoring of execution of tasks of ENTSO-E as far as network codes are concerned
- Monitoring and analysis of implementation of network codes and Guidelines by ENTSO-E, report to Commission and duly reasoned opinion to Commission where ENTSO-E failed to implement

ACER electricity policy / monitoring of Internal Electricity Market (1 AD6, 1 AD8)

- Monitoring of internal markets in electricity
- Preparation of annual report on results of monitoring
- If appropriate, opinion to EP and Commission on how to remove barriers to Internal Market
- Preparation of annual report on the activities of ACER
- Preparation of annual work programme
- Preparation of overall ACER regulatory policy on electricity in close co-ordination with Commission
- Co-operation with third countries

Head of Gas Department (AD 11)

- Co-ordination and management of the Gas Department

Assistant to the Gas Department (1 AST3)

- Assistance to the Gas Department
- Organisational issues related to the Working Groups with NRAs, all stakeholder consultations etc...
- Administrative assistance to the rest of the Gas Department staff according to needs

NRA cooperation, including a legal officer (1 AD5, 1 AD7)

- Decisions on terms and conditions for access to and operational security of gas cross-border infrastructure
- Decisions on exemptions from regulatory regime for cross-border infrastructure
- Opinion on whether a NRA decision complies with Guidelines or other relevant provisions and □ information of COM or MS concerned where NRA does not comply with opinion of Agency
- Opinion to NRA which encounters difficulties with application of Guidelines
- Opinion on decisions of NRAs on TSO certification
- Cooperation with NRAs and TSOs to ensure compatibility of regulatory frameworks between regions. If needed, appropriate recommendations
- Recommendations towards achieving compatibility of technical rules

TSO cooperation (1 AD5, 1 AD7)

- Opinion on draft statutes, list of members & draft rules of procedure of ENTSO-G
- Monitoring of execution of tasks of ENTSO-G
- Opinion (if need be: duly reasoned) to ENTSO-G on draft annual work programme, draft EU-wide network development plan and other relevant documents (e.g. annual summer and winter supply outlooks)
- Monitoring of progress of new interconnector projects
- Monitoring of implementation of EU-wide Network Development Plans; investigate reasons for inconsistencies and make recommendations to TSO et al.
- Monitoring of regional cooperation of TSO
- Approval of compliance programmes for joint undertakings

Framework guidelines & network codes (1 AD5, 1 AD8 & 1 AST3)

- Opinion to Commission on annual priority list
- Framework guideline
- Reasoned opinion to ENTSO-G on draft network codes, submission of draft network codes to Commission and recommendation that they be adopted
- If required, preparation of draft network codes
- If required, opinion on draft network codes prepared by Commission
- If required, proposal of amendments to network codes
- Monitoring of execution of tasks of ENTSO-G as far as network codes are concerned
- Monitoring and analysis of implementation of network codes and Guidelines by ENTSO-G, report to Commission and duly reasoned opinion to Commission where ENTSO-G failed to implement

ACER gas policy / monitoring of Internal Gas Market (1 AD6, 1 AD8)

- Monitoring of internal markets in natural gas

- Preparation of annual report on results of monitoring
- If appropriate, opinion to EP and Commission on how to remove barriers to Internal Market
- Preparation of the annual report on the activities of ACER
- Preparation of annual work programme
- Preparation of overall ACER regulatory policy on gas in close co-ordination with Commission
- Co-operation with third countries

Head of Administration (AD11)

- Coordination and management of Administration Department
- Responsibility for internal control and risk management issues

Assistant to Head of Administration/Internal Control Coordinator (AST3)

- Administrative assistance to the Head of Administration and the other staff of the Department according to needs
- Assistance with internal control and risk management issues

Human Resources (1AD5 & 1AST3)

- Personnel Administration (contracts, keeping and updating employee files, leaves and holidays etc...)
- Implementation and supervision of the HR policies of the Agency (training, career and development, mobility)
- Co-ordination of the analysis and definition of present and future human resources needs of the Agency
- Drafting, updating and publishing Job vacancies and Job descriptions and organise or support internal and external recruitment processes
- Setting up, coordination and participation in the work of the Selection Committees
- Integration of new staff into the service.

