



Questions and Answers

The Ministerial Order for the Permitting of Offshore Wind Farm Permits Hollandse Kust (zuid), Sites III and IV

Hollandse Kust (zuid) Wind Farm Zone, Sites III and IV

Final version, February 28, 2019

Please note: In the event of any imperfections or errors, or where various interpretations are possible, the Ministerial Order takes precedence

Organisation		
No.	Question	Answer
1	Can a public limited company or a private limited company (N.V. and B.V. under Dutch law, respectively) in the process of formation submit an application and is it possible to do so without a Dutch Chamber of Commerce registration number?	The applicant enterprise can be a public limited company (N.V.) or a private limited company (B.V.) in the process of formation, provided that it is listed in the Dutch Commercial Register. For this reason, applicants must have a Chamber of Commerce (KvK) registration number. They must also incorporate the public limited company (N.V.) or private limited company (B.V.) immediately after the possible award of the permit (the deed of incorporation should be executed before a civil-law notary and the registration in the Dutch Commercial Register must be complete).
2	Can an organisation participate in multiple consortia?	Yes, an organisation may participate in multiple consortia.
3	Can multiple subsidiaries of a parent company submit an application?	Yes, multiple subsidiaries of a parent company may submit an application.
4	According to the Ministerial Order, when calculating the applicant's equity capital, the equity capital of its parent company may be included, provided that the parent company has consented to this practice in writing. Is there a template in which such consent can be granted? Are there any requirements the declaration of consent needs to meet?	No template will be made available. There are no specific requirements regarding the format of the declaration, as long as the declaration clearly reflects the parent company's consent and is signed by an authorised signatory.

Communication		
No.	Question	Answer
1	What information will RVO.nl (Netherlands Enterprise Agency) publish about the ranking(s) and the successful applicant(s)?	RVO.nl will determine after the fact what information on the ranking(s) will be disclosed. Please note: RVO.nl may be obliged to disclose information based on a court decision.
2	Will the investment amounts that must be recorded in the statement of income and expenditure be published?	RVO.nl will not disclose the investment amounts recorded in the statement of income and expenditure of its own accord. However, RVO.nl may be obliged to disclose the information based on a court decision.



3	How can stakeholders keep up to date with current information?	<p>It is your responsibility to keep up to date with the latest information. Via www.rvo.nl/windenergie-op-zee you can find the latest information on the Ministerial Order. Visit offshorewind.rvo.nl for all the available data regarding the site examinations. Via www.mijnrvo.nl, you can find all the information you will need to submit your application.</p> <p>You are also welcome to subscribe to the Offshore Wind Energy newsletter, which provides information on meetings, examinations, and so on. The newsletter does not have a regular publication schedule and does not provide a complete picture of current data. You can subscribe to the newsletter by sending an email to woz@rvo.nl. The information can also be found at offshorewind.rvo.nl.</p>
----------	--	--

Application form and appendices		
No.	Question	Answer
1	In what language must applications be made?	The application form for the permit is only available in Dutch. This form must be filled in by the applicant in either Dutch or English.
2	Is the application form also available in English?	The official application form is only available in Dutch. For reference purposes, an English translation of the application form can be found in Appendix A to the Project & Site Description of Hollandse Kust (zuid) Wind Farm Sites III and IV, as well as on our website. However, the English translation of the application form is not an official document that can be used to submit an application.
3	Can RVO.nl confirm that no other information must be provided, apart from the application form and the appendices referred to in the application form?	Applicants must fill in the application form in full and must submit it, along with all the applicable appendices, to RVO.nl in Zwolle. No other information will be required.
4	In the application form, why are applicants not required to provide their IBAN or BIC codes?	The application form is only used to apply for a permit. You cannot use it to apply for a subsidy.
5	Are Appendices 1 and A1 subject to a page number limit?	Neither appendix is subject to a page number limit. However, since the description is supposed to constitute a somewhat concise summary, we suggest that you keep your description under 30 pages where possible.
6	<p>If I only wish to submit an application for Site III, proposing methods that will result in <u>economies of scale</u>, and an application for Site IV, proposing methods that will result in <u>economies of scale</u>, do I have to submit both:</p> <ul style="list-style-type: none"> - an application form for Wind Farm Site III, filled out in full, along with Appendices 1 to 14 (where required) and additionally Appendices A1 to A4, as well as - an application form for Wind Farm Site IV, filled out in full, along with Appendices 1 to 14 (where required) and additionally Appendices A1 to A4. 	Yes, that is correct. Even if you only wish to submit an application proposing methods that will result in <u>economies of scale</u> , you will still be required to submit Appendices 1 to 14 (where required) along with the application form for Site III, completed in full, and the application form for Site IV, completed in full. In addition, you will be required to submit Appendices A1 to A4 with both the application form for Site III, proposing methods that will result in <u>economies of scale</u> , and the application form for Site IV, proposing methods that will result in <u>economies of scale</u> . In other words, you will be required to submit two copies of Appendices A1 to A4, even though they contain the same information. If you fail to submit Appendices A1 to A4 with one or both of your application forms, neither application will be eligible for a permit. Naturally, your application(s) will also be ineligible for a permit if you fail to submit one or more of the other requested appendices (Appendices 1 to 14).
7	Am I correct in believing that when an applicant answers Question 8.2 on the application form with 'yes', this application will be entered into the	Yes, that is correct.



