



Questions and Answers

Form 'Verstrekken informatie veiligheid op basis van de Uitvoeringsregel windenergie op zee'

Final version 29-2-2024

No.	Question	Answer
General		
1.	Can I also submit the information regarding the control over the applicant and the associated possible risks for public safety, security of supply or security of supply at a later date? So that I am only assessed for safety as the winner of the tender?	No, this is not allowed. The information of the form 'formulier verstrekken informatie veiligheid op basis van de Uitvoeringsregeling windenergie op zee' has to be submitted at the RVO, alongside the other requested information, on the 28th of March 2024 at 17:00 the latest.
2.	Can I provide information afterwards – after the tenders have been closed on March 28, 2024 – regarding the control over the applicant and the associated possible risks for public safety, security of supply or security of supply?	It is the responsibility of the applicant to fill in the form 'formulier verstrekken informatie veiligheid op basis van de Uitvoeringsregeling windenergie op zee' as clear and complete as possible. If the submitted information is insufficient, BTI can request additional information. Additional information can only be submitted if requested by BTI. RVO will not request additional information for the other application forms and attachments.
3.	Should an applicant submit the application form for RVO ('Aanvraagformulier regeling vergunningverlening IJmuiden Ver Alpha') and the form for BTI ('Formulier verstrekken informatie veiligheid op basis van de Uitvoeringsregeling windenergie op zee (windenergiegebied IJmuiden Ver Alpha)') and the requested information and/or documents separately?	All information has to be provided to RVO. The information for the screening by BTI is one package, and the information for the tender assessment is one package. These have to be delivered to RVO as two separate packages. RVO will then hand over the submitted information relating to the screening to BTI. The objectives and assessment methods for the screening of BTI and the tender assessment of RVO are different. It is possible that information requested for the screening overlaps (partly) with information and/or documents that you provide for the RVO tender assessment. You must therefore submit a complete package for both, which means you may have to provide some information twice.
4.	Should all the requested information from the form 'formulier verstrekken informatie veiligheid op basis van de Uitvoeringsregeling windenergie op zee' be placed in the text boxes of this form or may I also provide information as a separate attachment, for example in	It is possible to provide the requested information in the text boxes or in a separate attachment if you clearly indicate this.



	the case of the most recent annual report and annual accounts of the party/parties?	
5.	Suppose the application is made by an SPV and that there are two large multinationals behind it that are active worldwide. What information exactly is requested?	The information regarding the SPV and the parties investing in this SPV.
6.	What does party(s) include?	Applicant and (if applicable) parent companies until the ultimate parent company/companies. This contains all entities between the applicant and the ultimate parent companies.
7.	If I have previously provided information in the context of the reporting obligation, Article 86f of the Electricity Act, do I now have to provide information again?	Yes, the applicant will have to submit the 'formulier verstrekken informatie veiligheid op basis van de Uitvoeringsregeling windenergie op zee'. U can however use information from previous notifications.
8.	What is the relationship with the Vifo Act?	The Vifo Act is not applicable to sectors for which there is a sectoral investment screening, in this case the Electricity Act 1998. More information about the Vifo Act is available on the website of BTI: wet Vifo.
9.	What is the legal basis of the Offshore Wind Energy Implementation Regulation?	In article 14, first paragraph, subs b and e, of the Offshore Wind Act it is stated that a permit can only be granted if, based on the application, it is sufficiently plausible that the construction and operation of the wind farm is technically feasible and economically feasible within the determined period of time. Pursuant to the second paragraph of the relevant article, the Minister for Climate and Energy is authorized to lay down further rules. This has happened in the Offshore Wind Energy Implementation Regulation. Article 1, fifth paragraph, of the Offshore Wind Energy Implementation Regulation then states that when assessing whether the construction and operation of a wind farm is financially feasible and economically feasible, the information submitted by the applicant with regard to the control over the applicant and the associated possible risks for public safety and security of supply.
10.	Suppose a company has not yet sold all the electricity, do I have to report this afterwards to whom the electricity is being sold?	No, this is not necessary.
11.	If the applicant is a company from the European Union, why does all this need to be tested additionally?	The FDI screening is country neutral. All parties must provide the information.
12.	The amendment to the offshore wind energy implementation regulations came into effect on January 1, 2024. Does this only apply to tenders after January 1, 2024 or does it also apply to, for example, the previous offshore wind tender, such as that of Hollandse Kust (west)?	This change also applies to the permits that were granted before 1 January 2024 for the construction and operation of an offshore wind farm; meaning where the permit has been granted, but the wind farm is not yet operational.
13.	Can the application also be signed with a digital signature?	Yes, provided this digital signature is visible on the application form submitted on paper.
I. Information about the installations and relevant parties involved in obtaining the permit		
14.	'In point I ('Information about the installations and relevant parties involved in obtaining the permit'), 3rd bullet, it is asked to provide an overview of vital providers and to indicate in which installations	Point I, 3rd bullet, indeed asks for an overview of all companies, installations, etc. that are subject to the sectoral or general investment test over



