Order of the Minister of Climate and Green Growth of ..., no. WJZ/ 97895810, containing rules for granting the permit for Site I-A in the Nederwiek Wind Farm Zone (Ministerial Order for granting the permit for Nederwiek Wind Farm Site I-A)

The Minister of Climate and Green Growth,

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

Has decided the following:

Article 1

For this Ministerial Order, the following definitions apply:

Applicant: The party that has submitted the application;

Group or group company: Group or group company as referred to in Article 24b of Book 2 of the Dutch Civil Code;

Capital commitment: Binding reservation of investment capital by an investor, made to a fund whose fund manager is subject to financial supervision and is subject to authorisation pursuant to Directive 2011/61/EU of the European Parliament and of the Council of 8 June 2011 on Alternative Investment Fund Managers and amending Directives 2003/41/EC and 2009/65/EC and Regulations (EC) No 1060/2009 and (EU) No 1095/2010 (OJ 2011, L 174);

Site: Site I-A in the Nederwiek Wind Farm Zone as designated in Wind Farm Site Decision for Site I-A in the Nederwiek Wind Farm Zone (PM Government Gazette number);

Minister: The Minister of Climate and Green Growth;

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%;

Lead applicant: the applicant who/which participates in the partnership and has been designated in the application to act as lead applicant on behalf of the partnership;

Partnership: A non-legal entity, consisting of at least two participants not affiliated with a group, that has been established for the purpose of carrying out activities, not being a company;

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

Article 2

1. An application for a permit for the site must be submitted in the period from 16 October 2025 to 30 October 2025, 17:00 hours.

2. An applicant may submit a maximum of one application.

3. For the purposes of the second paragraph, legal entities and companies in a group or group company shall be regarded as a single applicant.

4. If applicants work together in a partnership, the lead applicant must submit the application on the partnership's behalf.

Article 3

1. The design of the wind farm, as referred to in Section 12a (4a) of the Act, includes at least:

    a. A wind energy yield calculation prepared by an independent organisation with expertise in the field of wind energy yield calculations, using reputable calculation models, environmental models, wind models and wind maps and that at least includes the location data, brand, type, technical specifications of the wind turbines (including shaft height, rotor diameter and power curve), the local wind data for the wind farm and a calculation of the P50 value for net electricity production of the wind farm;
    b. The calculation models, environmental models and wind models used for the wind energy yield calculation;
    c. Documents that show compliance with the applicable Wind Farm Site Decision; and
    d. Information demonstrating that the statement referred to in Article 7.34 (2c) of the Environmental Activities Decree (*Besluit activiteiten leefomgeving*) can be submitted in a timely manner.

2. The calculation of the P50 value for net electricity production includes availability, wake effects, electricity losses and curtailment losses, with only the wake effect of the wind farm for which the application is made being taken into account.

3. The timetable for construction and operation of the wind farm, referred to in Section 12a (4b) of the Act, shall state completion dates for the following activities:

    a. The wind farm operator's consent to offshore grid operator's conditions for connection and transmission of electricity in accordance with the Electricity Act 1998 (*Elektriciteitswet 1998*);
    b. Award of contracts to manufacturers, suppliers and installers;
    c. Installation of first foundation;
    d. Installation of first wind turbine;
    e. Start of pulling the 66 kV cables on the offshore grid substation platform;
    f. Start of electricity supply;
    g. Readiness to supply full power for the test phase of the offshore grid; and
    h. Decommissioning of the wind farm.

4. The estimate of the costs and revenues, referred to in Section 12a (4c) of the Act, shall in any case include an operating calculation with:

    a. Specification of 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 project return over the lifespan of the project

5. The parties involved in construction and operation of the wind farm, as referred to in Section 12a (4d) of the Act, include:

    a. The applicant and, where applicable, each participant in the partnership;
    b. The manufacturer(s) of the foundations;
    c. The installer(s) of the foundations;
    d. The manufacturer(s) of the wind turbines;
    e. The installer(s) of the wind turbines;
    f. The manufacturer(s) of the wind farm cabling;
    g. The installer(s) of the wind farm cabling; and
    h. 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 (4e) of the Act, concerns knowledge and experience of offshore wind farms and includes:

    a. Installed capacity of the offshore wind farms or the number of offshore energy projects for which the applicant has carried out project management during construction;
    b. The number of foundations produced by the manufacturer(s);
    c. The number of foundations installed by the installer(s);
    d. The number of wind turbines produced by the manufacturer(s);
    e. The number of wind turbines installed by the installer(s);

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 wind farm cabling installer(s); and
h. The installed capacity of the wind farms the party/parties responsible for operation and maintenance have operated and maintained.

Article 4

In addition to Section 12a (4) of the Act and Article 3 (above) of this Ministerial Order, the application shall contain:

a. A summary description of the realisation plan and supporting documents which illustrate that the applicable delivery dates stated in 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) plan of the wind farm;
c. A financing plan, including the intended financiers/investors and the intended share they would bear;
d. If applicable, a declaration signed by each participant in a partnership:
   i. of participation in the partnership;
   ii. authorisation for the lead partner to submit the application
e. The most recently adopted annual accounts of the applicant, its parent company, and, where applicable, each of the members of the partnership or the parent companies of the members of the partnership, whereby the annual accounts relate to a year that is no more than three calendar years before the year in which the application is submitted;
f. If the applicant includes a capital commitment in the application, an auditor's report listing the investor and the reserved amount;
g. If the applicant belongs to a group or group company, an organisation chart of the group or group company and the registration numbers in the trade register of the legal entities and companies in the group or group company;
h. Where applicable, a description of the degree of compliance with the principles of the International Responsible Business Conduct (IRBC) Agreement for the Renewable Energy Sector, as referred to in Table 4 of the Appendix;
i. If applicable, a description of raw materials consumption, environmental impact and value retention in the design, construction, operation and removal of the wind farm, as referred to in Table 5 of the Appendix; and
j. if applicable, a description of the contribution of the wind farm to the ecosystem of the Dutch North Sea, as referred to in Table 6 of the Appendix.

