



## Ministerial Order for Granting the permit for IJmuiden Ver Wind Farm Site Beta

Order of the Minister for Climate and Energy of [date] no. WJZ/41337641, containing rules for granting the permit for IJmuiden Ver Wind Farm Site Beta (Ministerial Order for granting the permit for IJmuiden Ver Wind Farm Site Beta)

The Minister for Climate and Energy,

Having regard to Section 10(2) and (3), Section 12a(2), (3), (5) and (6), Section 14(2), Section 14a(2) and (4), Section 15a(2) and (4), Section 24(3) and (4) and Section 25b(3) and (4) of the Offshore Wind Energy Act (Wet windenergie op zee);

Has decided the following:

### Article 1

In this Ministerial Order, the following definitions apply:

*Applicant*: A party that has submitted an application;

*Wind farm site*: Wind Farm Site Beta in the IJmuiden Ver Wind Farm Zone, as designated in [ Official Gazette 2023, 35270];

*Minister*: The Minister for Climate and Energy;

*P50 value for net electricity production*: The expected annual energy production for a particular offshore wind farm at a specific location, determined with a probability of 50%;

*Affiliated legal entity*: All legal entities and partnerships belonging to the group or group company to which the applicant belongs and joint ventures in which the applicant participates;

*Act*: Offshore Wind Energy Act (Wet windenergie op zee)

### Article 2

1. An application for a permit for the wind farm site must be submitted in the period from 29 February 2024 to 28 March 2024 (5pm CET).
2. An applicant may not submit more than one application.
3. For the purposes of paragraph 2, affiliated legal entities will be treated as a single applicant.

### Article 3

1. The design for the wind farm, as referred to in Section 12a(4)(a) of the Act, must at least include:
  - a. a wind energy yield calculation drawn up by an independent organisation with expertise in the field of wind energy yield calculations, using renowned calculation models, environmental models, wind models and wind maps and containing at least the location data, brand, type, technical specifications of the wind turbines (including shaft height, rotor diameter and power/capacity curve), the local wind data for the wind farm and a calculation of the P50 value for the net electricity production of the wind farm;
  - b. Documents that demonstrate compliance with the applicable Wind Farm Site Decision; and
  - c. Information demonstrating that the declaration referred to in Article 7.34,(2)(c) of the Environmental Activities Decree (*Besluit activiteiten leefomgeving*) can be submitted in a timely manner.



2. When calculating the P50 value for net electricity production, the availability, wake effects, electricity losses and curtailment losses are included, whereby only the wake effect of the wind farm for which the application is made is taken into account.
3. The timetable for construction and operation of the wind farm, referred to in Section 12a(4)(b) of the Act, must state the completion dates of the following activities:
  - a. The wind farm operator's consent to the offshore grid operator's conditions for connection and transmission of electricity in accordance with the Electricity Act 1998 (Elektriciteitswet 1998);
  - b. Awarding contracts to manufacturers, suppliers and installers;
  - c. Installation of the first foundation;
  - d. Installation of the first wind turbine;
  - e. Start of pulling the 66 kV cables on the offshore grid substation platform;
  - f. Start of electricity supply;
  - g. Readiness of at least 1.4 GW of wind farm capacity to supply power for the test phase of the offshore grid and completion of the pulling and connection of the 66 kV cables to the offshore grid platform;
  - h. Readiness to supply full power for the test phase of the offshore grid; and
  - i. Decommissioning of the wind farm.
4. The estimate of the costs and revenues, referred to in Article 12a(4)(c) of the Act, shall in any case include an operating calculation with:
  - a. An specification of the investment costs per component of the offshore wind farm;
  - b. An overview of all costs and revenues of the offshore wind farm; and
  - c. A calculation of the project return over the life of the project.
5. The parties involved in the construction and operation of the wind farm, as referred to in Section 12a(4)(d) of the Act, must include:
  - a. The applicant and, if the applicant is a partnership, each participant in the partnership;
  - b. The parties responsible for project management;
  - c. The manufacturers of the foundations;
  - d. The installers of the foundations;
  - e. The manufacturers of the wind turbines;
  - f. The installers of the wind turbines;
  - g. The manufacturers of the wind farm's (infield) cabling;
  - h. The installers of the wind farm's (infield) cabling; and
  - i. The parties responsible for operation and maintenance of the wind farm.
6. The description of the knowledge and experience of the parties involved, as referred to in Section 12a(4)(e) of the Act, relates to knowledge and experience with offshore wind farms and must include:
  - a. The installed capacity of the wind farms for which project management has been carried out by the parties responsible for project management during construction;
  - b. The number of foundations produced by the manufacturers
  - c. The number of foundations installed by the installers;
  - d. The number of wind turbines supplied by the manufacturers;
  - e. The number of wind turbines installed by the installers;
  - f. The number of offshore electricity connections for which cabling has been supplied by the manufacturers;
  - g. The number of wind turbines connected by the installers of the infield cabling; and
  - h. The installed capacity of wind farms the responsible operation and maintenance parties operates and maintains.

#### **Article 4**

In addition to that which is stated in Section 12a(4) of the Act and Article 3, applications must also include the following:

- a. A summary description of the realisation and the documents that the applicable delivery dates



from the Offshore Wind Energy Development Framework, referred to in Article 16e of the Electricity Act 1998, can be met;

- b. A summary of the operation and removal (decommissioning) of the wind farm;
- c. A financing plan, including the intended financiers/investors and the intended share they would contribute;
- d. If the applicant is a partnership/consortium, a statement signed by each participant in the partnership/consortium;
- e. The most recently adopted annual accounts of the applicant, its parent company, each of the participants in the partnership/consortium or the parent companies of the participants in the partnership/consortium, where the annual accounts relate to a year no later than three calendar years before the year in which the application is submitted;
- f. An organisational chart of the legal entities associated with the applicant;
- g. The registration number in the commercial register of all legal entities associated with the applicant;
- h. If applicable, a description of the degree of compliance with the International Responsible Business Conduct (IRBC) Agreement for the Renewable Energy Sector referred to in Table 4 of the Appendix;
- i. If applicable, a description of the level of insight into raw material consumption, environmental impact and value retention during the design, construction, operation and disposal of the wind farm, referred to in Table 5 of the Appendix;
- j. If applicable, a description of the contribution to integration of the wind farm into the Dutch energy system, referred to in Table 6 of the Appendix; and
- k. If applicable, a description of the contribution to reducing harbour porpoise disturbance days in the construction phase of the wind farm, as referred to in Table 7 of the Appendix.

## Article 5

1. The cost for the processing a permit application, as referred to in Section 12a(6) of the Act, is €0.
2. The period referred to in Section 14(1)(d) of the Act is 59 months after the permit has become irrevocable.

## Article 6

1. When assessing the technical feasibility of the construction and operation of a wind farm, the following will, in any event, be taken into account:
  - a. The design for the wind farm submitted by the applicant, referred to in Section 12a(4)(a) of the Act; and
  - b. The information submitted by the applicant with regard to knowledge and experience with offshore wind farms, as referred to in Article 3(6).
2. When assessing the financial feasibility of the construction and operation of a wind farm, the estimate of costs and revenues submitted by the applicant, referred to in Section 12a(4)(c) of the Act, shall in any case be taken into account and the data referred to in Article 4(c), (d) and (e). The size of the applicant's equity amounts to at least 20% of the total investment costs for the wind farm to which the application relates.
3. At the request of the applicant, the following shall be taken into account to determine the size of the equity referred to in the second paragraph:
  - a. If the applicant is a partnership, the equity of the participants in the partnership;
  - b. If the applicant or a participant in a partnership/consortium is a subsidiary, the equity of the parent company.
4. When assessing the plausibility that construction and operation of a wind farm can start within 59 months after the date on which the permit became irrevocable, the timetable provided by the applicant, referred to in Section 12a(4)(b) of the Act, will in any case be taken into account.
5. When assessing the economic feasibility of the construction and operation of a wind farm, the



estimate of costs and revenues submitted by the applicant, referred to in Section 12a(4)(c) of the Act, shall in any case be taken into account.

#### **Article 7**

1. A permit is granted by applying the procedure of a comparative test with a financial bid.
2. In addition to Section 25b(2) of the Act, the Minister takes into account the criteria in the ranking:
  - a. Compliance with the principles of the International Responsible Business Conduct (IRBC) Agreement for the Renewable Energy Sector, referred to in Table 4 of the Appendix;
  - b. The degree of insight into raw material consumption, environmental impact and value retention in the design, construction, operational and removal (decommissioning) of the wind farm, referred to in Table 5 of the Appendix;
  - c. The contribution to integration of the wind farm into the Dutch energy system, referred to in Table 6 of the Appendix; and
  - d. The contribution to reducing harbour porpoise disturbance days in the construction phase of the wind farm, referred to in Table 7 of the Appendix.

#### **Article 8**

1. The respective weighting of the ranking criteria, as referred to in Section 25b(2)(a), (b) and (c) of the Act and Article 7(1) and (2)(a), (b), (c) and (d), will take place in accordance with the rating in points as set out in the Appendix, where a higher number of points leads to a higher ranking.
2. If, in the ranking of applications based on the respective weighting of the ranking criteria as referred to in the first paragraph, two or more applications are ranked equal highest, the criterion specified in Article 7(2)(c) carries more weight than the criteria specified in Section 25b(2)(a), (b) and (c) of the Act and Article 7(2)(a), (b) and (d).
3. If, in the application of the second paragraph, two or more applications are ranked equal highest, the criterion specified in Section 25b(2)(c) of the Act carries more weight than the criteria specified in Section 25b(a) and (b) of the Act and Article 7(2)(a), (b) and (d).
4. If, in the application of the third paragraph, two or more applications are ranked equal highest, the criterion specified in Section 25b(2)(b) of the Act carries more weight than the criteria specified in Section 25b(2)(a) of the Act and Article 7(2)(a), (b) and (d).
5. If, in the application of the fourth paragraph, two or more applications are ranked equal highest, the criterion specified in Article 7(2)(a) carries more weight than the criteria specified in Section 25b(2)(a) of the Act and Article 7(2)(b) and (d).
6. If, in the application of the fifth paragraph, two or more applications are ranked equal highest, the criterion specified in Article 7(2)(b) carries more weight than the criterion specified in Section 25b(2)(a) of the Act and Article 7(2)(d).
7. If, in the application of the sixth paragraph, two or more applications are ranked equal highest, the criterion specified in Article 7(2)(d) carries more weight than the criterion specified in Section 25b(2)(a) of the Act.
8. If, in the application of the seventh paragraph, two or more applications are ranked equal highest, the financial bid submitted will have greater weight.

#### **Article 9**

1. The costs referred to in Section 10(1) of the Act amount to € 19,885,756.
2. The party granted the permit shall pay the reimbursement of the costs referred to in the first paragraph into an account published by the Minister no later than the day on which the period referred to in Article 10(2) expires.



## Article 10

1. The amount of the deposit or bank guarantee referred to in Section 15a(1) of the Act is € 200,000,000.
2. The period within which the deposit or bank guarantee must be provided is four weeks after the date on which the Minister granted the permit.
3. The period for which the deposit or bank guarantee must be provided ends, at the latest, when the Minister has been notified of the full commissioning of the wind farm.
4. The amount of the deposit or bank guarantee that is forfeited pursuant to Section 15a(4) of the Act is:
  - a. €0 for the period during which the permit holder has not carried out the activities indicated in the permit for that period;
  - b. €10,000,000 for the first and second month following the period during which the permit holder has not carried out the activities indicated in the permit for that period; and
  - c. € 20,000,000 for each month following the second month of the period during which the permit holder has not carried out the activities indicated in the permit for that period.
5. The deposit referred to in Section 15a(1) of the Act is taken out with an insurer that has at least one rating (long-term rating A) issued by a rating agency in accordance with Regulation (EC) No. 1060/2009 of the European Parliament and Council of 16 September 2009 on credit rating agencies.

## Article 11

This Ministerial Order comes into effect on 1 January 2024.

## Artikel 12

This Ministerial Order is referred to as: Ministerial Order for granting the permit for IJmuiden Ver Wind Farm Site Beta.

This Ministerial Order and associated explanatory notes will be published in the Government Gazette.

The Hague, December 12 2023

The Minister for Climate and Energy,  
R.A.A. Jetten



**Appendix to Article 8 of the Ministerial Order for granting the permit for IJmuiden Ver Wind Farm Site Beta**  
Respective weighting of the ranking criteria specified in Section 25b(2)(a), (b) and (c) of the Act and Article 7(1) and (2) of the Ministerial Order.

**Table 1.**

Criterion: amount of the financial bid (Section 25b(2)(a) of the Act) Maximum number points: 60				
		Qualitative criterion	Assessment measure	Ptn.
1	Amount of the financial bid	The amount of the financial bid that will be guaranteed annually during the permit period of 40 year	Number points = $\frac{\text{financial bid} \cdot 60}{€420,000,000}$	0 – 60 rounded to two decimal points

**Table 2.**

Criterion: Certainty of the wind farm being completed (Section 25b(2)(b) of the Act) Maximum number points: 40				
		Qualitative criteria	Assessment measure	Ptn.
1	Knowledge and experience of the party/parties responsible for the project management.	This party (these parties) has (have) carried out the project management of offshore wind farms.	These wind farms have a combined capacity of less than 25 MW.	0
			These wind farms have a combined capacity of 25 MW or more.	10
2	Knowledge and experience of the foundation manufacturer(s).	This party (these parties) has (have) manufactured offshore wind turbine foundations.	Fewer than 10 foundations have been manufactured.	0
			Ten or more foundations have been manufactured.	2
3	Knowledge and experience of the foundation installer(s).	This party (these parties) has (have) installed offshore wind turbine foundations.	Fewer than 10 foundations have been installed.	0
			Ten or more foundations have been installed.	2
4	Knowledge and experience of the wind turbine manufacturer(s).	This party (these parties) has (have) manufactured wind turbines for offshore wind farms.	Fewer than 10 wind turbines have been manufactured.	0
			Ten or more wind turbines have been manufactured.	2
5	Knowledge and experience of the wind turbine installer(s).	This party (these parties) has (have) installed wind turbines for offshore wind farms.	Fewer than 10 wind turbines have been installed.	0
			Ten or more wind turbines have been installed.	2
6	Knowledge and experience of the manufacturer(s) of the cables that connect the individual wind turbines and link them to the substation platform.	This party (these parties) has (have) manufactured cables that are used for offshore electricity connections.	Cables manufactured for fewer than 10 offshore connections.	0
			Cables manufactured for 10 or more offshore connections.	2
7	Knowledge and experience of the installer(s) of the cables that connect the individual wind turbines and link them to the substation platform.	This party (these parties) has (have) installed cables that connect individual wind turbines and link them to an offshore platform.	Cables installed for the connection of fewer than 10 wind turbines to a platform.	0
			Cables installed for the connection of 10 or more wind turbines to a platform.	2
8	Knowledge and experience of the party or parties responsible the operation and maintenance of the wind farm.	This party (these parties) has (have) carried out operation and maintenance of offshore wind farms.	Experience in operation and maintenance of offshore wind farms with a combined capacity of less than 25 MW.	0
			Experience in operation and maintenance of offshore wind farms with a combined capacity of 25 MW or more.	2



Financial strength of the party/parties responsible for the project.				
		Qualitative criteria	Assessment measure	Ptn.
9	Financial strength of the party/parties responsible for the project.	The equity of the party/parties in relation to the wind farm investment costs.	The equity capital amounts to less than 20%.	0
			The equity capital amounts to at least 20% but less than 40%.	2
			The equity capital amounts to at least 40% but less than 60%.	4
			The equity capital amounts to at least 60% but less than 80%.	8
			The equity capital amounts to at least 80% but less than 100%.	12
			The equity capital amounts to 100%.	16

**Table 3.**

**Criterion: The wind farm's contribution to energy supply (Section 25b(2)(c) of the Act)**  
**Maximum number of points: 40**

		Qualitative benchmark	Assessment measure	Ptn.
1	Contribution of the offshore wind farm to energy supply	The calculated P50 value for the net electricity production per year fed into the offshore grid	Less than 7,900,000 MWh per year	2
			Equal to or greater than 7,900,000 MWh but less than 8,100.00 MWh per year	8
			Equal to or greater than 8,100,000 MWh but less than 8,300,000 MWh per year	16
			Equal to or greater than 8,300,000 MWh but less than 8,500,000 MWh per year	24
			Equal to or greater than 8,500,000 MWh but less than 8,700,000 MWh per year	32
			Equal to or greater than 8,700,000 MWh per year	40



