

RULES OF PROCEDURE ON THE CONSULTATION OF STAKEHOLDERS

European Network of Network Operators for Hydrogen

ENNOH

Content

CHAPTER I – SCOPE OF RULES OF PROCEDURE	3
Article 1. – Introduction and Definitions.....	3
Article 2. – Scope and Objectives	3
CHAPTER II – GENERAL PROVISIONS	3
Article 3. – Deliverables to be Consulted Upon.....	4
Article 4. – Information to be Published by ENNOH on the Consultations	4
Article 5. – Parties Eligible to participate in ENNOH Consultations.....	4
Article 6. – Other Participative Processes.....	4
Article 7. – Treatment of Confidential Information.....	5
Article 8. – Coordination with the European Commission and ACER.....	5
CHAPTER III – CONSULTATION PROCESS	6
Article 9. – General Rules Applicable to a Public Consultation Process	6
Article 10. – ENNOH’s answer to contributions received during a public consultation.....	7
Article 11 – ENNOH Guidelines for Stakeholder Engagement and Consultation.....	7

CHAPTER I – SCOPE OF RULES OF PROCEDURE

Article 1. – Introduction and Definitions

1. The Rules of Procedure on the Consultation of Stakeholders (hereafter the “Rules of Procedure”) are approved by the General Assembly in accordance with Article 50 of the Articles of Association. These Rules of Procedure define practical and technical matters and procedures governing how the Association will consult stakeholders.
2. Once approved by the General Assembly, the Rules of Procedure shall take effect, and each Member, Associated Partner, and Observer shall be responsible for compliance with these Rules of Procedure
3. Should there be a discrepancy or inconsistency regarding the interpretation between the Articles of Association and the Rules of Procedure, the Articles of Association shall prevail.
4. Unless otherwise specified, words and expressions used herein shall have the same meanings as defined in the Articles of Association.

Article 2. – Scope and Objectives

1. While preparing the proposals pursuant to the tasks referred to in Article 59 of the Regulation, the Association will ensure public participation at an early stage and in an open, timely and transparent manner, involving all relevant market participants and, in particular, the organisations representing all stakeholders, in accordance with these Rules of Procedure.
2. The consultation process shall accommodate stakeholder comments before the final adoption of the proposal, with the aim of identifying the views and proposals of all relevant stakeholders during the decision-making process. That consultation shall also involve regulatory authorities and other national authorities, producers, and network users, including customers, technical bodies, individual companies, stakeholder platforms, and any relevant parties who wish to contribute.
3. For each public consultation, the Association will provide clear and concise information on how contributions can be made and the associated time limits to allow appropriate participation by stakeholders.
4. When designing the consultation processes, the Association will strive for the following:
 - a) provide a flexible and effective approach to each consultation that can be adapted according, on a case-by-case basis, to the interest, context, significance and urgency of the deliverable;
 - b) guarantee an open, transparent, and well-managed process
 - c) to be accountable and provide a robust evaluation of responses showing how feedback received has been considered for the preparation of the new proposal;
 - d) defining clear rules on confidentiality to be applied for each consultation
5. ENNOH will aim for regular and trusted engagement with stakeholders over the long term.
6. ENNOH will aim to continuously improve its consultation processes. The Association will ask stakeholders to provide feedback on the ENNOH consultation processes in which they participate.
7. The Association will also continuously assess whether and how best practices and rules from non-directly applicable official EU texts, other EU entities (such as ENTSO for electricity, ENTSO for Gas, EU-DSO entity, etc.), or other stakeholders, might be appropriate to incorporate into ENNOH consultation processes.

CHAPTER II – GENERAL PROVISIONS

Article 3. – Deliverables to be Consulted Upon

1. The Association will consult with stakeholders at least on the following deliverables:
 - a) All the Network Codes (and the subsequent amendment of Network Codes)
 - b) Union-wide ten-year Network Development Plan and relevant related deliverables
 - c) Recommendations for technical cooperation between HTNOs, HDNOs, TSOs, DSOs
 - d) Recommendations for technical cooperation between Union and 3rd countries' HTNOs
 - e) Annual Work Program
 - f) Annual Supply Outlook
 - g) Hydrogen quality monitoring
 - h) Cybersecurity and Data Protection recommendations
 - i) Best practices for Hydrogen leaks
2. The Association might also consult the stakeholders on other deliverables that are not listed in the EU Regulation, but that might be relevant for ENNOH or for fulfilling ENNOH's mission, as described in the Articles of the Association.

Article 4. – Information to be Published by ENNOH on the Consultations

1. Within its Annual Work Program (AWP), the Association will present the areas of work for the coming year, indicating where consultation processes will be performed and outlining specific timelines and objectives for each.
2. To provide visibility and allow the relevant stakeholders to prepare efficiently, the Association will make available on its website an overview of ongoing and planned consultation processes. This information will be updated when needed and, in any case, with a frequency not lower than bimonthly.
3. Information on consultation workshops will be announced on the Association website and communicated to the interested stakeholders at least one month in advance or 15 days in advance in case of duly justified reasons.
4. the Association will issue regular general written updates (e.g., newsletters or similar) for stakeholders interested in its consultation processes. To facilitate proactive outreach, the Association will offer the possibility to stakeholders of subscribing to these written updates.

