
FGW e.V. – Fördergesellschaft Windenergie und andere Dezentrale Energien

General Rules of Procedure



**FGW e.V. - Fördergesellschaft Windenergie
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1. General information

1.1 Introduction

The statements below apply to the institutions and individuals, who are involved in compiling and developing the Technical Guidelines of the FGW e.V. In addition, the present document is intended to inform all interested parties in Germany and abroad about the objectives and working method as well as the legal aspects associated with the work of the FGW to develop guidelines.

These Rules of Procedure do not apply to project meetings as part of joint research projects where FGW cooperates with other institutions without a separate agreement. Separate rules of procedure can be agreed for such meetings in the relevant project agreements.

1.2 Reference to the FGW statutes and the FGW Compliance Guidelines

The statutes are the basis for all the activities of FGW. Owing to the collaboration between member companies, some of which are competitors, Compliance Guidelines were approved by the general assembly to maintain fair competition, which are in principle applied in the panels of the FGW.

1.3 Objective of these Rules of Procedure (entitlement to extended Rules of Procedure in the panels)

These Rules of Procedure should be kept as clearly arranged and simple as possible so that Technical Guidelines can be drawn up flexibly and quickly with and for our members. As a result of the different scope of the subjects covered in the FGW panels, specific requirements may however also be agreed on extended Rules of Procedure on an individual basis for individual panels. Extended Rules of Procedure have been agreed for example in the TG8 sub-committee (ECEC), in the Expert Committee on Maintenance (ECM) and in the joint sub-committee Site Yield (Expert Committee on Wind Potential (ECWP) and Expert Committee on Power Curves (ECPC)). Extended Rules of Procedure for the expert committees must be confirmed by the FGW Board.

It is primarily the responsibility of staff in the secretariat, who generally assist all the panels of FGW, to ensure compliance with these Rules of Procedure. If representatives of the secretariat are absent, this task is the responsibility of the relevant chairpersons.

1.4 Who compiles the Technical Guidelines of the FGW?

The contents of the Technical Guidelines are the responsibility of the respective technical committees and working panels. In the past the following institutions among others were involved in compiling these guidelines in the sub-committees: independent measuring institutes, certification bodies, representatives of the federal states, of national ministries and emission protection authorities of the Federal Republic of Germany, manufacturers and their suppliers, distribution and transmission system operators, insurance companies, operating and operative management companies, research institutes and universities, engineering offices as well as professional associations and to some extent also lobbying groups and the employees of the FGW e.V. Members always have a vote in the FGW's panels in line with the consensus principle and therefore represent the company from which they have been

seconded. For this reason, the Board of the FGW has so far not accepted any interest group as a member. Representatives of associations may however be invited by the secretariat to participate as guests in the panels of the FGW.

1.5 The panels of the FGW

The contents of the Technical Guidelines are the responsibility of the respective Expert Committees of FGW. An application to establish a committee can be submitted to the Board by means of an informal application indicating the supporting institutions and the intended task. Expert Committees (EC) can establish sub-committees (SC) to draw up the content of the guidelines, determine the objectives, timetables and ancillary conditions and have sole entitlement to vote on notifications and statements to external organisations. After the vote they must be published via the secretariat in the same manner as all the Technical Guidelines and other publications, which are adopted.

Sub-committees are established by one or more Expert Committees and can be responsible for guidelines or subsidiary tasks, depending on the objectives. They can establish working groups (WG) and working sub-groups (WSG) if the latter receive an objective and a timetable, and dissolve them again later.

In addition to panels involved directly in the guideline work (EC, SC, WG and WSG, see Chapter 2.1), interest groups (IG) can be established by means of an application to the secretariat. They are not permitted to adopt publications, but can publish statements or correspondence with external organisations, insofar as the members of the interest group represent cross-party interests. In cases of doubt, the secretariat will decide on publication.

Industry representatives of an interest group can agree on their positions, discuss issues of technical feasibility, find compromises or discuss internal issues relating to the industry at their own meetings. For example, for several years a meeting has been held of the certification agencies and the measuring institutes are also meeting on a regular basis.

1.6 Technical Guidelines of the FGW e.V.

Work on compiling the Technical Guidelines began in 1992 with the aim of presenting measuring procedures in order to gather reliable and comparable data on wind turbines (WT) in line with the state of the art.