**Table 4**

Criterion: Compliance with the principles of the International Responsible Business Conduct (IRBC) Agreement for the Renewable Energy Sector (Section 25b(3) of the Act and Article 7(2) of the Ministerial Order)				
Maximum number points: 40				
	Qualitative criteria	Assessment measure		Ptn.
1	<p>Applying due diligence (hereinafter: due diligence) in accordance with the 2023 updated Guidelines for Multinational Enterprises of the Organisation for Economic Cooperation and Development<sup>1</sup> (hereinafter: OECD Guidelines) and the 2020 United Nations Guiding Principles on Business and Human Rights (hereinafter: UNGPs) by the parties referred to in Article 3(5)(a, b, c, d, e, f, g, h and l) of this Ministerial Order (hereinafter: parties)</p> <p>1.1 Integrating responsible business conduct into policies and management systems. Parties must be able to demonstrate that:</p> <ul style="list-style-type: none"> <li>• They have a human rights and environmental due diligence policy;</li> <li>• Through this policy, they explicitly endorse the OECD Guidelines and UNGPs;</li> <li>• This policy is published on their website(s);</li> <li>• This policy is regularly updated; This policy is proactively communicated within the company/companies; and</li> <li>• The main aspects of this policy are communicated to and requested from suppliers and other business partners in the supply chain, for example, via a supplier code of conduct.</li> </ul> <p>When participating in the IRBC Agreement for the Renewable Energy Sector under the leadership of the Social and Economic Council of the Netherlands (hereinafter: "the IRBC Renewable Energy Agreement"), the permit holder will achieve at least an orange score<sup>2</sup> at the time the permit becomes irrevocable or – if it is not a participant in the IRBC Renewable Energy Agreement – this can be demonstrated through an alternative best-effort obligation, comparable to the IRBC Renewable Energy Agreement orange score. The permit holder will report annually on this until the wind farm is ready to supply full power for the test phase.</p> <p>The maximum number of points that can be scored is 6.</p>	<p>Proof of participation in the IRBC Renewable Energy Agreement.</p> <p>In case of parties referred to in Article 3(5)(a, b, e, f and i): Applications to join the IRBC Renewable Energy Agreement must be submitted no later than 29 February 2024.</p> <p>In the case of parties referred to in Article 3(5)(c, d, g and h): The permit holder demonstrates, no later than one year after the permit becomes irrevocable, that these parties have acceded to the IRBC Renewable Energy Agreement.</p>	Party/parties referred to in Article 3(5)(a)	1
			Party/parties referred to in Article 3(5)(b)	1
			Party/parties referred to in Article 3(5)(c)	0.5
			Party/parties referred to in Article 3(5)(d)	0.5
			Party/parties referred to in Article 3(5)(e)	1
			Party/parties referred to in Article 3(5)(f)	0.5
			Party/parties referred to in Article 3(5)(g)	0.5
			Party/parties referred to in Article 3(5)(h)	0.5
			Party/parties referred to in Article 3(5)(i)	0.5
			Having a due diligence policy based on the qualitative criteria in section 1.1 of this table. This can be demonstrated by participation in another multi-stakeholder initiative comparable to the IRBC Renewable Energy Agreement.	1
			Party/parties referred to in Article 3(5)(a)	1
			Party/parties referred to in Article 3(5)(b)	1
			Party/parties referred to in Article 3(5)(c)	0.5
			Party/parties referred to in Article 3(5)(d)	0.5
			Party/parties referred to in Article 3(5)(e)	1
			Party/parties referred to in Article 3(5)(f)	0.5
			Party/parties referred to in Article 3(5)(g)	0.5
			Party/parties referred to in Article 3(5)(h)	0.5
			Party/parties referred to in Article 3(5)(i)	0.5
			Party/parties referred to in Article 3(5)(a)	0.5
Party/parties referred to in Article 3(5)(b)	0.5			
Party/parties referred to in Article 3(5)(c)	0.3			
Party/parties referred to in Article 3(5)(d)	0.2			
Party/parties referred to in Article 3(5)(e)	0.5			
Party/parties referred to in Article 3(5)(f)	0.2			

<sup>1</sup> MNE Guidelines – Organization for Economic Cooperation and Development ([oecd.org](https://www.oecd.org/)).

<sup>2</sup> Defined in Section 5.4 of the explanatory notes.





				Party/parties referred to in Article 3(5)(g)	0.3
				Party/parties referred to in Article 3(5)(h)	0.2
				Party/parties referred to in Article 3(5)(i)	0.3



Table 4 (continued).

Criterion: Compliance with the principles of the International Responsible Business Conduct (IRBC) Agreement for the Renewable Energy Sector (Section 25b(3) of the Act and Article 7(2) of the Ministerial Order)  
Maximum number points: 40

	Qualitative criteria	Assessment measure	Ptn.
	<p><b>1.2</b> Identifying human rights and environmental risks in the supply chain. Parties must be able to demonstrate that they:</p> <ul style="list-style-type: none"> <li>• Make effort to increase insight into the supply chain ('chain transparency'). This can be demonstrated with documented procedures that describe steps and activities to increase chain transparency. It can also be demonstrated by participation in and successful implementation of commitments arising from multi-stakeholder initiatives.</li> <li>• Carry out or have carried out a chain risk analysis individually or together with other companies and parties active in the sector (through IRBC Agreements, industry organisations or other partnerships). This can be done, for example, through joint sectoral research into chain risks and by consulting civil society organisations to gain greater insight into existing and potential risks to human rights and the environment. This can be demonstrated through participation in multi-stakeholder initiatives.</li> <li>• Prioritising identified risks in collaboration with relevant parties, such as wind turbine manufacturers, civil society organisations, trade unions, knowledge institutions and other parties active in the sector. When participating in the IRBC Renewable Energy Agreement, the permit holder achieves at least an orange score at the time the permit becomes irrevocable. If it is not a participant in the IRBC Renewable Energy Agreement it demonstrates a commitment through an alternative best-effort obligation, comparable to the IRBC Renewable Energy Agreement orange score.<sup>3</sup></li> </ul> <p>The permit holder will report annually on this until the wind farm is ready to supply full power for the test phase.</p> <p>The maximum number of points that can be scored is 7.</p>	<p>Proof of participation in the IRBC Renewable Energy Agreement.</p> <p>In the case of parties referred to in Article 3(5)(a, b, e, f and i): Applications to join the IRBC Renewable Energy Agreement must be submitted no later than 29 February 2024.</p> <p>In the case of parties referred to in Article 3(5)(c, d, g and h): The permit holder demonstrates no later than one year after the permit becomes irrevocable that these parties have joined the IRBC Renewable Energy Agreement.</p> <p>Having a due diligence policy based on the qualitative criteria in section 1.2 of this table. This can be demonstrated by participation in another multi-stakeholder initiative comparable to the IRBC Renewable Energy Agreement.</p> <p>In the case of parties referred to in Article 3(5)(a, b, e, f and i): Joining another multi-stakeholder initiative comparable to the IRBC Renewable Energy Agreement must take place in time for the assessment of the application.</p> <p>In the case of parties referred to in Article 3(5)(c, d, g and h): The permit holder must demonstrate that these parties have joined a multi-stakeholder initiative comparable to the IRBC Renewable Energy Agreement no later than one year after the permit has become irrevocable.</p>	<p>Party/parties referred to in Article 3(5)(a) 1.5</p> <p>Party/parties referred to in Article 3(5)(b) 1</p> <p>Party/parties referred to in Article 3(5)(c) 0.5</p> <p>Party/parties referred to in Article 3(5)(d) 0.5</p> <p>Party/parties referred to in Article 3(5)(e) 1.5</p> <p>Party/parties referred to in Article 3(5)(f) 0.5</p> <p>Party/parties referred to in Article 3(5)(g) 0.5</p> <p>Party/parties referred to in Article 3(5)(h) 0.5</p> <p>Party/parties referred to in Article 3(5)(i) 0.5</p> <p>Party/parties referred to in Article 3(5)(a) 1.5</p> <p>Party/parties referred to in Article 3(5)(b) 1</p> <p>Party/parties referred to in Article 3(5)(c) 0.5</p> <p>Party/parties referred to in Article 3(5)(d) 0.5</p> <p>Party/parties referred to in Article 3(5)(e) 1.5</p> <p>Party/parties referred to in Article 3(5)(f) 0.5</p> <p>Party/parties referred to in Article 3(5)(g) 0.5</p> <p>Party/parties referred to in Article 3(5)(h) 0.5</p>

<sup>3</sup> Defined in Section 5.4 of the explanatory notes




Having a due diligence policy based on the qualitative criteria referred to in section 1.2 of this table, without demonstrable participation in the IRBC Renewable Energy Agreement or another multi-stakeholder initiative comparable to it. The applicant can demonstrate this by providing insight into this due diligence policy.

Party/parties referred to in Article 3(5)(i)	0.5
Party/parties referred to in Article 3(5)(a)	0.5
Party/parties referred to in Article 3(5)(b)	0.5
Party/parties referred to in Article 3(5)(c)	0.3
Party/parties referred to in Article 3(5)(d)	0.2
Party/parties referred to in Article 3(5)(e)	0.5
Party/parties referred to in Article 3(5)(f)	0.2
Party/parties referred to in Article 3(5)(g)	0.3
Party/parties referred to in Article 3(5)(h)	0.2
Party/parties referred to in Article 3(5)(i)	0.3



**Table 4 (continued)**

Criterion: Compliance with the principles of the International Responsible Business Conduct (IRBC) Agreement for the Renewable Energy Sector (Section 25b(3) of the Act and Article 7(2) of the Ministerial Order)

Maximum number points: 40

	Qualitative criteria	Assessment measure	Ptn.		
	<p><b>1.3</b> Preventing, stopping and/or mitigating the negative impact of business activities on people and the environment in the supply chain. Parties must be able to demonstrate that:</p> <p>They prevent or address negative impacts on people and the environment in partnership with other companies, civil society organisations and trade unions. This can be demonstrated through participation in multi-stakeholder initiatives or by initiating and/or participating in (collective) projects.</p> <p>When participating in the IRBC Renewable Energy Agreement, the permit holder achieves at least an orange score<sup>4</sup> at the time the permit becomes irrevocable. If it is not a participant in the IRBC Renewable Energy Agreement, it demonstrates a commitment through an alternative best-effort obligation, comparable to the IRBC Renewable Energy Agreement orange score.</p> <p>The permit holder will report annually on this until the wind farm is ready to supply full power for the test phase.</p> <p>The maximum number of points that can be scored is 7</p>	<p>Proof of participation in the IRBC Agreement for the Renewable Energy Sector.</p>	<p>Party/parties referred to in Article 3(5)(a)</p>	1.5	
		<p>In the case of parties referred to in Article 3(5)(a, b, e, f and i):</p> <p>Applications to join the IRBC Renewable Energy Agreement must be submitted no later than 29 February 2024.</p>	<p>Party/parties referred to in Article 3(5)(b)</p>	1	
		<p>In the case of parties referred to in Article 3(5)(c, d, g and h):</p> <p>The permit holder will demonstrate, no later than one year after the permit becomes irrevocable, that these parties have joined the IRBC Renewable Energy Agreement.</p>	<p>Party/parties referred to in Article 3(5)(c)</p>	0.5	
			<p>Party/parties referred to in Article 3(5)(d)</p>	0.5	
			<p>Party/parties referred to in Article 3(5)(e)</p>	1.5	
			<p>Party/parties referred to in Article 3(5)(f)</p>	0.5	
			<p>Party/parties referred to in Article 3(5)(g)</p>	0.5	
			<p>Party/parties referred to in Article 3(5)(h)</p>	0.5	
			<p>Party/parties referred to in Article 3(5)(i)</p>	0.5	
			<p>Having a due diligence policy based on the qualitative criteria referred to in section 1.3 of this table. This can be demonstrated by participation in another multi-stakeholder initiative comparable to the IRBC Renewable Energy Agreement.</p>	<p>Party/parties referred to in Article 3(5)(a)</p>	1.5
			<p>In the case of parties referred to in Article 3(5)(a, b, e, f and i):</p> <p>Joining another multi-stakeholder initiative comparable to the IRBC Renewable Energy Agreement must take place in time for the assessment of the application.</p>	<p>Party/parties referred to in Article 3(5)(b)</p>	1
			<p>In the case of parties referred to in Article 3(5)(c, d, g and h):</p> <p>The permit holder must demonstrate that these parties have joined a multi-stakeholder initiative comparable to the IRBC Renewable Energy Agreement no later than one year after the permit has become irrevocable.</p>	<p>Party/parties referred to in Article 3(5)(c)</p>	0.5
				<p>Party/parties referred to in Article 3(5)(d)</p>	0.5
				<p>Party/parties referred to in Article 3(5)(e)</p>	1.5
				<p>Party/parties referred to in Article 3(5)(f)</p>	0.5
				<p>Party/parties referred to in Article 3(5)(g)</p>	0.5
				<p>Party/parties referred to in Article 3(5)(h)</p>	0.5
				<p>Party(s) mentioned in art. 3 paragraph 5 element i</p>	0.5

<sup>4</sup> Defined in Section 5.4 of the explanatory notes



**Table 4 (continued)**

**Criterion: Compliance with the principles of the International Responsible Business Conduct (IRBC) Agreement for the Renewable Energy Sector (Section 25b(3) of the Act and Article 7(2) of the Ministerial Order)**

Maximum number points: 40

	Qualitative criteria	Assessment measure	Ptn.
		Having a due diligence policy based on the qualitative criteria referred to in section 1.3 of this table, without demonstrable participation in the IRBC Agreement for the Renewable Energy Sector or another multi-stakeholder initiative comparable to it. The applicant can demonstrate this by providing insight into this due diligence policy.	<p>Party/parties referred to in Article 3(5)(a) 0.5</p> <p>Party/parties referred to in Article 3(5)(b) 0.5</p> <p>Party/parties referred to in Article 3(5)(c) 0.3</p> <p>Party/parties referred to in Article 3(5)(d) 0.2</p> <p>Party/parties referred to in Article 3(5)(e) 0.5</p> <p>Party/parties referred to in Article 3(5)(f) 0.2</p> <p>Party/parties referred to in Article 3(5)(g) 0.3</p> <p>Party/parties referred to in Article 3(5)(h) 0.2</p> <p>Party/parties referred to in Article 3(5)(i) 0.3</p>
	<p><b>1.4</b> Evaluating and monitoring due diligence measures. Parties must be able to demonstrate that:</p> <ul style="list-style-type: none"> <li>They evaluate the implementation and effectiveness of due diligence activities to improve their due diligence practices. This can be done through, among other things, audits and participation in multi-stakeholder initiatives where monitoring and assessments are carried out.</li> </ul>	<p>Proof of participation in the IRBC Agreement for the Renewable Energy Sector.</p> <p>In the case of parties referred to in Article 3(5)(a, b, e, f and i): Applications to join the IRBC Renewable Energy Agreement must be submitted no later than 29 February 2024.</p> <p>In the case of parties referred to in Article 3(5)(c, d, g and h): The permit holder will demonstrate, no later than one year after the permit becomes irrevocable, that these parties have joined the IRBC Renewable Energy Agreement.</p>	<p>Party/parties referred to in Article 3(5)(a) 1</p> <p>Party/parties referred to in Article 3(5)(b) 1</p> <p>Party/parties referred to in Article 3(5)(c) 0.5</p> <p>Party/parties referred to in Article 3(5)(d) 0.5</p> <p>Party/parties referred to in Article 3(5)(e) 1</p>
	<p>When participating in the IRBC Renewable Energy Agreement, the permit holder achieves at least an orange score at the time the permit becomes irrevocable. If it is not a participant in the IRBC Renewable Energy Agreement, it demonstrates a commitment through an alternative best-effort obligation, comparable to the IRBC Renewable Energy Agreement orange score.<sup>5</sup></p> <p>The permit holder will report on this annually until the wind farm is ready to supply full power for the test phase.</p> <p>The maximum number of points that can be scored is 6.</p>		<p>Party/parties referred to in Article 3(5)(f) 0.5</p> <p>Party/parties referred to in Article 3(5)(g) 0.5</p> <p>Party/parties referred to in Article 3(5)(h) 0.5</p> <p>Party/parties referred to in Article 3(5)(i) 0.5</p>

<sup>5</sup> Defined in Section 5.4 of the explanatory notes



**Table 4 (continued)**

**Criterion: Compliance with the principles of the International Responsible Business Conduct (IRBC) Agreement for the Renewable Energy Sector (Section 25b(3) of the Act and Article 7(2) of the Ministerial Order)**