Article 5. – Parties Eligible to participate in ENNOH Consultations

1. All interested parties are eligible to participate in the consultations launched by the Association. These interested parties include those explicitly mentioned in the Regulation, market participants, organisations representing groups of stakeholders, NGOs, technical and scientific bodies, civil society organisations, consumers advocacy groups, local communities, environmental groups, think tanks, academia, regulatory authorities, ACER, Member states, and any other entity directly or indirectly affected by ENNOH decisions.
2. For concrete consultation processes, the Association will especially consult the stakeholders mentioned in the EU Regulation.

Article 6. – Other Participative Processes

1. Apart from the consultations, the Association will implement at least three types of participative processes, all of them aimed at ensuring an appropriate stakeholder contribution to the ENNOH deliverables:
 - a) According to the EU Regulation, the Association shall convene a Drafting Committee to assist it in the network code development process. The Drafting Committee shall consist of representatives of ACER, the ENTSO for Gas, the ENTSO for Electricity and, where

appropriate, the EU DSO entity, and a limited number of the main affected stakeholders. Each Network Code will have its own Drafting Committee. The composition of the various Drafting Committees will be determined through a transparent and objective process. Clear and inclusive criteria for selection will be outlined to ensure that the Drafting Committee is composed of the most appropriate stakeholders. Those stakeholders who apply for membership in the Drafting Committee and are not selected will receive a communication from the Association explaining the reasons for that decision. The composition and concrete rules for the operation and setting up of the Drafting Committees will be published by the Association when launching each network code development process.

- b) To assist the Association in preparing the Union-wide ten-year Network Development Plan and relevant related deliverables, the Association will publish an open invitation to stakeholders and other interested parties to participate in Stakeholder Joint Working Sessions (SJWS) according to the respective Project Plan prepared for each main deliverable. the Association will publish the minimum criteria to be fulfilled for those members wishing to participate at the SJWS.
 - i. the Association might call for different SJWS to collect input for other relevant deliverables or initiatives that are different from the Union-wide ten-year Network Development Plan and related deliverables. When launching each individual process, the Association will publish the rules for operating and conducting the SJWS.
 - c) In concrete cases, the Association might seek facts and figures from relevant stakeholders. For this purpose, the Association will set up an interactive data collection process aimed at simply collecting data from relevant stakeholders via an interactive communication tool. The data collection process will be prepared by the Association, consulted with stakeholders, and published on the website of the Association.
2. Depending on the nature of the deliverable being developed, and typically for network codes, the Association may also consult informally with stakeholders at an early stage to get ideas and elements for the preparatory work.

Article 7. – Treatment of Confidential Information

- 1. Unless specified otherwise by the respondent, the Association will typically treat responses as non-confidential.
- 2. The consulted parties will have the right to decide whether their response (or parts of it) is confidential or not. Whatever the consulted party claims to be confidential shall be treated as such.
- 3. Where a consulted party claims that the information submitted to the Association is confidential, it shall:
 - a) clearly identify the specific material or part of it that it considers to contain confidential information; the standard references to confidentiality, such as generic disclaimers contained in emails, are not accepted as claims of confidentiality.
 - b) clearly identify the specific persons or undertakings with regard to which such information is to be considered confidential.
- 4. To minimise confidential data, the Association might provide clear guidelines to data providers about the reasons for not publishing certain data. The Association might also implement mechanisms to help stakeholders share confidential information in a way that supports transparency and trust.

Article 8. – Coordination with the European Commission and ACER

- 1. For the different deliverables listed in the EU Regulation, such as the network code development process or the TYNDP process, the Association will duly coordinate with the European Commission and ACER to avoid duplication and overlapping of consultation processes and ensure efficiency and effectiveness.
- 2. The Association will communicate in its annual work program on actions and timetables for consultations associated with each deliverable.

3. For each deliverable, the Association will aim to provide stakeholders with an overview of how the different consultations to be run by ACER, the European Commission, and ENNOH relate.