Application form and appendices		
	rankings twice, once with the score awarded for a plan proposing methods that will result in economies of scale, and once with the score awarded for a plan that does not propose methods that will result in economies of scale?	
8	Do I have to submit originals of the application form and its appendices or will you accept photocopies or scans?	We will accept photocopies or scans of the original documents. This is true both for the application form and for the appendices.
9	In Question 4.2 of the application form, I am asked to provide the date on which we intend to begin awarding contracts to suppliers and installers. Am I expected to enter the date on which we expect to sign all the contracts (financial close) here?	Yes, you may enter this date.
10	In the event that I hope to receive a permit for both Site III and Site IV, using the available economies of scale, do I also have to submit Appendix 4, pertaining to the parent company's consent?	No, you do not have to submit Appendix 4, pertaining to the parent company's consent, along with Chapter 9.

Wind report and wind turbines		
No.	Question	Answer
1	Can applicants draw up a wind report themselves and subsequently have it approved by an independent party?	No, this is not allowed. The wind report must be drawn up by an independent organisation with expertise in the field of wind energy yield calculations. It must not be drawn up by the applicant.
2	Wind turbines with boosters are available. How do boosters affect the capacity of the wind turbine and the wind farm?	In order to determine the capacity of wind turbines and wind farms, the installed capacity as defined in the Wind Farm Site Decision applies. Boosters are not part of this capacity. The added yield generated by boosters does count towards the calculation of the P50 value for the net electricity production.
3	To what kind of certification standards are wind turbines subject?	Article 6.16(d) of the Water Decree stipulates that a certificate must be issued by an independent expert no later than eight weeks prior to the start of the construction period, stating that the design of the wind turbines and other installations that form part of the wind farm comply with the requirements set out in Article 6.16(g)(1) of the Water Decree. Applicants who make use of a type of wind turbine that has already been certified for offshore wind energy need not provide any further information. Applicants who wish to make use of a type of wind turbine that has not yet been certified for offshore wind energy must provide information demonstrating that the applicant is likely to be able to provide the above certification from an independent expert no later than eight weeks prior to the start of the construction period.
4	When an applicant chooses a non-certified wind turbine, must they also demonstrate convincingly in Appendix 12 that the foundations and infield cables will meet the requirements set out in Article 6.16d(1)(c) of the Water Decree in good time?	Yes. In such a case, the applicant must demonstrate convincingly that they will have a declaration issued by an independent expert showing that the turbines, foundations and infield cables will meet the requirements set out in Article 6.16d(1)(c) of the Water Decree no later than eight weeks before the start of the construction period.
5	Does RVO.nl (the Netherlands Enterprise Agency) publish a list of parties approved by RVO.nl to prepare the wind report?	No, RVO.nl does not publish a list of parties that have been approved to prepare wind reports. The wind report must be drawn up by an independent party (also see Question 1).



Wind report and wind turbines		
6	What kind of power curve must be used for the calculation of the P50 value in the wind report?	The wind report must be prepared by an independent party with expertise in the field of wind energy yield calculations. This party will use the power curve determined by a certification institution. If no such information is available as yet, the supplier of the wind turbine can make a power curve available.
7	When determining the P50 value for Sites III or IV, the Luchterduinen Wind Farm must be taken into account. Is a power curve available for these wind turbines?	No. You will be able to find all the information on the Luchterduinen Wind Farm that needs to be taken into account, including the type of turbines used, on RVO.nl's website. The power curves will not be made available.
8	The Ministerial Order stipulated that the calculation of the P50 value for the wind farm's net electricity production per annum must take into account the availability, wake effects, electricity losses and curtailment losses. What is meant by 'curtailment losses'?	Curtailment losses are incurred if TenneT must curtail the transmission capacity of the export cables as a result of overheating of the cables. TenneT guarantees a transmission capacity of 350 MW each for Sites III and IV. The maximum flexible-transmission capacity for both Site III and Site IV is 380 MW. If you use the excess capacity for overplanting purposes, you must take curtailment losses into account. TenneT has published a number of studies of this issue on its website.
9	The developer of an innovative wind turbine that has not yet been certified will initially base their calculations on a conservative power curve. However, according to the manufacturer, the power curve will most likely improve (become steeper) during the development process. Which power curve do we use to calculate the P50 value?	When calculating the P50 value, you may use the power curve deemed most likely by the manufacturer of the turbine. After all, the key factor is the determination of the net P50 value, i.e. where there is a 50% chance of that level of production being achieved. If a power curve is estimated too conservatively by the turbine developer, the party preparing the wind report may use the most probable power curve for the calculation of the net P50 value.
10	Must the mandatory reduction of blade rotation to protect birds and bats be taken into account in the drafting the wind report?	Since your production will not be significantly reduced by the mandatory reduction of blade rotation to protect birds and bats, you will not have to take it into account when preparing your wind report.
11	Must the five-day export cable maintenance activities possibly carried out by TenneT each year be taken into account in drafting the wind report?	The five-day export cable maintenance activities carried out by TenneT each year do not have to be taken into account.
12	Must the wind report be adjusted for the losses due to high wind speed hysteresis, sub-optimal production in the first year and turbine degradation?	No. You do not have to take these losses into account.
13	When performing the wind energy yield calculation, is it necessary to take into account the so-called 'wind farm blockage' effect?	No, it is not necessary to take account of the so-called 'wind farm blockage' effect.

