



31.8.2017

OPINION

of the Committee on Budgets

for the Committee on Industry, Research and Energy

on the proposal for a regulation of the European Parliament and of the Council
establishing a European Union Agency for the Cooperation of Energy
Regulators (recast)
(COM(2016)0863 – C8-0494/2016 – 2016/0378(COD))

Rapporteur: Jens Geier

PA_Legam

AMENDMENTS

The Committee on Budgets calls on the Committee on Industry, Research and Energy, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a regulation Recital 29

Text proposed by the Commission

(29) The Agency should be mainly financed from the general budget of the Union, by fees and by voluntary contributions. In particular, the resources currently pooled by regulatory authorities for their cooperation at Union level should continue to be available to the Agency. The Union budgetary procedure should remain applicable as far as any subsidies chargeable to the general budget of the Union are concerned. Moreover, the auditing of accounts should be undertaken by an independent external auditor in accordance with Article 107 of Commission Delegated Regulation (EU) No 1271/2013³³.

³³ Commission Delegated Regulation (EU) No 1271/2013 of 30 September 2013 on the framework financial regulation for the bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council (OJ L 328, 7.12.2013, p. 42).

Amendment

(29) The Agency should be mainly financed from the general budget of the Union, by fees and by voluntary contributions, ***without compromising the Agency's neutrality or independence***. In particular, the resources currently pooled by regulatory authorities for their cooperation at Union level should continue to be available to the Agency. The Union budgetary procedure should remain applicable as far as any subsidies chargeable to the general budget of the Union are concerned. Moreover, the auditing of accounts should be undertaken by an independent external auditor in accordance with Article 107 of Commission Delegated Regulation (EU) No 1271/2013³³.

³³ Commission Delegated Regulation (EU) No 1271/2013 of 30 September 2013 on the framework financial regulation for the bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council (OJ L 328, 7.12.2013, p. 42).

Justification

This amendment is inextricably linked to other admissible amendments suggested by the rapporteur to the Commission proposal.

Amendment 2

Proposal for a regulation Recital 29 a (new)

Text proposed by the Commission

Amendment

(29a) The Agency should set its fees in a transparent, fair, non-discriminatory and uniform manner. The fees should not jeopardise the competitiveness of the industry concerned or the independence and impartiality of the Agency.

Justification

This amendment is inextricably linked to other admissible amendments suggested by the rapporteur to the Commission proposal.

Amendment 3

Proposal for a regulation Recital 29 b (new)

Text proposed by the Commission

Amendment

(29b) The Agency's budget should be prepared in accordance with the principle of performance-based budgeting, taking into account its objectives and the expected results of its tasks.

Justification

This amendment is inextricably linked to other admissible amendments suggested by the rapporteur to the Commission proposal.

Amendment 4

Proposal for a regulation Article 1 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The Agency shall perform its functions in an independent and objective manner.

Justification

This amendment is inextricably linked to other admissible amendments suggested by the rapporteur to the Commission proposal.

Amendment 5

Proposal for a regulation Article 19 – paragraph 8

Text proposed by the Commission

8. The members of the Administrative Board shall undertake to act independently and objectively in the public interest For that purpose, each member shall make a written declaration of commitments and a written declaration of interests indicating either the absence of any interest which may be considered prejudicial to his independence or any direct or indirect interest which might be considered prejudicial to his independence. Those declarations shall be made public annually.

Amendment

8. ***Without prejudice to the role of the members appointed by the Commission,*** the members of the Administrative Board shall undertake to act independently and objectively in the public interest, ***without seeking or following any political instructions.*** For that purpose, each member shall make a written declaration of commitments and a written declaration of interests indicating either the absence of any interest which may be considered prejudicial to his independence or any direct or indirect interest which might be considered prejudicial to his independence. Those declarations shall be made public annually.

Justification

Protection of members of the administrative board from political instruction should be maintained while recognising the special role of the Commission-appointed members. This AM is necessary for pressing reasons relating to the internal logic of the governance of the Agency.

Amendment 6

Proposal for a regulation Article 21 – paragraph 3 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

In the context of a substantial amendment as referred to in the second subparagraph, reprioritisation of activities shall always be considered before assigning additional

financial and human resources.

Amendment 7

Proposal for a regulation

Article 31 – paragraph 1 – point c

Text proposed by the Commission

(c) any voluntary contributions from the Member States or from the regulatory authorities, under Article 20(1)(g);

Amendment

(c) any voluntary contributions from the Member States or from the regulatory authorities, under Article 20(1)(g), ***without compromising the Agency's neutrality or independence;***

Justification

This amendment is inextricably linked to other admissible amendments suggested by the rapporteur to the Commission proposal.

Amendment 8

Proposal for a regulation

Article 31 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The revenue received by the Agency shall not compromise its independence or objectivity.

Justification

This amendment is inextricably linked to other admissible amendments suggested by the rapporteur to the Commission proposal.

Amendment 9

Proposal for a regulation

Article 32 – paragraph 1

Text proposed by the Commission

Amendment

1. Fees shall be due to the Agency for requesting an exemption decision pursuant to Article 11(1) ***and*** for decisions on ***cross***

1. Fees shall be due to the Agency for ***each of the following:***

border cost allocation provided by the Agency pursuant to Article 12 of Regulation (EU) No 347/2013³⁹.

(a) requesting an exemption decision pursuant to Article 11(1) **of this Regulation**;

(b) **requesting** decisions on **cross-border** cost allocation provided by the Agency pursuant to Article 12 of Regulation (EU) No 347/2013³⁹;

(c) **registration of reporting parties in accordance with the third subparagraph of Article 11(1) of Commission Implementing Regulation (EU) No 1348/2014^{39a}**;

(d) **monitoring the execution of the tasks of the ENTSO for Electricity and of the ENTSO for Gas pursuant to Article 4(2) of this Regulation.**

³⁹ OJ L 115, 25.4.2013, p. 39.

