



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR ENERGY

Director-General

1.3 -08- 2012 /646

Brussels, 20 AUGUST 2012
SRD1/CB/AC/ms(2012)1102411

Mr Piotr Wozniak
Chairman of the Administrative Board of
ACER
Trg republike 3,
1000 – Ljubljana
SLOVENIA

Subject: Decision AB 34/2011 – Granting permission to the Director to engage in academic cooperation with the Florence School of Regulation

Dear Mr Wozniak,

At its 2 December 2011 meeting the Administrative Board of ACER decided to allow, subject to certain conditions, Mr Alberto Pototschnig to continue cooperating with the Florence School of Regulation for the duration of his appointment as Director of ACER. At the meeting, the European Commission's two members of the Board voted against.

Indeed, the AB Decision deviates from the Commission rules¹ in the following aspects:

- (1) It allows more than €4500 net as annual remuneration and does not specify the procedure for the surplus to be handed over to the ACER;
- (2) It allows for working hours to be spent on the outside activity;
- (3) It allows for more than 100 hours to be spent on the activity per year; and
- (4) It is valid indefinitely.

I consider that this decision represents a high reputational risk for ACER and for the EU. Risks of conflict of interest must be limited, in particular at a time when some EU regulatory agencies have been scrutinized on this ground.

Against this background we ask that this item is put on the agenda of the next meeting of the Administrative Board on 5 September 2012 and propose that the decision be brought into line with the relevant rules or repealed.

¹ Commission Decision C(2004)1597 of 28.04.2004 on outside activities and assignments

We would at the same time ask that a further item is placed on the agenda of this meeting concerning the requirement, according to article 110(1) of the EU Staff regulations, that ACER should approve implementing rules for the outside activities of its staff as soon as possible and in line with the existing legislation. This Decision should apply to all staff, including its Executive Director. The Director, as Appointing Authority for the staff, should report on progress with implementing this obligation.

Thank you for your kind cooperation.

Yours sincerely,



Philip Lowe

Cc: Mr Razvan Nicolescu, Philippe Guillard, Luis-Martin Oar, Guido Bortoni, Rene Tammist, Detlef Dauke (MEMBERS OF THE ADMINISTRATIVE BOARD – ACER)
Mr William Rickett, Kristian Moller, Alfonso González, Peter Gordos, Maya Hristova, Uwe Lepprich, Jorge Vasconcelos (ALTERNATE MEMBERS OF THE ADMINISTRATIVE BOARD – ACER)
Mr A. Pototschnig, Director of ACER
Mr S. Tostmann, Ms F. Ioannidou, Ms A.-C. Swinnen, Ms N. Magel (SRD/ENER/MOVE)
Mr J.A. Vinois, Ms I. Bernaerts, Ms M.C. Jalabert (DG ENER)