CHAPTER III – CONSULTATION PROCESS

Article 9. – General Rules Applicable to a Public Consultation Process

1. The Association will seek early input in preparing deliverables requiring stakeholder contributions. The consultations will be well planned in advance.
2. ENNOH consultations will align with ENNOH's broader goals outlined in the EU Regulation.
3. For each main deliverable, the Association will publish a Project Plan.
4. The Project Plan will describe the development process and outline how ENNOH plans to engage with stakeholders throughout it. It will also include details of the consultation processes.
5. The Project Plan will respect the consultation provisions listed in the Regulation for specific deliverables.
6. The Association might receive contributions from stakeholders in writing (electronic format), in oral format and/or in any other suitable format.
7. The consultations will seek feedback on a draft document (e.g., draft network code, draft plan, etc.). The Association will publish clear, concise, and reasoned documents that explain the scope and objectives of the consultation and the type of feedback sought.
8. The Association will publish and announce the relevant consultation documents on its website.
9. The Association will notify interested stakeholders of the public consultation to be conducted and ask for specific feedback on the documents. Stakeholders interested in ENNOH's public consultation processes will receive the information via an ENNOH newsletter and, in some cases, via direct email.
10. The Association will enable a web-based application with registered access for stakeholders, offering electronic forms for submitting and publishing written contributions in a user-friendly manner.
11. The web-based application will not preclude respondents from submitting a background document (e.g. an e-mail or letter), which could be uploaded alongside the online response, to complement and better explain their position. However, in the Evaluation of Responses, ENNOH is only bound to react to the online responses and not to other material uploaded by respondents or submitted by e-mail or any other means;
12. The Association may hold preliminary sessions or workshops to walk stakeholders through the consultation process, get their initial feedback, and address any questions or uncertainties they might have
13. Apart from the written (electronic format) contributions, the Association might also receive input in other different ways during a consultation process:
 - a) workshops organised by ENNOH and open to all stakeholders to discuss their contributions to the public consultation process or deepen ENNOH's understanding of different proposals; when organising these workshops and inviting presenters, ENNOH should proactively seek balanced participation and involvement of different groups of stakeholders
 - b) meetings with specific groups of stakeholders or bilateral meetings; the meetings can be held virtually, in person or in a hybrid manner
 - c) other information forums, such as hearings, roundtables, and occasionally conferences, may be used to increase ENNOH's topic awareness and understanding
 - d) discussions at EU official regulatory forums chaired by the European Commission (such as those being held in Florence, Madrid, Copenhagen and London on electricity, gas, energy infrastructure and citizens' energy issues) can also contribute to deepening ENNOH knowledge on a consultation topic.

14. The Association will strive to allow for a minimum two-month consultation period when conducting a public consultation. This minimum duration can be reduced to three weeks in duly justified cases, such as when keeping the standard consultation period can endanger the timely delivery of the Association's tasks. ENNOH could shorten this period even more for very urgent cases to be duly justified. In case of consultation periods shorter than one month, the Association shall provide to stakeholders ample advance notice, and the reasons for shortening the consultation period should be clearly communicated to all stakeholders and ACER. The Association shall also use pre-consultations when the formal consultation period is shorter than two months.
15. The Association will aim to avoid overlapping the consultation process with public holidays and vacation periods. In the case of unavoidable overlapping, ENNOH will aim to extend the deadline so that stakeholders have enough working days to prepare their responses.
16. The Association will allow for confidential and non-confidential responses as appropriate to the subject matter. In all cases, ENNOH will provide clear advice in advance on how responses will be treated.
17. To address a potential lack of input from key stakeholders who have not provided input and whose contributions are key to a given consultation process, The Association will contact them and invite them to submit their contributions. The Association might offer these key stakeholders the possibility of organising bilateral meetings or workshops to facilitate their engagement and preparation of their contributions.

Article 10. – ENNOH's answer to contributions received during a public consultation

1. Once the public consultation is closed, the Association will consider all responses received and be mindful of the stakeholders' comments, trying to accommodate as much as possible the comments received before the final adoption of the proposal.
2. The Association will allow for confidential responses but will disregard anonymous contributions.
3. The Association will publish
 - a) all minutes of meetings related to the consultation. ENNOH might publish an aggregated summary of inputs received for the informal meetings and interactions held with stakeholders.
 - b) all the non-confidential responses received to formal consultations and the total number of responses received.
 - c) A list with the names of all respondents (unless the respondent requests to be kept anonymous), anonymising any sensitive personal data of any respondent.
4. The Association will prepare and publish a document evaluating the responses received. The document will include an aggregated summary of all the responses received and reasoning as to why contributions were considered (or not).
5. When using content from a confidential answer, the Association will explain why that information cannot be disclosed.
6. If necessary, and where timescales permit, the Association will conduct a (targeted) second consultation if the response to the first consultation indicates significant problems or where revised proposals are radically different from the original proposals on which the consultation was based.

Article 11 – ENNOH Guidelines for Stakeholder Engagement and Consultation

1. ENNOH will supplement and clarify all the required provisions included in these Rules of Procedure by publishing Guidelines for Stakeholders Engagement and Consultation.
2. The Guidelines requested in paragraph 1 will be agreed by the General Assembly and sent to ACER and the European Commission. These Guidelines on stakeholder engagement and consultation are considered to be Rules of Procedure pursuant to Article 57 of the Regulation and therefore are subject to the procedure established in that Article.
3. These Guidelines will further elaborate on the stakeholder engagement and consultation process providing clarification on at least the following aspects:

- a) additional criteria and indications for stakeholder participation
- b) additional guidelines for communication with stakeholders
- c) how to ensure high levels of transparency whilst ensuring the necessary confidentiality
- d) the management of conflicting stakeholders' interests
- e) additional clarifications on how the Association will ensure clearer coordination with the European Commission and ACER to prevent duplicated efforts
- f) the digital accessibility provisions to be included for ENNOH's documents and processes
- g) the interactive data collection process outlined in Article 6(1)(c)
- h) the protection of the intellectual property rights during the envisaged consultations