



Rules of Procedure of the Clean Hydrogen JU States' Representatives Group

Clean Hydrogen Partnership

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Article 1. Scope

These rules of procedure shall regulate the working methods and procedures of the States' Representatives Group (hereinafter "SRG") and shall apply to the extent that provisions regulating specific processes are not already set out in Council Regulation (EU) No 2021/2085 of November 2021 establishing the Joint Undertakings under Horizon Europe (hereinafter "Single Basic Act"). These rules of procedure cannot deviate from and must be interpreted in accordance with the provisions set out in the Single Basic Act.

Article 2. Membership

1. The SRG shall consist of up to two representative(s) and up to two alternate(s) (referred to as "SRG Representatives(s)") officially nominated from each Member State and country associated to Horizon Europe (referred to as "SRG Member(s)"). It is the responsibility of each SRG Member to nominate its SRG Representatives by means of written notification to the Clean Hydrogen Joint Undertaking Programme Office.
2. The nominated SRG Representatives shall, to the extent possible, be senior science policy officials or researchers; they shall have access to and be capable of influencing policy-making in their own State and shall have specific expertise and competence in the field covered by the Clean Hydrogen Joint Undertaking.
3. The mandate of the SRG Representative(s) remains in force until the respective competent national authority notifies the Clean Hydrogen Joint Undertaking of a replacement. The effective starting date of the mandate begins after the nomination has reached the Clean Hydrogen Joint Undertaking Programme Office.

Article 3. Chair and Vice-Chairs

1. The Chair and Vice-Chairs shall be appointed for a term of 2 years. This term may exceptionally be extended once for a maximum term of 2 years. If the chair and vice-chairs should, for whatever reason other than expiry of the term of their appointment, cease to be SRG Representatives, the SRG Members shall elect a successor for the remaining term of office.
2. The Chair shall be supported by two Vice-Chairs in all functions. Where required, the Vice-Chairs shall replace the Chair at the meetings of the Clean Hydrogen Joint Undertaking States' Representatives Group if the Chair is unable to attend. Should the Chair be permanently unable to execute his or her duties, one of the Vice-Chairs shall take over the responsibilities of the Chair until a new election procedure takes place.
3. The main task of the Chair and Vice-Chairs shall be to organise and structure the work of the SRG and ensure the implementation of the SRG role and tasks as provided in article 20 of the Single Basic Act (Article 20) and in particular:
 - to organise and schedule the SRG's activities;
 - to conduct meetings and moderate discussions;
 - to introduce draft agendas for meetings, and circulate the corresponding minutes;
 - to represent the SRG at the Clean Hydrogen Joint Undertaking's Governing Board meetings, where they have an observer status, and to liaise with the Clean Hydrogen Joint Undertaking's Governing Board;

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- to report to the SRG on the activities of the Clean Hydrogen Joint Undertaking's Governing Board.
 - to perform such other tasks as may reasonably be expected.
4. In case of non-performance of his or her duties or serious misconduct and upon prior written request of at least one SRG Member to all SRG Representatives giving details of the complaint(s), the Chair or Vice-Chairs can be removed by the SRG Members acting by a two-thirds majority.

Article 4. Specific Procedure for the Election of the Chair / Vice-Chairs

1. **First Term:** The Clean Hydrogen Joint Undertaking's Executive Director shall contact all appointed SRG Representatives asking for proposed candidates for the position of Chair and the two positions of Vice-Chair. Each SRG Representative may propose one SRG Representative for each position, each proposed candidate being from a different SRG Member. The nomination shall take the form of a statement of motivation and of impartiality. After the completion of the nomination by the SRG Representatives, the Executive Director shall coordinate the vote. The Executive Director shall present the list of proposed candidates to the SRG Representatives, along with their statements of motivation and of impartiality. All supporting documents, including a short curriculum vitae, must be sent to the SRG Representatives before the vote. This procedure should be completed within one month.
2. The Chair and Vice-Chairs shall be elected by consensus, or failing that, on the basis of a simple majority of the SRG Members represented at the meeting or cast through electronic voting should the need arise. If no candidate pools over 50% of the votes, a second round is initiated with the 2 candidates garnering the highest number of votes in the first round running again. A vote must be held even if one candidate stands for election. Candidates cannot vote for themselves.
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 positions of Vice-Chairs.
4. **Following Terms:** Up to six months before the end of the term of office of the Chair and Vice-Chairs, the incumbent may request the extension of his or her term. A decision to extend the term will be taken by consensus or failing that on the basis of a simple majority of the SRG Members.