Time frames		
No.	Question	Answer
1	What is meant by the 'obligation to start the construction of a wind farm within four years of the date on which the permit becomes irrevocable'?	The start of construction means the beginning of offshore construction, e.g. the laying of the first foundations.
2	When can the wind farm be dismantled?	The Wind Farm Site Decisions for Sites III and IV stipulate that dismantling can only begin in the 25 th year following the issue of the permit, and must be completed by Year 30.
3	Section 14(1)(d) of the Offshore Wind Energy Act stipulates that a permit can only be granted if, based on the application, it has been made	In your application, you must make it sufficiently plausible that both construction and operation of the wind farm can begin within four years of the date on which the permit becomes irrevocable. The



Time frames		
	sufficiently plausible that the construction and operation of the wind farm can commence within four years of the date on which the permit becomes irrevocable. Does this four-year deadline relate to the construction and operation of the wind farm, or only to the fact that construction must start within four years?	'start of operations' refers to the wind farm's first delivery of electricity to the power grid. Once the successful applicant or applicants has or have received the permit or permits, it can of course happen that the schedules may be delayed for various reasons.
4	The Wind Farm Site Decisions for Hollandse Kust (zuid) Wind Farm Sites III and IV contain the following passage: 'We are operating from the premise that the construction of the wind farm will be completed in five years at most, starting from the date on which the permit becomes irrevocable.' Does this refer to the first production of electricity, or to the completion of the entire wind farm?	The entire wind farm must be completed within five years, as outlined in the application.

Operating model		
No.	Question	Answer
1	What is the minimum value that the project yield must satisfy?	No prior minimum value for the project yield has been prescribed. Ultimately, the financial feasibility will be comprehensively assessed.
2	Completion of the operating model provided by RVO.nl is compulsory. Can we use our own model? And if the yields provided by RVO.nl's model differ from the yields provided by our own model, which figure should I use in the application form?	Use of the calculation model provided by RVO.nl is compulsory, and the figures given by this model take precedence. In addition to the figures provided by this calculation model, applicants are free to submit operating calculations provided by their own model. These calculations must feature the same input data used in the calculation model provided by RVO.nl, and the calculations performed on the basis of the applicant's own model must come with an explanation. If different models are used, it stands to reason that the yields may differ, too. RVO.nl focuses mainly on the plausibility of the input data and understands that the use of different models can also result in different yields.
3	Must interest costs accrued during the construction of the wind farm also be included in the specification of investment costs?	The operating model automatically calculates the interest costs accrued during the construction period, so these costs do not need to be included in the investment costs, otherwise they would be duplicated. However, any costs involved in securing loans do need to be included in the investment costs.
4	The operating model comes with a debit item called 'Network (standing and variable charge)'. May I enter €0 here?	Yes, you may. No network fees will be charged for offshore wind energy.
5	When completing the operating model, do we need to earmark funds for the dismantling of the wind farm, or do the expenses covered by the bank guarantee suffice in this respect?	The costs that will be incurred in the dismantling of the wind farm must be included in the operating model.
6 New	The operating model that has been published is in Dutch. May a submitting party translate the operating model into English itself (if the remainder of the bid is also in English)? Or will an English version be made available by RVO?	No English version of the operating model will be made available. You must use the operating model on mijnrvo.nl when submitting your application. Applicants may fill in the text boxes of the operating model in English if they prefer.
7 New	May I select my own method of repayment in the RVO.nl operating model?	No, the model does not offer this option.



Operating model

8 New	If my electricity is sold using PPAs (Power Purchase Agreements), does that mean I must include these values in the operating model?	If you use PPAs, you must include these revenues in the operating model as well. If you sell part of the yields using PPAs and part via the APX, for example, you must include this in the operating model using a weighted average.
--------------	--	--

