

MINUTES

Review Panel Meeting **of the Administrative Board** **of the Agency for the Cooperation of Energy Regulators** **for the 2022 conflict of interests evaluation**

Present:

In the Review Panel for the Chair of the Administrative Board:

Ms Edit Herczog, Vice-Chair

Ms Anne Montagnon, Representative of the European Commission

Ms Karin Lunning, Board Member

In the Review Panel for the Vice-Chair of the Administrative Board:

Mr Michel Thiollière, Chair

Ms Anne Montagnon, Representative of the European Commission

Ms Karin Lunning, Board Member

In the Review Panel of Ms Anne Montagnon:

Mr Michel Thiollière, Chair

Ms Edit Herczog, Vice-Chair

Ms Karin Lunning, Board Member

In the Review Panel for the other members and alternates of the Administrative Board:

Mr Michel Thiollière, Chair

Ms Edit Herczog, Vice-Chair

Ms Anne Montagnon, Representative of the European Commission

Being also present for all the review panels:

- Ms Sabrina Di Benedetto, Case Handler in the Legal Services Team, Secretary

1. General comments related to the Declarations of Interests, CVs and Declarations of Commitment submitted to the Agency for the year 2021

The Review Panel takes note that all Members and Alternates of the Administrative Board have submitted their Declaration of Interests, CV and Declaration of Commitment.

2. Reporting on the review of the Declaration of Interests, CVs and Declarations of Commitment of the Chair of the Administrative Board

For the assessment of the Declaration of Interests, CV and Declaration of Commitment of Mr Michel Thiollière, the Review Panel is constituted of Ms Edit Herczog, Vice-Chair, Ms Karin Lunning, appointed member of the Administrative Board, and, Ms Anne Montagnon, European Commission representative.

The assessment has been carried out as reported hereinafter. The Review Panel has assessed the Declaration of Interests, CV and Declaration of Commitment as submitted to the Agency and after discussion the Review Panel comes to the following conclusion:

Mr Michel Thiollière (Chair)	The Review Panel does not detect any potential conflicting interests (risk level 1 according to the classification provided in point 4.2.3.3 of the Conflict of Interests Policy of the Agency).
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3. Reporting on the review of the Declaration of Interests, CVs and Declarations of Commitment of the Vice-Chair of the Administrative Board

For the assessment of the Declaration of Interests, CV and Declaration of Commitment of Ms Edit Herczog, the Review Panel is constituted of Mr Michel Thiollière, Chair, Ms Karin Lunning, appointed member of the Administrative Board, and Ms Anne Montagnon, European Commission representative.

The assessment has been carried out as reported hereinafter. The Review Panel has assessed the Declaration of Interests, CV and Declaration of Commitment as submitted to the Agency and after discussion the Review Panel comes to the following conclusion:

Ms Edit Herczog (Vice Chair)	The Review Panel does not detect any potential conflicting interests (risk level 1 according to the classification provided in point 4.2.3.3 of the Conflict of Interests Policy of the Agency).
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4. Reporting on the review of the Declaration of Interests, CVs and Declarations of Commitment of the Representative of the Commission in the Review Panel of the Administrative Board

For the assessment of the Declaration of Interests, CV and Declaration of Commitment of Mr Anne Montagnon, the Review Panel is constituted of Mr Michel Thiollière, Chair, Ms Edit Herczog, Vice-Chair, and Ms Karin Lunning, appointed member of the Administrative Board.

The assessment has been carried out as reported hereinafter. The Review Panel has assessed the Declaration of Interests, CV and Declaration of Commitment as submitted to the Agency and after discussion the Review Panel comes to the following conclusion:

Ms Anne Montagnon (Member)	The Review Panel does not detect any potential conflicting interests (risk level 1 according to the classification provided in point 4.2.3.3 of the Conflict of Interests Policy of the Agency).
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5. Reporting on the review of the Declarations of Interests, CVs and Declarations of Commitment of the other Members and Alternates of the Administrative Board

For the assessment of the Declarations of Interests, CVs and Declarations of Commitment of the other members and alternates of the Administrative Board, the Review Panel is constituted of Mr Michel Thiollière, Chair, Ms Edit Herczog, Vice-Chair, and Ms Anne Montagnon, European Commission representative, except for the assessment of Mr Péter Kaderjak, whereas Ms Karin Lunning, appointed member of the Administrative Board, is replacing Ms Edit Herczog, due the existence of a potential conflict of interest, as reported by Ms Edit Herczog.