**Maximum number points: 40**

	Qualitative criteria	Assessment measure	Ptn.
		Having a due diligence policy based on the qualitative criteria in section 1.4 of this table. This can be demonstrated by participation in another multi-stakeholder initiative comparable to the IRBC Agreement for the Renewable Energy Sector.	Party/parties referred to in Article 3(5)(a) 1
			Party/parties referred to in Article 3(5)(b) 1
		In the case of parties referred to in Article 3(5)(a, b, e, f and i):	Party/parties referred to in Article 3(5)(c) 0.5
		Joining another multi-stakeholder initiative comparable to the IRBC Renewable Energy Agreement must take place in time for the assessment of the application.	Party/parties referred to in Article 3(5)(d) 0.5
			Party/parties referred to in Article 3(5)(e) 1
		In the case of parties referred to in Article 3(5)(c, d, g and h):	Party/parties referred to in Article 3(5)(f) 0.5
		The permit holder must demonstrate that these parties have joined a multi-stakeholder initiative comparable to the IRBC Renewable Energy Agreement no later than one year after the permit has become irrevocable.	Party/parties referred to in Article 3(5)(g) 0.5
			Party/parties referred to in Article 3(5)(h) 0.5
			Party/parties referred to in Article 3(5)(i) 0.5
		Having a due diligence policy based on the qualitative criteria referred to in section 1.4 of this table, without demonstrable participation in the IRBC Agreement for the Renewable Energy Sector or another multi-stakeholder initiative comparable to it.	Party/parties referred to in Article 3(5)(a) 0.5
			Party/parties referred to in Article 3(5)(b) 0.5
		The applicant can demonstrate this by providing insight into this due diligence policy.	Party/parties referred to in Article 3(5)(c) 0.3
			Party/parties referred to in Article 3(5)(d) 0.2
			Party/parties referred to in Article 3(5)(e) 0.5
			Party/parties referred to in Article 3(5)(f) 0.2
			Party/parties referred to in Article 3(5)(g) 0.3
			Party/parties referred to in Article 3(5)(h) 0.2
			Party/parties referred to in Article 3(5)(i) 0.3



**Table 4 (continued)**

**Criterion: Compliance with the principles of the International Responsible Business Conduct (IRBC) Agreement for the Renewable Energy Sector (Section 25b(3) of the Act and Article 7(2) of the Ministerial Order)**

Maximum number points: 40

	Qualitative criteria	Assessment measure	Ptn.	
	<p><b>1.5</b> Reporting on due diligence activities and results. Parties must be able to demonstrate that:</p> <ul style="list-style-type: none"> <li>They publicly report annually on their due diligence process, the most significant actual or potential adverse impacts in the supply chain what activities have been undertaken to identify and monitor those impacts, and all measures taken by the party to prevent, mitigate, remedy or eliminate actual or potential adverse impacts, and the outcome of such measures.</li> </ul> <p>When participating in the IRBC Renewable Energy Agreement, the permit holder achieves at least an orange score at the time the permit becomes irrevocable. If it is not a participant in the IRBC Renewable Energy Agreement, it demonstrates a commitment through an alternative best-effort obligation, comparable to the IRBC Renewable Energy Agreement orange score.<sup>6</sup></p> <p>The permit holder will report on this annually until the wind farm is ready to supply full power for the test phase.</p> <p>The maximum number of points that can be scored is 7.</p>	Proof of participation in the IRBC Agreement for the Renewable Energy Sector.	Party/parties referred to in Article 3(5)(a)	1.5
		In the case of parties referred to in Article 3(5)(a, b, e, f and i):	Party/parties referred to in Article 3(5)(b)	1
		Applications to join the IRBC Renewable Energy Agreement must be submitted no later than 29 February 2024.	Party/parties referred to in Article 3(5)(c)	0.5
		In the case of parties referred to in Article 3(5)(c, d, g and h):	Party/parties referred to in Article 3(5)(d)	0.5
		The permit holder will demonstrate, no later than one year after the permit becomes irrevocable, that these parties have joined the IRBC Renewable Energy Agreement.	Party/parties referred to in Article 3(5)(e)	1.5
			Party/parties referred to in Article 3(5)(f)	0.5
			Party/parties referred to in Article 3(5)(g)	0.5
			Party/parties referred to in Article 3(5)(h)	0.5
			Party/parties referred to in Article 3(5)(i)	0.5
		Having a due diligence policy based on the qualitative criteria in section 1.5 of this table. This can be demonstrated by participation in another multi-stakeholder initiative comparable to the IRBC Agreement for the Renewable Energy Sector.	Party/parties referred to in Article 3(5)(a)	1.5
			Party/parties referred to in Article 3(5)(b)	1
			Party/parties referred to in Article 3(5)(c)	0.5
		In the case of parties referred to in Article 3(5)(a, b, e, f and i):	Party/parties referred to in Article 3(5)(d)	0.5
		Joining another multi-stakeholder initiative comparable to the IRBC Renewable Energy Agreement must take place in time for the assessment of the application.	Party/parties referred to in Article 3(5)(e)	1.5
			Party/parties referred to in Article 3(5)(f)	0.5
	In the case of parties referred to in Article 3(5)(c, d, g and h):	Party/parties referred to in Article 3(5)(g)	0.5	
	The permit holder must demonstrate that these parties have joined a multi-stakeholder initiative comparable to the IRBC Renewable Energy Agreement no later than one year after the permit has become irrevocable.	Party/parties referred to in Article 3(5)(h)	0.5	
		Party/parties referred to in Article 3(5)(i)	0.5	

<sup>6</sup> Defined in Section 5.4 of the explanatory notes.



**Table 4 (continued)**

**Criterion: Compliance with the principles of the International Responsible Business Conduct (IRBC) Agreement for the Renewable Energy Sector (Section 25b(3) of the Act and Article 7(2) of the Ministerial Order)**

Maximum number points: 40

	Qualitative criteria	Assessment measure	Ptn.	
		Having a due diligence policy based on the qualitative criteria referred to in section 1.5 of this table, without demonstrable participation in the IRBC Agreement for the Renewable Energy Sector or another multi-stakeholder initiative comparable to it.	Party/parties referred to in Article 3(5)(a)	0.5
		The applicant can demonstrate this by providing insight into this due diligence policy.	Party/parties referred to in Article 3(5)(b)	0.5
			Party/parties referred to in Article 3(5)(c)	0.3
			Party/parties referred to in Article 3(5)(d)	0.2
			Party/parties referred to in Article 3(5)(e)	0.5
			Party/parties referred to in Article 3(5)(f)	0.2
			Party/parties referred to in Article 3(5)(g)	0.3
			Party/parties referred to in Article 3(5)(h)	0.2
			Party/parties referred to in Article 3(5)(i)	0.3
	<b>1.6</b> Providing access to recovery and redress. Parties must be able to demonstrate that:	Proof of participation in the IRBC Agreement for the Renewable Energy Sector.	Party/parties referred to in Article 3(5)(a)	1.5
	<ul style="list-style-type: none"> <li>They either have their own redress mechanisms or they participate in existing collective complaints mechanisms or are in the process of establishing such a mechanism.</li> </ul>	In the case of parties referred to in Article 3(5)(a, b, e, f and i); Applications to join the IRBC Renewable Energy Agreement must be submitted no later than 29 February 2024.	Party/parties referred to in Article 3(5)(b)	1
		In the case of parties referred to in Article 3(5)(c, d, g and h);	Party/parties referred to in Article 3(5)(c)	0.5
	When participating in the IRBC Renewable Energy Agreement, the permit holder achieves at least an orange score at the time the permit becomes irrevocable. If it is not a participant in the IRBC Renewable Energy Agreement, it demonstrates a commitment through an alternative best-effort obligation, comparable to the IRBC Renewable Energy Agreement orange score. <sup>7</sup>	The permit holder will demonstrate, no later than one year after the permit becomes irrevocable, that these parties have joined the IRBC Renewable Energy Agreement.	Party/parties referred to in Article 3(5)(d)	0.5
			Party/parties referred to in Article 3(5)(e)	1.5
			Party/parties referred to in Article 3(5)(f)	0.5
			Party/parties referred to in Article 3(5)(g)	0.5
	The permit holder will report on this annually until the wind farm is ready to supply full power for the test phase.		Party/parties referred to in Article 3(5)(h)	0.5
	The maximum number of points that can be scored is 7.		Party/parties referred to in Article 3(5)(i)	0.5

<sup>7</sup> Defined in Section 5.4 of the explanatory notes.





**Table 4 (continued)**

Criterion: Compliance with the principles of the International Responsible Business Conduct (IRBC) Agreement for the Renewable Energy Sector (Section 25b(3) of the Act and Article 7(2) of the Ministerial Order)

Maximum number points: 40

	Qualitative criteria	Assessment measure	Ptn.
		Having a due diligence policy based on the qualitative criteria in section 1.6 of this table. This can be demonstrated by participation in another multi-stakeholder initiative comparable to the IRBC Agreement for the Renewable Energy Sector.	Party/parties referred to in Article 3(5)(a) 1.5
			Party/parties referred to in Article 3(5)(b) 1
		In the case of parties referred to in Article 3(5)(a, b, e, f and i):	Party/parties referred to in Article 3(5)(c) 0.5
		Joining another multi-stakeholder initiative comparable to the IRBC Renewable Energy Agreement must take place in time for the assessment of the application.	Party/parties referred to in Article 3(5)(d) 0.5
		In the case of parties referred to in Article 3(5)(c, d, g and h):	Party/parties referred to in Article 3(5)(e) 1.5
		The permit holder must demonstrate that these parties have joined a multi-stakeholder initiative comparable to the IRBC Renewable Energy Agreement no later than one year after the permit has become irrevocable.	Party/parties referred to in Article 3(5)(f) 0.5
			Party/parties referred to in Article 3(5)(g) 0.5
			Party/parties referred to in Article 3(5)(h) 0.5
			Party/parties referred to in Article 3(5)(i) 0.5
		Having a due diligence policy based on the qualitative criteria referred to in section 1.6 of this table, without demonstrable participation in the IRBC Agreement for the Renewable Energy Sector or another multi-stakeholder initiative comparable to it.	Party/parties referred to in Article 3(5)(a) 0.5
			Party/parties referred to in Article 3(5)(b) 0.5
		The applicant can demonstrate this by providing insight into this due diligence policy.	Party/parties referred to in Article 3(5)(c) 0.3
			Party/parties referred to in Article 3(5)(d) 0.2
			Party/parties referred to in Article 3(5)(e) 0.5
			Party/parties referred to in Article 3(5)(f) 0.2
			Party/parties referred to in Article 3(5)(g) 0.3
			Party/parties referred to in Article 3(5)(h) 0.2
			Party/parties referred to in Article 3(5)(i) 0.3



**Table 5**

**Criterion:** The degree of insight into raw material consumption, environmental impact and value retention in the design, construction, operation and decommissioning of the wind farm (Section 25b(3) of the Act and Article 7(2) of the Ministerial Order)

**Maximum number of points:** 40

		Qualitative criteria	Assessment measure	Ptn.
1	Circular design of the wind farm	<b>1.1 Circular strategies</b>  In the application, the applicant substantiates how a circular design is used for the following circular strategies: (1) reduction in the use of raw materials, (2) substitution of raw materials and components, (3) high-quality processing of raw materials and (4) extending the lifespan of the components of the wind farm <sup>8</sup> , based on a recognised standard, such as an ISO standard or circular design methodology.  In each substantiated strategy, the applicant specifically addresses the following components of the wind farm:  1-3. wind turbines comprising: 1. a tower (mast); 2. nacelle; and 3. rotor blades and any measuring equipment;  4. wind turbine foundation (including erosion protection if applicable);  5. any transition piece(s); and  6. cabling that connects the individual wind turbines and connects to a connection point (inter-array cables).	The applicant does not discuss a circular strategy or strategies in the substantiation	0
			The applicant discusses 1 circular strategy in the substantiation	1
			The applicant discusses 2 circular strategies in the substantiation	2
			The applicant discusses 3 circular strategies in the substantiation	3
			The applicant discusses 4 circular strategies in the substantiation	4
			<b>1.2 Design phase</b>  For the design phase, no later than 18 months after the permit has become irrevocable, the applicant indicates how many variables and methodologies the party (as permit holder) will provide insight into, using the Circular Manufacturing Industry's Circular Product Passport Guide <sup>9</sup> to do this.  The applicant will specifically discuss the following components of the wind farm and substantiate why the above objectives are ambitious and technically feasible:  1-3. wind turbines comprising: 1. a tower (mast); 2. nacelle; and 3. rotor blades and any measuring equipment;  4. wind turbine foundation (including erosion protection if applicable);  5. any transition piece(s); and  6. cabling that connects the individual wind turbines and connects to a connection point (inter-array cables).	Less than 1 variable and/or methodology
		At least 1 variable and/or method but less than 44 variables and methodologies	1	
		At least 44 variables and/or methodologies but less than 88	2	
		At least 88 variables and/or methodologies but less than 132	3	
		At least 132 variables and/or methodologies but less than 176	4	
		At least 176 variables and/or methodologies but less than 220	5	
		At least 220 or more variables and/or methodologies	6	
		<b>1.3 Operational phase</b>  For the operational phase, no later than 18 months after the permit becomes irrevocable and using the Circular Manufacturing Industry's Circular Product Passport Guide <sup>10</sup> , the applicant indicates how many variables and methodologies the party (as permit holder) will provide insight into.  The applicant specifically discusses the following components of the wind farm and substantiates why the above objectives are ambitious and technically feasible:  1-3. wind turbines comprising: 1. a tower (mast); 2. nacelle; and 3. rotor blades and any measuring equipment;  4. wind turbine foundation (including erosion protection if applicable);  5. any transition piece(s); and  6. cabling that connects the individual wind turbines and connects to a connection point (inter-array cables).	Less than 1 variable and/or methodology	0
		At least 1 variable and/or method but less than 44 variables and methodologies	1	
		At least 44 variables and/or methodologies but less than 88	2	
		At least 88 variables and/or methodologies but less than 132	3	
		At least 132 variables and/or methodologies but less than 176	4	
		At least 176 variables and/or methodologies but less than 220	5	
		At least 220 or more variables and/or methodologies	6	

<sup>8</sup> As defined in the National Circular Economy Programme 2023- 2030 (NCPE).

<sup>9</sup> [UPCM-Gui deli ne-Materi alspassport-V2.0.pdf \(circularmaakiindustri.e.nl\)](#) [UPCM-Gui deli ne-Materi alspassport-V2.0.pdf \(circularmaakiindustri.e.nl\)](#).

<sup>10</sup> [UPCM-Gui deli ne-Materi alspassport-V2.0.pdf \(circularmaakiindustri.e.nl\)](#) [UPCM-Gui deli ne-Materi alspassport-V2.0.pdf \(circularmaakiindustri.e.nl\)](#).