Wind Farm Site Decision

No.	Question	Answer
1	In the event that the infield cables connecting the wind turbines to TenneT's Beta platform are not entirely straight, how many coordinates must be used in order to indicate the correct route?	If a cable is not installed in a straight line, it is not necessary to supply an extensive series of coordinates. You must demonstrate that the infield cables will remain within the boundaries of the site. You must therefore select the coordinates and the number of coordinates in such a way as to ensure that the straight lines between the coordinates remain fully within the site.
2	The Wind Farm Site Decision for Site III includes the following provision: <i>'Wind Farm Site III is designated as the location for a wind farm with a total installed capacity between 342 MW (minimum) and 380 MW (maximum). The coordinates of the boundaries of Site III are laid down in Regulation 2(1) of this Decision.'</i> Is 'maximum' to be understood to mean 'up to and including'? Does an installed capacity of 380 MW for Wind Farm Site III meet the requirements of Wind Farm Site Decision III?	Yes. An installed capacity of 380 MW for Wind Farm Site III still meets the requirements of Wind Farm Site Decision III.
3	Should the coordinates used in the application form be indicated in UTM only?	The coordinates must be indicated in UTM only.
4	What exactly is meant by 'a maximum installed capacity of 380 MW per site'?	The non-boosted installed capacity on a site must not exceed 380 MW. You may equip your turbines with additional boosters. However, you must not deliver more than 380 MW to TenneT's platform at any time.
5	The Wind Farm Site Decisions for Hollandse Kust (zuid) Wind Farm Zone Sites III and IV are not yet irrevocable. Let us suppose that, after the tender has closed, the Council of State issues a ruling that results in an amendment of the Wind Farm Site Decisions, can I as the successful tenderer return the Permit without having an order subject to a penalty imposed on me?	Yes, if the Wind Farm Site Decisions are amended after the tender has closed, resulting in a material change for the execution of the project, you may return the Permit without being subject to the imposition of an order subject to a penalty.
6	Will the scope of the EIA need to be extended if a turbine larger than 10 MW is used?	Provided the turbine meets all the requirements and regulations laid down in the Wind Farm Site Decision, a turbine larger than 10 MW may also be used without the scope of the EIA being extended.
7	If wind turbines with a capacity of more than 10 MW are installed, which sound emission standard for pile-driving work will then apply?	If wind turbines with a capacity of more than 10 MW are installed, the total number of turbines in a site will be less than 35 turbines. The table accompanying the regulation in the Wind Farm Site Decision assumes a figure of 35-38 turbines, to which sound emission standards are attached. In the event turbines with a capacity larger than 10 MW are installed, the wind farm operator will at least have to comply with the sound emission standards applicable in the case of 35-38 turbines. If the Permit holder does not wish to endorse this, it must substantiate with additional calculations that the same level of



Wind Farm Site Decision	
	<p>protection for marine mammals is achieved with a higher sound emission standard. Reference is made to the Ecology and Cumulation Framework 3.0 which will be published in early 2019. This would then have to be elaborated and explained in the piling plan, after which it will be assessed.</p>
<p>8 TenneT will lay the export cable very close to the two corner points of Sites III and IV. Does the developer need to take this fact into account in the design of the wind farm?</p>	<p>The developer need not take this fact into account in the application. The design requirements for the wind farm are laid down in the Wind Farm Site Decision, which takes precedence. The rotor blades of the turbines must remain fully within the boundaries of the sites. The installation vessel may also deploy its jacking system when installing the turbine, provided that it remains within the boundaries of the site.</p> <p>Should the developer wish to install one or more turbines in the immediate vicinity of TenneT's export cable, creating an overlap between the maintenance zone of the export cable and that of the wind turbine(s), TenneT would like to make private-law agreements with the party awarded the Permit prior to the installation of the turbine(s) concerned (proximity agreement). This agreement could include arrangements on matters during the installation phase, such as the location, vessel type, work planning, and so on. In this same proximity agreement, TenneT would also like to make advance arrangements with the party awarded the Permit on access to the site in connection with maintenance activities on the export cable or the wind turbine(s) during the operational period of the wind farms and the cables.</p>
<p>9 New Do we need to include a Jack-up buffer zone for magnetic anomalies found but not identified in the magnetometer (Maggie) survey?</p>	<p>There are no specific requirements for jack-up procedures, but it is recommended to avoid contact with seabed obstructions or debris and to undertake adequate clearances between the leg footings and site installations such as surface and subsea structures, pipelines, cables, and scour protection materials.</p>
<p>10 New Do the entities owning and/or managing the existing cables and pipelines in the site have any right to reject or modify our proposed cable layout?</p>	<p>No, they don't have the right to reject or modify the cable layout. However, it is recommended to inform the parties involved. There are no requirements for the (infield)cable lay out in the Wind Farm Site Decision, the only restriction is that the cables must be placed within the site boundaries and the cable entry zone to the TenneT platform. If existing cables or pipelines are crossed please note that crossing and proximity agreements are not mandatory in the Dutch sector of the North Sea.</p>
<p>11 New Are there pre-defined terms applicable to crossing agreements with existing cable/pipeline operators or are the parties required to negotiate these? Does it thereby make a difference if the cables/pipes concerned are located in the territorial or the exclusive economic zone, and if so, in what sense?</p>	<p>There are no pre-defined terms available for crossing and proximity agreements. Crossing and proximity agreements are concluded under private law, please note that crossing and proximity agreements are not mandatory in the Dutch sector of the North Sea.</p>
<p>12 New Do the authorities have a required trench depth or level of burial cover that is required to be achieved when installing the inter array cables?</p>	<p>There are no specific requirements for trench / burial depth for (inter array) cables in the Wind Farm Site Decision. The permit holder has the flexibility to choose the trench depth or level of burial cover.</p>



