



Fuel Cells and Hydrogen 2 Joint Undertaking (FCH 2 JU)

*Rules of Procedure of
the States Representatives Group (SRG)*

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Article 1. Establishment

Article 11 of the Statutes annexed to the Council Regulation (EU) n° 559/2014 of 6 May 2014 establishing the Fuel Cells and Hydrogen 2 Joint Undertaking (FCH 2 JU) calls for the establishment of the **FCH 2 JU States Representatives Group, (SRG)**.

Article 2. Role and Tasks

1. The SRG shall have an advisory role for the FCH 2 JU and shall act as an interface between the FCH 2 JU and the relevant stakeholders within their respective countries. It shall be consulted and, in particular, review information and provide opinions on the following matters:

- (a) programme progress of the FCH 2 JU and achievement of its targets;
- (b) updating of strategic orientation;
- (c) links to Horizon 2020;
- (d) annual work plans;
- (e) involvement of SMEs.

2. The SRG shall also provide information to, and act as an interface with, the FCH 2 JU on the following matters:

- (a) the status of relevant national or regional research and innovation programmes and identification of potential areas of cooperation, including deployment, to allow synergies and avoid overlaps;
- (b) specific measures taken at national level or regional level with regard to dissemination events, dedicated technical workshops and communication activities.

3. The SRG may issue, on its own initiative, recommendations or proposals to the FCH 2 JU Governing Board on technical, managerial and financial matters as well as on annual plans, in particular when those matters affect national or regional interests.

The Governing Board shall inform the SRG without undue delay of the follow up it has given to such recommendations or proposals, or it shall give reasons if they are not followed up.

4. The SRG shall receive information on a regular basis, among others on the participation in indirect actions funded by the FCH 2 JU, on the outcome of each call for proposals and project

implementation on synergies with other relevant Union programmes, and on the execution of the FCH 2 JU budget.

5. The SRG shall adopt its rules of procedure.

Article 3. Membership

1. **Composition:** The SRG shall consist of one officially nominated Delegate of each Member State and country associated to Horizon 2020. It is the responsibility of each State to decide on the composition of its Delegation (i.e. nominate and alternate). The nominated Delegates shall preferentially be senior science policy officials or senior managers of national FCH programmes; they shall have access to and be capable of influencing policy-making in their own country. The composition of each delegation must be notified to the FCH 2 JU Programme Office before each meeting.

2. **Mandate:** The mandate of the officially nominated Delegate remains in force until the competent National Authority notifies FCH 2 JU of a replacement of its delegate. The effective starting date of the mandate begins after the nomination has reached the office of the FCH 2 JU Executive Director.

3. **Deputy:** Each State may decide to appoint one deputy to accompany or replace the National Delegate.

4. **Experts and Working Groups:** The official Delegate may also be accompanied by experts (to a maximum number of two) timely communicated to and approved by the SRG Chair and the FCH 2 JU Programme Office. The SRG may invite experts as well, at no additional cost to the FCH 2 JU, to participate in its meetings for those topics for which this is felt to be beneficial. The SRG may establish Working Groups on matters whenever this is appropriate.

5. The FCH 2 JU shall only bear the travel cost of only one National Delegate.

6. Member States and Associated countries which have not nominated a SRG representative may send a person of their choice to SRG meetings as an observer with no voting rights. The Chair and the the FCH 2 JU Programme Office must be informed of the names of observers attending in advance of each meeting.

Article 4. Meetings

The FCH 2 JU SRG shall meet at least twice a year and the meetings shall be convened by its Chair and the FCH 2 JU Executive Director in consultation with the Chair, either on own initiative or upon request from one or several National Delegates. The chairperson of the FCH 2 JU Governing Board (or his/her representative), the FCH 2 JU Executive Director (or his/her representative) and European Commission's representatives shall be invited to attend the meetings of the SRG. Extraordinary meetings can be convened by the SRG Chair or the FCH 2 JU to deal with specific matters of major relevance to FCH 2 JU.

Article 5. Voting Rights

1. Each country delegation represents one vote, casted by their respective National Delegate or deputy, whichever is present at the meeting. All country votes have equal weight. Votes can be cast through electronic communication to the Chair or the FCH 2 JU Programme Office.

2. Non-voting is regarded as abstention.

Article 6. Quorum

No quorum is necessary for a meeting to be valid. However, when needed (i.e. important decisions to be taken) and clearly requested by the SRG Chair and the FCH JU Executive Director, quorum is achieved if at least two thirds of the nominated country delegations attend the meeting.