The assessment has been carried out as reported hereinafter. The Review Panel has assessed the Declarations of Interests, CVs and Declarations of Commitment as submitted to the Agency and after discussion the Review Panel comes at the following conclusion:

Dr Romana Jordan (Member)	The Review Panel considers that her work as an independent contractor, including the ongoing provision of expert opinion to ELES, amounts to a risk level 2 according to the classification provided in point 4.2.3.3 of the Conflict of Interest Policy of the Agency.
Dr Jurijs Spiridonovs (Member)	The Review Panel considers that the past position of Mr. Spiridonovs as Deputy Head of the Advisory Board of JSC Augstspriegumatikls AS amounts to a risk level 2 according to the classification provided in point 4.2.3.3 of the Conflict of Interests Policy of the Agency (the position was terminated in 2019).
Ms Britta Thomsen (Alternate)	The Review Panel does not detect any potential conflicting interests (risk level 1 according to the classification provided in point 4.2.3.3 of the Conflict of Interests Policy of the Agency).
Ms Ksenia Ludwiniak (Alternate)	The Review Panel notes that Ms Ksenia Ludwiniak was asked to clarify why she did not include the position as Member of the Supervisory Board of Energa Wytwarzanie S.A. in the Declaration of Interests; she was also asked to provide a description of the duties and responsibilities related to the Membership in the Supervisory Board of the TSO Polskie Sieci Elektroenergetyczne, and a clarification as to whether she holds (or held) any executive responsibilities. Ms Ludwiniak reported that she does not hold (or held) any executive responsibilities as member of the Supervisory Board of the TSO Polskie Sieci Elektroenergetyczne. She further explained that the supervisory activities concern the exercise of permanent supervision over the company's activities (this includes e.g. assessing the management's reports on the company's activities or assessing financial reports), and she cannot issue binding instructions to the management board (or employees) regarding the running of the company. With regard to the position as Member of the Supervisory Board of Energa Wytwarzanie S.A., Ms Ksenia explained that she held the position for less than one month and during that time, she did not perform any essential supervision activities, and she held no executive responsibilities.

	The Review Panel considers that the current position as Deputy Director of Energy and Gas Department at the Ministry of Climate and Environment (Poland), with responsibilities for the power sector regulations, as well as the position as Member of the Supervisory Board of the TSO Polskie Sieci Elektroenergetyczne S.A. amount to a risk level 2 according to the classification provided in point 4.2.3.3 of the Conflict of Interests Policy of the Agency.
Mr Eberhard Holstein (Alternate)	The Review Panel notes that Mr Eberhard Holstein's CV mentions a position as CEO for Flowerpower Energy GmbH Caputh, while the Declaration of Interest does not contain any reference to this post. This position amounts to a level of risk 2 according to the classification provided in point 4.2.3.3 of the Conflict of Interest Policy of the Agency.
Mr Zhecho Donchev Stankov (Alternate)	The Review Panel notes that Mr Stankov was asked to clarify why the position as Deputy Minister for Energy (May 2017 to May 2021) was not included in the Declaration of Interest. Mr Stankov clarified that his candidature as alternate member of the Administrative Board of ACER was raised in his capacity of Deputy Minister of Energy in Bulgaria, which was a well-known fact at the time of his selection. According to his understanding, if this was to be considered a conflict of interest, he would have never been selected as an alternate member in the first place. The Review Panel considers that the recent positions as Deputy Minister of Energy (May 2017 to May 2021) and Member of Parliament, National Assembly (from July 2021 to September 2021 and from November 2021 to August 2022) amount to a risk level 2.
Ms Karin Lunning (Member)	The Review Panel does not detect any potential conflicting interest (risk level 1 according to the classification provided in point 4.2.3.3 of the Conflict of Interest Policy of the Agency).
Mr Bogdan Marius Chiritoiu (Member)	The Review Panel does not detect any potential conflicting interests (risk level 1 according to the classification provided in point 4.2.3.3 of the Conflict of Interests Policy of the Agency).