Financial aspects		
No.	Question	Answer
1	You stipulate that the parent company's financial statement may be used to demonstrate the applicant meets the requirement of possessing equity capital amounting to at least 20% of the investment costs of the wind farm or combined wind farms. May the financial statement issued by the parent company's parent company (i.e. the grandparent company) be used for this purpose, as well?	Yes. Applicants may also use the financial statement issued by the parent company's parent company to demonstrate that its equity capital is at least 20% of the investment costs of the wind farm or combined wind farms.
2	In a group of companies comprising multiple legal entities, a consolidated financial statement is often prepared for the entire group. Can such a consolidated financial statement be used to demonstrate that the applicant possesses equity capital amounting to at least 20% of the total investment costs?	Yes. Consolidated financial statements encompassing multiple legal entities can be used to demonstrate compliance with the requirement that the applicant must have at its disposal equity capital amounting to at least 20% of the total investment costs.
3	In the event that the application's financial plan was based on 20% equity capital, is it permitted to deviate from this figure at a later date?	In the financial plan, you must indicate how you <u>intend</u> to finance the wind farm.
4	For applicants that make use of a Special Purpose Vehicle (SPV): Can every parent company of every participant in this SPV count towards the requirement that the applicant must have equity of at least 20% of the total investment costs at its disposal?	If an SPV is used, the parent company of every participant in this SPV can count towards the requirement that the applicant must have equity of at least 20% of the total investment costs at its disposal.
5	Do requirements apply to the financial statement used to demonstrate there is sufficient equity capital?	Certain requirements do apply to the financial statement. You must submit the most recently adopted financial statement, which must not be more than three years old. A more detailed explanation of these requirements can be found in the notes to Appendix 4 of the application form.
6	Can several entities within a group, in their capacity as a parent company, use their own equity capital for an application by a subsidiary?	Within a group of several entities, several entities, in their capacity as a parent company, may use their equity capital on behalf of a subsidiary, provided the equity capital of an entity can also be demonstrated through said entity's financial statement.
7	Can we submit a photocopy of the signed declaration of consent with regard to the parent company's equity capital, or must we submit the original signed document?	You may submit a photocopy of the signed declaration of consent. If there is any doubt about the document, RVO.nl may request that you submit the original document.
8	When completing the operating model, am I allowed to quote a different electricity price than the one prescribed by RVO.nl?	You are allowed to quote different electricity prices, but if you do, you must indicate what these prices are based on.

Process and procedures		
No.	Question	Answer
1	If – as a result of a change to the Wind Farm Site Decision stemming from appeal proceedings – the winner of the tender requests withdrawal of the permit, does the second-highest tendering party in the rankings become eligible for the permit or will a new tendering process be initiated for the site in question?	Should the winner of the tender withdraw following a change to the Wind Farm Site Decision, the second-highest tendering party in the rankings does not automatically become eligible for the permit. In such a case, the Minister of Economic Affairs will decide whether a new call for tenders must be issued.



2	How are applications assessed, and how are rankings determined by RVO.nl?	All applications filled out in full will be assessed and only those that comply with all the applicable conditions will be ranked.
3	Will the applications only be assessed by RVO.nl staff, or will experts in the field of offshore wind energy be hired to help carry out the assessment?	The applications will be assessed by RVO.nl staff and experts with specific knowledge of offshore wind energy.
4	What is the procedure regarding additional and supplementary information to be submitted with the permit application, and how will RVO.nl request additional information or revised documents?	Once the Ministerial Order has closed, applicants will no longer be allowed to supplement or amend an application with information that might affect the assessment of the application.
5	Will RVO.nl ask additional questions if it does not understand something from the application?	It is the applicant's responsibility to fill out the application form as clearly and completely as possible and to ensure the information in the annexes is clear and understandable. RVO.nl may ask additional questions for clarification purposes if it is unclear how a particular statement is to be interpreted, but it will not request, nor accept, any additional information if a particular statement has been insufficiently substantiated. If an application submitted by an applicant is so poor that it is not ranked, the applicant may challenge the decision not to rank it only after the decision on its rejection has been made.
6	Will you provide more information on the experts who will (help) assess the applications?	No prior information will be provided on the experts.
7	Is the permit holder allowed to submit a request to be allowed to make changes to the project?	The permit holder will be required to realise the project as outlined in the application form. However, the permit holder is free to submit a request for a revision of the permit. This request will be granted if the requested change does not negatively affect the applicant's ranking score and if the application would not have been declined had the requested changes been incorporated into it. The deadline for the acceptance of the terms and conditions of the transmission system operator of the offshore grid for the connection and transport of electricity in accordance with the Electricity Act 1998 cannot be changed. The individual score for this ranking criterion cannot be revised. This will be formally laid down in a policy rule.
8	What kinds of regulations will be included in the permit?	<p>The following regulations will be included in the (draft) permit:</p> <p>Regulation 1 <i>The permit will enter into force on the date of its issue and will remain in force for a period of 30 years (Section 15(1)(a) of the Act and Regulation 3 of the Wind Farm Site Decision).</i></p> <p>Regulation 2 <i>The permit will apply to Wind Farm Site III or IV of the Hollandse Kust (zuid) Wind Farm Zone (Section 15(1)(b) of the Act and Regulation 2 of the Wind Farm Site Decision).</i></p> <p>Regulation 3 <i>Once the permit has become irrevocable, the activities listed below must be completed within the stated time frame (Section 15(1)(c) of the Act):</i></p> <ul style="list-style-type: none">• <i>Realisation: the wind farm must be realised within a period of up to five years after the date on which the permit becomes irrevocable (Section 4.4.1 of the explanation in Part II of the Wind Farm Site Decision);</i>• <i>Operation: the wind farm may become operational from Year 3 and may continue to be operational until Year 29 (inclusive) (Section 4.4.1 of the explanation in Part II of the Wind Farm Site Decision);</i>• <i>Dismantling: the dismantling of the wind farm may commence</i>



