



**ADMINISTRATIVE BOARD
OF THE AGENCY FOR THE COOPERATION OF ENERGY REGULATORS**

***– 40th Meeting –
– Ordinary Session –***

Wednesday, 30 January 2019, 09:00 – 15:00

Trg Republike 3, Ljubljana - Slovenia

MINUTES

I. LIST OF ATTENDEES

The following Members and Alternates of the Administrative Board were present at the meeting:

Dr Romana JORDAN,	<i>Chair</i>	Dr Jochen PENKER,	<i>Vice-Chair</i>
Prof Uwe LEPRICH,	<i>Alternate</i>	Ms Agnieszka KAZMIERCZAK,	<i>Member</i>
Mr Michel THIOILLIERE,	<i>Member</i>	Mr Jurijs SPIRIDONOVŠ,	<i>Member</i>
Mr Ľubomír KUČHTA, (with voting rights)	<i>Alternate</i>	Mr Pál KOVÁCS, (with voting rights)	<i>Alternate</i>
Mr Diego VAZQUEZ,	<i>Alternate</i>	Mr Georgios SHAMMAS,	<i>Alternate</i>

Mr Alberto POTOTSCHNIG (*Director ad interim*) and Ms Clara POLETTI (*Chair of the Board of Regulators*) were present at the meeting, acting as observers.

Ms Olga BORISSOVA (*Head of Administration*), acting as adviser, was present for the discussion of Item 11 of the Agenda.

Mr Volker ZULEGER (*Head of the MIT Department*), acting as adviser, were present for the discussion of Item 7 of the Agenda.

The secretariat was provided by the Agency.

II. SUMMARY OF CONCLUSIONS OF THE 36th MEETING OF THE ADMINISTRATIVE BOARD

At the 40th meeting, the Administrative Board:

- (1) took note of the adoption by written procedure of Decision No 1/2019 and of the SPD 2019-2021 and Work Programme of the Agency for the Cooperation of Energy Regulators
- (2) took note of the report and expressed appreciation for the reached levels of the budget implementation;
- (3) expressed concerns for the lack of sufficient resources to ensure that multilingualism is maintained;
- (4) expressed concerns for the lack of adequate human resources despite the increase of tasks, the complexity of deliverables and the urgency under which the Agency will need to act to implement the Clean Energy Package;
- (5) by majority, gave mandate to the Chair to convey, together with the Director *ad interim*, to the European Institutions the concerns raising from very limited additional resources provided to the Agency for its existing tasks and for implementing and for implementing the Clean Energy Package;
- (6) invited the Director *ad interim* to seek synergies with the services of the European Commission to find alternative solutions to address the lack of disaster recovery site for REMIT Data;
- (7) adopted, by unanimity, Decision No. 2/2019 on the appointment of No. 2 Members as Reporting Officers for the annual appraisal of the performance of Mr POTOTSCHNIG;
- (8) appointed, by unanimity, Ms KAZMIERCZAK and Mr THIOILLIERE to serve in the panel for the review of Conflict of Interests declarations, to take place in the margin of the 41st meeting of the Administrative Board;
- (9) endorsed the drafting of the Single Programming Document 2020-2022;
- (10) adopted the practical arrangements for the appointment of the Director;

III. MINUTES

SESSION I

SECTION I – OPENING

The 40th meeting of the Administrative Board of the Agency for the Cooperation of Energy Regulators was convened in ordinary session on 30 January 2019. The meeting started at 9 hours.

The Chair invited the present Members and Alternates of the Administrative Board to declare any actual or potential interest that could be considered prejudicial to their independence with respect to the items on the agenda. None of the Members and Alternates raised a conflict of interest with regard to the Agenda.