Article 7. Chair and Vice Chair

1. **Mandate:** The SRG shall elect a Chair and 2 Vice Chairs among its members. They shall have equal rights as National Delegate but shall act in the general interest of the SRG.

The Chair and Vice Chairs are elected for a two-year term, which can be exceptionally extended by a maximum of 12 months by the SRG.

The Chair and Vice Chairs shall be supported by the FCH 2 JU Programme Office in the preparation of meetings, drawing up of minutes and other duties in the general interest of the SRG.

2. **Vice-Chairs:** The Chair is supported by 2 Vice-Chairs in all functions. The first (or second) Vice Chair replace the Chair at the meetings of the FCH 2 JU Governing Board if the Chair is unable to attend. Should the Chair be unable to execute his/her duties, the first Vice Chair takes over the responsibilities of the Chair until a new election procedure takes place.

3. **Tasks:** The task of the Chair and Vice-Chairs is to organize and structure the work of the SRG and account for the implementation of the SRG role and tasks, in particular:

- to propose a planning for SRG activities;
- to conduct meetings and to act as a moderator for discussions;
- to introduce draft agendas for meetings, and the corresponding draft summaries (minutes);
- to represent the SRG to the FCH 2 JU Governing Board meetings and act as interface between the FCH 2 JU Governing Board and the SRG;
- to report on activities of the FCH 2 JU Governing Board.

4. **Non-performance:** In case of non-performance, the Chair / Vice-Chairs can be discharged by the members of the SRG, by a 2/3 majority of eligible votes, before the expiration of the term. This needs the prior written request of at least one SRG member to all SRG members detailing the complaints.

Article 8. Procedure for the Election of the Chair / Vice Chair

1. After the nomination of at least 20 country delegations, the FCH 2 JU Executive Director shall coordinate the vote for the position of the Chair and Vice Chairs. The FCH 2 JU Executive Director shall contact all delegations asking for proposed candidates for the 3 positions. Each country can nominate only one national delegate from another country for each post (one for the Chair and two for each Vice-Chair). The Chair shall present the list of proposed (and willing) candidates to the SRG, along with their statements of motivation and of impartiality. All supporting documents, including a short curriculum vitae, should be sent to Delegates before the vote.

2. The election for Chairperson will have two voting rounds. After a first voting round, the two candidates with the highest number of votes will enter a second and final voting round; the successful candidate shall be the one elected by simple majority.

3. The election for Vice-Chairs will have one voting round. The two candidates with the highest number of votes will be elected to the position of Vice-Chair.

3. The first election of the Chair and Vice-Chairs shall take place after the SRG adopts the present Rules of Procedure.

4. Thereafter, elections for a new Chair and Vice-Chairs shall take place at the last meeting of the SRG chaired by the outgoing Chair.

Article 9. Decision Making

1. The SRG itself decides when, where and what it will discuss, according to an agreed agenda. The SRG should strive and reach whenever possible decisions by consensus. When such a consensus cannot be reached, decisions are taken by simple majority of all eligible votes. Eligible votes are those of representatives present at the meeting and, when expressed, those cast electronically.

2. The approval of the SRG rules of procedure will require a 2/3 majority of nominated country delegations.

Article 10. Organization of Meetings

1. **Notice of a meeting:** The FCH 2 JU Executive Director, after consulting with the Chair, shall give notice in writing of a meeting to each delegation as soon as possible and within the minimum number of days preceding the meeting (30 working days for ordinary and 15 working days for extraordinary meetings). Meetings of the SRG shall take place in Brussels unless decided otherwise by the SRG members.

2. **Sending the agenda:** The FCH 2 JU Executive Director, after consulting with the Chair, shall prepare and send each member of the SRG a written agenda as soon as possible and within at least 20 working days preceding the meeting (5 working days for extraordinary meetings).

3. **Adding agenda items:** Any agenda item requiring a decision by the delegates must be identified as such on the agenda. Any delegation may ask to add an item to the original agenda by written notification to the SGR Chair and FCH 2 JU Programme Office within a minimum of 5 days preceding the meetings. During the approval of the agenda at the day of the meeting, the item will be discussed if at least 3 delegations support it.