Some Technical Guidelines could be transferred to other feed-in technologies and in this way it has been possible to win members from other industries as well. So far guidelines have been drawn up in the Expert Committee for Electrical Characteristics (ECEC), Expert Committee for Maintenance (ECM), and Expert Committee for Electromagnetic Compatibility (ECECO) not only for wind turbines but also for other feed-in technologies.

The latest list of the Technical Guidelines which have been published with supplements, if applicable, can be found on the FGW website (www.wind-fgw.de) together with previews of the relevant tables of content and areas of application.

The measuring regulations in the fields of noise emissions (TG 1), power curve (TG 2), electrical characteristics and off-grid electromagnetic compatibility (TG 9) should be used as a basis to assess WT e.g. in authorisation queries, the assessment of grid connection options or for reliable yield calculations.

In the meantime, the individual Technical Guidelines as well as the measuring reports compiled by independent measuring institutions have become widely recognised in their fields. Power curves form the basis of purchase agreements and financing commitments as well as site-dependent compensation as part of the reference yield scheme, while measured noise emission values are applied both in purchase agreements and for obtaining the permit under the Federal Emission Control Act (*Bundes-Immissionsschutzgesetz* - BImSchG). The measurement of the electrical characteristics or development of unit models on the basis of these measurements in accordance with Technical Guidelines Part 3 and 4 is requested as evidence of compliance with the grid connection criteria at medium, high and maximum voltages for connection to their grids by distributors and transmission system operators.

Technical Guideline Part 5 "Determination and application of reference yield" (available in German only) was drawn up by the FGW Expert Committee on Power Curves in cooperation with the German Association of Energy and Water Industries - BDEW, the German Wind Energy Association - BWE, and the Mechanical Engineering Industry Association -VDMA. The procedures necessary to determine and apply the reference yield in accordance with the Act on Granting Priority to Renewable Energy Sources (Renewable Energy Sources Act - EEG) were specified in this Technical Guideline. The determination of wind potential and energy yields in accordance with Technical Guideline Part 6 was previously used as evidence whether a yield of at least 60% of the reference yield could be achieved at the site. In the meantime evidence in accordance with TR 6 is required by accredited wind experts for various purposes and among other things as a condition for feed-in compensation under the EEG. Technical Guideline Part 7 "Maintenance of power plants for renewable energy, General Part, Rubric A" (available in German only) is being drawn up with all stakeholders involved to develop the fundamentals for decisive improvements in maintenance.

2. Principles of work on guidelines

2.1 Organisation

The work on guidelines takes place in the following panels:

1. Expert Committee (EC)
2. Sub-committee (SC)
3. Working groups (WG)
4. Working sub-groups (WSG)

Expert Committees define the main topics in the work on guidelines and delegate these to sub-committees. Guidelines are approved only in the Expert Committees. Sub-committees are established by the Expert Committees to draw up drafts. If necessary, working groups can be set up for this purpose

and these in turn may establish working sub-groups or working panels may be combined (joint sub-committee, JSC).

Panel members are generally members of the FGW. Panel members represent their personal expert opinion in each case, but can also reflect the opinion of a company, a public authority or an institute. The composition of the panels should reflect all the justified interests as far as possible. Every Expert Committee has a chairperson.

The FGW management will call on the relevant chairpersons for expert decisions. The names of the companies, which are involved in drawing up a Technical Guideline, can be mentioned in the foreword.

Every FGW member has one vote.

Resolutions should be adopted by mutual consent. If this is not possible, there must be a vote for which a simple majority of the votes cast will apply. If the votes are tied, the chairperson will decide.

Should a vote be carried out by email, then a proposal is considered to have been accepted if more than 50% of those voting have voted "Yes" within the deadline set. If members of the Expert Committee do not participate in the vote, abstentions will be assumed.

Guests (e.g. experts to clarify specific questions) will be invited on the proposal of members of the Expert Committee after consultation with the chairperson and the FGW secretariat. Guests do not have a right to vote.

Exception: Any guests involved in drawing up a new guideline have an unlimited right to vote when voting on revision 0.

2.2 Content of the meetings, minutes and draft documentation

Consultations are held in-camera. Members will receive minutes of the meetings of Expert Committees, sub-committees, working groups and working sub-groups. These minutes are regarded as having been approved if no written objections have been submitted to the secretariat of the FGW six weeks after they were sent out. If there are objections, they will be clarified in the next meeting of the Expert Committee.