(1) *Approval of the Agenda*

The Agenda of the 40th meeting of the Administrative Board was approved as follows:

Agenda Topics		Documents	Rapporteur
Opening			9:00
(1)	Approval of the Agenda and Declaration of Interest	Doc. A <i>for approval</i>	The Chair
Items for Reporting			9:20
(2)	Report on decisions by written procedure and delegation	Doc. A Doc. B <i>for information</i>	The Chair
(3)	Report on Agency's developments	- <i>for information</i>	Director <i>ad Interim</i>
(4)	Report on the Recast Agency's Regulation	- <i>for information</i>	Director <i>ad Interim</i>
(5)	Report on the activities of the Board of Regulators	- <i>oral update</i>	BoR Chair
(6)	Report on BREXIT	Doc. A <i>for information</i>	Director <i>ad Interim</i>
(7)	Report on alternative solutions to address the lack of disaster recovery site for REMIT Data	Doc. A Doc. B <i>for information</i> Doc. C	Director <i>ad Interim</i>
(8)	Report on Outside Activities for the year 2018 of Mr POTOTSCHNIG and permission to engage in an assignment.	Doc. A <i>for information</i> Doc. B <i>for approval</i> Doc. C <i>for information</i>	Director <i>ad Interim</i>
Items for Decision			11:20
(9)	Appointment of No. 2 Reporting Officers for the annual performance appraisal of Mr POTOTSCHNIG	Doc. A <i>for decision</i>	The Chair
(10)	Appointment of No 2 assessors for the review of conflict of interests declarations	- <i>Oral decision</i>	The Chair
Items for Endorsement			11:30

(11) Draft Single Programming Document 2020-2022	Doc. A <i>for information</i> Doc. B <i>for endorsement</i>	Director <i>ad Interim</i>
Items for Discussion		12:00
(12) Procedure for the selection of the Director of the Agency	Doc. A <i>for discussion</i> Doc. B <i>for information</i> Doc. C <i>for information</i>	The Chair
AOB and End of Meeting		15:00

SECTION II - REPORTING

(2) Report on the decisions adopted by delegation and by written procedure

The Chair reported about the adoption of two decisions after the 39th Meeting of the Administrative Board. Decision No 1/2019 was adopted pursuant to Decision No 05bis/2010 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 21 September 2010 on the Delegation to the Chair of the powers to appoint new members of the Board of Regulators. The Decision concerned the appointment of Ms Lija MAKARE as Alternate Member of the Board of Regulators in representation of the Public Utilities Commission of Latvia.

Further, on 26 December 2018, the Administrative Board adopted, by unanimity, the Single Programming Documents for the years 2019-2021 and the Work Programme of the Agency for the Cooperation of Energy Regulators.

The decision was adopted via written procedure, pursuant to Decision No 03/2010 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 6 May 2010 on the Rules of Procedures of the Administrative Board, and, in particular, Article 9(2) thereof.

Conclusion: The Administrative Board took note of the adoption of Decision No 1/2019 and of the the Single Programming Documents 2019-2021 and the Work Programme of the Agency for the Cooperation of Energy Regulators.

(3) Report on Agency's developments, budget implementation, Audit Results, and the regulatory activity

3.1 Budget Implementation

As regards the Budget Implementation for the year 2018, the Director *ad interim* reported that commitments for C1 appropriations reached 99.26% (target 95%) while C1 payments 79.37% (target 75%). As regards the C8 appropriations, payments reached 97.14% (target 95%). The Director therefore highlighted that the Agency successfully overcame the set targets. The Director further reported that the carry forward into the year 2019 amounted to EUR 2,648,235 (19.53% of the year budget).

The Director *ad interim* also reported that the final report on the validation of the accounting systems, received by the Agency in December 2018, highlighted that the evaluation has not identified any weaknesses on the internal control systems. As a result, no material impact on the accuracy, completeness and timeliness of the information required to draft the annual accounts and produce reliable reporting has been detected.

3.2 Report on Internal Audit Service's audit on Procurement processes, the Human Resources Function and IT Security

The Director *ad interim* explained that all the recommendations stemming from the IAS Audit on Procurement Processes 2015 have been adequately and effectively implemented.

