

## Revision of the Working Rules

### Context

The Brexit and the undefinition regarding what might be UK options regarding joining international agreements, opens an issue regarding the membership in Solar Heat Europe/ESTIF of entities based in the UK.

### Current framework

Our statutes state (article 6) that:

*[...] Individuals can be members only as Supporting Members. They must have a postal address within Europe.*

*In the other categories, members must be entities legally constituted according to the laws and customs of at least one European country. The scope of Europe for the purpose of this paragraph is determined in the Working Rules. [...]*

Our Working Rules define that:

*[...] "For the purpose of Article 6 of the ESTIF Statutes, the term Europe shall mean the following countries:*

- *Member countries of the European Union*
- *Candidate countries and Accession countries of the European Union*
- *Member countries of the European Free Trade Association*

*Under the provision of the Article 6 of ESTIF, the ESTIF Board will use the following guidelines for its decision to accept members. As many of these are identifying cases in a grey zone, a case-by-case analysis remains necessary." [...]*

None of these options would include the United Kingdom. Other countries not included are: Russia, Ukraine, Belarus and Caucasus countries.

The BoD has addressed this matter in its meeting of 5<sup>th</sup> February 2018 (BM I/2018) and has decided that the Working Rules should be amended in order to allow entities from the United Kingdom to become or remain as members. Furthermore, it has been decided at the BoD meeting of 17<sup>th</sup> July 2018 (BM IV/2018) that a change in geographical scope should be considered in an exceptional basis.

### Eligible Countries

Countries eligible under the current and proposed definition of "Europe" in the Working Rules:

### **EU Member States**

Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom.

### **EFTA**

Iceland, Liechtenstein, Norway, Switzerland

### **EU Candidate countries**

Albania, Montenegro, Serbia, Macedonia (FYROM), Turkey

### **Exceptional basis**

The statutes refer in article 6 that:

*“Exceptionally, and only for duly justified reasons, the Board of Directors may decide to accept members, even if they do not comply with the requirements stated above, in compliance with the Working rules of Solar Heat Europe/ESTIF.”*

Several of the cases considered are already referred in the current working rules, under “Membership Application”. Therefore, the simplest option would be to include, in the working rules, under the “exceptions” listed for membership applications, the fact that non-European countries can also be considered. It is also recommended to, in parallel, slightly change the structure and (sub-)title of this Membership Application section of the Working Rules.

In this regard, a clarification can be included, stating that, even outside of Europe, if having relevant activities in Europe and considered to being able to provide a valuable contribution to the association, that the Board could consider an exception.

The proposed option would avoid a change in the statutes, which would be more complex to tackle, as it would change the membership criteria and likely require a notarial deed.

Therefore, the exception option is the most adequate, also taking into account that it is not expected to have a large number of companies from outside EU joining. This would be indeed an exceptional case.

Meanwhile, it would also allow us to address the issue of a current member, an Australian company, that was present in Europe, hence fulfilling the criteria. Nevertheless, they have closed their European branch, even if continuing to be relevant in the European market. This entity wants to remain member and the Board agreed previously that they should remain as

member.

## Revised Proposal for Revision of the Working Rules

### **Changes to the Working Rules marked:**

- ~~Deleted or replaced~~
- Inserted
- **NEW: Inserted**

*Please also note that:*

- The reference to ~~ESTIF~~ is replaced by the new denomination, in short: **Solar Heat Europe/ESTIF**;
- *formatting changes were made under the Membership application subsection*

[...]

### **“European Countries**

For the purpose of Article 6 of the Solar Heat Europe/ESTIF Statutes, the term Europe shall mean the following countries:

- Current or former member countries of the European Union
- Candidate countries and ~~Accession~~ Acceding countries of the European Union
- Member countries of the European Free Trade Association

### **Provisions for exceptional and duly justified reasons regarding membership applications**

Under the provision of the Article 6 of Solar Heat Europe/ESTIF, the Solar Heat Europe/ESTIF Board will use the following guidelines for its decision to accept members. As many of these are identifying cases in a grey zone, a case-by-case analysis remains necessary.

### **Membership application**

1. Industry or Service Provider NOT member of a national member association:
  - a. If no member association exists in the country, the applicant is accepted anyways;
  - b. If the applicant is not directly a member of a member association, but at least one of its direct subsidiaries is, the applicant is generally accepted;
  - c. If the company/entity has a clear “European” focus, the applicant is generally accepted;
2. The status of membership in a member association is checked only at the time of application. It is reviewed later only at a concrete request of an existing member, of

the ~~BoD~~ Board or by initiative of the Secretariat. In case of non-compliance that member must rectify its status by the beginning of the following year.

3. Supporting members:

- a. Research institutes, which are not test institutes, are not-for-profit organizations and thus eligible to become support member. Special consideration may be warranted if the institute is involved in other commercial services in the ST sector (e.g. consulting/engineering services). Applicants will be requested to confirm that they are not testing and that they are not-for-profit;
- b. Individual persons are accepted as supporting members if they are not linked to a company/organization normally falling under any of the other membership categories.
  - i. The applicant shall confirm so in writing. All membership rights are then accessible only to this individual.

**4. Non-European entities:**

- a. **An entity based in a country that is not within the concept of 'European Country' described in these Working Rules, can be exceptionally accepted as member by the Board. This decision can be taken on the ground that the entity has relevant activities in Europe and is able to provide a valuable contribution to the association and the development of the sector."**