Budget and Finance (1 AD5 & 1 AST3)

- Manage ACER accounts and establishment of the budget
- Assist the Director with the establishment and implementation of the budget
- Prepare provisional accounts and report on budgetary and financial management over the financial year
- Monitor the implementation of Internal Control Standards
- Keep inventory of the agency's property and assets

Knowledge Manager (1 AST 5)

- Promote knowledge sharing through the Agency's processes and systems by, among others, strengthening links between knowledge sharing and the information systems
- Improve integration amongst IT and document systems in the Agency, to facilitate seamless exchange of information between EU institutions and National Energy Regulatory Authorities

- Promote collaborative tools, such as "virtual platforms" or activity rooms, to facilitate sharing of ideas and work among internal teams and external stakeholders
- Provide support for the establishment and nurturing of communities of practice, including workshops, knowledge fairs, site visits, troubleshooting, training sessions, preparation of brochures/presentations in co-operation with the Communications Manager
- Help monitor and evaluate the knowledge-sharing and document management systems, including external benchmarking and evaluation programs/opportunities
- Help disseminate information about the organization's knowledge-sharing programme to internal and external audiences

IT Resources and Document Management (1 AD5 & 2 AST3)

- Install, configure, monitor and maintain computer systems and networks
- Solve network problems and solve hardware/software faults
- Provide support to the IT users, including documentation
- Run network applications to support systems and users
- Support new applications and set up new systems and users
- Ensure data protection
- Establish and maintain the ACER web site (in co-operation with the Communications Officer)

1.2. General presentation of the staff policy followed by ACER.

1.2.1. The Agency's recruitment policy as regards the selection procedures, the entry grades of different categories of staff, the type and duration of employment and different job profiles.

Recruitment of temporary and contract agents

The recruitment policies for temporary and contract agents will be clearly established in the respective implementing rules that will be adopted by ACER during its first months of operation. All the recruitments will be carried out in accordance with the general implementing provisions on the procedure governing the engagement and the use of Temporary agents and contract staff.

Selection procedures

- Publication of vacancy notice on the website of the Agency and on the EPSO website fixing eligibility and selection criteria, indicating type and duration of contract and recruitment grade.
- Setting up of a selection committee representing the recruiting Unit, Human Resources department, and staff committee. Because the Agency does not yet have its own staff committee (expected to be set up in 2010), ACER will invite the Staff Committee of the Commission to participate in the selection committees for temporary and contractual agents. For the first staff to be recruited, all members of the panel will be external (from the Commission).
- Pre-selection of candidates on the basis of CVs, permitting the evaluation of eligibility and selection criteria.
- Selected candidates are invited to interviews and where necessary written tests covering the specific competences in the area of expertise, knowledge of European Institutions, general aptitudes and language abilities.
- Assessment of candidates' interviews and written tests carried out by the selection committee against predefined criteria.

- All steps and decisions taken by the selection committee are recorded in writing in the minutes of the selection procedure.
- Selection committee proposal of short list of successful candidates sent to the AHCC which establishes the reserve lists and offers the employment contracts.
- The candidates to be recruited should pass a compulsory medical exam. Their entry grade and step, as well as their personal rights will be determined by the PMO.

Grade and function group corresponding to the tasks and to the level of the post

In 2010 long-term temporary agents, who will take up long-term posts will, as a rule, be recruited at levels AD 5, AD 9, AD 11 and AST3. The Director will be recruited at AD14 level. In 2011 the recruitment of 18 additional posts at level AD 6, AD7, AD 8, AD 9 and AST5 has been foreseen in order to recruit highly qualified experts.

It should be noted that ACER needs to recruit a number of qualified senior experts from the energy sector, in particular from the national energy regulators. Those profiles are quantitatively scarce in the labour market. In this specific sector, ACER has to compete with the attractive conditions of employment that are offered by both the private energy industry and the public national regulatory authorities. Rules on grading of temporary and contract agents will be laid down in ACER implementing rules.

Duration of employment

The post of the Executive Director is short-term employment temporary agent. He is offered a fixed-time period not exceeding five years, with a possibility of one extension for another fixed-time period not exceeding three years, on the basis of a proposal from the Commission endorsed by the Administrative Board.