As regards instead, the IAS Audit on Human Resources Management (2017), the Director *ad interim* reported that IAS has downgraded the critical recommendation received by the Agency on 'recruitment and management of conflicts of interest' from Critical to Very Important status. Finally, he reported that the Internal Audit Service will perform an on-site follow-up audit in the course of the year 2019 to verify the practical implementation of the updated rules and procedures and the quality of the documentation, in order to close the recommendation.

The Director *ad interim* further turned to the IAS Audit Follow-up 2018 on Information Security at the Agency and in the "REMIT" domain. He reported that, on 25 January 2019, the Agency received the Draft Report. Eight important recommendations were identified on: i) the implementation of the overall Information Security Policy; ii) IT Security Governance Issues; iii) Software Development and Change Management; iv) ARIS Oracle Database Security; v) REMIT Network Infrastructure Security; vi) User Accounts Management; vii) Steering the Contractor's Operational Management; and viii) Data Encryption. In addition, one issue for consideration was raised with regard to the Policy Documentation.

The Director *ad interim* concluded by reporting that the Agency was in the process of addressing the recommendation with an action plan to be sent to IAS for approval by 22 February 2019.

3.3 Language Regime and Costs for Translation – Year 2018

The Director *ad interim* further raised the attention of the Administrative Board on the steady increase in the costs for the translation of the acts of the Agency. He recalled that the Agency shall ensure multilingualism. After having provided the detailed statistics on the costs for translation borne by the Agency so far, the Director *ad interim* expressed his utmost concerns on the budget implications for the years to come. In particular, he highlighted that the expected increase in the costs for translations, especially in light of the new tasks attributed to the Agency by the Clean Energy Package, have not been taken into consideration in the definition of the budget for the Agency. He therefore expressed his concerns about the significant impact of translation on the operations of the Agency. The Chair of the Board of Regulators joined the Director *ad interim* in expressing the same concern and drew the attention of the Administrative Board also on the impact that translation would have on the internal decision-making process of the Agency, if the translation of documents of technical nature were to be realised within the time limit to issue the act.

The Director *ad interim* also referred to the pragmatic agreement reached with national regulatory authorities according to which language waivers are sought from the addressees of the Agency's decisions, with the commitment of the Agency to provide translations in case these were required in a court proceeding. This approach leaves however a residual legal risk.

The Commission-appointed member indicated that the Commission will look into the experience of other agencies in this matter and report to the Administrative Board in the next meetings.

3.4 Regulatory activities

The Director *ad interim* concluded the report by providing an overview on the most recent regulatory tasks performed by the Agency in the last six months of the year 2018. In particular, the Director *ad interim* provided insights on the most important decisions adopted by the Agency providing details on the difficulties encountered due to the shortage of human resources that the Agency is constantly facing and the need to maintain its recognised role of qualified actor in the energy sector.

- Conclusion:**
- (1) The Administrative Board took note of the report and expressed appreciation for the reached levels of the budget implementation;
 - (2) The Administrative Board took note of the pragmatic approach adopted by the Agency with regard to the language regime;
 - (2) The Administrative Board expressed concerns for the lack of sufficient resources to ensure that multilingualism is maintained;
 - (3) The Administrative Board thanked the Commission for looking into the experience of other agencies and indicated that the issue would be discussed again once the Commission reports on this.

(4) Report on the Recast Agency's Regulation

The Director *ad interim* reported about the changes brought about by the recast Agency's Regulation, in terms of i) the tasks assigned to the Agency in new areas (resource adequacy, risk preparedness, ...), ii) the increase in the tasks in existing areas, where for example the Agency will be directly responsible for deciding on EU-wide "terms and conditions or methodologies" (for the implementation of electricity Guidelines), while at the moment these are referred for decision to the Agency only when national regulatory authorities fail to agree, or upon their joint request, iii) its new oversight prerogatives vis-à-vis EU entities (such as the ENTSO-E, the EU DSO entity and the RCCs), and iv) the ability of the Agency to require national regulators, EU entities and other stakeholders to provide the information required for the Agency to fulfil its tasks.