**Table 5 (continued)**

Criterion: The degree of insight into raw material consumption, environmental impact and value retention in the design, construction, operation and decommissioning of the wind farm (Section 25b(3) of the Act and Article 7(2) of the Ministerial Order)

Maximum number of points: 40

	Qualitative criteria	Assessment measure	Ptn.	
	<b>1.4 Smart maintenance</b> In the application, the applicant provides insight into which technology/technologies is/are being used for (smart) maintenance and the purpose the technology/technologies is/are being used. The applicant specifically addresses the following components of the wind farm: 1-3. wind turbines comprising: 1. a tower (mast); 2. nacelle; and 3. rotor blades and any measuring equipment; 4. wind turbine foundation (including erosion protection if applicable); 5. any transition piece(s); and 6. cabling that connects the individual wind turbines and connects to a connection point (inter-array cables).	The applicant does not provide any insight into the qualitative criteria referred to in section 1.4 of this table	0	
		The applicant does provide insight into the qualitative criteria referred to in section 1.4 of this table	1	
	<b>1.5 Decommissioning (removal) phase<sup>11</sup></b> No later than 18 months after the permit has become irrevocable, using the Circular Manufacturing Industry's Circular Product Passport Guide <sup>12</sup> , the applicant indicates how many variables and methodologies the party, as permit holder, will provide insight into regarding decommissioning of the wind farm. The applicant specifically discusses the following components of the wind farm and substantiates why the objectives are ambitious and technically feasible: 1-3. wind turbines comprising: 1. a tower (mast); 2. nacelle; and 3. rotor blades and any measuring equipment; 4. wind turbine foundation (including erosion protection if applicable); 5. any transition piece(s); and 6. cabling that connects the individual wind turbines and connects to a connection point (inter-array cables).	Less than 1 variable and/or methodology	0	
		At least 1 variable and/or methodology but less than 44 variables and/or methodologies	1	
		At least 44 variables and/or methodologies but less than 88	2	
		At least 88 variables and/or methodologies but less than 132	3	
		At least 132 variables and/or methodologies but less than 176	4	
		At least 176 variables and/or methodologies but less than 220	5	
		At least 220 or more variables and/or methodologies	6	
	2	Use of alternative (circular) materials and critical and strategic raw materials	<b>2.1.1</b> The application provides insight into the critical and strategic raw materials contained in the various components of the wind farm (as specified below in section 2.2 of this table) based on the definitions in the EU List of Critical and Strategic Raw Materials 2023 <sup>13</sup> (A1.3 of the Circular Manufacturing Industry's Circular Product Passport Guide <sup>14</sup> ).	The applicant does not provide any insight into the qualitative criteria referred to under 2.1.1
			The applicant does provide insight into the qualitative criteria referred to under 2.1.1	2
<b>2.1.2</b> No later than 18 months after the permit has become irrevocable, the permit holder provides insight into the quantity (in grams) of critical and strategic raw materials used for the various components of the wind farm (as referred to under section 2.2) and the percentage of the component based on of the definitions in the EU List of Critical and Strategic Raw Materials 2023 <sup>13</sup> and the Circular Manufacturing Industry's Circular Product Passport Guide. <sup>16</sup>			The permit holder will not provide insight into the qualitative criteria referred to under 2.1.2 within 18 months of the permit becoming irrevocable	0
			The permit holder will provide insight into the qualitative criteria referred to under 2.1.2 within 18 months of the permit becoming irrevocable	2
<b>2.2</b> In the application, the applicant substantiates how a circular design is used for the following circular strategies: (1) reduction in the use of raw materials, (2) substitution of raw materials and components, (3) high-quality processing of raw materials and (4) extending the lifespan of the wind farm components in which critical and strategic raw materials are used <sup>17</sup> based on a recognised standard, such as an ISO standard or circular design methodology. In each substantiated strategy, the applicant specifically addresses the following components of the wind farm: 1-3. wind turbines comprising: 1. a tower (mast); 2. nacelle; and rotor blades and any measuring equipment; 4. wind turbine foundation (including erosion protection if applicable);			The applicant does not discuss a circular strategy in the substantiation	0
			The applicant discusses 1 circular strategy in the substantiation	1
			The applicant discusses 2 circular strategies in the substantiation	2
			The applicant discusses 3 circular strategies in the substantiation	3
			The applicant discusses 4 circular strategies in the substantiation	4

<sup>11</sup> In accordance with the description of decommissioning of the wind farm (removal) referred to in Section 4.5 of the IJWFS Beta Wind Farm Site Decision

<sup>12</sup> UPCM-Guideline-Materialspassport-V2.0.pdf (circularamaakindustrie.nl).

<sup>13</sup> RMIS - Raw Materials Information System (europa.eu).

<sup>14</sup> UPCM-Guideline-Materialspassport-V2.0.pdf (circularamaakindustrie.nl).

<sup>15</sup> EU list for critical and strategic raw material in 2023.

<sup>16</sup> UPCM-Guideline-Materialspassport-V2.0.pdf (circularamaakindustrie.nl).

<sup>17</sup> As defined in the National Circular Economy Programme 2023- 2030 (NCPE).



**Table 5(continued)**

**Criterion: The degree of insight into raw material consumption, environmental impact and value retention in the design, construction, operation and decommissioning of the wind farm (Section 25b(3) of the Act and Article 7(2) of the Ministerial Order)**

Maximum number of points: 40

	Qualitative criteria	Assessment measure	Ptn.
	5. any transition piece(s); and 6. cabling that connects the individual wind turbines and connects to a connection point (inter-array cables).		
	<b>2.3</b> No later than 18 months after the permit becomes irrevocable, the permit holder provides insight into the amount of green steel <sup>18</sup> and recycled steel used (in kg and as a percentage of the wind farm's components as referred to under section 22 of this table) based on the Greenhouse Gas Protocol <sup>19</sup> (or a similar standard) and the Circular Manufacturing Industry's Circular Product Passport Guide. <sup>20</sup> The applicant also substantiates why the amount used is ambitious compared to the industry standard and how it is achievable.	The applicant will not provide any insight into the qualitative criteria referred to under 2.3 within 18 months of the permit becoming irrevocable	0
	<b>2.4</b> The permit holder provides insight, no later than 18 months after the permit has become irrevocable, into the quantity of balsa wood used in kg and as a percentage of the components of the wind farm, stating the continent of origin on the basis of the Circular Manufacturing Industry's Circular Product Passport Guide. <sup>21</sup>	The applicant will not provide any insight into the qualitative criteria referred to under 2.4 within 18 months of the permit becoming irrevocable The applicant will provide insight into the qualitative criteria referred to under 2.4 within one year of the permit becoming irrevocable.	0 2
	<b>2.5</b> No later than 18 months after the permit becomes irrevocable, the permit holder provides insight into the quantity of alternative materials used, for example organic/biological origin, in kg and as a percentage of the wind farm's components (as referred to under section 22 of this table) based on the Circular Manufacturing Industry's Circular Product Passport Guide. <sup>22</sup>	The applicant does not provide any insight into the qualitative criteria referred to under 2.5 within 18 months of the permit becoming irrevocable The applicant does provide insight into the qualitative criteria referred to under 2.5 within 18 months of the permit becoming irrevocable.	0 2
3	<b>Greenhouse gas footprint</b> <b>3.1</b> No later than 18 months after the permit has become irrevocable, the permit holder provides insight into the greenhouse gas emissions/footprint, based on the Greenhouse Gas Protocol <sup>19</sup> or a similar standard, for the following: <ul style="list-style-type: none"> <li>• Production of wind turbines comprising of a tower (mast), nacelle, rotor blades and any measuring equipment; wind turbine foundations (including erosion protection if applicable); transition pieces; and cabling that connects the individual wind turbines and connects to a connection point (inter-array cables).</li> <li>• Construction phase<sup>24</sup>;</li> <li>• Operation and maintenance phase; and</li> <li>• Decommission phase, including the dismantling of the wind farm<sup>25</sup>.</li> </ul> The permit holder will explain the effect of the measures taken under 1.1 and 2.2 of this table on the level of greenhouse gas emissions.	The applicant does not provide any insight into the qualitative criteria referred to under 3 within 18 months of the permit becoming irrevocable The applicant does provide insight into the qualitative criteria referred to under 3 within 18 months of the permit becoming irrevocable.	0 1
4	<b>Knowledge sharing</b> <b>4.1</b> No later than 18 months after the permit has become irrevocable, the permit holder will provide the information agreed under sections 1 'Circular design of the wind farm', 2 'Use of alternative (circular) materials and critical and strategic raw materials' and 3 'Greenhouse gas footprint' of this table. The permit holder will make the information promised under sections 1 to 3 of this table fully public no later than 18 months after the permit has become irrevocable.	Permit holder makes not, appearance 18 months after the permit has become irrevocable, the promised information below components 1 to 3 completely public with the exception of company confidential information Permit holder makes well, appearance 18 months after the permit has become irrevocable, the promised information below components 1 to 3 completely public with the exception of company confidential information	0 2

<sup>18</sup> Green steel is defined as steel produced with reduced CO<sub>2</sub> emissions.

<sup>19</sup> <https://ghgprotocol.org>

<sup>20</sup> [UPCM-Guideline-Materialspassport-V2.0.pdf](https://www.circularproductpassport.nl/~/media/Files/2022/06/UPCM-Guideline-Materialspassport-V2.0.pdf) ([circularproductpassport.nl](https://www.circularproductpassport.nl))

<sup>21</sup> [UPCM-Guideline-Materialspassport-V2.0.pdf](https://www.circularproductpassport.nl/~/media/Files/2022/06/UPCM-Guideline-Materialspassport-V2.0.pdf) ([circularproductpassport.nl](https://www.circularproductpassport.nl))

<sup>22</sup> [UPCM-Guideline-Materialspassport-V2.0.pdf](https://www.circularproductpassport.nl/~/media/Files/2022/06/UPCM-Guideline-Materialspassport-V2.0.pdf) ([circularproductpassport.nl](https://www.circularproductpassport.nl))

<sup>23</sup> <https://ghgprotocol.org>

<sup>24</sup> In accordance with the description of construction and operation referred to in Section 4.4 of the draft IJmuiden Ver Beta Wind Farm Site Description.

<sup>25</sup> In accordance with the description of the decommissioning/removal of the wind farm referred to in Section 4 of the draft IJmuiden Ver Beta Wind Farm Site Description. Decommissioning is defined as the dismantling and removal of all parts of the wind farm at the end of its useful life.



Table 6

Criterion: Contribution to the integration of the wind farm into the Dutch energy system (Section 25b(3) of the Act and Article 7(2) of the Ministerial Order)				
Maximum number points: 160				
	Qualitative criteria	Assessment measure	Ptn.	
1	<p>Stimulating onshore investments for integration of the electricity produced by the wind farm at IJVVFS Beta into the Dutch energy system</p> <p><b>1.1</b> The investments/measures contribute to making the Dutch energy system more sustainable.</p> <p><b>1.2</b> The investments/measures:</p> <ul style="list-style-type: none"> <li>increase electricity demand; and/or</li> <li>increase the temporary electricity storage capacity compared to when the period for submitting an application for a permit for the IJVVFS Beta closes (28 March 2024).</li> </ul> <p><b>1.3</b> The investments/measures must be within Dutch territory and within the geographical area north and west of the yellow line (as shown in Figure 2):</p> <ul style="list-style-type: none"> <li>To be connected to the national high-voltage grid (table A); or</li> <li>to be realised within the municipal boundaries when connected to the low- and medium-voltage grid (table B).</li> </ul> <p><b>1.4</b> The investments/measures are feasible and can be successfully applied in an operational environment. To this end, a schedule – including milestones – for the realisation of the investments/measures must be included, explaining:</p> <ul style="list-style-type: none"> <li>which permit(s) is/are required, which permit(s) has/have been granted or still need(s) to be obtained and the likelihood that it/they will be granted;</li> <li>which land(s) is/are required, and whether a suitable location is owned or there are agreements regarding the use of land or immovable property or an option thereon and the likelihood that the required land(s) is/are available; and</li> <li>which connection(s) to the electricity grid is/are required, which connection(s) to the grid has/have been provided or still needs to be obtained and the degree of likelihood that this/these will be obtained.</li> </ul> <p><b>1.5</b> The permit holder reports on an hourly basis for the past 12 months on the following components:</p> <ol style="list-style-type: none"> <li>Feed-in (input) by offshore production installation(s) (wind farm incl. solar park) to the offshore grid (based on accountable measured values measured on the transfer point of the permit holder's installation with the offshore grid operator) – in MWh;</li> <li>Electricity consumption (offtake) from the electricity grid due to what has been invested in (based on accountable measured values measured at the transfer point of the installation with the grid operator) – in MWh;</li> <li>Net input: (1) input to offshore production installation(s) minus (2) electricity consumption (offtake) from the electricity grid by the measure(s) invested in – in MWh;</li> <li>Guaranteed offshore transmission capacity – in MW (2000 MW);</li> <li>Guaranteed electricity consumption (offtake) capacity purchased from the electricity of the measure(s) invested in – in MW;</li> <li>Threshold value: (4) guaranteed offshore transmission capacity minus (5) the guaranteed electricity consumption (offtake) from the electricity network by the measure(s) invested in – in MW;</li> <li>If applicable: the amount that (3) the net input has exceeded (6) the threshold value – in MWh;</li> <li>If (7) applies: reason why the hourly threshold value has been exceeded;</li> <li>If (7) applies: daily advance price for electricity in the Dutch bidding zone – in €/MWh.</li> </ol> <p><b>1.6</b> The measure that is invested in may not be part of a previously granted permit for the construction and operation of an offshore wind farm.</p> <p><b>1.7</b> Whatever is invested in will be put into use no later than 72 months after the permit becomes irrevocable.</p>	<p>The guaranteed electricity offtake capacity (via the electricity grid) by what is invested in [in GW], which does not exceed the threshold value on an hourly basis until 31 December 2040.</p> <p>The threshold value is defined as the difference between the guaranteed transmission capacity of the offshore grid (2 GW) and the guaranteed electricity offtake capacity (via the electricity grid) of the measure invested in.</p>	Less than 0.20 G.W	0
			Equal to or greater than 0.20 GW but less than 0.30 GW	15
			Equal to or greater than 0.30 GW but less than 0.40 GW	30
			Equal to or greater than 0.40 GW but less than 0.50 GW	45
			Equal to or greater than 0.50 GW but less than 0.60 GW	60
			Equal to or greater than 0.60 GW but less than 0.70 GW	75
			Equal to or greater than 0.70 GW but less than 0.80 GW	90
			Equal to or greater than 0.80 GW but less than 0.90 GW	105
			Equal to or greater than 0.90 GW but less than 1.00 GW	120
			Equal to or greater than 1.00 GW	139



**Table 6 (continued)**

**Criterion: Contribution to the integration of the wind farm into the Dutch energy system (Section 25b(3) of the Act and Article 7(2) of the Ministerial Order)**  
**Maximum number points: 160**

		Qualitative criteria	Assessment measure	Ptn.	
2	Stimulating investments in electricity production from offshore solar energy	<p><b>2.1</b> The entire offshore solar park, with a capacity as proposed by the applicant, will be put into use no later than 72 months after the permit becomes irrevocable.</p> <p><b>2.2</b> The permit holder is obliged, without financial compensation, to cooperate with the installation, operation and maintenance of sensors and equipment in the offshore solar park by or on behalf of the Government in the context of the performance of public duties with regard to ecology. In addition, the permit holder is obliged, also without financial compensation, whether or not it provides vessels, to cooperate by granting access to all parts of the offshore solar park to those performing tasks on behalf of the Government in the context of ecology and related research activities. The results of the research will be made public.</p> <p><b>2.3</b> The permit holder monitors the practical applicability of electricity production from offshore solar energy and the synergy between electricity production from offshore solar and offshore wind. It will report every six months for the first two years of delivery, followed by annual reports for the subsequent eight years. The permit holder will make this data public and make it available digitally in a format that is commonly used for accessing this type of data:</p> <ul style="list-style-type: none"> <li>• An overview of electricity production by the solar park on different time scales, but in every case per quarter of an hour, hour, day and year;</li> <li>• An analysis of the complementarity between the electricity generated from solar energy and wind power on different time scales, but in every case per quarter of an hour, hour, day and year; and</li> <li>• An overview of the degree of curtailment of electricity production from solar energy and offshore wind power, which can in some way be attributed to the presences of the solar park.</li> </ul> <p><b>2.4</b> The permit holder will make every effort to keep the entire offshore solar park operational for at least ten years.</p>	The capacity (output) of the proposed investment in offshore solar energy [in MWp]	Less than 10 MWp	0
				Equal to or more than 10 MWp but less than 20 MWp	4
				Equal to or more than 20 MWp but less than 30 MWp	8
				Equal to or more than 30 MWp but less than 40 MWp	12
				Equal to or more than 40 MWp but less than 50 MWp	16
				Equal to or more than 50 MWp	20
3	Knowledge sharing	<p><b>3.1</b> The permit holder will make a summary of the investments in Table 6 public no later than 6 months after the permit has become irrevocable.</p>	The permit holder will not make a summary of the investments under Table 6 public within 6 months of the permit becoming irrevocable	0	
			The permit holder will make a summary of the investments under Table 6 public within 6 months of the permit becoming irrevocable	1	



**Table 7**

**Criterion: Contribution to reducing harbour porpoise disturbance days in the construction phase of the wind farm (Section 25b(3) of the Act and Article 7(2) of the Ministerial Order)**

**Maximum number points: 20**

		Qualitative criterion	Assessment measure	Ptn.
1	Reducing harbour porpoise disturbance days in the construction phase of the wind farm compared to the Environmental Impact Assessment (EIA) for the IJWWFS Beta Wind Farm Site Decision (WFSD) <sup>26</sup>	The number of harbour porpoise disturbance days in the construction phase is reduced compared to the requirements in the WFSD. The permit holder must provide insight into the calculation of the number of harbour porpoise disturbance days <sup>27</sup> and this calculation must be verifiable and reproducible. The assumptions are substantiated and are in accordance with assumptions as used included in the EIA. The applicant must also substantiate which model is used. If the number of harbour porpoise disturbance days due to a construction technique has not yet been empirically measured, the expected disturbance must be substantiated based on current (scientific) knowledge.  The calculation of harbour porpoise disturbance days must be tested by an independent organisation with expertise on the field of underwater noise and (harbour) porpoise disturbance days.  The overplanting factor is defined as:  $\frac{\text{number wind turbines in request} * \text{power per wind turbine}}{2000 \text{ MW}}$	Harbour porpoise disturbance days more than 110,000*overplanting factor	0
			Harbour porpoise disturbance days equal to or less than 110,000*overplanting factor but more than 100,000*overplanting factor	5
			Harbour porpoise disturbance days equal to or less than 100,000*overplanting factor and more than 85,000*overplanting factor	10
			Harbour porpoise disturbance days equal to or less than 85,000*overplanting factor and more than 77,000*overplanting factor	15
			Harbour porpoise disturbance days equal to or less than 77,000*overplanting factor	20

<sup>26</sup> See Chapter 9 and Appendix 3 of the EIA for WFSD for IJWWFS Beta.