This proposed duration of employment should be approved by the Commission and adopted through the implementing rules under Art. 110 procedure. It is also dependent on an unchanged mandate of the Agency.

Long-term temporary and contractual agents are offered a first fixed-term contract of five years. Considering the long-term or permanent nature of the regulatory tasks entrusted to the Agency, the extension following the initial 5 years fixed-term contract will be for an indefinite duration. All extensions of contract for temporary agents will be subject to a confirmation of the long-term need for the post, and to a thorough examination of the performance of the post holder.

Contract agents for short-term functions could be recruited for time limited support and administrative functions, for time limited projects, and for compensating long absences of staff on long-term functions. They are offered an initial fixed-term contract whose duration is based on the duration of the tasks to be performed, but will certainly not exceed five years. The contract may be extended for a second fixed-term period, also not exceeding five years.

Different categories of staff

Officials

The establishment plan of ACER does not foresee permanent posts and it is not envisaged to request such posts in the future.

Temporary agents on long-term employment

The criteria of the identification of the posts as being of long-time duration are the following:

- posts covering tasks of a permanent nature as resulting from the mandate and business plan of the agency;
- posts allowing to safeguard continuous expertise in a specific field.

All tasks, both in the AD and the AST function groups, are of a permanent nature and will be carried out by the core staff that will be composed of 40 temporary agents. This figure is based on the current needs of the Agency and maybe reviewed depending on future changes in ACER's tasks and missions. In consequence, all these temporary agent posts (with the exception of the Executive Director) are identified as posts of long-term duration.

Temporary agents on short/medium term employment

The post of Executive Director is considered as short-term. It may be extended once - after proposal of the Commission and assuming there is no change in ACER's mandate - for a fixed period of three years, after the initial five years fixed-term.

Contract agents on long-term employment

It is foreseen to recruit two Contractual agents:

- 1 CA, Function Group II (secretarial and administrative support tasks);
- 1 CA, Function Group IV (specialised horizontal profile).

Contract agents on short/medium term employment

It is not excluded that ACER needs contract agents for short-term employment at certain periods of time. The criteria used to identify the need to recruit such category of staff are the following:

- Reinforcement of existing capacities in support and administrative functions when necessary, in particular outside the core business of ACER.
- To work on specific, time-limited projects.
- To fill gaps during long-time absences.
- Exceptionally, to reinforce capacities in areas of work where a specific competence profile is needed for a limited time period or where a long-term requirement has not yet been defined.

Seconded National Experts

According to Art. 22 of the Agency's Regulation, ACER should benefit from the competence and experience of staff seconded by the national regulatory authorities, the Commission and the Member States. 10 END posts are foreseen to be filled during 2011.

These 10 National Seconded Experts from the National Regulatory Authorities will work on policy and market monitoring issues, TSO cooperation or in the area of framework guidelines and codes. Indeed, in the course of the legislative procedure a number of additional tasks were assigned to ACER, in particular as regards the monitoring of internal markets in electricity and natural gas.

1.2.2. The agency's policy as regards performance appraisal and promotion/reclassification

The agency's policy on the reclassification of Temporary Agents shall be based on the relevant implementing rules, which are yet to be adopted by ACER and which will be submitted to the Commission in the context of the procedure under Article 110 of the Staff Regulations.

Long-term temporary agents for administrative positions will, as a rule, be reclassified up to grade AD9 and for managerial positions at the level of Head of Department (corresponding to Head of Unit in the Commission structure) will, as a rule, be reclassified up to grade AD12.

1.2.3. General orientations to promote equal opportunities and concrete measures planned in order to ensure equal treatment among the staff members

In accordance with Article 1d of the Staff Regulations and articles 12.1 and 82.1 of the CEOS, ACER will apply equal opportunities policy for its staff, while making provision for measures and actions promoting equal opportunities in respect to the **provisions of the European Commission's 4th Action Programme**.

Its targets can be broken down into several types of measures:

- to remove barriers to the career development of women in recruitment, training and their career paths;
- to reconcile personal and working life;
- to carry out a comparative study on the career profiles of men and women;
- to raise awareness on issues of gender equality;
- to protect the dignity of the person in the workplace.