Article 5. Decision-Making

1. The SRG should, whenever possible, strive to reach decisions by consensus. When consensus cannot be reached and subject to any exception set out in these rules of procedure, decisions are taken by simple majority of the SRG Members represented at the meeting and not abstaining for the vote, or through electronic voting should the need arise.
2. Each SRG Member shall have one vote cast by the lead SRG Representative designated for this purpose by each respective SRG Member.
3. Each of the SRG Members' votes shall have equal weight. Votes can be cast by electronic communication to the Chair and the JU Programme Office.
4. Absence of a vote is considered as abstention.

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Article 6. Quorum

No quorum is necessary for a meeting to be valid. A quorum is required to enable a decision to be adopted by the SRG Members. A quorum is achieved if at least two thirds of the total number of the nominated country SRG Representatives are represented at a given meeting.

Article 7. Agreed position related to the application of Article 22(5) HE

1. Decisions related to the agreed position to be reached with the Commission in terms of Article 17(2)(l) of the SBA shall be solely adopted by the SRG Members that are Member States. The SRG Representatives from Associated Countries shall not participate in relevant deliberations.
2. The Commission representatives in the Governing Board and the participating SRG Members' representatives shall be invited to attend a meeting convened by the Chair of the SRG for the purpose of agreeing on a common position. The meeting shall be chaired by the Chair of the SRG where the incumbent is a Representative of a Member State, otherwise, the meeting will be chaired by one of a Vice-Chair of the SRG where the incumbent is a Representative of a Member State. In the case where both the Chair and the two Vice-Chairs of the SRG are not representatives of a Member State, the meeting shall be chaired by a representative of a Member State elected by simple majority by representatives of Member States.
3. The representatives of the participating SRG Members shall actively participate in the dialogue and shall endeavor to reach an agreed position with the Commission representatives. An agreed position will require a qualified majority of the votes of the participating SRG Members¹.
4. In reaching an agreed position, the participating SRG Members shall seek to ensure coherence with the approach taken for actions funded under the Horizon Europe work programme regarding the application of Article 22(5) of the Horizon Europe Regulation, as well as Union legislation and guidance relevant for its application in similar topics.

Article 8. Meetings

1. The SRG shall meet at least twice a year. Meetings shall be convened by its Chair supported by the Clean Hydrogen Joint Undertaking's programme office. Extraordinary meetings can be convened by the Chair on his/her own initiative or upon request by any of the SRG Members.
2. The Chair, acting on its own initiative or on a proposal of an SRG Member, may invite the chairperson of the Governing Board and/or the Executive Director to participate as observers in the meetings. Other persons may also be invited to attend on an ad-hoc basis upon request of the Chair of the SRG. Notification of invitation to attend the meeting shall be sent by the Programme Office. The Clean Hydrogen Joint Undertaking will not bear the costs for the attendance of these observers.

¹ By analogy with Article 238(3)(a) of the Treaty on the Functioning of the European Union, qualified majority is defined as at least 55 % of the members of the States Representatives Group representing Member States, comprising at least 65 % of the population of these States.

Article 9. Written procedure

1. An opinion or decision of the States' Representatives Group can be obtained by written procedure. Articles 5 and 6 shall apply as relevant. If at least one SRG Representative requests that the proposed decision or opinion is examined at a meeting, the written procedure shall be cancelled.
2. The Chair supported by Clean Hydrogen Joint Undertaking's programme office, shall send the SRG Representatives the proposed opinion or decision to be taken.
3. The SRG Representatives shall approve or reject the opinion or decision by a written reply within twenty working days. In matters of urgency, the Chair may decide to shorten the reply deadline, taking into account the internal consultation procedures of each SRG Member.
4. Any SRG Representative not voting within the deadline is considered to abstain from voting.
5. The proposal for a decision or opinion to be taken by written procedure shall not be subject to amendments in substance. The proposal shall be approved or rejected in its entirety. If the proposal is rejected, it may be included in the agenda of the next SRG meeting at the request of any SRG Representative.
6. The result of a written procedure will be notified within 10 calendar days to all SRG Representatives.

