

DECISION No 8/2020

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

of 17 June 2020

granting permission to Mr Alberto POTOTSCHNIG to engage in post-employment activities as professor with the Florence School of Regulation

THE ADMINISTRATIVE BOARD OF THE EUROPEAN UNION AGENCY FOR THE COOPERATION OF ENERGY REGULATORS,

Having regard to Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators¹, and, in particular, Article 19(1)(h) thereof,

Having regard to the Staff Regulations of Officials of the European Union, and, in particular, Article 12b and 55 thereof, and to the Conditions of Employment of Other Servants of the European Union, and, in particular, Article 16 and 17 thereof,

Having regard 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,

Whereas:

- (1) The contract of employment of Mr POTOTSCHNIG ended on 31 December 2019 and Mr POTOTSCHNIG submitted, on 9 May 2020, an application for authorisation to engage in paid post-employment activities.
- (2) In particular, Mr POTOTSCHNIG intends to resume his activity as professor at the Florence School of Regulation, part of the European University Institute of Florence. He also informed the Agency of the possibility to undertake further managerial responsibilities with the Florence School of Regulation.
- (3) The Florence School of Regulation delivers academic research, training and policy events in the areas of Energy & Climate, Communications & Media, Transport and Water.
- (4) The activities to be performed by Mr POTOTSCHNIG as part-time professor entail teaching and editorial activities as well as the management of courses focused upon the energy sector.

¹ OJ L 158, 14.6.2019, p. 22–53.

- (5) The Administrative Board, acting as Appointing Authority, shall assess whether the notified activity could lead to a conflict with the legitimate interests of the Agency. In doing so, it shall take into account factors such as:
- (i) The relation between the occupational activity and the work carried out by the former staff member during the last three years of service;
 - (ii) Whether the occupational activity would involve working on specific files for which the former staff member was responsible during the last three years of service;
 - (ii) Whether the occupational activity would risk harming the reputation of the former staff member and the Commission (e.g.) by retroactively casting doubt on the former staff member's impartiality while he or she was still in service, thereby tarnishing the Commission's image;
 - (iv) The quality of a future employer (e.g. whether it is a public authority or a private/commercial company) or the situation of self-employment;
 - (v) Whether the envisaged activity would involve representing outside interests vis-à-vis the Agency.
- (6) The Appointing Authority defines an appropriate balance between the need to ensure integrity and the need to respect the former staff member's fundamental right to engage in work and to pursue a freely chosen or accepted occupation.
- (7) In light of the above, the activities to be performed by Mr POTOTSCHNIG, although falling at general level within the field of activities of the Agency, do not appear to lead to a conflict with the legitimate interest of the Agency, and therefore, the conditions to grant the permission to engage in post-employment activities to Mr POTOTSCHNIG are fulfilled.
- (8) As regards the possible undertaking of further activities of managerial character at the Florence School of Regulation, it is considered appropriate that a specific request is submitted to the attention of the Administrative Board, should the event arise,

HAS ADOPTED THIS DECISION:

Article 1

Mr Alberto POTOTSCHNIG is granted permission to engage in post-employment activities as indicated in his request of 9 May 2020 as professor with the Florence School of Regulation.

Article 2

The Chair of the Administrative Board is mandated to implement this Decision and undertake any procedural step related to the permission granted with this Decision.

Article 3

This Decision shall take effect on the day of its adoption and shall be notified to Mr Alberto POTOTSCHNIG.

Done at Ljubljana, on 17 June 2020

For the Administrative Board

The Chair

J. PENKER