Article 5

The period referred to in Section 14 (1d) of the Act is 52 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 shall, in any case, be taken into account:

   a. The design for the wind farm submitted by the applicant, as referred to in Section 12a (4a) 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) of this Ministerial Order.

2. When assessing the financial feasibility of the construction and operation of a wind farm, the estimate of the costs and revenues submitted by the applicant, as referred to in Section 12a (4c) of the Act, and the data referred to in Article 4 (c, d, e and f) of this Order, shall in any case be taken into account. The combined size of the applicant's equity and capital commitments, shall amount to at least 20% of 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 for the purpose of determining the combined size of the equity and capital commitments, as referred to in the second paragraph above:

   a. If applicable, the equity capital of the participants in the partnership, or capital commitments made to the participants in the partnership; and
   b. If the applicant or a member of a partnership is a subsidiary, the equity capital of the parent company or capital commitments made to the parent company.

4. When assessing the feasibility that construction and operation of a wind farm can start within 53 months of the date on which the permit becomes irrevocable, the following shall in any case be taken into account:

    a. The timetable provided by the applicant, as referred to in Section 12a (4b) of the Act; and
    b. Whether, in the timetable provided, the period for approval of the conditions of the offshore grid operator for the connection and transmission of electricity, in accordance with the Electricity Act 1998, is a maximum of 12 months after the permit has been granted.

5. When assessing the economic feasibility of the construction and operation of a wind farm, the estimate of the costs and revenues submitted by the applicant, as referred to in Section 12a (4c) of the Act, shall in any case be taken into account.

Article 7

1. A permit shall be 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 shall take into account the following 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. Consumption of raw materials, environmental impact and value retention in the design, construction, operation and removal of the wind farm, as referred to in Table 5 of the Appendix; and
    c. Contribution of the wind farm to the ecosystem of the Dutch North Sea, as referred to in Table 6 of the Appendix.

Article 8

1. The ranking criteria referred to in Section 25b (2a, b and c) of the Act and Article 7(1 and 2a, b, c and d) of this Order, shall be weighted in accordance with the assessment in points as included in the Appendix, whereby a higher number of points leads to a higher ranking.

2. If, in the ranking of the applications according to the weighting of the ranking criteria referred to in the first paragraph (above), two or more applications are equally ranked as highest, the criterion referred to in Article 7 (2c) of this Order shall have more weight than the criteria referred to in Section 25b (2a, b and c) of the Act and Article 7 (2 a and b) of this Order combined.

3. If, when applying the second paragraph (above), two or more applications are ranked equally highest, the criterion referred to in Article 7 (2b) of this Order shall have more weight than the criteria referred to in Section 25b (2a, b and c) of the Act and Article 7 (2a) combined.

4. If, when applying the third paragraph (above), two or more applications are ranked equally highest, the criterion referred to in Section 25b (2b) of the Act shall have more weight than the criteria referred to in Section 25b (2a and c) of the Act and Article 7 (2a) of this Order combined.

5. If, in applying the fourth paragraph (above), two or more applications are ranked equally highest, the criterion referred to in Section 25b (2c) of the Act shall have more weight than the criteria referred to in Section 25b (2a) of the Act and Article 7 (2a) of this Order combined.

6. If, in applying the fifth paragraph (above), two or more applications are ranked equally highest, the criterion referred to in Article 7 (2a) of this Order shall have more weight than the criteria referred to in Section 25b (2a) of the Act.

7. If, in applying the sixth paragraph (above), two or more applications are ranked equally highest, the assessment in points for the financial bid submitted shall have greater weight.

Article 9

1. The cost referred to in Section 10 (1) of the Act amounts to approximately €18,352,510.

2. The party awarded the permit shall reimburse the cost referred to in the first paragraph (above) and pay it into an account published by the Minister no later than four weeks after the date the permit was granted.

Article 10

1. The amount of the deposit or bank guarantee referred to in Section 15a (1) of the Act is €100,000,000.

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 shall end at the latest when the Minister has been notified of the readiness to supply full power for the test phase of the offshore grid.

4. The amount of the deposit or bank guarantee forfeited pursuant to Section 15a (4) of the Act is:

    a. €10,000,000 for the period during which the permit holder has not carried out the activities specified in the permit for that period; and
    b. €10,000,000 for each month following the period during which the permit holder has not carried out the activities specified in permit for that period.

5. The security referred to in Section 15a (1) of the Act shall be taken out with an insurer that has at least a long-term rating A issued by a credit rating agency in accordance with Regulation (EC) No 1060/2009 of the European Parliament and of the Council of 16 September 2009 on credit rating agencies.

6. The bank guarantee referred to in Section 15a (1) of the Act shall be issued by a bank established within the European Economic Area.

Article 11

This Ministerial Order shall enter into force on 1 July 2025.

Article 12

This Order is referred to as: Ministerial Order for granting the permit for Nederwiek Wind Farm Site I-A.

This Order will be published in the Government Gazette with the explanatory notes.

The Hague,

The Minister of Climate and Green Growth,

APPENDIX TO ARTICLE 8 (1) OF THE MINISTERIAL ORDER FOR GRANTING THE PERMIT FOR NEDERWIEK WIND FARM SITE I-A

Weighting of the ranking criteria referred to in Section 25b (2a, b and c) of the Act and Article 7 (1 and 2) of this Ministerial Order.