<sup>27</sup> KEC 4.0 Cumulative effects underwater noise, [Marine mammals reports - North Sea Desk Section 7.8.2 'to limit underwater sound'](#) and Regulation 4 of the WFSD for IJWWFS Beta.



## Explanatory notes

### 1. Background and aim

The 2021-2025 Coalition Agreement ‘Looking out for each other, looking ahead to the future’ (Omzien naar elkaar, vooruitkijken naar de toekomst), published on 15 December 2021, includes a goal to reduce greenhouse gas emissions (CO<sub>2</sub>) by 55% compared to 1990 levels and policy aimed for a 60% reduction by 2030, focusing on the deployment of additional offshore wind to achieve this goal. In February 2022, the Rutte IV Cabinet doubled the target for offshore wind in the Dutch North Sea to around 21 GW installed capacity by 2030, provided this is compatible with the ecological capacity of the North Sea and can be integrated into the energy system.<sup>28</sup> The Additional Offshore Wind Energy Roadmap 2030 was published on 10 June 2022.<sup>29</sup> The amendment to the Dutch Climate Agreement came into effect on 22 July 2023 and the target of a 55% emission reduction in 2030 and climate neutrality in 2050 was laid down in this law. This amendment and the offshore wind goal is in line with the European Union’s ambition to accelerate and increase production of energy from renewable sources. The European Climate Act<sup>30</sup> includes a European goal for a 55% reduction (for each Member State), whereby further offshore wind is expected to be deployed to achieve that.

This Ministerial Order contains the regulations for granting the permit for IJmuiden Ver Wind Farm Site Beta (IJVWFS Beta), located in the IJmuiden Ver Wind Farm Zone (IJVWFZ). The Ministerial Order for granting the permit for IJVWFS Alpha will be published simultaneously with this Ministerial Order. Combined, the two sites total 4 GW, making this the largest permit tender round for offshore wind in the Netherlands to date.

IJVWFS Beta comprises the previously designated IJVWFS III and IV, which have now been merged together (IJVWFS I and II have also been merged to become IJVWFS Alpha). The decision to merge the sites was due to economies of scale and synergy, the mutual dependencies between TenneT and the wind farm operator(s), international developments towards permitting wind farm sites larger than 1 GW, reducing pressure on the supply chain and reducing regulatory pressure for both applicants and the assessors of applications.

The Alpha and Beta sites in the IJVWFZ are the last wind farms under the Netherlands’ original ‘Offshore Wind Energy Roadmap 2030’.<sup>31</sup> The planned wind farms at IJVWFS Alpha and IJVWFS Beta build on previous tenders and permits for the construction and operation of offshore wind farms at 12 other sites: Borssele Wind Farm Sites I, II, III and IV, Borssele (innovation) Wind Farm Site V, Hollandse Kust (zuid) Wind Farm Sites I, II, III and IV, Hollandse Kust (noord) Wind Farm Site V and Hollandse Kust (west) Wind Farm Sites VI and VII. Once the permits for IJVWFS Alpha and IJVWFS Beta have been awarded, additional offshore wind farms will be opened to tender, including a further 2 GW in the IJVWFZ at IJVWFS Gamma.

The Offshore Wind Energy Act (Wet windenergie op zee, hereinafter referred to as ‘the Act’) is the legal framework underpinning the rollout of offshore wind in the Netherlands. The Act outlines four possible procedures to grant permits for the construction and operation of offshore wind farms, namely: a procedure with subsidies, a comparative test, a comparative test with a financial bid and, lastly, an auction procedure. This Ministerial Order uses the procedure of a comparative test with a financial bid, as announced in the Minister for Climate and Energy’s letter to the House of Representatives on 4 November 2022.<sup>32</sup>

Pursuant to Article 14a(3) of the Act, the Minister for Climate and Energy examined market conditions and consulted with the Minister of Finance before choosing which procedure to apply. The comparative test with a financial bid is the most appropriate licensing procedure for this permit. This procedure aims to encourage parties to submit solution-oriented applications for social goals that contribute to the further growth of offshore wind energy. These scarce wind farm sites in the North Sea represent a significant market and social value. The addition of a financial offer aims to safeguard this value and ensure market competition.

<sup>28</sup> Parliamentary papers 32813 and 35788, no. 974.

<sup>29</sup> Parliamentary paper 33561, no. 53

<sup>30</sup> Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing a framework for achieving climate neutrality and change by Regulation (EC) no. 401/2009 and Regulation (EU) 2018/1999.

<sup>31</sup> Parliamentary paper 33561, no. 42.

<sup>32</sup> Parliamentary paper 35092, no. 33.





Offshore wind energy technology is developing rapidly. The cost of an offshore wind farm varies greatly, depending on the choices a developer makes regarding turbine technology, foundation technology and the operational approach. In recent years, a substantial cost reduction for offshore wind power has been achieved. In addition, the more ambitious commitment to the energy transition from the private and public sectors has a positive impact on electricity demand trends, although it is important to ensure that developments in supply and demand remain sufficiently aligned. At the same time, market conditions have changed significantly recently. For example, electricity prices have risen, but they have also become more volatile. Scarcity and inflation are also leading to price increases in the supply chain.

## **2. Designation of offshore wind farm sites**

Wind farm sites are only designated within a wind farm zone that has been designated in the North Sea Programme. The North Sea Programme is a policy plan established on the basis of the Water Act (Waterwet). The IJmuiden Ver Wind Farm Zone was designated in the North Sea Policy Document 2009 - 2015, among other things. This policy has continued within the frameworks of the North Sea Policy Document 2016 - 2021 and the North Sea Programme 2022 - 2027.<sup>33</sup> A Wind Farm Site Decision (WFSD) determines where and under what conditions a wind farm may be built and operated. TenneT has been designated the offshore grid operator and is therefore responsible for connecting the wind farms to the grid. TenneT's technical concept – in line with the Development Framework for Offshore Wind Energy<sup>34</sup> (hereinafter: 'Development Framework') – is based on substation platforms to which a maximum of 2 GW of wind power capacity can be connected.

Within the conditions of the WFSD, all wind turbines present are considered as part of the wind farm. Other types of power generation, such as offshore solar energy, and other activities, such as energy storage, do not come under the Act and are not regulated for in the WFSD or the related permit. Different permits are required for these activities, including a permit under the Water Act (from 1 January 2024, this will be under the Environment Act). In addition, other applicable regulations may apply, including the Electricity Grid Code and TenneT's model agreements (Realisation Agreement and a Connection and Transmission Agreement).

## **3. Applying for a permit**

This Ministerial Order lays down further rules for granting a permit for the construction and operation of the wind farm at IJVVFS Beta. These concern the application itself, the assessment of applications and the respective weighting of the ranking criteria that is required if two or more applications are eligible for a permit

Under the Act, one permit per site is granted. Article 2(1) of this Ministerial Order specifies the period within which applications for the permit for IJVVFS Beta can be submitted. This period runs parallel to the permit application period for IJVVFS Alpha (Ministerial Order for granting the permit for IJmuiden Ver Wind Farm Site Alpha).

Under Article 2(2) of this Ministerial Order, the number of applications that can be submitted per applicant is set at a maximum of one. Article 2(3) of this Ministerial Order states that affiliated legal entities are regarded as one applicant. Affiliated legal entities include all legal entities and companies owned by the group, the group parent company of the applicant and joint ventures in which the applicant participates. Legal entities can be connected in different ways. However, the purpose of regulation in the Ministerial Order is to designate all forms of affiliation. This is to prevent an applicant trying to increase their chances of securing a permit by setting up several companies, or participating with a small share in another venture that also submits an application. Affiliation must be seen in the broadest sense of the word. For example: it is an affiliated legal entity if there is only a 1% participation in a legal entity or partnership by one of the companies within the group/group company. The degree of economic or organisational affinity is irrelevant.

The aim is to limit the regulatory burden for both applicants and assessors. The purpose of this definition

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<sup>33</sup> [North Sea Policy Document 2016-2021; North Sea Programme 2022-2027](#)

<sup>34</sup> Development Framework for Offshore Wind Energy, adopted by the Council of Ministers by 27 October 2023: <https://open.overheid.nl/documents/71431357-9c64-4fb6-b75d-85f345a8b08c/file>.



is not to limit market concentration. This is why this Ministerial Order deviates from the definitions of an affiliated legal entity that follow from the Merger Regulation.<sup>35</sup> The application must include a legal organisational chart of the legal entities associated with the applicant, as referred to in Article 1, stating the registration number in the commercial business register or comparable registry of each connected legal entity.

A resource is available for the application on the Netherlands Enterprise Agency (Rijksdienst voor Ondernemend Nederland - RVO) website. This indicates the address where applications should be sent. The details and documents to be submitted with the application are outlined in Articles 3 and 4 of this Ministerial Order. In accordance with Article 3(5) and (6), this may involve single or multiple parties. ■

No costs will be charged for processing an application for a permit. Article 5 of this Ministerial Order therefore sets the costs for this at €0. However, the costs incurred by the Government in preparing the Wind Farm Site Decision for IJWWFS Beta will be charged to the party to which the permit is granted. This amount is set in Article 9 at € 19.885756. Article 9 also states when and how this amount must be paid. Finally, each year, the party granted the permit will also have to pay the amount it agreed in its financial bid. The permit will state within what period and how this must be done.

The rules regarding the bank guarantee or deposit as a suspensive condition, referred to in Section 15a of the Act, are laid down in Article 10 of this Ministerial Order. Under this regulation, an insurer with (at least) a long-term rating A from a rating agency<sup>36</sup> can issue a bank guarantee/deposit. This ensures a level playing field between banks and insurers and offers the permit holder more options for complying with this suspensive condition.

#### 4. Assessment of applications

Section 1 of these Explanatory Notes explains that the Act provides for four possible procedures for granting permits for construction and operation of offshore wind farms. These are the procedure with a subsidy, a comparative test, a comparative test with a financial bid and an auction. In all procedures, a permit is only granted if it is shown to be sufficiently plausible that the construction and operation of the wind farm is feasible; is technically, financially and economically feasible; can be started within the period referred to in Article 5(2) of this Ministerial Order; and it complies with the WFSD. Article 6 of this Ministerial Order contains additional rules on the assessment criteria where necessary.

Electricity from IJWWFS Beta lands on the Maasvlakte. IJWWFS Alpha and IJWWFS Beta are the first wind farms in the Netherlands to be connected via a direct current (DC) connection. Due to the relatively long distances to onshore connection sites and the large capacity to be connected, TenneT will use 2 GW DC substation platform connection systems for IJWWFS Alpha and IJWWFS Beta. The update of the Development Framework<sup>37</sup>, adopted by the Minister for Climate and Energy on 27 October 2023, includes provisions on the planned delivery procedure and dates for direct current connections. The delivery of the planned DC connections require a separate procedure because, unlike alternating current connections, a DC connection must be tested, for which the entire wind farm must be connected and ready to supply the full power. Because of the mutual dependencies and obligations, set out in the Development Framework, between TenneT and the permit holder to follow this delivery procedure and to realise it according to the delivery dates, the applicant is requested in Article 3(3) of this Ministerial Order to state the start date for pulling the 66 kV cables onto the offshore grid substation platform and the wind farm's readiness for full power delivery for the purpose of the joint test phase. The final delivery dates for the offshore network have been determined and announced before the publication of the present regulation in the development framework (in Table 4) that on 27 October 2023 is updated.

In view of the delivery dates of the offshore grid, the period referred to in Article 5(2) of this Ministerial Order has been set at 59 months after the permit becomes irrevocable. It is assumed that the permit will become irrevocable on September 1, 2024. The permit can only be granted if, based on the application, it is sufficiently plausible that the construction and operation of the wind farm can start within this period.

<sup>35</sup> Regulation (EC) no. 139/2004 of the Council by the European Union on 20 January 2004 on the control of concentrations between undertakings (EC Merger Regulation).

<sup>36</sup> Corresponding Regulation (EC) No. 1060/2009 of the European Parliament and Council of 16 September 2009 on credit rating agencies.

<sup>37</sup> Development Framework on Offshore Wind Energy, adopted by the Council of Ministers on 27 October 2023: <https://open.overheid.nl/documents/71431357-9c64-4fb6-b75d-85f345a8b08c/file>, 4.2.2.2 G.W DC connections.



This period of 59 months therefore only concerns the assessment of the application and not the periods that will be included in the permit. The periods mentioned in the permit regulations will be linked to the milestones for the delivery of the offshore network, as stated in the Development Framework.

The permit holder can assume and will be held to the milestones of the Development Framework in the permit, namely: the platform is ready for pulling the 66 kV cables onto the offshore grid platform (cable pull-in); the wind farm is ready to supply a minimum 70% of the guaranteed transport capacity of the DC platform (i.e. at least 1.4 GW) and it is ready to pull-in and connect the 66 kV cables to the offshore grid platform; the wind farm is ready to deliver full power; and delivery of the direct current connection. There is a possibility that, due to then objections and appeals procedure, the permit will become irrevocable considerably later than 1 September 2024. If the period between the permit becoming irrevocable and the platform being ready for cable pull-in is therefore less than 48 months, the Minister for Climate and Energy will enter into consultation with TenneT and the permit holder about a new schedule for the milestones for delivery of the grid and wind farm. In that case, the Minister for Climate and Energy will in principle use the option, pursuant to Section 15(4) of the Act, to grant an exemption from the obligations to carry out certain activities within certain periods as stated in the permit. The Minister for Climate and Energy will, in principle, also use the option to grant an exemption from the obligations to carry out certain activities within certain periods, if the offshore grid platform is not completed and ready for the pull-in of the 66 kV cables by the delivery date, as stated in the Development Framework. Granting an exemption prevents the bank guarantee or deposit from being forfeited because the permit holder, due to circumstances within the control of the offshore grid operator, is no longer able to have the wind farm ready in time to deliver full power and thus cannot fulfil its obligation.

When assessing financial feasibility, the size of the equity is taken into account. The construction and operation of a wind farm are only considered financeable if the application shows that the applicant's own equity comprises at least 20% of the total investment costs for the wind farm. Committed, but not yet requested capital contributions, which may apply in the case of an investment fund, do not count in the assessment of financial feasibility. These capital contributions are not formally equal to equity.

In addition, the securities attached to these capital contributions depend on the contractual agreements between the fund and investors. To determine the size of the equity, if the applicant is a partnership, the equity of the participants in the partnership and their parent company or companies will be included upon request. If the applicant is part of a group (i.e. a subsidiary), the equity of the parent company will be included at the request of the applicant.

In accordance with the definition of 'partnership' in Article 1 of the Framework Decision on National EZK and LNV Subsidies (rules regarding state aid from the Ministry of Economic Affairs (EZK) and the Ministry of Agriculture, Nature and Food Quality (LNV)), an application will be deemed to be from a partnership when it is submitted by an organisation consisting of at least two participants that are not affiliated in a group, with the partnership not having a legal personality and, while not being a company, has been established for the purpose of carrying out activities. If several parties jointly establish a company that submits the application, the application will be regarded as an application by this company and not as an application by a partnership.

The capital requirement in Article 6(2) of this Ministerial Order is intended to prevent the permit from being granted to parties that are not financial strong enough. An applicant can be deemed financially strong enough based on the assets of others participating in the application. This is expressed in Article 6(3) of this Ministerial Order. The assets of other entities are only included at the request of the applicant.

