

## 2012 discharge: Agency for the Cooperation of Energy Regulators (ACER)

2013/2240(DEC) - 10/09/2013 - Court of Auditors: opinion, report

PURPOSE : presentation of the EU Court of Auditors report on the annual accounts of the

Agency for Cooperation of Energy Regulators (ACER) for the year 2012, together with the Agency's reply.

CONTENT: in accordance with the tasks conferred on the Court of Auditors by the Treaty on the Functioning of the European Union, the Court presents to the European Parliament and to the Council, in the context of the discharge procedure, a Statement of Assurance as to the reliability of the annual accounts of each institution, body or agency of the EU, and the legality and regularity of the transactions underlying them, on the basis of an independent external audit.

This audit concerned, amongst others, the annual accounts of the Agency for Cooperation of Energy Regulators (ACER).

In the Court's opinion, ACER's Annual Accounts fairly present, in all material respects, its financial position as of 31 December 2012 and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of its Financial Regulation and the accounting rules adopted by the Commission's accounting officer.

The Court also considers that the transactions underlying the annual accounts of the Agency for the financial year ended 31 December 2012 are, in all material respects, legal and regular.

The report confirms that the Agency's 2012 budget amounted to EUR 4.8 million.

The report also makes a series of observations on the budgetary and financial management of the Agency, accompanied by the Agency's response. The main observations may be summarised as follows:

The Court's observations:

- carried-over commitments: the Agency carried over committed appropriations (Agency's building and associated costs) amounting to EUR 1.7 million, representing 81 % of total committed title II appropriations. The Agency also made 20 budget transfers of some EUR 1 million euro and affecting 43 budget lines;
- recruitment: the audited recruitment procedures revealed shortcomings affecting transparency and equal treatment of candidates.

The Agency's reply:

- the EUR 4.2 million cash balance held in the Agency's bank account at year-end included the 2011 budgetary surplus of EUR 1.6 m paid back in January 2013, as the Agency received the request from the Commission only on 8 January 2013. The Agency's cash management aims to ensure that funds are available to cover outstanding liabilities as they occur ;
- the Agency is strictly following the interview and written test procedures as established in detail in the relevant Director decision 2012-17 on Guidelines on recruitment procedures and work of the Selection Committees on 20 March 2012, ensuring questions and assessment criteria are fixed before the start of the testing and interviews. In order to take account of the auditors' comments the Agency agrees to revise the current procedure.

Lastly, the Court of Auditors report contains a summary of the Agency's activities in 2012. This is focused on the following:

- opinions and framework guidelines, inter alia, on electricity ;
- reasoned opinions and recommendations on network codes ;
- joint report on market surveillance ;
- quarterly reports on regional initiatives on electricity ;
- two new Agency Working Groups established (implementation, monitoring and procedures Working Group and a market integrity and transparency Working Group), and the Rules for the functioning of the Working Groups were updated.