Table 1 Criterion: Amount of the financial bid (Section 25b (2a) of the Act). Maximum points: 60

		Qualitative criterion	Assessment measure	Pts.
1	Amount of the financial bid	The amount of the financial bid that will be unconditionally paid by 31 July each year from 2031 until the end of the permit period	Number of points = $\frac{\text{financial bid}}{€\,150{,}000{,}000} \cdot 60$	0 – 60, rounded to two decimal places

Table 2 Criterion: Certainty of the wind farm being realised (Section 25b (2b) of the Act). Maximum points: 40

		Qualitative criteria	Assessment measure	Pts.
1	Knowledge and experience of the applicant	The applicant has carried out project management for offshore wind farms and/or offshore energy projects	These wind farms have a combined capacity of less than 100 MW, or there are less than 5 offshore energy projects	0
			These wind farms have a combined capacity of 100 MW or more, or there are 5 or more offshore energy projects.	10
2	Knowledge and experience of the foundation manufacturer(s)	The party/parties has/have produced foundations for offshore wind farms	Less than 50 foundations produced	0
			50 or more foundations produced	2
3	Knowledge and experience of the foundation installer(s)	The party/parties has/have installed foundations for offshore wind farms	Less than 50 foundations installed	0
			50 or more foundations installed	2
4	Knowledge and experience of the wind turbine manufacturer(s)	The party/parties has/have produced wind turbines for offshore wind farms	Less than 50 wind turbines produced	0
			50 or more wind turbines produced	2
5	Knowledge and experience of the wind turbine installer(s)	The party/parties has/have installed wind turbines for offshore wind farms	Less than 50 wind turbines installed	0
			50 or more wind turbines installed	2
6	Knowledge and experience of the manufacturer(s) of the (inter-array) cabling that connects the individual wind turbines and connects them to the substation platform	The party/parties has/have produced cabling that has been used for offshore electricity connections	Cabling produced for less than 50 offshore connections	0
			Cabling produced for 50 or more offshore connections	2
7	Knowledge and experience of the installer(s) of the (inter-array) cabling that connects the individual wind turbines and connects them to the substation platform	The party/parties has/have installed cabling that connects individual wind turbines and connects them to an offshore platform	Cabling installed for the connection of less than 50 wind turbines to a platform	0
			Cabling installed for the connection of 50 or more wind turbines to a platform	2
8	Knowledge and experience of the party/ parties responsible for the operation and maintenance of the offshore wind farm	The party/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 100 MW	0
			Experience in operation and maintenance of offshore wind farms with a combined capacity of 100 MW or more	2

		Qualitative criteria	Assessment measure	Pts.
9	Financial strength of the party/parties responsible for the project	The combined size of the equity and capital commitments of the party/partiies in relation to the investment costs of the offshore wind farm	The combined size of equity and capital commitments is less than 20% of the investment costs of the wind farm	0
			The combined size of equity and capital commitments is at least 20% and less than 40% of the investment costs of the wind farm	2
			The combined size of equity and capital commitments is at least 40% and less than 60% of the investment costs of the wind farm	5
			The combined size of equity and capital commitments is at least 60% and less than 80% of the investment costs of the wind farm	8
			The combined size of equity and capital commitments is at least 80% and less than 100% of the investment costs of the wind farm	11
			The combined size of equity and capital commitments is at least 100% of the investment costs of the wind farm	14
10	Contribution to sufficient internships for professionals in the wind sector	The applicant finances and/or offers at least 2 internships per school year for students who have completed the elective course "Wind turbine maintenance" (currently known as electives K1312 and K0350). The applicant can demonstrate this by committing to the implementation of the Wind Netherlands Internship Covenant (*Convenant Stageplaatsen Wind Nederland*), drawn up and agreed in July 2024, or by making an annual amount of €22,000 available to an educational institution that offers the elective "Wind turbine maintenance" course or an equivalent. The applicant must start this, at the latest, in the calendar year in which maintenance of the offshore wind farm starts and offer these internships until the wind farm is decommissioned. From the start of the maintenance period, the applicant will report annually on how the above-mentioned internship positions have been filled, communicating the progress and results with regard to the training of technical talent.	The applicant does not commit to the implementation of the Wind Netherlands Internship Covenant, nor to making the equivalent of 2 internships available annually (i.e. an amount of €22,000).	0
			The applicant commits to the implementation of the Wind Netherlands Internship Covenant and offers and finances at least 2 internships per school year for students who have completed the elective course "Wind turbine maintenance" (currently known as electives K1312 and K0350) or an equivalent.	2
			The applicant does not commit to the implementation of the Wind Netherlands Internship Covenant, but will make an annual amount of €22,000 (equivalent to 2 internships) available without conditions to an educational institution that offers the elective course "Wind turbine maintenance" (currently known as electives K1312 and K0350) or an equivalent. The educational institution is free to spend this money on improving the aforementioned elective subjects and anything directly related to them. The applicant will start this, at the latest, in the calendar year in which the maintenance of the offshore wind farm starts and will report on this annually by showing proof of payment(s).	2

Table 3 Criterion: Contribution of the wind farm to energy supply (Section 25b (2c) of the Act). Maximum points: 20

		Qualitative criteria	Assessment measure	Pts.
1	The contribution of the offshore wind farm to energy supply	The calculated P50 value for net electricity production per year fed into the offshore grid	Less than 3,950,000 MWh per year	1
			Equal to or more than 3,950,000 MWh and less than 4,050,000 MWh per year	4
			Equal to or more than 4,050,000MWh and less than 4,150,000 MWh per year	8
			Equal to or more than 4,150,000 MWh and less than 4,250,000 MWh per year	12
			Equal to or more than 4,250,000 MWh and less than 4,350,000 MWh per year	16
			Equal to or more than 4,350,000 MWh per year	20