It is not intended that the other party should be responsible for the applicant's obligations. Therefore, the terms parent and subsidiary in Article 6 of this Ministerial Order must be interpreted broadly. For example, if the applicant is a joint venture, the equity of all joint venture partners and their parent companies can be included. In the case of a private company in formation, both the assets of the parent company or companies and that of the founding part can be taken into account. In the case of an application by a limited partnership (hereinafter: CV), the equity of the managing partner and its parent company or companies can also be used, in addition to the separate assets of the CV.

The site for which a permit is granted under this Ministerial Order, IJWFS Beta, is not located in Dutch territorial waters. Therefore, no building rights (right of superficies) will be established for the construction of installations on the seabed of the site, which will have to be paid by the permit recipient



A financial bid must be submitted as part of the application. If an application does not include a financial bid, the application will be rejected pursuant to Section 25a of the Act. Therefore, to assess the financial and economic viability of a project, consideration will also be given to whether the applicant has taken into account the costs that must be paid pursuant to Article 9 of this Ministerial Order and its financial bid.

After the permit becomes irrevocable, the permit holder is obliged to carry out all related activities related to the permit in accordance with: the Act; this Ministerial Order (including all conditions in the tables in the Appendix to this Order); the WFSD; the permit; and the information submitted with the application and on the basis of which the application was assessed in the comparative test. If this obligation is violated, there is the power to impose an administrative order (Section 27 of the Act) or to withdraw the permit (Article 17(2), opening words and (b) of the Act). An applicant must not include any reservations in its application regarding the ability to carry out an activity, for example: obtaining a subsidy, a positive business case or obtaining a connection from a network operator. This ensures the applications can be assessed fairly. When assessing an activity in the application, it does not matter whether a subsidy has already been granted for that activity or has yet to be applied for. The permit holder for IJVVFS Alpha is obliged to carry out the activities offered. To receive a subsidy for the activity offered, it is required that the subsidy (to be granted) meets the requirements regarding incentive effect, in accordance with the Climate, Energy and Environmental Aid Guidelines (CEEAG), and other requirements that apply to the relevant subsidy scheme. A subsidy for the activity offered, which is applied for and granted after the permit application has been submitted or after the permit has been obtained, can therefore still have an incentive effect.

Finally, based on the regulations in the permit, after the permit becomes irrevocable, the permit holder is obliged, among other things, to report annually to the Minister for Climate and Energy about: progress on the realisation of the wind farm until the moment it becomes operational; progress on the activities the permit holder committed to in response to the ranking criteria stated in Table 4 'Compliance with the principles of International Responsible Business Conduct (IRBC) Agreement for the Renewable Energy Sector' and in Table 6 'Contribution of the wind farm to the ecosystem of the Dutch North Sea'; and the annual electricity production from wind energy (per site and per wind turbine). In addition, the permit holder is obliged to report once, no later than 18 months after the permit becomes irrevocable, on the information it agreed to provide in response to the ranking criteria in Table 5 'Degree of insight into raw material consumption, environmental impact and value retention in the design, construction, operation and decommissioning of the wind farm'. RVO will send a reminder to the permit holder in advance.

## **5. Ranking of the applications**

Pursuant to Section 25b(4) of the Act, where two or more applications for a permit meet the requirements referred to in Section 12a and Section 14 of the Act, the permit will be granted according to the ranking based on the three qualitative criteria specified in Section 25b(2) of the Act. It is also possible, under Section 25b(3) of the Act, to impose further rules for the criteria and establish additional criteria to be considered in the ranking, as is the case in this Ministerial Order.

Tables 1 to 7 of the Appendix to this Ministerial Order set out how the ranking criteria are weighted. The emphasis here is on the qualitative criteria. When ranking applications, most weight is given to the criterion: 'Contribution to the integration of the wind farm into the Dutch energy system' (Table 6 in the Appendix). Therefore, this criterion accounts for up to 40% by the total score, with a maximum of 160 points.

It is possible that two or more applications will be given the same score in the assessment. In that case, in that case, the ranking criteria will be weighed in accordance with Article 8(2 to 8). Here, according to Article 8(2), the criterion 'Contribution to the integration of the wind farm into the Dutch energy system' is decisive. If two or more applications for each wind farm site are still ranked joint highest, the third paragraph, Article 8(3), will be applied, meaning the 'The wind farm's contribution to energy supply' criterion is decisive. Accordingly, where necessary the 'Certainty of realisation of the wind farm' criterion will be applied on the basis of the fourth paragraph, Article 8(4). If necessary, the fifth, sixth and seventh paragraphs (Article 8(5), (6) and (7)) will then be applied, meaning the ranking will be based on the criterion 'Level of compliance of the wind farm operator and the supply chain with the principles of the International Responsible Business Conduct (IRBC) Agreement for the Renewable Energy Sector', the



criterion 'The degree of insight into raw material consumption, environmental impact and value retention in the design, construction, operation and decommissioning of the wind farm' and the criterion 'Contribution to reducing harbour porpoise disturbance days in the construction phase of the wind farm'. Finally, if necessary, the eighth paragraph, Article 8 (8), regarding the 'Amount of the financial bid' will be applied.

#### **5.1 Amount of the financial bid**

With the criterion 'Amount of the financial bid' (Table 1 in the Appendix), an application is ranked according to the ratio of the amount of the financial bid (made in euros and to be paid annually) compared to the amount stated in Table 1, namely €420 million. An annual financial bid of €420 million or more earns the maximum number of points. The financial offer criterion expressly includes a link between the maximum number of points and a maximum amount for the bid to achieve the highest score. The aim is to make the criteria in Article 7(2) of this Ministerial Order more objective and provide clarity (about how a maximum score can be achieved) for both applicants and the assessors of the applications. Since the aim is to objectify the qualitative ranking criteria in such a way that the differences between applications may be limited, the amount of the financial bid offers room for variations between applications. In view of the required investments and costs for the qualitative ranking criteria and the value of the wind farm site, it is not expected that the maximum number of points will be scored for the financial bid. The financial bid amount must be paid annually during the entire permit period. This means that, from the moment the permit becomes irrevocable, the applicant must pay the amount offered each year for a period of 40 years. This amount will not be indexed. A staggered payment for the financial bid has been chosen because this gives the permit holder the opportunity to include this amount, to a large extent, in the operational cost of the wind farm and thus the financing requirement for the realisation of the wind farm as a suspensive condition for obtaining the permit decreases.

#### **5.2 Certainty of the wind farm being completed**

For the criterion 'Certainty of the wind farm being completed' (Table 2 in the Appendix), an application is ranked higher along two lines: experience and financial strength. In other words, the more experience the most important parties involved in the construction and operation of the wind farm have in realising an offshore wind farm and the greater the equity in relation to the investment costs in the wind farm, the higher the ranking on this criterion.

#### **5.3 The wind farm's contribution to energy supply**

For the criterion 'The wind farm's contribution to energy supply' (Table 3 in the appendix), an application is ranked higher as - within the limits of the WFS - a higher annual electricity production is fed into the offshore grid. If investments are also made in electricity production from offshore solar energy, this does not count towards the contribution of the wind farm to energy supply.

#### **5.4 Compliance with the principles of the International Responsible Business Conduct (IRBC) Agreement**

With regard to the criterion 'Level of compliance of the wind farm operator and the supply chain with the principles of the International Responsible Business Conduct (IRBC) Agreement for the Renewable Energy Sector' (Table 4 in the appendix), an application is ranked higher if it can be demonstrated that the parties, as listed in Article 3(5)(a-i) of this Ministerial Order, have applied appropriate due diligence, in terms of IRBC. They can demonstrate this by:

1. Participation in the IRBC Agreement for the Renewable Energy Sector led by the Social and Economic Council (SER) (hereinafter: IRBC Agreement for Renewable Energy) and the associated annual monitoring of the supply chain of the parties, as described in the IRBC Agreement for Renewable Energy; or
2. Participation in another multi-stakeholder initiative similar to the IRBC Agreement for Renewable Energy, whereby the supply chain of the participating parties is monitored in a comparable way; or
3. Having its own due diligence policy, if there is no participation in the IRBC Agreement for Renewable Energy or an alternative comparable multi-stakeholder initiative to the IRBC Agreement. In this case, fewer points will be awarded, because there is no multi-stakeholder initiative.

The aim of this criterion is to apply a life cycle and broader sustainability approach by anticipating EU legislation in the field of IRBC in line with the Organisation for Economic Co-operation and Development



(OECD) guidelines for multinational enterprises, the principles of the United Nations (UN) for human rights and business and the IRBC Agreement for Renewable Energy signed by the Minister for Climate and Energy on 6 March 2023.<sup>41</sup> This Ministerial Order therefore anticipates EU legislation, which is in line with the interpretation of a number of motions from the House of Representatives.<sup>38</sup>

The scoring system of the IRBC Agreement for Renewable Energy consists of a green, orange and red score. The green score means that the participant in the IRBC Agreement for Renewable Energy meets the requirements associated with the relevant number of years in which it has participated in the IRBC Agreement. This is the highest score. The orange score means that the participant in the IRBC Agreement for Renewable Energy does not fully meet the requirements associated with the relevant number of years in which it has participated in the IRBC Agreement, but it still implements the requirements. The red score means that the participant in the IRBC Agreement for Renewable Energy does not meet all requirements and that other participants in the IRBC Agreement do not expect the participant to comply with the requirements within the current reporting year. The SER annually tests the requirements of the IRBC Agreement for Renewable Energy and gives one of these scores.

The permit states that the permit holder reports annually to the Minister for Climate and Energy on progress achieved in the IRBC Agreement for Renewable Energy by the permit holder and its supply chain named in Article 3(5)(a-i). The permit holder and its supply chain referred to in Article 3(5)(a, b, e, f and i) must achieve at least an orange score from the moment the permit becomes irrevocable, i.e. either a green or orange score. In the case of the parties named in Article 3(5)(a, b, e, f and i) of this Ministerial Order, points will only be awarded for participation in the IRBC Agreement for Renewable Energy, if these parties have submitted an application for accession to the IRBC Agreement for Renewable Energy by 29 February 2024 at the latest. In the case of parties referred to in Article 3(5)(c, d, g and h) of this Ministerial Order, the permit holder shall demonstrate, no later than one year after the permit becomes irrevocable, that these parties have acceded to the IRBC Agreement for Renewable Energy. This means that, if the permit holder agrees to this in its application, these parties have longer to accede to the IRBC Agreement. After joining, these parties will also have to achieve at least an orange score. RVO will request that steering group of the IRBC Agreement for Renewable Energy share information about the scores achieved with it. The steering group is authorised, on the basis of Article 2.2a of the Confidentiality Protocol associated with the IRBC Agreement for Renewable Energy, to make a decision about sharing this information. It will, in principle, vote on this by consensus.

This reporting takes place annually until the wind farm is ready to supply full power for the test phase, as stated in the periods in the permit. The permit will also state that when participating in a similar IRBC multi-stakeholder initiative or without demonstrable participation in it, the permit holder will report annually on IRBC-related progress and will at least demonstrate an effort in terms of progress comparable to the orange score in the IRBC Agreement for Renewable Energy.

In the event the IRBC Agreement for Renewable Energy is terminated earlier by a decision of the General Meeting of the IRBC Agreement for Renewable Energy, the permit holder will report on the progress made on IRBC and must demonstrate at least a progress in effort comparable to the orange score in the IRBC Agreement for Renewable Energy.

A multi-stakeholder initiative comparable to the IRBC Agreement for Renewable Energy must meet a number of conditions:

1. This multi-stakeholder initiative focuses on renewable energy;
2. It includes all six steps of due diligence, as defined by the OECD;
3. It has a multi-stakeholder approach, with NGOs, labour unions, governments and business, that enables the different perspectives on the risks of human rights violations and negative environmental impact in the chain to be put forward; and
4. There is a monitoring process, in which the secretariat of the multi-stakeholder initiative or another independent organisation checks compliance by participants.

In the case by the parties named in Article 3(5)(a, b, e, f and i) of this Ministerial Order, points are only

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<sup>38</sup> This concerns the Sienot/Van der Lee motion (Parliamentary Paper 35092, no. 15) about setting requirements in permit procedures for offshore wind farms regarding good environmental and labour standards during the manufacturing and installation of wind turbines, the Wassenberg/Jetten motion (Parliamentary Paper 32813, no. 211) on the inclusion of guidelines on the origin of raw materials used in tenders for wind farms and solar parks and the Jetten/Wassenberg motion (Parliamentary Paper 32813, no. 209) on advocacy in international bodies for transparency in the raw material supply chains relating to raw materials that are necessary for the energy transition and on advocating and implementing guidelines in a national and European context for reuse of raw materials. See also Parliamentary Paper 35092, no. 33.



awarded for participation in another renewable energy agreement comparable to the IRBC Agreement if accession has taken place in time for the assessment of the applications. In the case of the parties referred to in Article 3(5)(c, d, g and h) of this Ministerial Order, the permit holder must demonstrate, no later than one year after the permit becomes irrevocable, that these parties have joined another multi-stakeholder initiative comparable to the IRBC Agreement for Renewable Energy

**5.5 Degree of insight into raw material consumption, environmental impact and value retention during design, construction, operation and decommissioning of the wind farm**

For the criterion 'The degree of insight into raw material consumption, environmental impact and value retention in the design, construction, operation and decommissioning of the wind farm' (Table 5 in the Appendix), an application is ranked higher if the applicant, after obtaining the permit, provides or promises to provide as much insight as possible. The purpose of this criterion is to promote transparency and gain insight into raw material consumption, environmental impact and value retention of the components of an offshore wind farm. This may allow policy to be formed in the future and work towards industry standards. Applications are not ranked based on extent to which raw material consumption and environmental impact are reduced or value retention is increased.

An application will be ranked higher if the applicant provides insight into the information requested in Table 5 (1.1, 1.4, 2.1.1 and 2.2). An application is ranked higher if, in its application, the permit holder agrees to give insight into the information requested in Table 5 (2.1.2, 2.3, 2.4, 2.5 and 3.1) no later than 18 months after the permit becomes irrevocable. Under Table 5 (1.2, 1.3 and 1.5), an application is ranked higher if, no later than 18 months after the permit becomes irrevocable, the permit holder provides insight into more variables and methods, as described in the Circular Manufacturing Industry's Circular Product Passport Guide.<sup>39</sup>

Sections 1.1 and 2.2 of Table 5 refer to the circular strategies, namely: (1) reduction in the use of raw materials, (2) substitution of raw materials and components, (3) high-quality processing of raw materials and (4) extending the lifespan of the wind farm. These circular strategies are defined in the National Circular Economy Programme 2023-2030.<sup>40</sup> The point to be achieved per circular strategy will only be awarded if the applicant addresses all parts of the wind farm in the substantiation, as referred to in Table 5. Section 2.2 of Table 5 is an in-depth look at Section 1.1, whereby the applicant must specifically discuss the critical and strategic raw materials. The applicant uses a recognised standard for this substantiation, such as an ISO standard or circular design methodology.

In Table 5 (1.2, 1.3 and 1.5), for the design, operational and decommissioning phases respectively, the applicant is asked to indicate how many variables and methodologies it (as the permit holder) will provide insight into within 18 months of the permit becoming irrevocable. These variables and methods follow guidance from the Circular Manufacturing Industry's Circular Product Passport Guide.<sup>41</sup>

<sup>39</sup> [UPCM-Guideline-Materialspassport-V2.0.pdf \(circularmaakindustrie.nl\)](#).

<sup>40</sup> [National Circular Economy Programme 2023 - 2030 | Policy memorandum | Rijksoverheid.nl](#).

<sup>41</sup> [UPCM-Guideline-Materialspassport-V2.0.pdf \(circularmaakindustrie.nl\)](#).