In this respect, the Director *ad interim* provided a detailed review of the new competences attributed to the Agency, highlighting the substantial increase of deliverables, part of them of contentious nature. In this context, the Director *ad interim* drew the attention of the Board that the Agency will be called to issue a large number of mostly complex and contentious deliverables in the second part of the year 2019 and the first months of 2020, although the Agency has not been provided with an adequate level of human resources to face this situation.

The Director *ad interim* then recalled that the Agency requested, for the year 2019, a significant increase in its complement of staff, to fill the current resource gap and to deal with the additional tasks assigned by the Clean Energy Package, and in particular: 19 TAs for REMIT, 7 additional TAs and 2 additional CAs in FGIV for the Electricity and Gas Departments, 5 additional TAs and 4 additional CAs in FGIII for horizontal support, as well as, 20 additional TAs for the implementation of the Clean Energy Package (with 8 additional TAs foreseen for 2020). The Director *ad interim* highlighted that, despite the fact that the Agency provided detailed justifications for each of the requested additional posts, in the end it was only assigned 8 additional CAs for the year 2019. This will have serious implications on the ability of the Agency to deliver on its mandate and a number of deliverables will inevitably have to be deprioritised.

The Director *ad interim* noted also that, due to the specificities of the place of employment (and the unrealistic correction coefficient), positions of contract agents in FG III and IV are not such to attract the necessary level of expertise required to perform the additional tasks to be completed by the end of the year, according to the agenda set by the Clean Energy Package. The BoR Chair joined the Director in expressing her concerns with regard to the amount of deliverables of great complexity to be issued in a very short time frame in the absence of sufficient resources.

In light of the above, the Director *ad interim* expressed his intention wish to inform the European Institutions of the impact that the limited additional resources assigned to the Agency will have on its ability to deliver on its extended mandate, suggesting a postponement of some deadlines and indicating which measures, mostly amounting to de-prioritisation of activities, the Agency is planning to take in order to be able to deliver those decisions which are the most important for the Internal Energy Market and most of the new tasks the Clean Energy Package entails.

The Administrative Board took note of the very limited increase in human resources provided for the years 2019 and 2020 – with a total of 4 additional TAs and 14 CAs. Moreover, it acknowledged the complexity of the new tasks attributed to the Agency and the risks, even of reputational nature, deriving from the difficulties in complying with the tight agenda set by the Clean Energy Package, even before the full resources are given. The Administrative Board invited the Director *ad interim* to assess the internal needs and reorganise, where possible, the services of the Agency with the aim to strive to comply with the mandate and tasks attributed to the Agency. In addition, with the abstention of the Commission, the Administrative Boar supported the Director *ad interim* in informing the European Institutions about the impact of the Clean Energy Package on the Agency's operations.

- Conclusion:*
- (1) The Administrative Board took note of the report and expressed concerns for the lack of adequate human resources despite the increase of tasks, the complexity of deliverables and the urgency under which the Agency will be called to act to implement the Clean Energy Package;
 - (2) The Administrative Board, by majority, gave mandate to the Chair to convey, together with the Director *ad interim*, to the European Institutions the concerns raising from the very limited additional resources provided to the Agency for its existing tasks and for implementing and for implementing the Clean Energy Package.

(5) Progress Report from the Board of Regulators

The BoR Chair reported on the recent activities of the Board of Regulators, with particular regard to the review of the decision-making process of the Board in light of the future changes brought about by the recast Agency's Regulation. The BoR Chair further reported on the ongoing strategic discussions on the future of the energy sector, which will lead to the issuing of a strategic paper, co-authored by the Agency and CEER on the gas sector in a broad sense encompassing renewable sources and coupling the sectors.