1.2.4. Statistics on geographical balance N/A

1.2.5. Mobility policy in regard to the different types of employment N/A

2. OVERVIEW OF THE SITUATION OVER NEXT THREE YEARS

2.1. Turnover due to retirement or termination of employment N/A

2.2. Workload

2.2.1. Situation in 2010

Work related to the setting up of ACER

The first 21 temporary agents recruited under the ACER Budget are expected to start working in October to December 2010. A great number of tasks at that stage will relate to the setting up of ACER which needs to be fully operational as of 3 March 2011. These tasks include the recruitment of ACER staff, the conclusion of a host country agreement with Slovenia, procurement of equipment as well as work and budget planning for the coming years.

The host country agreement will need to cover the conditions of working and living of ACER staff. Linked to this agreement, offices proposed by the host country will need to be assessed and selected. Following the selection of the buildings, the necessary office equipment will need to be procured in line with the applicable procurement rules. The IT & Resources team of ACER will have to establish an accounting and IT system and make provisions for document management. It will be the task of the management of ACER, jointly with ACER's Human Resources section, to start, from autumn 2010 onwards, recruiting the personnel needed to ensure that ACER becomes fully operational by 3 March 2011 at the latest.

It is foreseen that all the implementing rules foreseen in the Agency regulation will be adopted at latest by end 2011. In addition, the Board of Appeal of ACER will have to be set up in accordance with Article 18 of the Agency Regulation.

Preparation of fulfilment of operational tasks of ACER

According to Article 35 of the Agency Regulation the provisions of the Agency Regulation assigning tasks to ACER will apply from 3 March 2011 onwards. Thus, there is no need and even no right for ACER in 2010 to fulfil the competences assigned to it by the Agency Regulation. However, the execution of some of the tasks of ACER requires preparatory work.

Framework guidelines and network codes (i.e. technical rules for the operation of the electricity and gas networks)

ACER will have to get involved in the preparation of framework guidelines which, once ACER becomes formally operational in 2011, will have to be submitted to the Commission in line with Article 6(4) of the Agency Regulation. In 2010 ACER will have to prepare to deal with four framework guidelines in the area of electricity (grid connection and access, system operation, transparency, wholesale market) and in the area of gas (capacity allocation, balancing, tariff structures and interoperability). This means that drafts of these guidelines prepared by the European Group of Energy Regulators (ERGEG) and impact assessments justifying these drafts will have to be evaluated and, where necessary, modified. In the same context, in 2010 ACER will have to prepare its opinion, which will be required in 2011 under Article 6(4) of the Agency Regulation, on the network codes drafted by the European Networks of Transmission System Operators (ENTSOs). The first network codes to be looked at by ACER in 2010 and 2011 will cover the following subjects for electricity: wind connection, system operation, generation and load transparency and capacity calculation, and the following subjects for gas: capacity allocation, balancing, harmonised tariff structures, interoperability.

Other tasks

ACER will prepare its opinion on the draft statutes, the list of members and the draft rules of procedure of ENTSOs in line with Article 6(1) of the Agency Regulation. It will also have to get involved in preparing the structure for the 10 year network development plans which will be prepared by the ENTSOs in line with Article 9(2) of the Electricity and Gas Regulations. This requires amongst others that ACER starts engaging in discussions on this topic with the ENTSOs.

ACER will also prepare work on recommendations for sharing good practices in line with Article 7(2) of the Agency Regulation and prepare its internal rules for the consultation of stakeholders and ensuring transparency in line with Article 10 of the Agency Regulation. In addition, ACER will have to provide for the secretarial services both to the Board of Regulators (Article 14(6) of the Agency Regulation) and to the Administrative Board (Article 12(3) of the Agency Regulation).

2.2.2. Perspectives for 2011-2013

With effect from 3 March 2011 ACER will have to fulfil all tasks assigned to it under the Third Legislative Package for the Liberalisation of the Energy Market, in particular the Agency Regulation itself. In the years 2011-2013 the organisational and technical infrastructure needs to be consolidated in order to allow ACER to fulfil its tasks. The resources of ACER, requested from 2011 onwards, are in line with the Legislative Financial Statement of the Commission made at the time of the Proposal of the Agency Regulation in September 2007. The resources are thus commensurate with the tasks of ACER originally foreseen in the Proposal.