in Year 25 and may continue until Year 30 (inclusive) (Section 4.4.1 of the explanation in Part II of the Wind Farm Site Decision). The dismantling of the wind farm must commence within two years of the end of operations and must be completed within the term of the permit (Regulation 6 of the Wind Farm Site Decision).

Regulation 4

The permit holder is obliged to carry out the project in accordance with the data submitted when the application was submitted. If the permit holder violates this regulation, the permit holder may have an order for coercive administrative action or an order for periodic penalty payments imposed on it (Section 27 of the Act). Alternatively, its permit may be revoked (Section 17(2)(introduction) and (b) of the Act).

Amended

Requests for amendments to this permit must be submitted to the Netherlands Enterprise Agency (RVO) via woz@rvo.nl (Section 17(4) of the Act and Section 4:81(1) of the General Administrative Law Act), in accordance with the Policy Rule, prior to the amendment being enacted.

Regulation 5

Once a year, the permit holder will submit a report to the Netherlands Enterprise Agency, detailing the progress made on the realisation of the power generation facility, until such time as the power generation facility is put into operation. The Netherlands Enterprise Agency will send the permit holder reminders to submit these reports.

Regulation 6

The permit must not be transferred to another party unless the Netherlands Enterprise Agency has authorised said transfer in writing.

Regulation 7

The permit holder must notify the Netherlands Enterprise Agency at once if it has presented a bankruptcy petition to the court or if it has applied for a suspension of payment.

Regulation 8

The permit holder is required to provide surety, in the form of a bank guarantee for the State, for the removal of the wind farm. This bank guarantee must be provided no later than when the first foundation of the wind farm is installed.

Regulation 9

The permit holder is obliged to sign the 'Agreement preceding the establishment of a right of superficies and the signing of a lease for the operation of Site III/IV of the Hollandse Kust (zuid) Wind Farm Zone' within one month after the date on which the permit is issued.

9 What is the amount of the penalty payment the government will impose if the permit holder fails to meet its obligations?

The party awarded the permit for the construction and operation of a wind farm will be required to carry out the project in accordance with the data included in the plan submitted as part of its application (see Regulation 4 of the permit). This data not only concerns the technical specifications, but also things such as the time frames within which the various components of the power generation facility must be completed.

If the permit holder fails to meet these obligations, the Minister is entitled to impose an order for coercive administrative action or an order for periodic penalty payments. Alternatively, the Minister may choose to revoke the permit.

With respect to the above, the Ministerial Order for the Granting



		<p>of Offshore Wind Farm Permits for Sites III and IV of the Hollandse Kust (zuid) Wind Farm Zone diverges from the provisions applicable to the construction of the wind farms making up the Borssele Wind Farm Zone, where compliance with the agreements was enforced by means of fines and corresponding bank guarantees.</p> <p>If an order for penalty payments is imposed, the Minister will decide on the amount of the penalty payments to be made. This amount will be proportional to the damages suffered by the State due to the permit holder's failure to meet its obligations. Therefore, the sum of the penalty payments will not be decided upon until after a situation has arisen in which the permit holder has failed to meet its obligations. We expect that – depending on the nature and the cause of the permit holder's failure to meet its obligations – the amount of the penalty payments will be in line with the fines imposed with regard to the wind farms in the Borssele Wind Farm Zone.</p>
10	Is it true that applications for Site III and applications for Site IV will be ranked separately?	Yes, each site will have its own ranking.
11	The proposed amendment to the Offshore Wind Energy Act (<i>Wet windenergie op zee</i>) envisages the possibility that the effective period of a permit be extended by a maximum of 10 years, meaning it will be effective for 40 years rather than 30 years (https://www.internetconsultatie.nl/wijzigenwetwindenergieopzee). If this amendment is passed, will the same rule apply to existing permits granted for wind farm sites in the Borssele and Hollandse Kust (zuid) Wind Farm Zones?	If this proposed legislative amendment is passed, the new rules will also apply to existing permits granted under the Offshore Wind Energy Act. Permit holders may apply to the competent authority for their permit to be extended by a maximum period of 10 years. If the competent authority approves the application, the wind farm site decision concerned will be amended. This amendment will be a formal decision and will be open to the submission of opinions and appeals. Once the amendment to the wind farm site decision is final, the competent authority may amend the permit. This decision, too, will be open to the submission of opinions and appeals.
12	Is it correct that the Permit is not irrevocable until the objections and appeals (if any) against the granting of the Permit have been dealt with (and no further objection and appeal is possible) and the Wind Farm Site Decision also is irrevocable?	Yes, that is correct.
13 New	If I only submit an application for Site III, <u>proposing methods that will result in economies of scale</u> , and an application for Site IV, <u>proposing methods that will result in economies of scale</u> , is it correct that Annexes 1, 3, 9 and 10 will not be substantively assessed and that Annexes 9 and 10 will not be forwarded to the expert committee?	Yes, that is correct.
14 New	If I only submit an application for Site III, <u>proposing methods that will result in economies of scale</u> , and an application for Site IV, <u>proposing methods that will result in economies of scale</u> , is it correct that Annexes 9 and 10 may not be identical and must specifically include the risks and mitigation measures of the individual sites (i.e. not of both sites together)?	Yes, that is correct.
15 New	Is it correct that an application is not complete if Annexes 9 and 10 only include the risks and mitigation measures for Sites III and IV together (so, taking into account methods that will result in economies of scale)?	Yes, that is correct.