Ms Kristina Čelic (Alternate)	The Review Panel notes that the ongoing position as Director General for Energy at the Ministry of Economy and Sustainable Development was not included in the Declaration of Interests. The position amounts to a risk level 2, according to the classification provided in point 4.2.3.3 of the Conflict of Interests Policy of the Agency.
Ms Cristina Cuadra Garcia (Alternate)	The Review Panel does not detect any potential conflicting interests (risk level 1 according to the classification provided in point 4.2.3.3 of the Conflict of Interests Policy of the Agency).
Mr Pawel Pikus (Alternate)	The Review Panel considers that the position currently held as Director of Department of Electricity and Gas at the Ministry of Climate and Environment for the Republic of Poland, as well as the position as Member of the Supervisory Board at OGP Gaz-System S.A. amounts to a risk level 2 according to the classification provided in point 4.2.3.3 of the Conflict of Interest Policy of the Agency.
Mr Václav Bartuska (Member)	The Review Panel does not detect any potential conflicting interests (risk level 1 according to the classification provided in point 4.2.3.3 of the Conflict of Interests Policy of the Agency).
Mr Péter Kaderjak (Alternate)	The Review Panel notes that Mr Kaderjak was asked to clarify whether he is holding executive responsibilities as Member of the Supervisory Board of MOL and he confirmed that he does not hold any executive responsibilities connected to this appointment. In addition, Mr Kaderjak was asked to provide additional details in relation to his responsibilities as Managing Director of the Hungarian Battery Association and he confirmed that he has primary executive tasks related to this appointment, i.e. planning and executing the professional program, financial management, representing the Association at local and at international events.

	The Review Panel considered the ongoing positions as Managing Director of the Hungarian Battery Association, Consultant for Vieghofer Holding GmbH, Member of the Supervisory Board of MOL, as well as the past position as State Secretary for Energy and Climate Policy (from June 2018 to December 2020) for the Hungarian Minister for Innovation and Technology (he then worked for the same Minister for Innovation and Technology as Senior Advisor on Green Economy development until December 2021). The Review Panel considered carefully the current position held by Mr Kaderjak's wife as Head of Department of the Hungarian Energy and Public Utility Regulatory Authority. The Review Panel requested additional information with respect to Mr Kaderjak's wife position and took note that since 1 November 2022, she is now Head of the Strategic Analysis Department at the Hungarian Energy and Public Utility Regulatory Authority. The Review Panel considers that the position held by Mr Kaderjak's wife amounts to a risk level 3 according to the classification provided in point 4.2.3.3 of the Conflict of Interest Policy of the Agency. Accordingly, the Chair informed Mr Kaderjak that the Review Panel identified a potential conflict of interest, but considering his position as Alternate Member of the Administrative Board, this does not lead automatically to a conflict of interest.
Mr Christof Lessenich (Alternate)	The Review Panel does not detect any potential conflicting interests (risk level 1 according to the classification provided in point 4.2.3.3 of the Conflict of Interest Policy of the Agency).
Ms Ditte Juul-Jorgensen	The Review Panel does not detect any potential conflicting interests (risk level 1 according to the classification provided in point 4.2.3.3 of the Conflict of Interest Policy of the Agency).

The Review Panel agreed that all Members and Alternate Members of the Administrative Board, especially the ones with an identified risk level 2 or 3, shall

declare the existence of any conflict of interest at the opening of each meeting of the Administrative Board.

6. Approval of the Minutes of the Meeting

After the assessment, the minutes were drafted, read before each respective Review Panel, and adopted on 12 December 2022.

Michel Thiolliere
Chair

Edit Herczog
Vice-Chair

Anne Montagnon
European Commission representative

Karin Lunning
Appointed member of the Administrative Board