In the course of the legislative procedure a number of additional tasks were assigned to ACER, in particular as regards the monitoring of internal markets in electricity and natural gas. Article 11(1) of the Agency Regulation specifies that such monitoring should be done in close cooperation with the Commission, the Member States and the relevant national authorities, including the national regulatory authorities. It will very much depend on the development of this cooperation as to whether or not ACER will need additional resources, apart from the ten ENDS, to cope with these tasks.

A detailed list of the tasks to be fulfilled by ACER according to the Agency Regulation as adopted on 13 July 2009 is set out in Annex II to the present Multiannual Staff Policy Plan.

2.3. Consequences of 2.1. and 2.2. on the number of staff in the agency for the next 3 years

The first 22 staff (21 Temporary and 1 Contractual Agent) will be recruited in 2010 in accordance with the Establishment Plan. The horizontal staff will be responsible for the setting up and organisation of the Agency, while the operational units will start putting in place its technical infrastructure and prepare the fulfilment of tasks for the time after 3 March 2011.

In 2011, the Agency will double its staff in order to become fully operational and consolidate its structure with a total number of 52 staff (40 Temporary Agents, 2 Contractual Agents and 10 ENDS).

It is expected that by 2012 the Agency will be working at full speed. No further recruitments are foreseen until 2013, provided that the cooperation between ACER, the Commission, the Member States and the relevant national authorities turns out to be sufficient in order to fulfil the tasks of ACER. In fact, it needs to be borne in mind that the rather modest attribution of manpower to

ACER, compared to its tasks, was based on the expectation of creating synergies in harnessing the resources within national regulatory authorities to assist the work of ACER. Otherwise additional resources may be needed in order to cope with this mission that was not initially foreseen in the Legislative Financial Statement of the Commission in September 2007. The tables in Annex I resume the total number, category, grade of employment and function of the staff per year.

3. SCHOOLING

There are three international schools in Ljubljana:

1. **QSI International School of Ljubljana**, an American school operating in Ljubljana since 1995, offers education from pre-school through secondary school (4-17 years of age).
2. **British School international** is a newly established school for students aged 3-18. It also offers Cambridge International Examinations and A-level qualification in the Secondary section.
3. **Ecole Française de Ljubljana** is part of AEFÉ (Agency for teaching French abroad) network for 3 to 11 years old children. Lessons in English, French and Slovenian language.

There is also a European section in a national school called "Danila Kumar" that works together with a secondary school, "Gimnazija Bežigrad". Danila Kumar is a state owned school that has been offering an international programme since 1993 for children of foreign nationals living in Slovenia. The Ministry of Education subsidises the school, covering more than half of the operational costs. International programmes exist also at the kindergarden level. School tuition fees for international schools costs between 3700–4250 EUR. The kindergarden programme (food included) costs 5.170 EUR per year. In cooperation with the European School system, the Agency will also envisage the setting up of other European sections in national or international schools.

The Agency also plans to conclude service contracts with the identified international schools to have a certain number of places reserved for the children of Agency staff, for which the Agency would pay the school fees after first negotiating the amount. These arrangements would have to comply with the requirements of the Financial Regulation as regards public contracts.

In both cases (European section or a services contract with an international school), the Agency shall include the budgetary credits necessary to cover its financial contribution in the provisional draft budget sent to the budgetary authority in the framework of the annual budgetary procedure. The Agency shall also transmit full information on the measures planned to the budgetary authority. There are also four universities in Slovenia, amongst others the University of Ljubljana with 23 faculties and 3 art academies.

4. STATE OF PLAY OF IMPLEMENTING RULES ADOPTED BY THE AGENCY CONSISTENT WITH ITS STAFF POLICY

ACER's objective is to adopt all the implementing rules consistent with its Staff Policy. The launch of the procedure of adoption could take place after the recruitment of the Director and the key staff, at around summer 2010. The objective is that the agency adopts the implementing rules related to recruitment of staff and individual rights at latest by end 2011

and it is expected that during 2012 and 2013, the rest of the implementing rules will also be adopted by ACER. The table hereunder gives a provisional roadmap for the adoption of the Implementing Rules :