Article 10. Documentation

1. With the support from the Clean Hydrogen JU Programme Office, the Chair shall draw up the draft agenda of the meeting and shall send the invitation to the meeting, the draft agenda and any supporting documents to the SRG Representatives no later than 14 calendar days before the date of the meeting. An invitation to the meeting shall be sent to each of the SRG Representatives and to any observers. The agenda shall also be circulated for information to the governing board in a timely manner.
2. In urgent cases the Chair may shorten the time limit for transmission referred to in paragraph 1 to 5 calendar days before the date of the meeting.
3. Any agenda item requiring a decision by the SRG Members must be identified as such on the agenda. Any SRG Representative may add an item to the original agenda by written notification to all the other SRG Representatives within a minimum of 7 calendar days preceding the meeting (2 days for extraordinary meetings). The item must be discussed if at least one third of the SRG Representatives, each representing a different SRG Member, support its addition to the agenda.
4. The agenda shall be adopted by the SRG Representatives at the start of the meeting.
5. With the support from the Clean Hydrogen JU Programme Office, minutes and related documents should be made available as soon as possible and no later than 14 calendar days after the meeting. The minutes shall be considered as accepted if, within 30 calendar days from sending, no objection has been raised in writing by any SRG Representative. The accepted minutes shall be sent to all SRG Representatives by electronic means.



Article 11. Information and Reporting

1. Information shall be circulated through the Clean Hydrogen Joint Undertaking's Programme Office. The main channel of information to national authorities should flow through the SRG Representatives themselves.
2. To facilitate communication and efficient working, all documents should be made available on a confidential internal web-platform, where the SRG Representatives have access and may upload and download the relevant documents. The necessary operational procedures are organised by the Programme Office. An alert-service should be implemented to make the representatives aware of any news.

Article 12. Transparency

1. The SRG shall authorize the Clean Hydrogen Joint Undertakings to make public the names of the SRG Representatives on the joint undertaking's web site.
2. The SRG's opinions, recommendations and proposals shall be subject to the provisions of Article 34 of the SBA.

Article 13. Confidentiality and Conflict of interest

1. In application of Article 33 of the SBA, the SRG Representatives and any other participants at meetings of the SRG are required to refrain from divulging information given in the context of its activities unless it has been confirmed that the information has been made public.
2. The SRG Representatives shall sign confidentiality agreements and declarations of conflict of interest after being nominated. Any other participants in meetings of the SRG shall sign confidentiality agreements and declarations of conflict of interest.
3. All SRG members and their SRG Representatives shall be bound by the rules on conflict of interest adopted by the Governing Board to give effect to Article 42 of the Single Basic Act.
4. Declarations of confidentiality and conflict of interest for the State Representatives and other participants at meetings of the SRG shall be based on template annexed to these rules of procedure.
5. Any SRG Representative acting in breach of any of the relevant rules on confidentiality and/or conflict of interest shall due to such misconduct be considered as no longer being in a position to maintain the status of SRG Representative.

Article 14. Reimbursement of expenses

1. The Clean Hydrogen Joint Undertaking shall bear the travel and subsistence expenses of one SRG Representative for each SRG Member for every SRG meeting.
2. The reimbursement of travel and subsistence expenses shall be done in accordance with the Commission Rules on the reimbursement of expenses incurred by people from outside the Commission invited to attend meetings in an expert capacity (C(2007)5858).

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Article 15. Adoption and Review of the Rules of Procedures

1. These rules of procedure shall be adopted by a majority of at least two thirds of the country nominated SRG Representatives in accordance with article 5 provisions. Any amendment shall also require a two third majority. Provisions having a budgetary implication must be approved by the Clean Hydrogen Joint Undertaking's Governing Board.

Adopted on 19 January 2022

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Annex
Confidentiality and non-conflict of interest declaration by
the SRG Representatives/participants in meetings
of the Clean Hydrogen Joint Undertaking's States'
Representatives Group

I, undersigned..... [Name],

..... [Function and State].

hereby, undertake, as a [SRG Representative] [participant in meetings] of the Clean Hydrogen Joint Undertaking's States' Representatives Group, during and after the course of my mandate/participation:

To ensure the confidentiality of sensitive oral or written information the disclosure of which could damage the interests or the reputation of the Clean Hydrogen Joint Undertaking, or of the participants in the activities of the Joint Undertaking.

To declare promptly any conflict of interest that may arise from my participation in the States' Representatives Group. I further undertake to refrain from participating in any discussion/vote on the item and to leave the meeting room accordingly in case of conflict of interest.

I undertake to respect the rules for the prevention, avoidance and management of conflicts of interest adopting by the Clean Hydrogen Joint Undertaking's Governing Board to give effect to Article [42(2)] of the SBA

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 my own.

Signed on the, in one original copy, on

Signature