16 New	If I have only submitted an application for Site III, <u>proposing methods that will result in economies of scale</u> , and an application for Site IV, <u>proposing methods that will result in economies of scale</u> , is it correct that Annexes 1 and 3 must only relate to the individual sites (i.e. not to both sites together)?	Yes, that is correct.
17 New	Is it correct that an application is not complete if Annexes 1 and 3 relate to Sites III and IV together, instead of relating to a separate site?	Yes, that is correct.
18 New	Must all changes compared to the original plan be notified to RVO.nl?	Yes. You are obliged to carry out the project in accordance with the data submitted when the application was submitted. All changes compared to the original plan must therefore be notified. RVO.nl will subsequently assess whether the conditions laid down in the Policy Rule with regard to amendments to permits pertaining to offshore wind farms, specifically Sites III and IV of the Hollandse Kust (zuid) Wind Farm Zone, which is yet to be published, have been met and whether the permit can be amended.
19 New	Regulation 4 of the permit included in the Q&A under Process and Procedures, question 8, states that the permit holder is obliged to "carry out the project in accordance with the data submitted when the application was submitted". Does this refer to the timetable for construction and operation set out in the application form, or does it refer to all aspects of the project submitted with the application?	It refers to all the aspects of the application.

Ranking criteria		
No.	Question	Answer
1	Will you provide more background information regarding the ranking criteria (e) and (f), thus allowing applicants to get a better idea of how to obtain the maximum scores?	We will not provide any other information on the assessment of ranking criteria (e) and (f) than the information provided in the table included in the appendix to the Ministerial Order.
2	Some applicants are subject to an obligation to put contracts out to tender. How are they supposed to fill out the list of suppliers and installers within the meaning of Ranking Criterion 1?	Applicants who are obliged to put contracts out to tender can fill out the list in two ways. The applicant may provide the name of a preferred supplier, then provide information on this party's level of experience in the field. The applicant may choose to work with a different preferred supplier at a later stage, provided that the applicant continues to meet the conditions laid down in the Policy Rule with regard to amendments to permits pertaining to offshore wind farms, specifically Sites III and IV of the Hollandse Kust (zuid) Wind Farm Zone. Alternatively, the supplier may list the names of several suppliers and provide information on each supplier's level of experience in the field. The supplier and installer awarded the lowest score will count towards the ranking score for this component.
3	You asked us to provide information on the level of experience gained by the manufacturer of the foundations. Does this question refer to the manufacturer's experience of manufacturing offshore foundations in general, or to the manufacturer's experience of manufacturing the particular type of foundations intended to be used at Sites III and IV?	The question refers to the manufacturer's general experience of manufacturing offshore foundations, not to the manufacturer's experience of manufacturing this particular type of foundations.



