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**Some remarks on the functioning of the Board of Appeal of the EU Agency for the  
Cooperation of Energy Regulators**

**Summary**

The Board of Appeal (BoA) of the Agency for the Cooperation of Energy Regulators (ACER) belongs to the category of appeal bodies hearing appeals against the decisions of EU administrative agencies. ACER BoA acts on the basis of legal framework dedicated to the Agency, while the rules of conduct before the Board are regulated by internal rules of procedure. These regulations are practically the only legal acts regulating the procedure before the BoA, as the EU has not adopted a single administrative code that would regulate the procedure before such bodies, inter alia. The BoA is a specialised body responsible for adjudicating complex cases in the field of the EU common energy market related to the implementation of European network codes. The CJEU (General Court) sought to dispel any doubts concerning the rules of adjudication of the BoA in the *ACER v. Aquind* judgment by expressing a number of views on the scope and standard of adjudication, but even in the light of this judgment, a number of matters remain unclear. Consequently, it is all the more urgent to adopt a clear procedural and systemic framework governing the functioning of the BoA.

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