Conclusion: The Administrative Board took note of the report of the BoR Chair.

(6) Report on BREXIT.

The Director *ad interim* briefed the Administrative Board about the recent developments concerning the withdrawal of the United Kingdom from the Union ('BREXIT').

The Director *ad interim* reported that the Agency is awaiting the results of the negotiations to complete the assessment of the impact of BREXIT on the Agency. Meanwhile, the Agency has preliminary concluded that the main implication of BREXIT on the Agency are rather limited and concerns mainly the REMIT operations.

In this respect, Mr Volker ZULEGER, head of the MIT Department, reported that on 9 January 2019, the Agency published an Open Letter on the Withdrawal of the United Kingdom from the Union and the implications on the registration of market participants and data collection under REMIT. The purpose of this Open Letter was to give guidance to NRAs and to inform market participants and the wider market about the views of the Agency with regard to certain repercussions on the implementation of REMIT of the withdrawal of the UK from the EU on 29 March 2019, in case this were to happen without a ratified Withdrawal Agreement. The letter had been coordinated with the Commission Services (DG ENER and SecGen) and with NRAs.

In particular, Mr Volker ZULEGER explained that, once BREXIT will become effective market participants, based in the United Kingdom that will still be trading in EU wholesale energy markets will have to re-register with another NRA in the Union in order to be allowed to continue trading in EU wholesale energy markets. The same may apply vice versa for EU market participants aiming at trading in the United Kingdom, should the latter adopt national rules similar to REMIT.

Conclusion: The Administrative Board took note of the report on the developments concerning the withdrawal of the United Kingdom from the Union and its implications on the Agency's operations. The Administrative Board invited the Director *ad interim* to complete the assessment of the impact of BREXIT on the Agency once the negotiations will be finalised by the European Commission.

(7) Report on alternative solutions to address the lack of disaster recovery site for REMIT Data

The Director *ad interim* recalled that in the course of the 34th and 38th meeting of the Administrative Board, the Administrative Board was informed about the critical situation that the Agency is facing due to lack of budgetary resources to support REMIT operations.

In particular, the Director *ad interim* recalled that, in the course of the year 2017, due to the shortage of financial resources and stability in the budget, the Agency migrated the Agency's REMIT Information System's Primary and Disaster Recovery sites from the previous contractor's Data Centres to the Agency's Data Centre. As a result, the Agency integrated the two sites into one in order for the Primary system resources to be sufficiently increased. The Director *ad interim* further recalled that the Administrative Board was also informed about the risks that this solution brings in terms of security and business continuity, and, therefore, upon request of the Administrative Board, he was called to undertake an assessment on the alternative solutions to be employed to address the lack of a disaster recovery site for REMIT.

The Director *ad interim* therefore invited Mr Volker ZULEGER, head of the MIT Department, to report about the results of the assessment. Mr ZULEGER provided a detailed report of the possible solutions to address the lack of disaster recovery site for REMIT Data. Mr ZULEGER clarified that a disaster recovery site still seems to be the preferable solution. The Agency is therefore currently assessing the possibility to re-establish a disaster recovery site either through another agency of the Union or through a contractor providing system integrator services. In the meantime, the Agency would aim at using and enhancing its backup solution gradually (within 2 years, subject to available budget) until a full-fledged disaster recovery site will be available.

The Administrative Board invited the Director *ad interim* to further develop the assessment and liaise with the services of the European Commission at technical level to find realistic solutions ensuring business continuity in the long term.

Conclusion: The Administrative Board took note of the solutions envisaged to address the lack of disaster recovery site for REMIT Data and invited the Director *ad interim* to seek synergies with the services of the European Commission.