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 points: 40

		Qualitative criteria	Assessment measure	Pts.	
1	Applying due diligence in compliance with the Organisation for Economic Co-operation and Development Guidelines for Multinational Enterprises[1] (OECD Guidelines) and the United Nations Guiding Principles on Human Rights and Business 2011 (hereinafter referred to as 'UNGPs'), updated in 2023 by the parties, as referred to in Article 3(5a, b, c, d, e, f, g and h) of this Ministerial Order (hereinafter referred to as "the Parties")	Integrating corporate social responsibility into policy and management systems. Parties must be able to demonstrate that: • They have a human rights and environmental due diligence policy; • Through this policy, they explicitly endorse the OECD Guidelines and UNGPs; • This policy is published on their website(s); • This policy is updated regularly; • This policy is proactively communicated within the company; and • The key aspects of this policy are communicated to and requested from suppliers and other business partners in the supply chain, for example through a supplier code of conduct. Identifying human rights and environmental risks in the supply chain. Parties must be able to demonstrate that: • They make efforts to increase the understanding of the supply chain ('chain transparency'). This can be demonstrated with documented procedures which outline steps and activities to increase supply chain transparency. This can also be demonstrated by participation in and successful implementation of obligations resulting from multi-stakeholder initiatives; • They, individually or together with other companies and parties active in the sector (through IRBC agreements, sector organisations or other cooperations in the chain), carry out or have carried out a chain risk analysis. This can be done, for example, by means of a joint sectoral study into chain risks and by consulting civil society organisations	Proof of participation in the IRBC Renewable Energy Agreement. In the case of parties referred to in Article 3(5a, d, e and h) of the Ministerial Order: Points will only be awarded if accession to the IRBC Renewable Energy Agreement takes place before the application is submitted. In the case of the parties referred to in Article 3(5b, c, f and g) of the Ministerial Order: Points are only awarded if the permit holder undertakes to demonstrate that these parties have joined the IRBC Renewable Energy Agreement no later than one year after the permit becomes irrevocable.	Parties referred to in Article 3(5a)	11
				Parties referred to in Article 3(5b)	3
				Parties) referred to in Article 3(5c)	3
				Parties referred to in Article 3(5d)	11
				Parties referred to in Article 3(5e)	3
				Parties referred to in Article 3(5f)	3
				Parties referred to in Article 3(5g)	3
				Parties referred to in Article 3(5h)	3
			Having due diligence policies based on the qualitative criteria. This can be demonstrated by	Parties referred to in Article 3(5a)	11

1 MNE Guidelines - Organisation for Economic Co-operation and Development (oecd.org)

	Qualitative criteria	Assessment measure	Pts.	
	to gain more insight into existing and possible risks to human rights and the environment. This can be demonstrated by participating in multi-stakeholder initiatives; • They prioritise 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. 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: • They prevent or address negative effects on people and the environment in cooperation with other companies, civil society organisations and trade unions. This can be demonstrated by participating in multi-stakeholder initiatives or by initiating and/or participating in (collective) projects. Evaluating and monitoring due diligence measures. Parties must be able to demonstrate that: • They evaluate the implementation and effectiveness of due diligence activities in order to improve their due diligence practices. This can be done, among other things, through audits and participation in multi-stakeholder initiatives where monitoring and assessments are carried out. Reporting on due diligence efforts and results. Parties must be able to demonstrate that: • They publicly report annually on: their due diligence procedure, the main actual or potential adverse impacts in the supply chain, what activities have been undertaken to identify and monitor those impacts, and any measures taken by the company to prevent, mitigate, remedy or bring to an end actual or potential adverse impacts, and the outcome of such measures. Providing access to recovery and redress. Parties must be able to demonstrate that: • They either have their own effective redress mechanisms or that they are cooperating with existing collective grievance mechanisms or are in the process of establishing such mechanisms. When participating in the IRBC Agreement for the Renewable Energy Sector under the leadership of the Social and Economic Council of the Netherlands (hereinafter referred to as the “IRBC Renewable Energy Agreement”), the permit holder achieves at least an	participating in another multi-stakeholder initiative similar to the IRBC Renewable Energy Agreement. In the case of parties referred to in Article 3(5a, d, e and h) of the Ministerial Order:Points will only be awarded if accession to another multi-stakeholder initiative similar to the IRBC Renewable Energy Agreement takes place before the application is submitted. In the case of the parties referred to in Article 3(5b, c, f and g) of the Ministerial Order: Points are only awarded if the permit holder undertakes to demonstrate that these parties have joined another multi-stakeholder initiative comparable to the IRBC Renewable Energy Agreement no later than one year after the permit becomes irrevocable.	Parties referred to in Article 3(5b)	3
			Parties referred to in Article 3(5c)	3
			Parties referred to in Article 3(5d)	11
			Parties referred to in Article 3(5e)	3
			Parties referred to in Article 3(5f)	3
			Parties referred to in Article 3(5g)	3
			Parties referred to in Article 3(5h)	3
		Having a due diligence policy based on the qualitative criteria, without demonstrable participation in the IRBC Renewable Energy Agreement or another multi-stakeholder initiative comparable to the IRBC Renewable Energy Agreement. Points will be awarded if the applicant can demonstrate the above by providing insight into this due diligence policy in the application.	Parties referred to in Article 3(5a)	6
			Parties referred to in Article 3(5b)	2
			Parties referred to in Article 3(5c)	2
			Parties referred to in Article 3(5d)	6
			Parties referred to in Article 3(5e)	2
			Parties referred to in Article 3(5f)	2
			Parties referred to in Article 3(5g)	2

		Qualitative criteria	Assessment measure	Pts.	
		orange score[2] from the moment the permit becomes irrevocable or – if there is no participation in the IRBC Renewable Energy Agreement – shows at least a best-efforts obligation that is comparable to the orange score from the IRBC Renewable Energy Agreement. The permit holder reports on this annually until the wind farm is ready for supply of full power for the test phase.		Parties referred to in Article 3(5h)	2

Table 5 Criterion: Consumption of raw materials, the environmental impact and the value retention in the design, construction, operation and removal of the wind farm (Section 25b (2c) of the Act). Maximum points: 90