4	The 'capacity of the wind farm' criterion relates to the wind farm's combined installed capacity in MW. Do boosters also come under 'installed capacity'?	No, boosters should not be included in the 'installed capacity'.
5	What is the best way to describe the expertise and experience of the parties involved, within the meaning of Article 3(9) of the Ministerial Order?	Please indicate the level of knowledge and experience of all parties involved by describing each party's contribution to the construction and operation of existing offshore wind farms, making sure to touch on the aspects included in Article 3(9)(a-h) of the Ministerial Order.
6	If we include references to external documents (e.g. a website or other components of the application) in the overview of the risks identified and analysed (Section 23(2)(e) of the Offshore Wind Energy Act) and the measures taken to ensure cost efficiency (Section 23(2)(f) of the Offshore Wind Energy Act), will you look at the documents in question and will you include them in your assessment?	Any appendices you submit must be able to be read as stand-alone documents. References to other documents, websites, etc. will not be included in the material that will be assessed. However, the appendices pertaining to the identification and analysis of risks and the measures taken to ensure cost efficiency may contain references to each other.
7	Must I also provide information on my assumptions for the expected electricity price, CAPEX and OPEX to accompany the inventory and analysis of the risks (Section 23(2)(e) of the Offshore Wind Energy Act), and the description of the measures taken to ensure cost efficiency (Section 23(2)(f) of the Offshore Wind Energy Act)?	The expert committee only sees your risk analysis (annex 9, and possibly A3) and your risk mitigation (annex 10, and possibly A4). If you believe that information on the expected electricity price, CAPEX and OPEX, for example, may be of relevance for the expert committee, you should include that information in annexes 9, 10 and possibly A3 and A4.
8 New	Can you confirm that the assessment method for criteria e and f will be determined before 1 March 2019? If not, can you give the legal basis for not publishing this before 1 March 2019?	The ranking criteria and their relative weighting are laid down in the Offshore Wind Energy Act and the Ministerial Order for the Granting of Offshore Wind Farm Permits for Hollandse Kust (zuid) Wind Farm Sites III and IV. The expert committee will determine its practices and procedures after closure of the tender and before it has received information on the submitted applications. This is done in the interest of an objective and independent decision-making procedure.

Other questions		
No.	Question	Answer
1	Does the permit qualify as a 'public works concession', meaning that the tendering obligations stemming from the Public Procurement Act 2012 apply to both the Minister of Economic Affairs and Climate Policy and the successful applicant?	No. The Ministerial Order is not subject to the Public Procurement Act 2012.
2	Will the successful applicant or applicants be required to pay a fee for the examinations of the relevant site or sites?	No. The successful applicant(s) will not have to bear the costs of the site examinations.
3	What date of completion should be selected for TenneT's Beta Platform?	The date of completion for the Beta Platform stipulated in the Assessment Framework is 31 March 2022. When drawing up your timeline, please schedule the date of your first power delivery after the aforementioned date. However, please note that under the Offshore Wind Energy Act, the construction and operation of the wind farm must commence within a period of four years after the permit becomes irrevocable. This means you should schedule a commencement date in between those two dates.



Other questions		
4	How are Ørsted, Blauwwind and Nuon prevented from having more information about the connection to the grid than the other applicants?	TenneT will post new information about the connection to the grid on its website, where it will be available to everyone.
5	Is it correct that the new Offshore Wind Energy Act will contain a provision enabling a 10-year extension of the Permit?	The 'Amendment of the Offshore Wind Energy Act' Bill, which was submitted to the Dutch House of Representatives, does indeed envisage the possibility to extend the Permit by 10 years, subject to certain conditions. At this stage, however, it is merely a proposal for a legislative amendment. Its progress can be tracked under: https://zoek.officielebekendmakingen.nl/dossier/35092
6 Amen- ded	I did not participate in the tender for HKZWFS I and II. What information is available on it?	<p>The expert committee has developed an assessment method in order to assess the applications for HKZWFS I and II. Details of that method have been posted on the HKZWFS I and II website where you can read about it. The expert committee will be developing a new assessment method for the HKZWFS III and IV tender. Please note the assessment method for the HKZWFS III and IV tender is yet to be developed and may differ from the one used for the HKZWFS I and II tender.</p> <p>You can also use this link and this link to view documents published earlier following requests made under the Dutch Government Information (Public Access) Act (<i>Wet openbaarheid van bestuur</i>).</p>
7 New	Can RVO.nl give an update of the costs that TenneT will charge on to the permit holder?	<p>The Electricity Act provides that the permit holder is not subject to any grid tariffs for the offshore grid. Therefore, no feed-in grid tariff or sales transmission tariff is applicable. As a result, only the commodity price for electricity (including any applicable taxes and levies) is payable, in those cases where electricity is purchased by the permit holder.</p> <p>If required by the permit holder, and for as long as the connection to the wind farm is not available for the supply of electricity by an electricity supplier, TenneT will provide for the necessary electricity and charge the actual generation costs to the permit holder. The amount of energy used will be measured or estimated in consultation with the permit holder. As soon as the connection becomes available for the supply of electricity (in particular once a reliable electricity meter has been installed), the permit holder will need to enter into a contract with an electricity company. There are no charges for the installation and maintenance of the connection. This means no payment is due from the permit holder in this regard.</p> <p>Annex 6 of the Connection and Transmission Agreement, Section 3.1 ("Access to the platform"), describes the situations in which supervision by a representative of TenneT is required. TenneT will also charge the permit holder costs for other activities that are carried out at the permit holder's request and that require TenneT to be present.</p> <p>The previously mentioned figures (2016) can be used by way of indication: €1,800 per day (maximum of 12 hours). For a 12-person CTV, provided by TenneT: €3,000 to €5,000 per day. All tariffs and costs charged by TenneT are subject to supervision by regulators.</p> <p>TenneT and the permit holder will discuss and agree on the compliance-related costs in the Project Work Group ("PWG") as referred to in Article 6 of the Realisation Agreement prior to TenneT</p>



Other questions

incurring such costs. The previously mentioned figures (2016) can be used by way of indication: approx. €60,000 per Site.