(8) Report on Outside Activities for the year 2018 of Mr POTOTSCHNIG and permission to engage in an assignment

The Chair recalled that, pursuant to Decision No 22/2017 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 14 December 2017, Mr POTOTSCHNIG was granted permission to engage in outside activities during the period 1 January — 15 September 2018. The Chair highlighted that the permission concerned the engagement in outside activities to act as adviser to the Director of the Florence School of Regulation ('FSR') and lecture at the FSR. She concluded that the tasks assigned to Mr POTOTSCHNIG at the FSR related to the i) devising, planning, organising and contributing to Regulatory Policy Workshops held at the FSR; ii) lecturing in the framework of the Training Courses organised by the FSR; and iii) advising the Director of the FSR on issues related to the activities of the FSR.

The Director *ad interim* was, therefore, called to provide a report of the activities performed in the course of the year 2018. In this context, he confirmed that for the activities performed outside working hours, he did not receive remuneration in excess of the limit specified in article 2(2) of Decision No 22/2017 and the Agency did not bear any costs for the outside activities he performed.

The Chair further reported that, on 9 January 2019, Mr POTOTSCHNIG entered a request for authorisation to publish a chapter in a book on "European Energy Transition" to be published by Claeys & Casteels as part of their European Energy Studies. The book will be co-drafted by a number of key players in the sector. Mr POTOTSCHNIG confirmed that the activity would be performed outside working hours and no compensation is foreseeable, beyond possible royalties (which are expected to be minimal, if at all, given that there are more than 40 contributors to the book).

The Chair recalled the conditions set for the authorisation in engaging in outside activities pursuant to Decision No 16/2018 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 13 December 2018 on the adoption by analogy of the Commission Decision on outside activities and assignments and on occupational activities after leaving the Service.

- Conclusion:*
- (1) The Administrative Board took note of the report on the outside activities performed by Mr POTOTSCHNIG in the course of the year 2018.
 - (2) The Administrative Board, after having considered the conditions set by Decision No 16/2018 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 13 December 2018, granted Mr POTOTSCHNIG permission to publish a chapter in a book on "European Energy Transition" to be published by Claeys & Casteels as part of their European Energy Studies.

SECTION III – ITEMS FOR DECISION

(9) Appointment of No. 2 Reporting Officers for the annual performance appraisal of Mr POTOTSCHNIG

The Chair recalled that an annual appraisal exercise is organised at the beginning of each calendar year to assess the performance of the staff of the Agency. In this context, Mr POTOTSCHNIG shall be assessed in terms of his efficiency, competencies and conduct. In light of this, she recalled that the Administrative Board shall designate at least two reporting officers from its Members with the mandate to assess the annual performance of the Director. One of the two Members should be selected among the Members appointed by the European Commission. The Chair reported that she is excluded from the designation as she will be acting as appeal assessor.

The Chair invited Members and Alternates, which were closely following the activities of the Agency and of Mr POTOTSCHNIG during the reference period (1.01-31.12.2018) to make themselves available to be appointed as reporting officers.

Ms KAZMIERCZAK and Dr PENKER declared their availability to act as reporting officers.

Conclusion: The Administrative Board adopted, by unanimity, Decision No. 2/2019 on the appointment of Ms KAZMIERCZAK and Dr PENKER as Reporting Officers for the annual appraisal of the performance of Mr POTOTSCHNIG.

(10) Appointment of No. 2 assessor for the review of Conflict of Interests declarations – Administrative Board

The Chair reported that in the implementation of Decision No 02/2015 of the Administrative Board of the Agency for the Cooperation of Energy Regulators of 31 January 2015 laying down a policy for the prevention and management of conflicts of interest, the Agency collects from the Members and Alternates of the Administrative Board their individual declarations of interests and commitment. Curriculum Vitae are also requested in so far as a change in the professional career of the Member or Alternates has occurred.

