



Guidance Note 2: Consultation Practices.

Version 3.1

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AIB Working Group Internal Affairs

Foreword

AIB is determined to ensure that the operation of its international energy certificate systems is reliable. One crucial element is to ensure that the views of stakeholders are taken into account. This is recognised by all members of the AIB, and consequently it has been decided to adopt the following practices when consulting stakeholders.

In the event of conflict between the text of the EECS Rules (or subsidiary documents) and the text of this document, the EECS Rules (or subsidiary document) shall always take precedence.

Guidelines on AIB Consultation Practices

General Remarks

1. The Association of Issuing Bodies (AIB) has approved the following guidelines recognising in particular:
 - a. the importance of consultation in providing expert input and views on draft proposals;
 - b. the need for a flexible approach to consultation (one that can be adapted according to the significance and urgency of an issue); and
 - c. the need to ensure a high quality to consultation.
2. In carrying out consultation, AIB will be guided by a number of principles, several of which reflect the European Union's approach to better regulation, and are based themselves on the European Regulators Group for Electricity and Gas (ERGEG) document "Public Guidelines on ERGEG's Consultation Practices".
3. The AIB will review this consultation practice on a regular basis.

Principles of Consultation

4. On **whom** it consults, AIB will, wherever appropriate:
 - a. foster links between its members and their governments and industries, and between its members and those members of international organisations who are of the same nationality; seeking consultation of representative and decision-making bodies in order to ensure good lines of communication;
 - b. consult the full range of interested parties, including producers, network operators, suppliers and consumers as appropriate;
 - c. make consultation proposals widely known and available through all appropriate means, but most particularly the Internet;
 - d. consult as appropriate at national, European and international levels; and
 - e. make interested parties aware by appropriate means such as the web or email, when the AIB website has been updated.
5. On **when** it consults, AIB will:
 - a. align its activities with the plans of the European Commission and other relevant bodies, recognising any constraints imposed upon such bodies;
 - b. publish forward annual work programmes to inform all interested parties of planned consultations;

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- c. organise, upon request, informal discussions at an early stage with those most directly affected, recognising the limited resources that are available for this;
 - d. consult at a sufficiently early stage to take responses into account; and
 - e. allow those consulted adequate time to respond, taking account of the complexity of the issue and any deadlines set. The period normally set for consultation will be:
 - i. for policy matters, including changes to the Principles and Rules of Operation of the European Energy Certificate System (the EECS Rules), between one and two months, in order to ensure that the process of policy formation is not unduly delayed; and
 - ii. for operational matters, including changes to EECS Rules Subsidiary Documents (SDs), between two weeks and one month, in order to ensure that the operational issues are dealt with promptly.
6. On **how** it consults, AIB will:
- a. recognise the importance of consultation, continually striving to improve the inclusiveness and thoroughness of its consultation process;
 - b. provide an opportunity for interested parties to comment on proposals where the AIB has initiated major new pieces of work;
 - c. when necessary, indicate publicly its thinking on specific initiatives at various stages, to test preliminary analysis or thinking;
 - d. produce reasoned consultative proposals drafted as clearly and concisely as possible and indicating the objectives pursued. These proposals will be based on a thorough analysis of the issues including, where possible, any relevant economic analysis. Wherever possible, preliminary information on the impact of the proposals will be provided;
 - e. ensure that all relevant documents are circulated adequately in advance of such meetings, thereby allowing participants the opportunity to provide views on important proposals at the early stages of a consultation process and, when timetables permit, at a later stage before final recommendations are adopted.
 - f. whenever appropriate, establish consultative working groups of experts, in addition to the present structure of working groups;
 - g. use a variety of media, including public hearings/roundtables, reports and, most commonly, internet based consultation; and
 - h. use appropriate processes to target consultations at those who are most affected.
7. On **how** it responds to consultation, AIB will:
- a. give appropriate consideration to responses received;
 - b. make public all responses to formal consultations (unless otherwise requested) and/or make public a summary of the responses received explaining whenever comments have not been taken on board in respect of major issues;
 - c. if necessary, and where timescales permit, consult a second time if the response to the first consultation reveals significant problems, or where revised proposals are radically different from the original proposals on which consultation was based; and
 - d. publish all formal proposals and advice.