		Qualitative measure	Assessment criterion	Pts.
1	Circular design of a wind farm	**1.1 Circular strategies** In the application, the applicant substantiates how the design of this wind farm will focus on each of the following circular strategies: (1) reducing the use of raw materials, (2) substituting raw materials and components, (3) high-quality processing of raw materials and (4) extending the lifespan of the components of the wind farm. For each strategy, the applicant must at least address: • Why the chosen design is appropriate for the relevant circular strategy; • What the total additional costs, rounded to fifty thousand euros, are compared to a design where these design choices for implementing the chosen circular strategies are not applied for this wind farm; and • If applied, in which phase of development (Technology Readiness Level) the circular innovations are, and what the expected development is in the next ten years on an annual basis. The applicant undertakes that the design choices described for implementing the chosen circular strategies will be applied for this wind farm.	The applicant does not address a circular strategy in the substantiation.	0
			In the application, the applicant substantiates how the design of this wind farm will focus on a single circular strategy referred to in Section 1.1 of this table.	4,5
			In the application, the applicant substantiates how the design of this wind farm is based on two circular strategies referred to in Section 1.1.	9
			In the application, the applicant substantiates how the design of this wind farm will focus on three circular strategies referred to in Section 1.1.	13,5
			In the application, the applicant substantiates how the design of this wind farm will focus on all four circular strategies referred to in Section 1.1.	18
		1.2. Optimisation of the construction and operation phases In the application, the applicant substantiates how shipping has been optimised in the construction and operation phases, taking into account the effects on local nature, the environment, climate and lifespan extension of the wind farm's components. The applicant shall at least address: • Use of sustainable fuels and/or electrification of the intended ships; • Transport movements of the intended vessels; • Noise level of shipping during construction and operation phases; and • Use of antifouling on ships	In the application, the applicant does not substantiate how shipping in the construction and operation phases could be optimised to take account of the effects on local nature, the environment, climate and lifespan extension of the wind farm's components.	0
			In the application, the applicant substantiates how shipping in the construction and operation phases could be optimised to take account of the effects on local nature, the environment, climate and lifespan extension of the wind farm's components.	10

2 Defined in Section 5.4 of the Explanatory Notes.

		Qualitative measure	Assessment criterion	Pts.
2	Life cycle analysis	**2.1. Raw materials** No later than 18 months after the permit for construction and operation of the wind farm becomes irrevocable, the permit holder must submit a report about all raw materials and components, processed in tonnes in the product, on the basis of the life cycle inventory (LCI) requirements from ISO 14044 and on the basis of the Product Decomposition List. The scope of the reporting concerns modules A1-A3 (production phase), A4 and A5 (construction phase) based on the EN 15804_2012+A2 *of core processes* (*infrastructure, operation*) and on the basis of the Product Category Rules (PCR) 2007:08 *electricity, steam and hot/cold water generation and distribution* (5.0.0). For each line in the report, based on ISO 14044 and in accordance with EN 15941:2024, the following are indicated: a. All raw materials and components in type and quantity grouped by module or process, including fuel consumed directly; b. The type and quantity of recycled raw materials, in tonnes incorporated in the product and in % of the total weight; c. The quantity and type of critical and strategic raw materials, based on Annex I (Section 1) and Annex II (Section 1) to Regulation (EU) 2024/1252, incorporated in kilograms into the product; d. The quantity and type of biotic raw materials grouped by module or process, based on Annex I of Regulation (EU) 2023/1115; and e. The quantity and type of Substances of Very High Concern (SVHC), based on the *European Chemicals Agency* (ECHA) candidate list, in kilograms, incorporated into the product. The permit holder provides the data on the basis of a product decomposition list. The product decomposition list is a list of products to be used at least at the level of the Classification of Products by Activity (CPA) with the code up to 6 decimal places and in any case relates to the following parts of the wind farm: a. The wind turbine, consisting of a tower (mast), nacelle, rotor blades and any measuring equipment of the wind turbines; b. The foundation including erosion protection and any transition piece; and c. The cabling that connects the individual wind turbines and connects them to a connection point (inter-array cables).	The applicant does not undertake to provide insight into the qualitative criterion referred to in Section 2.1 of this table.	0
			The applicant undertakes to provide insight into the qualitative criterion referred to in Section 2.1 no later than 18 months after the permit has become irrevocable.	3
		2.2 Climate No later than 18 months after the permit for the construction and operation of the wind farm becomes irrevocable, the permit holder shall submit a report showing the quantity of: a. Tonnes of CO_2 equivalent declared as global warming potential (GWP) total (); and b. Environmental Cost Indicator (ECI) in the production phase (A1-A3), construction phase (A4-A5), operational phase (B1-B4) and end-of-life phase (C1-C4), calculated on the basis of EN 15804+A2:2019 (A+B) and/or ISO 14067:2018 (A), using EcoInvent 3.9.1 or a newer version. The calculation has been externally validated in accordance with the requirements of a type 3 environmental declaration (ISO 14.025). The permit holder shall provide the data on the basis of a product decomposition list as referred to in qualitative criterion 2.1.	The applicant does not undertake to provide insight into the qualitative criterion referred to in Section 2.2 of this table.	0
			The applicant undertakes to provide insight into the qualitative criterion referred to in Section 2.2 no later than 18 months after the permit has become irrevocable.	3