Minutes, consultation documentation and provisional guideline texts are confidential and only intended for the relevant member of the Expert Committee. This applies in particular to documentation, which fall under statutory data protection requirements. However, members may provide information internally to the offices which sent them into the committee. Publications on the work of the Expert Committees - also in the form of extracts - require approval by the FGW secretariat. Expert Committees can deviate from this stipulation by adopting extended Rules of Procedure and regulate the confidentiality of the documentation differently.

The Technical Guidelines should not contradict legal provisions or technical standards; they may however contain findings following presentation of new developments in technology, which deviate from the information in the legal provisions. Reference must be made to this in each case.

2.3 Intellectual property rights

In principle it is the intention that no intellectual property rights of a third party are affected in Technical Guidelines of the FGW.

Should an industrial property right affect the content of the work on guidelines in exceptional cases, a solution is to be found with the owners of the intellectual property right. Such an agreement should be in the general interest. For this purpose arrangements such as granting licences can be made. Specific reference to this must be ensured in the Technical Guideline.

Should a member of the panel be aware of an intellectual property right, which forms the subject of the new Guideline, then this member is obliged to inform the FGW secretariat of this promptly.

2.4 Initiation of work on a guideline

Proposals for new guidelines can be put forward by every member to the management of the FGW. This also applies to drawing up a new revision to existing guidelines.

The following points will be verified before a decision to start work is taken:

- current requirement for new guidelines;
- willingness of members to become involved;
- incorporation of the work necessary in the existing Expert Committees;
- estimation of the content and time framework.

2.5 Chairpersons

The members of the Expert Committees elect chairpersons. The following applies to the election procedure:

- members of FGW member institutions have an exclusive right to vote;
- every FGW member has a single vote;
- the election is held in Expert Committees as a secret vote;
- a relative majority of votes cast is decisive;
- new election/re-election at regular intervals: three years

2.6 Cost regulations for participation

Members of the FGW are permitted to participate in all the FGW panels after payment of the annual membership fee. In principle the work in the panels should be limited to members of the FGW.

Participation in the FGW panels is free of charge for invited guests. Three visits to panels are free of charge for guests, who would like to find out more about the guideline work of the FGW. After the third visit a participation fee corresponding to a membership fee in accordance with the FGW membership fee regulations is due for the relevant year.

Companies, for whom membership of the FGW is not possible, will pay an annual amount for their participation in the Expert Committees which is identical to the regular membership fee. These non-members have a right to vote. An invitation to the meetings will be issued after the payment has been received. Exceptions: In order to find out about the work of the FGW panels, non-members can attend one meeting of an Expert Committee or a research group free of charge.

2.7 Publication and dissemination of the Technical Guidelines

The Technical Guidelines will be published solely by the FGW secretariat. The date when a new revision is published will be announced on the FGW's website. An overview of the applicable revisions to all Technical Guidelines can also be found there.

Requirements in terms of quality and time for the publication of Technical Guidelines can be specified by means of extended Rules of Procedure for the bodies. Otherwise the secretariat is responsible for the design and orthographic implementation of the guidelines and the chairpersons are responsible for the correct implementation of all other content.

2.8 Copyright

As the publisher of the Technical Guidelines, the FGW has rights to the copyright of the drafts of the Technical Guidelines and the Technical Guidelines themselves as well as to all other attachments associated with the latter, e.g. programs on data carriers. The FGW is therefore entitled to a right to copy and distribute the Technical Guidelines as well as the right to update them. Involvement in the guideline work of the FGW includes the declaration of all those involved that they transfer the transferable rights to the FGW in accordance with the German Copyright Act (*Urheberrechtsgesetz*) for the latter's exclusive use and exploitation, in particular transferral to other rules and regulations. An assertion of rights by individuals to the results of the work on guidelines is not compatible with the nature of this work as the product of a collective effort.

If the guidelines drawn up are based on works of third parties protected by copyright, mutual agreement is to be reached if required regarding publication.

The right to transfer the rights of use and exploitation of Technical Guidelines to a third party is reserved for the FGW secretariat.

In the event of a violation of these requirements, the FGW is entitled to implement the temporary exclusion of individual representatives of the member institutions up to final exclusion of the member institution concerned from the FGW as a sanction.

2.9 Validity

These rules of procedure were adopted in a written procedure by the Board of the FGW on 21 April 2017 and enter into force on 21 April 2017.