³⁹ OJ L 115, 25.4.2013, p. 39.

^{39a} **Commission Implementing Regulation (EU) No 1348/2014 of 17 December 2014 on data reporting implementing Article 8(2) and Article 8(6) of Regulation (EU) No 1227/2011 of the European Parliament and of the Council (OJ L 363, 18.12.2014, p. 121).**

Justification

The possibility to charge fees to Registered Reporting Mechanisms under REMIT and to TSOs would be an efficient manner for overcoming the current shortcoming of financial resources and should be given to the Agency. This AM is necessary for pressing reasons relating to the internal logic of the budgetary capacity of the Agency. This may allow the Agency to be to fully operate its new tasks assigned by REMIT and Regulation (EU) No 347/2013.

Amendment 10

Proposal for a regulation

Article 33 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The provisional draft estimate

shall be based on the objectives and expected results of the annual programming document referred to in Article 21(1) and shall take into account the financial resources necessary to achieve those objectives and expected results, in accordance with the principle of performance-based budgeting.

Justification

This amendment is inextricably linked to other admissible amendments suggested by the rapporteur to the Commission proposal.

Amendment 11

**Proposal for a regulation
Article 44 – paragraph 3**

Text proposed by the Commission

3. The translation services required for the functioning of the Agency shall be provided by the Translation Centre for the Bodies of the European Union.

Amendment

3. The translation services required for the functioning of the Agency shall be provided by the Translation Centre for the Bodies of the European Union ***or other translation service providers in accordance with the procurement rules and within the limits established by the relevant financial rules.***

Justification

The CdT may impose delays in translations jeopardising the work of the Agency. Given the current lack of financial resources, the Agency should be allowed to resort to cheaper alternatives in order to carry out its activities, it is necessary that ACER be able to outsource translation service.

Amendment 12

**Proposal for a regulation
Article 45 – paragraph 1**

Text proposed by the Commission

1. No later than five years after the entry into force of the present regulation, and every five years thereafter, the

Amendment

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Commission, with the assistance of an independent external expert, shall carry out an evaluation to assess the Agency's performance in relation to its objectives, mandate and tasks. The evaluation shall in particular address the possible need to modify the mandate of the Agency, and the financial implications of any such modification.

Commission, with the assistance of an independent external expert, shall carry out an evaluation to assess the Agency's performance in relation to its objectives, mandate and tasks. The evaluation shall in particular address the possible need to modify the mandate of the Agency, and the financial implications of any such modification, ***in accordance with the principle of performance-based budgeting.***

Justification

The principle of performance-based budgeting is one of the political priorities developed by the Commission and endorsed by Parliament. This AM should reflect the overall institutional logic of a better use of the EU Budget.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	European Union Agency for the Cooperation of Energy Regulators (recast)						
References	COM(2016)0863 – C8-0494/2016 – 2016/0378(COD)						
Committee responsible Date announced in plenary	ITRE 19.1.2017						
Opinion by Date announced in plenary	BUDG 19.1.2017						
Rapporteur Date appointed	Jens Geier 12.1.2017						
Date adopted	30.8.2017						
Result of final vote	<table> <tr> <td>+: </td><td>34</td></tr> <tr> <td>–: </td><td>2</td></tr> <tr> <td>0: </td><td>1</td></tr> </table>	+:	34	–:	2	0:	1
+:	34						
–:	2						
0:	1						
Members present for the final vote	Jonathan Arnott, Jean Arthuis, Richard Ashworth, Reimer Böge, Lefteris Christoforou, Gérard Deprez, Manuel dos Santos, André Elissen, José Manuel Fernandes, Eider Gardiazabal Rubial, Jens Geier, Ingeborg Gräßle, Iris Hoffmann, Monika Hohlmeier, John Howarth, Bernd Kölmel, Zbigniew Kuźmiuk, Vladimír Maňka, Siegfried Mureşan, Liadh Ní Riada, Jan Olbrycht, Younous Omarjee, Urmas Paet, Paul Rübig, Petri Sarvamaa, Jordi Solé, Patricija Šulin, Indrek Tarand, Isabelle Thomas, Inese Vaidere, Monika Vana, Daniele Viotti, Tiemo Wölken, Marco Zanni						
Substitutes present for the final vote	Nicola Caputo, Anneli Jäätteenmäki, Tomáš Zdechovský						

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

34	+
ALDE	Jean Arthuis, Gérard Deprez, Anneli Jäätteenmäki, Urmas Paet
ECR	Richard Ashworth, Bernd Kölmel, Zbigniew Kuźmiuk
ENF	Marco Zanni
GUE/NGL	Younous Omarjee
PPE	Reimer Böge, Lefteris Christoforou, José Manuel Fernandes, Ingeborg Gräßle, Monika Hohlmeier, Siegfried Mureşan, Jan Olbrycht, Paul Rübig, Petri Sarvamaa, Patricija Šulin, Inese Vaidere, Tomáš Zdechovský
S&D	Nicola Caputo, Eider Gardiazabal Rubial, Jens Geier, Iris Hoffmann, John Howarth, Vladimír Maňka, Isabelle Thomas, Daniele Viotti, Tiemo Wölken, Manuel dos Santos
Verts/ALE	Jordi Solé, Indrek Tarand, Monika Vana

2	-
EFDD	Jonathan Arnott
ENF	André Elissen

1	0
GUE/NGL	Liadh Ní Riada

Key to symbols:

+ : in favour

- : against

0 : abstention