	Qualitative measure	Assessment criterion	Pts.
	2.3. Biodiversity The permit holder must submit a report on the impact of the life cycle on biodiversity on the basis of the product decomposition list no later than 18 months after the permit for construction and operation of the wind farm becomes irrevocable. For the impact assessment, the following must be used: ReCiPe2016, IMPACT World+, LC-IMPACT, PBF or BIA+. The permit holder shall provide the data on the basis of a product decomposition list as referred to in qualitative criterion 2.1.	The applicant does not undertake to provide insight into the qualitative criterion referred to in Section 2.3 of this table.	0
		The applicant undertakes to provide insight into the qualitative criterion referred to in Section 2.3 no later than 18 months after the permit has become irrevocable.	3
	2.4. Expected lifespan of wind farm components No later than 18 months after the permit for construction and operation of the wind farm becomes irrevocable, the permit holder must submit a report containing: A) The expected lifespan in years, including (possible) reuse. The service life is the total usage (operational) phase of the product in years; B) The product warranty in years (possibly determined by law); and C) The number of years of full product support offered with, at least, (preventive) maintenance, repair and availability of spare parts. The report is based on the product decomposition list. The level of detail is formed by individual market products, described on the basis of the Product Decomposition List. The permit holder shall provide the data on the basis of a Product Decomposition List as referred to in qualitative criterion 2.1.	The applicant does not undertake to provide insight into the qualitative criterion referred to in Section 2.4 of this table.	0
		The applicant undertakes to provide insight into the qualitative criterion referred to in Section 2.4 no later than 18 months after the permit has become irrevocable.	3
	2.5. Reuse of wind farm components No later than 18 months after the permit for construction and operation of the wind farm becomes irrevocable, the permit holder must submit a report explaining to what extent components of the product or the product as a whole can be reused. For each component, described on the basis of the Product Decomposition List, the use case for reuse and an indication of the current state of the market for end-of-life processing are described. The permit holder shall provide the data on the basis of a Product Decomposition List as referred to in qualitative criterion 2.1.	The applicant does not undertake to provide insight into the qualitative criterion referred to in Section 2.5 of this table.	0
		The applicant undertakes to provide insight into the qualitative criterion referred to in Section 2.5 no later than 18 months after the permit has become irrevocable.	3
	2.6. Recyclability of wind farm components No later than 18 months after the permit for construction and operation of the wind farm has become irrevocable, the permit holder must submit a report explaining the extent to which materials and raw materials of components or the product as a whole can be recycled. For each component, described on the basis of the Product Decomposition List, the use case for recycling is described, including the intended application of the recyclate and an indication of the market for end-of-life processing per material and/or raw material. The permit holder shall provide the data on the basis of a Product Decomposition List as referred to in qualitative criterion 2.1.	The applicant does not undertake to provide insight into the qualitative criterion referred to in Section 2.6 of this table.	0
		The applicant undertakes to provide insight into the qualitative criterion referred to in Section 2.6 no later than 18 months after the permit has become irrevocable.	3

		Qualitative measure	Assessment criterion	Pts.
		2.7. End-of-life plan for wind farm components No later than 12 months before the expiry date of the permit for construction and operation of the wind farm, the permit holder must submit a report based on the Product Decomposition List containing: a. The status of the component, substantiating whether this component is suitable for reuse, refurbishment, remanufacturing, or recycling, including the intended application of the recyclate; b. The expected residual value of the component; and c. An overview of the necessary documents and permissions to demonstrate the status of the components after the removal of the wind farm. The permit holder shall provide the data on the basis of a Product Decomposition List as referred to in qualitative criterion 2.1.	The applicant does not undertake to provide insight into the qualitative criterion referred to in Section 2.7 of this table no later than 12 months before the expiry date of the permit for construction and operation of the wind farm.	0
			The applicant undertakes to provide insight into the qualitative criterion referred to in Section 2.7 no later than 12 months before the expiry date of the permit for construction and operation of the wind farm.	3
3	Knowledge sharing	**3.1 Knowledge sharing** The permit holder shall disclose (make public) the data referred to in Sections 1.1 to 2.7 of this table – with the exception of confidential business information. The data referred to in Sections 1.1 to 2.7 shall be fully supplied to RVO and the Ministry of Climate and Green Growth. The Product Decomposition List shall indicate which information is considered business-sensitive information.	The applicant does not agree to disclose (make fully public) the promised information under Sections 1.1 to 2.7 of this table - with the exception of confidential business information – and it will also not fully provide the information to RVO and the Ministry of Climate and Green Growth.	0
			The applicant undertakes to fully disclose (make public) the promised information under Sections 1.1 to 2.7 – with the exception of confidential business information - no later than 18 months after the permit has become irrevocable and share the full information with RVO and the Ministry of Climate and Green Growth. In doing so, the permit holder indicates, based on the Product Decomposition List, which information is considered business-sensitive information.	5
4	Rotor blades	**4.1 Use of reversible polymers** Reversible polymers shall be used as much as possible in the rotor blades. If the applicant can demonstrate that a recycling technology with at least TRL 6 (achieved, at the latest, at the start of the construction of the first wind turbine) can be used and that the same percentage and quality of fibres can be achieved at the end of its lifespan as when using reversible polymers, this percentage may also be taken into account when applying the assessment criteria. If the applicant uses co-processing as a recycling technology, a maximum score of 9 points can be achieved.	The weight of reversible polymers excluding carbon in the rotor blades is less than 5% of the total weight of polymers excluding carbon in the rotor blades.	0
			The weight of reversible polymers excluding carbon in the rotor blades is more than or equal to 5% and less than 10% of the total weight of polymers excluding carbon in the rotor blades.	4,5
			The weight of reversible polymers excluding carbon in the rotor blades is more than or equal to 10% and less than 20% of the total weight of polymers excluding carbon in the rotor blades.	9
			The weight of reversible polymers excluding carbon in the rotor blades is more than or equal to 20% and less than 30% of the total weight of polymers excluding carbon in the rotor blades.	13,5
			The weight of reversible polymers excluding carbon in the rotor blades is more than or equal to 30% of the total weight of polymers excluding carbon in the rotor blades.	18
		4.2 Recyclability of rotor blades The rotor blades used within the wind farm are designed for recyclability as much as possible, according to a technology that has at least TRL 6 at the start of construction of the wind farm. The applicant must substantiate that the chosen recycling percentage is plausible. The substantiation of the recycling percentage is provided in accordance with NEN-EN 45555:2019 or a similar standard. The applicant will also verify the submitted recycling percentage by submitting an environmental technology verification in accordance with ISO 14021 or a similar standard. If materials such as oils can be recovered from the recycling	The rotor blades used are recyclable to less than 40% of their original total weight.	0
			The rotor blades used are recyclable for more than or equal to 40% and less than 50% of the original total weight.	4,5
			The rotor blades used are recyclable for more than or equal to 50% and less than 60% of the original total weight.	9

