

TERMS OF REFERENCE FOR THE INTERNATIONAL PARTNERSHIP FOR THE HYDROGEN ECONOMY

As Modified by the IPHE Steering Committee on 26 September 2006

The undersigned national government entities (collectively the “Partners”) set forth the following Terms of Reference for the International Partnership for the Hydrogen Economy (IPHE), a framework supporting agile, productive international cooperation in the production, delivery, storage, and utilization of hydrogen.

1. Purposes of the IPHE

To serve as a mechanism to organize and implement effective, efficient, and focused international research, development, demonstration and commercial utilization activities related to hydrogen and fuel cell technologies. It also provides a forum for advancing policies, and common codes and standards that can accelerate the cost-effective transition to a global hydrogen economy to enhance energy security and environmental protection.

2. Functions of the IPHE

The IPHE will seek to:

- 2.1 Identify and promote potential areas of bilateral and multilateral collaboration on hydrogen and fuel cell technologies;
- 2.2 Analyze and recommend priorities for research, development, demonstration, and commercial utilization of hydrogen technologies and equipment;
- 2.3 Analyze and develop policy recommendations on technical guidance, including common codes, standards and regulations, to advance hydrogen and fuel cell technology development, demonstration and commercial use;
- 2.4 Foster implementation of large-scale, long-term public-private cooperation to advance hydrogen and fuel cell technology and infrastructure research, development, demonstration and commercial use, in accordance with Partners’ priorities;
- 2.5 Coordinate and leverage resources to advance bilateral and multilateral cooperation in hydrogen and fuel cell technology research, development, demonstration and commercial utilization;

- 2.6 Address emerging technical, financial, legal, market, socioeconomic, environmental, and policy issues and opportunities related to hydrogen and fuel cell technology that are not currently being addressed elsewhere.

3. Organization of the IPHE

- 3.1 A Steering Committee and an Implementation – Liaison Committee will be formed.
- 3.2 The Steering Committee will govern the overall framework, policies and procedures of the IPHE, periodically review the program of collaborative activities, including a review of the organizational structure if necessary, and provide direction to the Secretariat. The Committee should meet at least once a year, at times and places to be determined by its appointed representatives. The Steering Committee may convene meetings with the Implementation – Liaison Committee, as it deems appropriate. Decisions of the Committee will be made by consensus of its appointed representatives.
- 3.3 Appendix A lists the IPHE partners. Appendix A may be amended by consensus of the Steering Committee.
- 3.4 Unless otherwise determined by consensus of the Partners, each Partner may make up to two appointments to the Steering Committee and the Implementation-Liaison Committee.
- 3.5 Other experts may attend the Steering Committee or the Implementation – Liaison Committee meetings as deemed necessary by the appointed representatives.
- 3.6 The Implementation – Liaison Committee will report to the Steering Committee. The Implementation – Liaison Committee will meet as often as it determines necessary to review the progress of collaborative projects; identify promising directions for research, development, demonstration, and commercial use; provide technical assessments for policy decisions, pursue international codes and standards and safety protocols, and make recommendations to the Steering Committee on needed actions. The Implementation – Liaison Committee will meet as often as it determines necessary with interested international stakeholders to share information on IPHE activities and to develop advice and counsel, which it will subsequently offer to the Steering Committee. Decisions of the Committee will be made by consensus of its appointed representatives.
- 3.7 The IPHE will coordinate its activities with the International Energy Agency, the hydrogen efforts of which are an important complement to the

IPHE and which the IPHE views as a valuable institution in the transition to the hydrogen economy. The IPHE will seek to avoid duplication with ongoing activities in international organizations.

- 3.8 The principal coordinator of the IPHE's communications and activities will be the IPHE Secretariat. The Secretariat will: (1) organize the meetings of the IPHE and its committees, (2) arrange special activities such as teleconferences and workshops, (3) receive and forward new membership requests to the Steering Committee, (4) coordinate communications with regard to IPHE activities and their status, (5) act as a clearinghouse of information for the IPHE, (6) maintain procedures and responsibilities for key functions that are approved by the Steering Committee, and (7) perform such other tasks as the Steering Committee directs. The focus of the Secretariat will be administrative. The Secretariat will not act on matters of substance except as specifically instructed by the Steering Committee.
- 3.9 The Secretariat may, as required, use the services of personnel employed by the Partners and made available to the Secretariat. Unless otherwise determined by the Partners, such personnel will be remunerated by their respective employers and will remain subject to their employers' conditions of employment.
- 3.10 The U.S. Department of Energy will serve initially as the IPHE Secretariat unless otherwise decided by consensus of the Partners. This arrangement will be reviewed at two year intervals.
- 3.11 Each Partner will individually determine the nature of its participation in the IPHE activities.

4. Membership

- 4.1 These Terms of Reference, which are administrative in nature, do not create any legally binding obligations between or among its Partners. Each Partner will conduct the activities contemplated by these Terms of Reference in accordance with the laws under which it operates and the international instruments to which it is a party.
- 4.2 The Steering Committee may invite new national government entities to become Partners of the IPHE if the Steering Committee determines the applicant has demonstrated:
 - 1) a substantial, long-term resource commitment to hydrogen and fuel cell technology research and development activities;
 - 2) a well-defined vision and national strategy to advance technology deployment and infrastructure development; and

3) a commitment reflected in policies and strategies that effectively advance private sector development of a hydrogen economy.

- 4.3 Membership in the IPHE will be contingent upon the acceptance of the IPHE Terms of Reference.
- 4.4 Technical and other experts from within and without IPHE Partner organizations may participate in activities conducted under the auspices of the IPHE, unless otherwise determined by the Partners.

5. Funding

Unless otherwise determined by the Partners, any costs arising from the activities contemplated by these Terms of Reference will be borne by the Partner that incurs them. Each Partner's participation in IPHE activities is subject to the availability of funds, personnel and other resources.

6. Intellectual Property

- 6.1 To the extent practicable, the research and development fostered by IPHE should be open.
- 6.2 The protection and allocation of intellectual property, and the treatment of proprietary information arising from research and development collaborations fostered by the IPHE, will be defined by specific implementing arrangement(s).

7. Commencement, Extension, Modification, Withdrawal, and Termination

- 7.1 Commencement, Modification and Termination
 - 7.1.1 These Terms of Reference will commence on November 20, 2003 and will continue for 10 years unless extended or terminated by the Steering Committee.
 - 7.1.2 These Terms of Reference may be modified or terminated in writing at any time by consensus of the Steering Committee.
- 7.2 Extension and Withdrawal
 - 7.2.1 By written arrangement, the Steering Committee may extend these Terms of Reference for additional periods.

- 7.2.2 A Partner may withdraw from membership in the IPHE by giving written notice to the other Partners 90 days prior to its anticipated withdrawal.

Appendix A

IPHE Partners: Australia, Brazil, Canada, China, France, Germany, Iceland, India, Italy, Japan, New Zealand, Norway, Republic of Korea, Russia, United Kingdom, the United States of America, and the European Commission