Circular dates category	Circular critical presentation indicators (KPI)	Circular variables	Circular methodologies
A. Raw material consumption	A1. Raw material composition	A.1.1. Raw materials in grams	Scale
		A1.2. Recycled materials in % and grams	Scale
		A1.3. Critical raw materials in grams	Scale, see European Commission list <sup>42</sup>
		A1.4. Substances of high concern (zeer zorgwekkende stoffen, ZZS) in grams	Scale, see the RIVM's ZZS list <sup>43</sup>
	A2. Recovery of raw materials in recycling	A2.1. Recovered raw materials in % and grams	Scale
		A2.2. Recovered critical raw materials in % and grams	Scale, see European Commission list <sup>44</sup>
	A3. Auxiliary raw material composition	A3.1. Auxiliary raw materials in grams	Scale
B. Environmental impact	B1. Greenhouse Gas Emissions (GHG) Levens Cyclus Analyse (LCA)	B1.1. GHG in grams and % production phase	Circularity indicators <sup>45</sup>
		B1.2. GHG in grams and % transport phase	Circularity indicators <sup>46</sup>
		B1.3. GHG in grams and % use phase	Circularity indicators <sup>47</sup>
		B1.4. GHG in grams and % recycling phase	Circularity indicators <sup>48</sup>
	B2. Biodiversity	B2.1. Impact on biodiversity	GLOBIO model of ReCiPe model <sup>49</sup>
C. Value retention	C1. Lifespan	C1.1. Current life cycle	Status
		C1.2. Actual life cycle	Display in years
		C1.3. Product guarantee/warranty in years	Display in years
		C1.4. Product support in years	Display in years
		C1.5. Software support in Years	Display in years
	C2. Application by reusable components	C2.1. Explanation of the application of reuse	Description
	C3. Application of recycled raw materials	C3.1. Explanation of the use of recycled raw materials	Description

<sup>42</sup> The European Commission list of 26 critical raw materials: [Study on the review of the list of Critical Raw Materials, European Commission, p. 11.](#)

<sup>43</sup> The number of ZZS identified to date is 1576. This has been collected in the [ZZS list by the Dutch National Institute for Public Health and the Environment \(RIVM\) Ricks of Substances website](#). This list is updated twice a year.

<sup>44</sup> See footnote 46.

<sup>45</sup> For the use of LCA methods, please refer to p.44 par. 2.3.2.1. "Energy Usage and CO2 Emissions" from the report '[Circularity Indicators: an approach to measuring circularity](#)' by the [Ellen MacArthur Foundation](#). The European Commission has also developed a uniform LCA methodology: the '[Product Environmental Footprint \(PEF\)](#)'.

<sup>46</sup> See footnote 49

<sup>47</sup> See footnote 49

<sup>48</sup> See footnote 49.

<sup>49</sup> More information about the methodologies to determine the impact of companies or their products and services on biodiversity: (i) GLOBIO model: <https://edepot.wur.nl/421554> and <https://www.globio.info/>; (ii) ReCiPe model: [LCIA: the ReCiPe model | RIVM.](#)





C4. Status end cycle	C4.1. Agreement status R-cascade	Description
	C4.2. Residual value provision	Description
C5. Indemnity	C5.1. Obliged documents	Description



The applicant can discuss the six parts of the wind farm, referred to in Table 5 (1.2, 1.3 and 1.5). The applicant can provide insight into 44 variables and methods for each part of the wind farm. It is therefore possible to provide insight into a total of 264 variables and methods for the six parts combined. The applicant must substantiate why it is ambitious and technically feasible to provide insight into the indicated variables and methods. It is also possible to use a more accurate methodology than mentioned in this guideline. The applicant must then substantiate this methodology.

The applicant will receive the maximum number points for Section 1.4 of Table 5, if it explains which technologies are used for (smart) maintenance and for what purpose(s), and discusses all six parts of the wind farm referred to. Smart maintenance means, for example, that the applicant uses data collection systems and then uses this data to improve maintenance.

Sections 2.1.1 to 2.4 of Table 5 covers insight into the use of alternative (circular) materials and critical and strategic raw materials. These critical and strategic raw materials follow from the definitions in the European Commission's list for Critical and Strategic Raw Materials 2023.<sup>50</sup>

Table 5(3) focuses on gaining insight into the greenhouse gas footprint of the production of the wind farm's components and during its construction, operation and maintenance and decommissioning phases. The applicant will be awarded the maximum number of points if, as permit holder, it provides insight into the greenhouse gas footprint and explains the effect of the measures taken under Table 5(1.1 and 2.2). The permit holder may use the Greenhouse Gas Protocol<sup>51</sup> or a similar standard for this.

Finally, the applicant will be ranked higher for Section 4 of Table 5, if it agrees, as the permit holder, to make public the shared or promised information under Sections 1 to 3 no later than 18 months after the permit becomes irrevocable. In this way, the promised information can be shared more widely within, for example, the sector, so that other parties can also learn from it.

## **5.6 Contribution to the integration of the wind farm into the Dutch energy system**

### *5.6.1 General*

For the criterion 'Contribution to the integration of the wind farm into the Dutch energy system' (Table 6 in the Appendix), an application is ranked higher the better the assessment (with more points scored) by the independent expert committee. Various qualitative conditions and assessment criteria are included for this criterion in Table 6. For each investment or measure, the applicant must substantiate that these conditions and assessment criteria are met. Each investment that meets the conditions is tested against the assessment criterion. The independent expert committee will assess whether these conditions and assessment criteria have been sufficiently met. Table 6 in the Appendix sets out the conditions and assessment criteria along three lines:

1. Stimulating investments onshore for the integration of the electricity produced in IJVVFS Beta into the Dutch energy system;
2. Stimulating investments in electricity production by means of offshore solar energy; and
3. Knowledge sharing.

### *5.6.2 Stimulating onshore investments*

The additional (approximately) 10 GW of offshore wind energy – as included in the Additional Offshore Wind Energy Roadmap 2030 to achieve approximately 21 GW of offshore wind energy in 2031 – cannot simply be fed into the national high-voltage grid.<sup>52 53</sup> Offshore wind development and the realisation of plans to develop electricity demand are not automatically linked. This may cause a (temporary and geographical) difference between electricity supply and demand. This could lead to bottlenecks on the onshore power grid at times of high electricity supply, mainly as a result of high offshore wind energy production

<sup>50</sup> [RMIS - Raw Materials Information System \(europa.eu\)](https://rmis.europa.eu/).

<sup>51</sup> <https://ghgprotocol.org>

<sup>52</sup> Parliamentary paper 33561, no. 53, p. 6.

<sup>53</sup> The 11 GW (approximately) of offshore wind from the original 2030 Roadmap, including from IJVVFS Alpha and IJVVFS Beta, can be fed into and transported via the national grid.



The permit procedure for IJWWFS Beta provides a criterion to stimulate investments on land for the integration of the electricity from this wind farm into the Dutch energy system. The aim is to reduce the risk of a difference in supply and demand and the adverse effects thereof. For this criterion, Table 6 contains various conditions (Sections 1.1 to 1.7) and assessment criterion. Table 6 (1.1, 1.2, 1.3, and 1.5) and the assessment criterion are explained in more detail below:

- 1.1** To further make the Dutch energy system more sustainable, investments within Dutch territory must lead to the reduction of greenhouse gas emissions. This contributes to achieving the climate objectives. The reduction of greenhouse gas emissions in combination with offshore wind energy can be achieved through direct and indirect electrification. Direct electrification in the Netherlands involves replacing existing fossil fuel activities with renewable electricity. Indirect electrification is, for example, the production of hydrogen with an electrolysis installation, among other things. Temporary storage can also contribute to sustainability of the Dutch energy system. This can be done by using batteries and other storage techniques with hydrogen, for example. There are many other (innovative) investments, or conceivable combinations that may be able to qualify under this condition.
- 1.2** The investment should increase electricity demand or temporary electricity storage capacity. Temporary electricity storage does not increase electricity demand, but it can contribute to alleviating anticipated transport shortages by shifting the timing of electricity supply. Investments in increasing electricity demand and temporary electricity storage are therefore both mentioned in this section. Measures invested in should increase electricity demand or temporary storage capacity compared to when the period for submitting an application for a permit for IJWWFS Beta ends. This means the measure may not be physically present or under construction at that time.
- 1.3** A market and grid calculation by TenneT shows that around 2030 there will be bottlenecks on the national high-voltage grid from the landfall locations of the offshore wind farms in the northwest to the southeast, where the electricity is exported to Belgium and Germany via the Maasbracht high-voltage station. The heaviest bottleneck is anticipated on the connection between the 380 kV stations Eindhoven and Maasbracht. The investments proposed by TenneT in the latest investment plan (IP2022) will solve the problem, easing expected congestion, and are due to be completed by 2040 at the latest.

Measures invested in must therefore be connected to the national high-voltage grid within Dutch territory and within the geographical area north and west of the geographical demarcation, shown for illustration in Figure 1 by means of the yellow line ('geographical area marking'). Figure 1 shows at which high-voltage stations demand development can contribute to the effective integration of offshore wind energy into the Dutch electricity system, taking into account as much as possible the anticipated bottlenecks in the national high-voltage grid that are expected around 2030. Table A contains a list of the various high-voltage stations in the geographical areas on both sides of the yellow line.<sup>54</sup>For investment measures offered that are expected to connect to the low and medium voltage grid (approximately <100 MW), the division between the area north and west of the yellow line and south and east of the yellow line is based on municipal boundaries. The municipality where the investment measure offered will be realised is relevant for this and therefore not the location of the (physical) connection to the low and medium voltage grid. Table B contains a list of which municipalities fall into which geographical area in relation to the yellow line in Figure 1.

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<sup>54</sup> Table A takes precedence. No rights can be derived from the representation in Figure 1.



# Permit granting IJmuiden Ver Wind Farm Site Beta: geographical



Figure 1: Permit granting IJmuiden Ver Wind Farm Site Beta: geographical area

1.5 To ensure that the permit holder adheres to the supply delivery profile of the production installation(s) in the site, at least when feeding in from the threshold value (see assessment criterion), the permit includes an obligation on the permit holder to report on this annually. Based on this report, the Minister for Climate and Energy can determine whether or not this obligation has been met. Tracking the supply delivery profile from the threshold value applies until the end of 31 December 2040. The permit holder must submit a final report for the last year that the supply profile must be followed from the threshold value. The report must contain at least the components as included in Table 6(1.5).



Enforcement action may be taken if the supply delivery profile of the offshore production installation(s) has not been followed as indicated in the application, as a result of which the threshold value (on an hourly basis) has been exceeded. It is not possible to indicate in advance the exhaustive list of circumstances under which, for example, an order (subject to a penalty) will be imposed and or the amount of the related penalty. This will depend by the circumstances that led to the threshold value being exceeded. However, it is possible to indicate in advance what the plans are for dealing with 1) support services for the electricity grid and 2) planned and unplanned maintenance or disruptions that could lead to the threshold value being exceeded.

First, rather than following the supply profile above the threshold value, for the Dutch electricity system, it may, at times, be useful to use investment measures for supporting services (e.g. for balance maintenance). If this is done at the request of the grid operator, this deviation (from following the supply profile) can be corrected and indicated in the report. If this happens at the initiative of the permit holder or affiliate(s), this is deemed a commercial consideration by the permit holder and a correction to the report is not permitted. After all, the permit holders is still obliged to ensure that the threshold value is not exceeded.

Second, with regard to planned maintenance, it is expected that the applicant will also take into account the usability (during planned maintenance) of the installation(s) in which the investment is being made, so that the threshold value is not exceeded. Unavailability due to unplanned maintenance or failures is hardly predictable, but can lead to the threshold value being exceeded at times. Exceeding the threshold value due to unplanned maintenance or malfunction is acceptable, provided that the permit holder can demonstrate (explain) the unplanned maintenance or malfunction and makes every effort to prevent the temporary non-availability of the installation due a failure and limit it to as short a duration as possible.

**Assessment measure:**

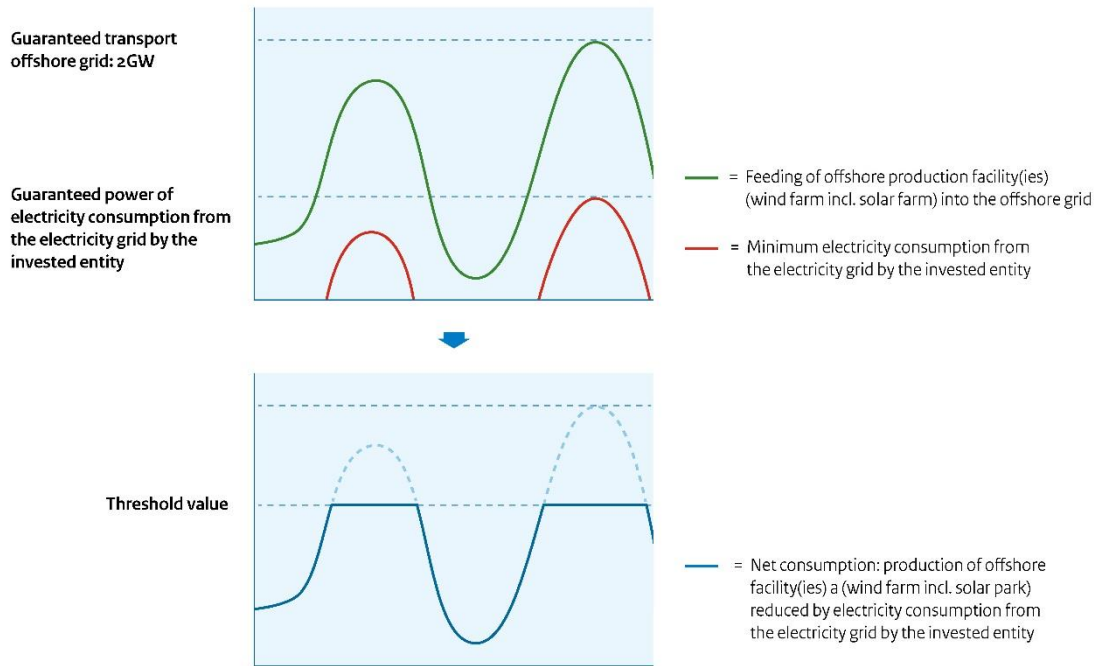
The measure being invested in must move on hourly basis with the supply delivery profile of the production installation(s) in IJWFS Beta, so that the established threshold value not is not exceeded. This means that:

- The electricity produced in IJWFS Beta can be freely offered to the market below the established threshold value. Below the threshold value, the hourly supply delivery profile can of course be followed by the investments offered, but this is not mandatory;
- From the established threshold value, the measure invested in must follow the hourly supply delivery profile of the electricity produced at IJWFS Beta. This prevents the electricity produced on site from being transported further into the onshore electricity grid from the threshold value, which could lead to (the worsening of) the anticipated bottlenecks in the electricity grid.

The threshold value is determined by reducing the guaranteed transport capacity of the offshore grid (2 GW) by the guaranteed amount of electricity offtake from the power grid of the measure being invested in. The threshold value is therefore at least 1 GW.<sup>55</sup>

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<sup>55</sup> With a threshold value of at least 1 GW, for the remaining 3 GW of IJWFS Alpha and IJWFS Beta, there is no explicit focus on linking the investments with the supply profile of the offshore wind farm at a specific location of the investments within the Netherlands.



**Figure 2:** Representation of the linkage of electricity consumption from the electricity grid by the investment(s) to the delivery profile of the production facility(ies) in the wind farm site (offshore wind farm including offshore solar energy).

Taking into account the operational modes, the applicant will substantiate the guaranteed offtake capacity (electricity consumption) from the power grid by the measure(s) invested in, so that the threshold value can be reliably monitored on an hourly basis, even when there are long periods of high electricity production from IJWWFS Beta. This could include periods in autumn and winter, when periods of long-term high electricity production from wind can occur for 72 to 96 hours. Consideration can also be given to weekends and public holidays, when demand for electricity is generally lower than during the week. An application that largely consists of temporary electricity storage capacity, which can be used for a limited time, may not be able to reliably monitor the threshold value. However, this is the case if the temporary electricity storage capacity is of a supporting nature, i.e. in combination with other investments. For example, for an electrolysis installation, the hydrogen produced during that period can be purchased or stored for a sufficient period of time, so that electricity consumption from the power grid can be guaranteed for reliable monitoring of the threshold value.

The applicant's substantiation results in an assumed guaranteed electricity consumption (offtake) capacity from the power grid due to the investments. More points are awarded as the investments indicated in an application lead to a greater guaranteed electricity consumption capacity [in GW], up to a maximum number of points for 1 GW. An applicant is free to make investments that lead to a greater guaranteed electricity consumption capacity above 1 GW. This can contribute to spreading the power to be purchased over various investments, which will follow the supply profile of the electricity produced at IJWWFS Beta from the threshold value. However, this will not lead to more points being awarded.

In a formula, the figure above can be designed as follows:

$$\frac{\text{Input from production installations (wind farm incl. solar park) to the offshore grid} - \text{minimal electricity consumption via the power grid from the measure invested in}}{\leq} \text{Transmission capacity of the offshore grid} - \text{guaranteed electricity offtake capacity (via the power grid) by the measure invested in (which can be substantiated and count towards the threshold value)}$$

Example: the guaranteed electricity purchase (offtake) capacity from the power grid by the measure invested in is determined to be 800 MW. The threshold value is then set at: 2 GW – 0.80 GW = 1.20 GW. The applicant must substantiate that these investments totalling 800 MW can reliably monitor the threshold value from 1.20 GW input from IJWWFS Beta and that the threshold value will not be exceeded.