		Qualitative measure	Assessment criterion	Pts.
		process, they may be included in the recycling percentage. If the applicant uses co-processing or a pure energy recovery technology as the intended potential recycling technology, a maximum score of 9 can be achieved. The applicant is not obliged to recycle the turbine blades according to the submitted recycling technique or method at the end of life of rotor blades. The percentage indicated in the assessment standard constitutes a minimum for the degree of recyclability. The assessment takes into account the potential recycling percentage of the recycling technique that is possible at the time of submitting the application.	The rotor blades used are recyclable for more than or equal to 60% and less than 70% of the original total weight.	13,5
			The rotor blades used are recyclable for more than or equal to 70% of the original total weight.	18

Table 6 Criterion: Contribution of the wind farm to the ecosystem of the Dutch North Sea (Section 25b (3) of the Act and Article 7 (2) of this Ministerial Order). Maximum points: 150

		Conditions for applying the assessment criterion	Assessment criterion	Pts.
1	Taking measures at the site to reduce negative ecological effects on locally occurring birds and marine mammals	**1.1 Objective:** Contribute to the development and demonstration of techniques to reduce collision casualties in the operational phase of the wind farm compared to the Nederwiek I-A WFSD. **Target species:** The target species include, at least, gannet, great skua, herring gull, great black-backed gull and sandwich tern and can be supplemented by the applicant at a later stage on the basis of the most up-to-date knowledge. **Measure:** Further development and application of detection mechanisms for the benefit of and implementation of effectively proven *shutdown on demand/ local curtailment* in the wind farm on a representative number of wind turbines in the presence of the target species. The party responsible for the balance sheet bears the risks of the measure. These risks are not taken into account in the assessment. The measure must meet the following conditions to be eligible for assessment: A) The choice of location and number of turbines that is effective to achieve the goal is explained and further substantiation must be given as to why it is a representative number; B) A research and reporting plan explains how the effectiveness of the measure is investigated and monitored and how this is reported; C) The operation (and possible validation) of the technology used for recognising bird species is explained. It also explains how the system can be adapted to changing target species; D) The type of camera/radar/sensor used is explained; E) The operationalisation of turbine shutdown is explained, based on at least flight altitude and flight speed of target species; and F) The applicant undertakes that after the permit becomes irrevocable, coordination will take place with the Maritime Information Service Point (MIVSP), with the aim of ensuring that the applicant will investigate and monitor the measure effectively and in a complementary manner to sensors already planned under MIVSP.	**Quality of measure:** this is assessed on the basis of: - The ecological substantiation: the effectiveness and impact of the measure in relation to the prescribed goal, using the best available technology; - Practicability: such as the technical feasibility	0-15
			Research and reporting plan: this is assessed based on: - Contribution to (scientific and international) ecological knowledge development; - The effectiveness and feasibility of the monitoring plan; and - Knowledge expansion: reporting to the Government and external publication of data and research results.	0-10

	Conditions for applying the assessment criterion	Assessment criterion	Pts.
	1.2 Objective: Reduce harbour porpoise disturbance days during the installation of the foundations in the construction phase of the wind farm compared to [the requirements specified] in the Nederwiek I-A Wind Farm Site Decision (WFSD). **Target species:** Marine mammals. Measure: Reducing harbour porpoise disturbance days during foundation installation in the construction phase compared to the requirements set in the WFSD. The expected disturbance should be quantified in number of porpoise disturbance days. The overplanting factor is defined as: $\frac{\text{number of turbines} * \text{capacity per wind turbine}}{1000\ \text{MW}}$ whereby turbines that qualify for Section 1.3 of this table can be disregarded. The measure must meet the following conditions to be eligible for assessment: A) It explains which measure(s) are applied; B) Insight is given into the methodology used to calculate the number of porpoise disturbance days. These calculations are traceable and reproducible. The model used must also be explained; C) Where possible, the porpoise disturbance days are calculated using empirically measured values such as sound frequencies and amplitudes, or industry standards are used. If these are not available for a specific measure, a realistic estimate is made of the additional mitigation compared to the best available techniques, based on current knowledge; D) The assumptions in the calculations are in accordance with assumptions as used in the EIA and are substantiated, for example by a sensitivity analysis of the most important assumptions; E) A plausible bandwidth approach is applied in the calculation and the values for the worst-case situation are reported; and F) The calculation of the porpoise disturbance days must be tested by an independent organisation with expertise in the field of underwater noise and porpoise disturbance days.	Porpoise disturbance days more than 50,000*overplanting factor	0
		Porpoise disturbance days equal to or less than 50,000*overplanting factor and more than 44,000*overplanting factor	6
		Porpoise disturbance days equal to or less than 44,000*overplanting factor and more than 38,000*overplanting factor	13
		Porpoise disturbance days equal to or less than 38,000*overplanting factor and more than 33,000*overplanting factor	19
		Porpoise disturbance days equal to or less than 33,000*overplanting factor	26
	1.3 Objective: Contribute to the demonstration of innovative foundation techniques for reducing porpoise disturbance days during installation of the foundations during the construction phase in relation to the Nederwiek I-A WFSD. **Target species:** Marine mammals. **Measure:** Implementation of innovative noise-reducing pile driving technique(s) on four turbines. If this measure is applied, these turbines may be disregarded in the calculation of porpoise disturbance days under Section 1.3 of this table. The measure must meet the following conditions to be eligible for assessment: A) An explanation is given of which measure(s) is(are) applied and how this leads to significantly lower underwater noise than the sound standard in Regulation 4 (2) in the Nederwiek I-A WFSD;	**Quality of measure:** this is assessed on the basis of: - The ecological substantiation: the effectiveness and impact of the measure in relation to the prescribed goal, using the best available techniques; and - Feasibility; such as technical feasibility.	0-15