STAFF REGULATIONS	DECISION	YEAR OF ADOPTION
Art. 1 V§4 - Definition of the handicap	C(2004)1318 69-2004	To be adopted by analogy in 2010-2011.
Art. 42bis – Parental leave	C(2004)1364 54-2004	To be adopted by analogy in 2010-2011
Art. 42ter – Special leave in case of serious illness of a family member	C(2004)1314 64-2004	To be adopted by analogy in 2010-2011
Art.59, 60 and Art.16,59,60 and 91 du RAA - Vademecum for sick leave	C(2004)1597 92-2004	To be adopted by analogy in 2010-2011
Art. 67 et Art.1§2 d) of Annex VII – Household Allowance	C(2004)1364 51-2004	To be adopted by analogy in 2010-2011
Art. 72 §1 3ème alinéa – Refund of medical costs	C(2007) 3195	To be adopted by analogy in 2010-2011
Art.2 §4 of the annex VII – Allowances for persons considered as dependent children	C(2004)1364 50-2004	To be adopted by analogy in 2010-2011
Art.3 of the Annex VII – School Allowance	C(2004)1313 53-2004	To be adopted by analogy in 2010-2011
Art.7§3 of the Annexe VII – Place of Origin	C(2004)1364 57-2004	To be adopted by analogy in 2010-2011
Art.8 of the Annexe VII – Refund of travel expenses to place of origin	C(2004)1588 56-2004	To be adopted by analogy in 2010-2011
Article 4 of Annex VIII concerning the taking into account, for purposes of calculating pension rights, of periods of activity previously completed by staff	C(2004)1364 61-2004	To be adopted by analogy in 2010-2011

Articles 11 and 12 of Annex VIII to the Staff Regulations on transferring pension rights	C(2004)1588 60-2004	To be adopted by analogy in 2010-2011
Art. 2§3 of Annex IX (cf. art.30 of the same annex) – Disciplinary procedure	C(2004)1588 86-2004	2012
Art. 29,30,31 et 32 of SR and Art.15 of CEOS – Entry Grade and step	C(2004) 1313 55-2004	2010
Art. 71 + art.11 à 13a Annex VII – Missions Guide	C(2004)1313 78-2004 / C(2008)6125	2012
Art. 39 of CEOS – Early retirement (Temporary Agents)	C(2004)1588 63-2004	2013
Art. 55bis Annex IVbis – Part Time	C(2004)1314 66-2004	2012
Art. 55ter – Job sharing	C(2004)1314 67-2004	2012
Art. 15 – Outside Activities	C(2004)1597 85-2004	2013
Art. 40 – Leave on personal grounds	C(2004)1597 82-2004	2013
Art.51 - Underperformance	C(2004)1597 87-2004	2012
Art. 57 and 58 - Vademecum of leaves	C(2004)1597 102-2004	2010-2011
Art. 2,4,5,7 and 29 – Middle Management	C(2004)1597 73-2004	2012
Art. 7§2 - Interim for management posts	C(2004)1597 83-2004	2013
Art. 9 – Staff Committee	Decision of 23/12/97	2010-2011
Art. 12 bis – Moral or Sexual Harassment	C(2006) 1624/3	2012
Art. 24 bis - Training	IA 839/94 (no decision of the Commission)	2012
Art. 43 - Evaluation	DGE du 23/12/2004 / C(2008) 3026/ Decision for	2010-2011

	senior management	
Art. 45 - Promotion or reclassification	DGE du 23/12/2004 / C(2008) 3028	2012
Art. 45bis - Certification	C(2005)1940 51-2005 / C(2007) 5694	2013
Art. 10§3 of Annex XIII - Attestation	C(2006) 5788	2013
Art.8 et Art.12 of CEOS – New policies in terms of recruitment of Temporary Agents		2012
Art. 79§2 and Art. 82 of CEOS -Contractual Agents (Recruitment)	C(2004)1313 49-2004	2010-2011
Art. 87 § 1 of CEOS - Evaluation of Contractual Agents	Decision similar to that for the Temporary Agents	2013
Art. 5 of SR and Art.10 of CEOS – Types of employment of Temporary Agents	Model of decision to be established	2012
Art. 80§3 of CEOS – Job Descriptions of CAs.	Model of decision to be established	2012
Art. 87§3 of CEOS – Reclassification of Contractual Agents	Model of decision to be established	2013