If the substantiation is deemed to be successful in an assessment by the expert committee, this results in 105 points.

If the measure invested in does not meet one of the conditions in Table 6 (1.1 to 1.7), this will result in a lower number of points. For example, an application with a total of 4 investment measures can lead to 3 points being awarded for the guaranteed electricity consumption of 3 of the 4 investment measures, with which the threshold value can be reliably monitored.

Transport losses between the point of input of electricity from the site into the grid and the point(s) of offtake of electricity from the grid are not part of this formula and are therefore not taken into account (in line with the current Dutch market model for electricity).

Under the 2022 Investment Plan, TenneT plans to carry out proposed investments in the national high-voltage grid by 2040 at the latest, which is expected to resolve currently anticipated bottlenecks. It cannot also be expected that a permit holder is bound to follow the supply delivery profile as offered at the time of the permit tender for the whole lifespan of the wind farm. Therefore, this obligation will expire after 31 December 2040.

#### *5.6.3 Stimulating investments in electricity production from offshore solar energy*

The permit procedure for IJWFS Beta includes a criterion to stimulate investments in electricity production using offshore solar energy. Table 6 (2.1 to 2.4) includes various qualitative conditions for this criterion and an assessment criterion.

Wind power and solar energy are complementary methods for generating electricity and can ensure a more stable supply profile. This results in an increased availability of renewable electricity generated offshore, which not only makes more electricity available more often, but also contributes to achieving the Netherlands' climate objectives. In addition, an offshore solar park has the advantage that it can use the offshore grid. The bill on the new Dutch Energy Act contains the basis for making it possible to feed solar energy into the offshore grid.<sup>56</sup>

In the advice from the interdepartmental policy review (IBO) on Climate of 13 March 2023<sup>57</sup>, it was recognised that electricity production from solar energy is an option to accelerate achievement of climate goals. This advice includes the ambition to investigate whether it is possible to realise approximately 3 GWp of offshore solar energy around 2030. IJWFS Beta is the first concrete step in this rollout of offshore solar parks. It is expected that offshore solar will also be developed in future wind farms. Insights from the solar park in IJWFS Beta can be used for future offshore solar parks.

However, offshore solar energy is still under development. The cost is currently higher than the price of both onshore solar and offshore wind energy. In addition, both positive and negative ecological effects have not yet been sufficiently mapped out. For these reasons, it has been decided to award points for an offshore solar park up to a maximum of 50 MWp.

In recent years, several demonstrations of the (solar) technology have taken place offshore and a number of demonstrations are also planned in offshore wind farms for which permits have already been granted. The next step is to deploy offshore solar on a larger scale in order to conduct further research, especially into the potential negative ecological effects. That is why, among other things, the ecological effects in this offshore solar park in IJWFS Beta will be monitored.

As explained in Section 2 of the Explanatory Notes, other generation techniques, such as offshore solar, are not covered by the Act and are not part of the WFSO or the related permit under this Ministerial Order. Other permits are required for these activities, including a permit under the Water Act (from 1 January 2024 under the Environmental Act). As stated in the Development Framework, the maximum capacity that can be connected to the offshore grid (under this Ministerial Order) is 2.3 GW. The combined offshore

<sup>56</sup> Parliamentary paper 36378, no. 2.

<sup>57</sup> Sharp targets, sharp choices, IBO supplementary standardising and pricing national climate policy for 2030 and 2050: <https://open.overheid.nl/documenten/ronl-8a1597dba8caf5a78d9d3f61081602200722b66f/pdf>



solar and offshore wind capacity installed must therefore not exceed this maximum.

#### **5.7 Contribution to reducing harbour porpoise disturbance days in the construction phase of the wind farm**

In accordance with the Framework for Assessing Ecological and Cumulative Effects (KEC) 4.0 62 and Agreements 5.6 and 5.7 from the North Sea Agreement<sup>58</sup>, developers encouraged to reduce pressure factors on harbour porpoises. Under the criterion 'Contribution to reducing harbour porpoise disturbance days in the construction phase of the wind farm' (Table 7 in the Appendix), is ranked higher the greater the reduction in the number of harbour porpoise disturbance days during the construction phase in comparison with the maximum in the WFSD.<sup>59</sup> For the future roll-out of offshore wind, it is essential to continue developing technologies to reduce the number of harbour porpoise disruption days. Various activities, such as mitigation measures, noise reduction, reduction of the number of turbines and innovative construction techniques can be used for this purpose, and developers are encouraged to do so under this criterion, in addition to the requirements in the WFSD.

### **6. Legal aspects**

Under this Ministerial Order, a permit will be granted for the construction and operation of an offshore wind farm. Such a permit is scarce and potential candidates will therefore be given the opportunity to bid for the permit in a competitive and non-discriminatory manner. Given that the procedure for granting the permit is structured in this way, there will be no state aid. Prohibited state aid would be granted in the form of avoided costs for the investigations within the framework of the EIA and Appropriate Assessment, which were conducted by the Minister of Economic Affairs and Climate in the preparation of the WFSD. To prevent this, these costs will be charged to the ultimate permit holder.

### **7. Consultation**

The draft Ministerial Order was informally consulted on from 31 March 2023 to 30 April 2023 via the RVO website.<sup>60</sup> Prior to this consultation, potential applicants were given the opportunity to submit their views on the Ministerial Order (yet to be drafted), either in writing or orally in a workshop and bilateral discussions (in March 2022, summer 2022 and the second quarter of 2023). These views have been taken into account where possible. Further clarifications that have been requested will be made available via the RVO website.

Following the informal consultation on the draft, a number of adjustments have been made to the Ministerial Order.

In Table 1, 'Amount of the financial bid', the amount to which the maximum number of points that can be achieved is linked has been substantially increased. The reason for this is that, during the consultation, a number of parties indicated that there is a possibility that they or another party will offer the maximum amount stated in the draft Ministerial Order (approximately € 40 million per year). This could entail the risk that there would be insufficient variation between applications and it would therefore not be possible to determine which applicant would obtain the permit through a comparative test of the financial bids. This risk is hedged by substantially increasing the amount stated for the financial bid.

In Table 4, 'Level of compliance of the wind farm operator and the supply chain with the principles of the International Responsible Business Conduct (IRBC) Agreement for the Renewable Energy Sector', the parties to which the IRBC criterion applies, as referred to in Article 3(5), are categorised according to time of accession to the IRBC Agreement. The parties referred to in Article 3(5)(a, b, e, f and i) will have to participate in the IRBC Agreement for Renewable Energy or a multi-stakeholder initiative comparable to it prior to submitting their application to get the maximum number of points. For parties referred to in Article 3(5)(c, d, g and h), the permit holder must indicate that, within one year after the permit has become irrevocable, these parties will have joined the IRBC Agreement for Renewable Energy or a comparable multi-stakeholder initiative to get the maximum number of points for these parties. The time of joining

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<sup>58</sup> [Report: The North Sea Agreement – The National Government For the Netherlands](#)

<sup>59</sup> See Chapter 9 and Appendix 3 of the EIA for the IJVVFS Beta Wind Farm Site Decision.

<sup>60</sup> <https://www.rvo.nl/onderwerpen/windenergie-op-zee/ijmuiden-ver>.





(the IRBC Agreement or similar) for these parties differs for two reasons: to limit the regulatory burden for the relevant parties in connection with joining the IRBC Agreement for Renewable Energy; and to limit the regulatory burden (as a result of the assessment of these applications) for the SER.

In Table 5, 'The degree of insight into raw material consumption, environmental impact and value retention in the design, construction, operation and decommissioning of the wind farm', the applicant is asked to indicate which variables and methods, based on the Circular Manufacturing Industry's Circular Product Passport Guide, this party (as permit holder) can provide information on within 18 months of the permit becoming irrevocable. Furthermore, the applicant can be ranked higher by confirming (agreeing to) what information/insight this party will provide within 18 months of obtaining the permit. In this way, it is no longer necessary to conclude supply chain contracts before submitting the application.

Table 6, 'Contribution to the integration of the wind farm into the Dutch energy system', has been adjusted. For example, it has been clarified that temporary electricity storage can be part of the application and that it must concern new investments compared to when the application period ends. In addition, the period within which the offered investment measure must be put into use has been adjusted from 60 to 72 months and the assessment is based on the guaranteed capacity of electricity purchase (offtake) instead of the capacity of the investment measures. Finally, the capacity of the proposed investment in offshore solar energy has been adjusted from 100 MWp to 50 MWp.

Tables 4, 5 and 6 include a section for the purpose of knowledge sharing.

Finally, adjustments have been made to correct errors and omissions and improvements and clarifications of a legal and textual nature have been made.



## **8. Regulatory pressure**

Under this Ministerial Order, the applicant must provide information for the various ranking criteria specified. Most of this information is already available to applicants because it is relevant for internal decision-making about the application. It is possible that applications may be submitted, under this Ministerial Order, that vary in terms of commitment, preparation time, complexity and size. However, by designing the ranking criteria more objectively, as outline in Section 5 of these Explanatory Notes, it is expected that the differences between applicants will be more limited than with previous tenders and regulations. The greater degree of objectivity also limits the regulatory burden, because it is clearer in advance which activities/measures are necessary to obtain points for the ranking criteria. It is not unusual for permanent employees to make preparations for this (well) in advance of the publication of the Ministerial Order (for a permit tender) or for additional expertise to be deployed if required. Determining the administrative burden for this Ministerial Order is therefore mainly an approach based on a number of general assumptions (see explanation below). The choice for this permit procedure is based, among other things, on the results of a confidential market consultation, as explained in Section 7 above. This consultation included market parties that have indicated interest in a wind farm site in the IJVVWFZ. This consultation showed that only a very small proportion of market participants would prefer a different procedure, such as an auction, which involves less administrative burden.

The main change from the previous Ministerial Orders for Hollandse Kust (west) Wind Farm Sites VI and VII (HKWWFS VI and VII) is that, in this Ministerial Order, the ranking criteria 'Level of compliance of the wind farm operator and the supply chain with the principles of the International Responsible Business Conduct (IRBC) for the Renewable Energy Sector', 'The degree of insight into raw material consumption, environmental impact and value retention in the design, construction, operation and decommissioning of the wind farm' and 'Contribution to reducing harbour porpoise disturbance days in the construction phase of the wind farm' are taken into account. A total of one permit is available under this Ministerial Order. In accordance with Article 2(3) of the Ministerial Order, an applicant must submit no more than one application. In addition, it is no longer necessary for applicants to submit proof of financial guarantees from parent organisation(s). This will reduce the regulatory burden compared to the previous Ministerial Orders for HKWWFS VI and VII.

### **8.1 Application**

For applications, applicants must submit data on the basis of which the technical and financial feasibility of their proposals will be assessed. Production estimates are also part of this. This obligation to provide information is elaborated on in Articles 3 and 4 of this Ministerial Order, also for the purpose of assessment against the ranking criteria. In calculating the administrative burden, a deployment of approximately 12 FTEs over a period of six months and a fixed hourly rate of €60 was assumed. This results in approximately €748,000 in administrative costs for submitting an application. Based on the market consultation, it is expected that approximately eight applications will be submitted. The total cost for this phase is therefore expected to be approximately €5,990,400.

### **8.2 Monitoring/accountability**

During the construction of the offshore wind farm, annual reports must be submitted on the progress of the realisation of the project until up to full commissioning. This is a brief description of the progress of the project in relation to a number of benchmarks. In this way, an assessment can be made of when the wind farm can be commissioned and whether this will take place within the set period. The annual obligations are based on four hours per year. This results in approximately €240 per permit awarded. One permit will be granted under this Ministerial Order, bringing the annual cost to around €240. For a period of five years, the cost therefore amounts to €1,200.

In addition, the permit holder is subject to a number of reporting obligations based on the ranking criteria, insofar as the permit holder has indicated in its application that it will meet the relevant ranking criteria. In total, the permit holder could report annually on electricity production, the wind farm's contribution to the IRBC Agreement for Renewable Energy and how the supply profile of the offshore wind farm has been followed by the investments made in it. Finally, the permit holder could report once on raw material consumption, environmental impact and value retention during the design, construction, operation and decommissioning of the wind farm.



The reporting obligation on electricity production is based on 2 hours per month. This amounts to annual costs of approximately €1,440. During the total operational life of the wind farm (approximately 35 years), these costs amount to €109,200.

The reporting obligation for the IRBC Agreement for the Renewable Energy Sector assumes one FTE per year. This results in annual costs of approximately €124,800. The permit holder will report every year until the wind farm is ready to supply full power for the test phase, in line with the period stated in the permit. For this period, these costs amount to €624,000.

The annual reporting obligation on how the investments have followed the supply delivery profile of production installation(s) in IJWFBS Beta from the threshold value is based on 30 hours per report. As mentioned in section 5.6.2 of the Explanatory Notes, this reporting obligation starts from the moment the wind farm is fully realised and expires in 2041. This results in an annual cost of approximately €1,800. The total cost during the 11 years of reporting obligation is approximately €19,800.

For the annual reporting obligation on the practical applicability of offshore solar energy and the way in which electricity production from solar and wind power function together, the permit holder reports every six months during the first two years after completion, followed by annual reports for the subsequent eight years. An assumption is made of 30 hours per report. The permit holder is committed to keeping the offshore solar park operational for 10 years. This results in a cost of approximately €21,600.

The reporting obligation for raw material consumption, environmental impact and value retention in the design, construction, operation and decommissioning of the wind farm is based on 0.5 FTE for one year. The permit holder will report once, within 18 months of the permit becoming irrevocable. This results in approximately €62,400 in costs.

The total costs for the monitoring and accountability phase are expected to amount to a maximum of €838,200.

### **8.3 Bank guarantee or deposit**

When applying for a bank guarantee or deposit, the regulatory burden for parties will increase. This is due to the fact that this must be requested and that a monthly amount will have to be paid during the term of the bank guarantee or deposit. This assumes a maximum period of five years between the application and the use of the bank guarantee or deposit for (partial) payment of the amount due. Compared to the other option offered by law, a deposit, the regulatory burden for a bank guarantee is relatively greater, due to the additional costs during the term of the bank guarantee. The applicant can choose between a bank guarantee or a deposit.

Assuming an average security of €200.000.000 and costs of 1% per year, the average cost of a bank guarantee is approximately €2.000.000 per year. This amounts to approximately €10.000.000 in total.

### **8.4 Objection procedures**

Every applicant has the option of lodging an objection against the award of a permit and subsequently launching an appeal against the decision on the objection. To determine the administrative burden, a total of three objection and appeal procedures is assumed. The cost of objections must be included in the concept of regulatory burden costs. Appeals do not count in this, as they fall under administrative law. The administrative cost for objection procedures amounts to approximately €10,000 per procedure. This means the total one-off cost for objection procedures is expected to be €30,000.



### 8.5 Total regulatory costs

In total, this Ministerial Order results in the following regulatory burden:

Phase	One-off regulatory burden for all applicants combined	Cumulative annual regulatory burden for the recipient of the permit
Application	€ 5.990.400	-
Monitoring/accountability	-	€ 838.200
Bank guarantees	-	€ 10.000.000
Objection procedures	€ 30.000	-
<b>Total</b>	<b>€ 6.020.400</b>	<b>€ 10.838.200</b>

The total for one-off costs of the tender under this Ministerial Order therefore amounts to approximately €6,020,400 and the cumulative annual costs total up to a maximum of approximately €10,838,200.

For comparison - to the extent it is possible to give an indication within the margins of uncertainty - with an estimated average electricity price of €75/MWh and assuming 4000 full load hours over 35 years of production, a 2 GW wind farm will have an expected turnover of approximately €21 billion. In this comparison, the one-off regulatory costs amount to 0.03% of the expected hypothetical turnover and the structural costs are 0.05% of the expected hypothetical turnover.

Finally, this Ministerial Order has no regulatory burden consequences for citizens and small and medium-sized enterprises (SMEs), as they are not expected to submit applications. Therefore, no SME test was conducted.

### 9. Entry into force

This Ministerial Order comes into effect on 1 January 2024. This is in accordance with the policy regarding fixed change dates of Ministerial Orders. The period between publication by the Ministerial Order and the date it comes into force is less than two months. This is justified because the offshore wind energy industry has already been informed on [PM] about the dates on which applications can be submitted and delaying the entry into force is not in the interest of the offshore wind industry or for achieving renewable energy production targets.

The Minister for Climate and Energy,