The Chair further explained that the declarations of interests are to be reviewed by a review panel which, after having assessed the existence of potential conflicts of interests, assigns a risk level to each Member and Alternate of the Administrative Board. The review panel changes composition depending on the Member of the Administrative Board whose declaration of interests is assessed. The different compositions are outlined as follows:

- *for the Members and Alternates of the Administrative Board:* the review panel shall consist of the Chair, the Vice-Chair and a European Commission representative in the Administrative Board
- *for the European Commission-appointed Member of the Administrative Board who is part of the review panel:* the review panel shall consist of the Chair, the Vice-Chair and a European Commission official acting as Alternate;
- *for the Chair:* the review panel shall consist of the Vice-Chair, one appointed Board Member and a European Commission representative in the Administrative Board;
- *for the Vice-Chair:* the review panel shall consist of the Chair, one appointed Board Member and a European Commission representative in the Administrative Board.

The review panel, composed as above, is called to review the declarations of interests of the Members and Alternates of the Administrative Board, at the 41st meeting of the Administrative Board. A report on the assessment will be provided at the same meeting.

After having reported on the procedure, the Chair took note that few Members and Alternates had not yet submitted their Declarations of Interests and Declarations of Commitment and recalled the importance to submit the declarations as this affects directly the credibility of the Board itself.

Ms KAZMIERCZAK and Mr THIOLLIERE would be available to act as panellists.

Conclusion: The Administrative Board decided, by unanimity, to appoint Ms KAZMIERCZAK and Mr THIOLLIERE to serve in the panel for the review of Conflict of Interests declarations. The Administrative Board invited the Review Panel to take place alongside the 41st meeting of the Administrative Board.

SECTION IV – ITEMS FOR ENDORSMENT

(11) Draft Single Programming Document 2020-2022

The Chair recalled that, in line with the requirements of the Framework Financial Regulation applicable to decentralised agencies, the Agency must submit its draft Programming Document 2020 – 2022, including the Work Programme with all the planned operational activities and tasks for 2020, to the European Institutions by 31 January 2019, after the endorsement of the Administrative Board. Following the Commission’s opinion and in line with Agency’s founding Regulation, the Board of Regulators will be called to approve the document and the Administrative Board to adopt it by 30 September 2019.

The Director *ad interim* was therefore invited to provide an overview of the principal aspects of the programming documents. The Director *ad interim* reported in detail the envisaged resources and the prioritisation of activities highlighting the amendments included in the draft after the Administrative Board’s strategic discussion on the preliminary draft PD 2020-2022 held in the course of the 39th meeting of the Administrative Board.

In particular, the Director *ad interim* invited the Administrative Board to note that, in terms of overall resources and budget, the Agency estimated the need for 27 additional TAs in the year 2020 to ensure the performance of the tasks falling within its current legal mandate. He also highlighted that the Agency estimated the need for additional 16 to accomplish the tasks stemming from the Clean Energy Package. Moreover, the Agency has requested 6 (six) additional contract staff – FG III – to support its operations.

Conclusion: The Administrative Board, after having considered the proposed programming document, the prioritisation of the activities and the estimates of the human resources needed to comply with the current and future mandate of the Agency, endorsed the draft Programming Document for the years 2020-2022.

SECTION IV - DISCUSSION

(12) Procedure for the selection of the Director of the Agency

The Administrative Board was briefed on the current stage of the selection procedure for the Director of the Agency and the expected timeline for the notification of the short-list of candidates for the appointment of the Director.

The Administrative Board further discussed the practical arrangements for the selection and appointment of the Director of the Agency. Each Member and Alternate was called to propose a set of standard questions. The list of questions prepared by each Member and Alternate were collected by the Secretariat and enclosed in a sealed envelope to be kept in the secret of the Agency until the day of the interview.

Conclusion:

- (1) The Administrative Board adopted the practical arrangements for the appointment of the Director and the evaluation grid to be employed in the course of the interview;
- (2) The Administrative Board decided by unanimity to appoint Mr VAONA, in his capacity of secretary to the Administrative Board, as teller and note-taker at the selection procedure before the Administrative Board.

CLOSING

In the absence of any other business to be treated, the Chair closed the 40th meeting at 13:00.