	parties have control. This must be done for all parties, i.e. the applicant up to and including the ultimate parent company. Should the overview also provide information about the vital providers / installations in which sister companies have a say?	which the party(ies) already have control. One of the purposes of the form is to identify which parties are behind the applicant, who has ultimate control and the associated possible risks to public safety. This also includes information about the vital providers/installations over which sister companies or other affiliated group companies have control.
15.	<p>An overview of all</p> <ul style="list-style-type: none">(i) vital providers, as referred to in the Investments, Mergers and Takeovers (Security Tests) Act,(ii) production facilities with a nominal electrical capacity of more than 250 MW, as referred to in the Electricity Act 1998,(iii) LNG facilities or LNG companies, as referred to in the Gas Act or(iv) telecommunications parties, as referred to in the Telecommunications Act, <p>in which the party or parties already have control;</p> <p>This question refers to activities described under Dutch legislation.</p> <p>Does the party/parties only need to include here an overview of such interests/activities they have within the Netherlands?</p>	Correct, the overview should provide only information on vital providers, facilities etc. that fulfill the criteria in the referred Dutch legislation and are located in the Netherlands.
16.	The EU Member States in which the party or parties concerned operate, whether or not through group companies, as referred to in Article 2:24b of the Civil Code; please clarify what is intended by the term “operates”. What nature of activities should it include?	The term “operates” should be interpreted broadly. The EU Member States in which the party or parties concerned engaged in economic activities aimed at producing or distributing goods or providing services, whether or not through group companies, as referred to in Article 2:24b of the Civil Code.
17.	For each of the group members , specify the manner and grounds in which control is exercised over the vital provider ; Is this as per Q2?	For each of the group members, the applicant should specify how control is exercised over any of the vital providers, as is the case at the moment of submitting the application.
18.	The name, postal address (if possible in the Netherlands), telephone number and e- mail address of the applicant's representative ; Can you confirm that this is the individual(s) who sign and certify the Questionnaire?	Under the applicant’s representative is meant a representative authorized to make the application on behalf of the applicant, so this could indeed be the individual(s) who sign and certify the Questionnaire.
III. Information regarding the financial position		
19.	A statement from a bank or accountant involved in the licence application or change of control on the activity in question; Can you clarify what a “statement from a bank or accountant involved in the licence application or change of control on the activity in question” is expected to relate to or contain?	A document from a bank and/or accountant involved in the license application should contain a statement about the financial position of the parties, if applicable. If not applicable, parties could provide a statement confirming their financial position.
20.	Must a company also provide information in the application about which bank or insurer provides the bank guarantee? Or is this not covered by financing?	Yes, if available.
21.	‘Key figures relating to the creditworthiness of the party/parties’. Can you please provide additional detail regarding the ratios requested ? Can you please confirm that ratios can be calculated for	The liquidity ratio is the ratio that describes the company's ability to meet short-term liabilities, solvency ratio is the ratio that describes the company's ability to meet long-term obligations