4. **Minutes and related documents** should be made available as soon as possible — no later than 20 working days after the meeting. The Minutes shall be considered as accepted if, within 15 calendar days from sending, no member has objected in writing to the Chair with respect to the accuracy of the draft of the Minutes. The accepted Minutes shall be sent to all delegations by electronic means.

5. **Formal approval of the minutes** shall take place at the following SRG meeting.

Article 11. Transparency

1. The FCH 2 JU will make public the names of the members of the SRG on the FCH 2 JU web site.

2. Recommendations/decisions taken by the SRG might be published on the FCH 2 JU web site.

Article 12. Confidentiality and Conflict of interest

1. Without prejudice to Article 339 of the Treaty on the Functioning of the European Union and to Article 16 of the Regulation (EU) 559/2014, members and other participants at meetings of the SRG are required not to divulge information given in the context of the work, unless it has been indicated that the information is public.

2. Members and other participants at meetings of the SRG shall sign confidentiality agreements and declarations of conflict of interest prior to their first attendance to SRG meetings. [Annex 1: Declaration of confidentiality and conflict of interest for the SRG members].

The declaration on conflict of interest shall be updated before subsequent attendances to SRG meetings, whenever relevant.

3. Members and other participants at meetings of the SRG must not seek or act in any way to take undue advantage of, or exercise undue influence on, the implementation of the FCH 2 JU.

Therefore members and other participants at meetings of the SRG should not be involved in any way in the evaluation or selection of proposals for funding under the FCH 2 JU.

4. Members and other participants at meetings of the SRG may participate either in their personal capacity or as representative of the organizations to which they belong. However, should any item on the agenda or any subject discussed in a given SRG meeting be of relevance for projects or proposals

under the FCH 2 JU that a member, or the organization to which he/she belongs, has submitted or is likely to submit, the member and other participant at meetings of the SRG should inform the FCH 2 JU and the SRG of the situation. He/she can be requested to abstain from the deliberations and/or leave the room for the discussion of the concerned item/subject.

5. Members and other participants at meetings of the SRG must inform the FCH 2 JU of all interests, not explicitly stated above, which could be considered prejudicial to their independence.

During a meeting any attendee whose participation in the work of the SRG leads or may lead to a conflict of interest with regard to a particular agenda item shall without delay inform the Chair and the FCH 2 JU Programme Office who shall without delay and before any discussion is initiated decide on any specific measure in this respect.

Upon proposal by the Chair or the FCH 2 JU Programme Office, the SRG may decide to examine such an item without the presence of the attendee concerned.

6. When a member and another participant at meetings of the SRG is in breach of the requirements set out above, he/she will be considered as no longer being in a position to remain as a member of the group.

Article 14. Resources and Logistical Support

1. Logistical Support: The secretariat should be provided for by the FCH 2 JU Programme Office. It shall assist the SRG in its operation through circulating draft agendas, meeting summaries and related documents. Where appropriate and requested, the FCH 2 JU Programme Office may collect and/or circulate information of potential interest to the SRG, in time for the next meeting.

2. Resources: The SRG has no budget. The FCH 2 JU will only cover the costs of travel for 2 meetings per year of the SRG. The costs will be covered according to the rules adopted by the European Commission on 5 December 2007. The costs incurred by additional meetings must be covered by national delegations. The FCH 2 JU Programme Office will normally provide meeting accommodation, internet and communication support.

Article 15. Review of the Rules of Procedures

These Rules of Procedure can be amended at 2/3 majority of nominated country delegations provided that they do not contradict the FCH 2 JU Statutes and they do not have budget implications. Any provision having a budget implication must be approved by the FCH 2 JU Governing Board.

ANNEX 1

**CONFIDENTIALITY
AND
NON CONFLICT OF INTEREST
DECLARATION
MEMBER OF THE FCH 2 JU STATES REPRESENTATIVES GROUP**

The undersigned..... [Name],

..... [Function and State].

hereby, undertakes, as a Member of the State Representative Group of the Fuel Cells and Hydrogen 2 Joint Undertaking, during and after the course of my mandate:

1. To commit to strict confidentiality with regards to any and all oral or written information pertaining to the work of the States Representatives Group.
2. To declare promptly any conflict of interest that may arise from my participation in the States Representatives Group. I will therefore not participate in any discussion on the item, and leave the meeting room accordingly in case of conflict of interest.

I understand that the obligations of non-disclosure set forth above shall not extend to information which are or became publicly known or available through no fault of myself.

Made in Brussels, in two original copies, on

Signed