

PROCEDURAL ACT OF THE ENERGY COMMUNITY SECRETARIAT

2015/D-06ECS-EnC: On transfer of appropriations within the Budget of the Energy Community

The Energy Community Secretariat,

Having regard to the Treaty establishing the Energy Community, and in particular Articles 67(e) and 86 thereof,

Having regard to the ultimate responsibility of the Director for implementation of the Energy Community budget in accordance with Articles 31 and 36 of the Energy Community *Procedures for the Establishment and Implementation of Budget, Auditing and Inspection*, as adopted by the Ministerial Council of the Energy Community by Procedural Act PA 2006/03 (hereinafter "*Budgetary Procedures*") and amended on 23 September 2014 by the Ministerial Council by Procedural Act PA 2014/01,

Having regard to the envisaged possibility for decisions on transfer of appropriations in accordance with Article 18 of the *Budgetary Procedures*,

ADOPTS THE FOLLOWING PROCEDURAL ACT:

Article 1: Objective

This Procedural Act specifies rules on the internal procedure of the Energy Community Secretariat to be followed in cases where Article 18 of the Budgetary Procedures concerning the transfer of appropriations shall be applied.

Article 2: Transfer of appropriations – General

- (1) Transfer of appropriations may be considered within one financial year and within the overall budget (with the exception of the Human Resources budget line) of the Energy Community with the limitation of 10% of the appropriations for the financial year in question.
- (2) No transfer of appropriations shall be possible between two consecutive financial years (between year N and N+1).

Article 3: Initiation

- (1) Transfer of appropriations may be initiated by the Director or the Head of Financial and Administrative Unit in accordance with Article 4 below.
- (2) In case, the Director is an initiator of the transfer of appropriations under Article 18(3) of the *Budgetary Procedures*, such request has to be submitted to the Chair of the Budget Committee.

Article 4: Request for the decision of the transfer of appropriations

- (1) In the light of an assessment for required transfer of appropriations, the Head of Financial and Administrative Unit shall address the Director with reasoned opinion containing detailed explanatory notes supported by actual financial information and stating why such transfer requires a relevant decision. Further, the opinion shall contain concrete proposal about the exact amount of transfers as well as the budget positions, within which it can be made.
- (2) When the transfer of appropriations is initiated by the Director under Article 18.3¹ of the Budgetary Procedures, the relevant proposal to the Chairman of the Budget Committee shall be justified in details with the information as specified in Article 4 (1) above.

Article 5: Form of the Transfer of appropriations

- (1) Each transfer of appropriations shall take the form of a Procedural Act containing as minimum concrete indications about the amount of transfer, the budget positions, within which the transfer shall take place, as well as the necessary information of procedural nature.
- (2) The transfer of appropriations request shall have immediate effect.

Article 5: Documentation

- (1) Any transfer of appropriations shall be documented accordingly both during the financial year and on annual basis.
- (2) The accountant of the Energy Community shall reflect the transfer of appropriations in the accounting system and inform the Director about its implementation.
- (3) Further documentation of the requests for transfer shall be filled in accordance with the internally established scheme.

Article 6: Reporting

All transfers of appropriations are subject to reporting in accordance with the reporting requirements of the Energy Community applied within the relevant financial year.

Article 7: Internal supervision

Within the Secretariat, the Head of Administrative and Financial Unit shall supervise operationally the completion of the procedural steps as indicated in this Act.

Article 8: Notification

The Director of the Secretariat, following the requirement of Article 18(6) of the *Budgetary Procedures*, shall inform the Chairman of the Budget Committee within 7 days upon deciding on transfers in accordance with Article 18(1) thereof or upon the execution of a formal transfer in case that the latter has been allowed by the Budget Committee in accordance with Article 18(3) of the *Budgetary Procedures*.

¹ Transfers in relation to the Human Resources

Article 9: Entry into force

This Procedural Act shall enter into force upon adoption.

A handwritten signature in blue ink, which appears to read "Janez Kopač".

Janez Kopač
Director

Done in Vienna on 1 December 2015