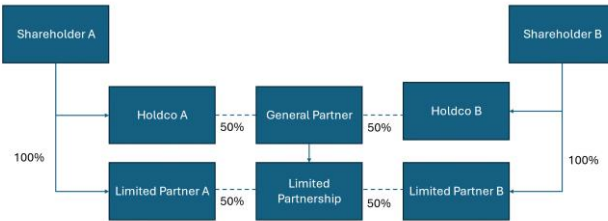


	<p>each of the parent companies where a JV is participating with multiple shareholders?</p>	<p>and the profitability ratio is the ratio that measures the company's ability to generate profits. It is correct that the ratios can be calculated for each of the parent companies.</p>
IV. Information about intentions, strategy and performance in the past		
22.	<p>'A description of the economic rationale for the application'. This question is in reference to the sponsors business case for the project. What level of detail and information disclosure is sought?</p>	<p>A short paragraph where the economic rationale of the transaction is provided, would suffice.</p>
23.	<p>What exactly is meant by strategy? Is the answer that the developer's strategy to realize a wind farm to make electricity with wind energy sufficient? Or should I say something to who I am going to sell the electricity to?</p>	<p>Strategy means the business economic rationale behind the investment, what the plans for the future are and why this wind farm fits within this strategy. It is not necessary to give information about who the power will be sold to.</p>
24.	<p>'Information on the past performance (up to 10 years back) of the party(ies) in the power generation industry. What is intended by "past performance"? Does it just require an overview of other power generation stations owned / operated?</p>	<p>If the party(ies) are or were previously involved in the power generation industry (up to 10 years back), you are requested to submit an overview of the electricity plants of the party or parties with its generated capacity.</p>
25.	<p>The applicant is asked about the applicant's other electricity production, is there a minimum power threshold for this? And is this explicitly about the Netherlands? Or the whole world?</p>	<p>It contains the entire world. There is no minimum power threshold for this.</p>
V. Energy security and public order		
26.	<p>List from the party/parties any disruption to continuity of service that has occurred in the last five years. When asking about any disruptions to continuity of service, could you clarify what is intended by term "continuity of service". Is there any materiality threshold?</p>	<p>You are requested to list <u>any</u> disruption to the continuity of service that has occurred in the last five years, lasting more than 24 hours, other than due to regular planned maintenance.</p>
27.	<p>'Has any of the parties been fined or warned by the relevant authorities in the past five years with regard to the operation or management of the relevant process whose continuity is vital to Dutch society?' What is meant by the "relevant process whose continuity is vital to Dutch society" ?</p>	<p>Certain processes are so essential to Dutch society that failure or disruption leads to serious social disruption and threatens national security. The assessment of whether a process or service is vital is made by the responsible ministry (line department). This involves analysing whether disruption, failure or manipulation of a process or service could have such serious consequences that it could damage national security. Within these processes, one or more organisations are important for the continuity and resilience of the process. These organisations are referred to as the vital providers. Vital providers are informed of this status by the line ministry. We refer to the NCTV website for more information.</p>
28.	<p>'Is any of the ultimate stakeholders of the party(ies) a politically exposed person, or family member or person known to be a close associate of a politically exposed person, within the meaning of the Wwft?' Can you clarify what is meant by "ultimate stakeholders". Is this intended to mean "Beneficial Owners" used elsewhere in the Questionnaire? So whether any of the Beneficial Owners of the party(ies) are politically exposed persons ?</p>	<p>Correct. Under "ultimate stakeholder" is meant "Ultimate Beneficial Owner" or "Beneficial Owner". You can also interpret this question as: "Is any of the ultimate beneficial owners of the party(ies) a politically exposed person, or family member or person known to be a close associate of a politically exposed person, within the meaning of the Wwft?"</p>



<p>29. 'Has the (legal) person concerned ever committed an offence listed in appendix 3 of the Investment, Mergers and Takeovers Security Test Regulations? Is the legislation cited referring to the Dutch Investments, Mergers and Acquisitions Security Screening Act (Wet Veiligheidstoets Investerings, Fusies en Overnames – Vifo Act), which entered into force on 1 June 2023?</p>	<p>The question refers to the Security screening regulation for investments, mergers and acquisitions entered into force ('<i>Regeling veiligheidstoets investeringen, fusies en overnames</i>') that entered into force on 1 June 2023. This Regulation can be consulted here.</p>
<p>Appendix 1</p>	
<p>30. What is meant by the following parts 2.3, 2.5, 2.6, 7.1 and 'undertaking' in the appendix of the 'form to provide safety information based on the Offshore Wind Energy Implementation Regulations'?</p>	<p>2.3: Planned date for completing the transaction For 2.3, you can fill in: the date on which the permit will be granted (no specific date has to be filled in).</p> <p>2.5: What is the investor's business strategy behind this acquisition? For 2.5, you are requested to explain the strategy of the applicant behind the participation in this tender.</p> <p>2.6: How will the investor financially ensure the continuity and proper operation of the target undertaking after the acquisition? For 2.6, you are requested to explain how the applicant is capable of making the necessary investments for the purpose of continuity and operations after the permit has been granted.</p> <p>7.1: Is (or will) the transaction (be) subject to merger review under the EC Merger Regulation? The answer is probably no. It is the applicant's responsibility to check this. What is meant by 'target undertaking'?</p> <p>It is a 'greenfield investment'; the 'target' does not yet exist. Parts 3 and 4 therefore do not need to be filled in, part 5 does (information about the greenfield investment). In the other parts, for example part 2, 'target undertaking' should be read as the entity that files the application.</p>
<p>31. Appendix 1 – question 1.1. Who is meant with "direct investor"? Is this in the example structure below Holdco A and Holdco B? Should both entities in the answer to</p>	<p>The 'direct investor' is the applicant. In this example, it depends on which entity is the applicant. Both Holdco A and Holdco B are seen as investors, but possibly not as the 'direct investors'.</p>

question 1.1 be mentioned?



32.	<p>Appendix 1 – question 1.2. Who is meant with the global ultimate owner of the direct investor(s) in case one “direct investor” has two listed top holdings?</p>	<p>There could be multiple global ultimate owners. In this example, both listed top holdings would be seen as global ultimate owner of the direct investor(s).</p>
33.	<p>Appendix 1 – question 1.3. Which entity qualifies as “target undertaking” in a Limited Partnership structure, the Limited Partnership or the General Partner?</p>	<p>For the tenders for IJmuiden Ver Alpha and Beta, there is no ‘target undertaking’. In this case, the applicant is seen as the ‘target undertaking’.</p>
34.	<p>Appendix 1 - Q 2.2 - Approximate value of the investment (in EUR). Please clarify if this question is in reference to the direct investment by the sponsors in developing and construction of the offshore wind project only?</p>	<p>Correct.</p>
35.	<p>Appendix 1 – question 2.3. What is meant with “planned date for the transaction” in the light of this tender? Is this the bid submission date, the date that investors take their final investment decision or another date?</p>	<p>The “planned date for the transaction” date is the expected date that the permit will be granted (no specific date has to be filled in).</p>
36.	<p>Appendix 1 – part 3 and 4 Should all entities within the group provide this information or only entities that are in the reporting line of the target undertaking and the direct investor(s)?</p>	<p>As stated in the form, part 3 and 4 are not applicable. Therefore, applicants do not have to provide this information.</p>
37.	<p>Appendix 1 - 5.8. Please provide information about the main competitors (national, European, global). Could you clarify the scope / extent to which competitors of an individual wind farm project company should be detailed.</p>	<p>The scope of this question can be limited to an overview of the competitors in the offshore wind farm market .</p>
38.	<p>Appendix 1 - Q 5.9. Could you confirm if this refers only to employees of the greenfield / target undertaking?</p>	<p>Correct.</p>