		Conditions for applying the assessment criterion	Assessment criterion	Pts.
		B) The foundation(s) used is/are the same as in the rest of the wind farm; C) The application explains how the proposed measure(s) are innovative and in which development phase they are, for example by means of Technology Readiness Levels (TRLs); D) The application describes a realistic development path, explaining how the innovative technology can be applied operationally at the time of construction of the wind farm; E) It is explained how the technology will be applied to representative locations within the wind farm, fitting within the bandwidth of sediment properties within the site; and F) The findings will be publicly reported within six months of completing the construction of the wind farm.	**Research and reporting plan:** this is assessed based on: - Contribution to (scientific and international) ecological knowledge development; - The effectiveness and feasibility of the monitoring plan; and Knowledge expansion: reporting to the Government and external publication of data and research results.	0-5
		1.4 Goal: Reduce pressure factors in the form of underwater noise during the operational phase. **Target species:** Marine mammals. **Measure:** Optimise logistical planning during the operational phase so that exposure of target species to underwater noise from maintenance vessels and activities is minimised. The measure must meet the following conditions to be eligible for assessment: A) It is substantiated how the presence of target species is taken into account; B) It is explained how this relates to the disturbance of other underwater (marine) life; and C) The reduction in disturbance compared to when the measure would not be applied is explained.	No application of the measure.	0
			Application of the measure	4
2	Researching, protecting and enhancing underwater nature, marine ecosystems and naturally occurring diversity of benthos in the site	**2.1 Objective:** Minimising the impact on potentially present biogenic reefs and other benthic habitats during construction of the wind farm. **Target species:** Reef-building species: tube worms (sabellaria spinulosa, lanice conchilega) and bivalves (oysters, mussels) and other relevant habitat-forming species listed in Appendix II of the Nature Restoration Regulation[3]. **Measure:** Establish a plan to prevent the degradation of existing biogenic reefs and other benthic habitats during the installation of turbines, inter-array cables and scour protection. This plan includes the following information to be eligible for assessment: A) How, based on existing studies and area surveys, the locations where biogenic reefs and other benthic habitats are (suspected to be) present is determined; B) What steps will subsequently be taken in the design/ layout of the wind farm to prevent damage to existing reefs and reef-building species as much as possible; C) The information about the possible presence of target species is shared with relevant parties within the Government; and D) The applicant undertakes to provide insight into the considerations that are made in the application of this measure, for example by means of a risk management plan.	Quality of measure: this is assessed on the basis of: - The ecological substantiation: the effectiveness and impact of the measure in relation to the prescribed goal, using the best available techniques; - Feasibility: such as technical feasibility.	0-7
			Monitoring and reporting plan: this is assessed based on: - Contribution to (scientific and international) ecological knowledge development; - The effectiveness and feasibility of the monitoring plan; and - Knowledge expansion: reporting to the Government and external publication of data and research results	0-13

3 Regulation (EU) 2024/1991 of the European Parliament and of the Council of 24 June 2024 on nature restoration and amending Regulation (EU) 2022/869.

	Conditions for applying the assessment criterion	Assessment criterion	Pts.
	2.2 Objective: Strengthen underwater nature in addition to the nature-inclusive building regulations in the Nederwiek I-A WFSD. **Target species:** Cod and related biodiversity. **Measure:** The application of nature-inclusive construction for all turbines – with the exception of a control group of a maximum of 5% – where nature-inclusive construction is not yet applied on the basis of the WFSD and optionally the cable crossings, aimed at increasing heterogeneity in the size and type of material of the substrate. The measure must meet the following conditions to be eligible for assessment: A) The way in which the location-specific characteristics of the site are taken into account is substantiated; B) The effectiveness of the measure(s) is monitored for a representative number of years; C) It has been substantiated how the measure(s) is in line with and is complementary to Regulation 4 (7 and 7.8.6) 'promoting biodiversity with nature-inclusive construction' in the Nederwiek I-A WFSD; D) Where relevant, it is explained how the measure(s) relate(s) to other measures aimed at underwater nature; and E) The applicant undertakes to report the findings to the national government and to make the data public.	**Quality of measure:** this is assessed on the basis of: - The ecological substantiation: the effectiveness and impact of the measure in relation to the prescribed goal, using the best available techniques; - Feasibility; such as technical feasibility.	0-10
		Monitoring and reporting plan: this is assessed based on: - Contribution to (scientific and international) ecological knowledge development; - The effectiveness and feasibility of the monitoring plan; and - Knowledge expansion: reporting to the Government and external publication of data and research results.	0-7
	2.3 Objective: Investigate underwater nature and naturally occurring diversity in benthos in Nederwiek Site I-A. **Target species:** Reef-building species: tube worms (sabellaria spinulosa, lanice conchilega), bivalves (oysters, mussels), and other potentially relevant habitat-forming species listed in Appendix II of the Nature Restoration Regulation[4], sand eel. **Measure:** An integrated study of the impact of the wind farm on the presence and development of the target species. The measure must meet the following conditions to be eligible for assessment: A) The way in which the location-specific characteristics of the site are taken into account is substantiated; B) It is explained how the presence of species is determined, the time course of the size of the associated area or population during the entire life cycle of the wind farm; C) It is explained which research and monitoring techniques will be used and how accurately they can be used to determine the presence and trend in surface area and population of the target species; and D) It will be explained how this research contributes to the development of knowledge about species diversity within wind farms; E) Where relevant, it is explained how the measure(s) relate(s) to other measures aimed at underwater nature; and F) The applicant undertakes to report on the findings at least every five years and to make this data public.	**Quality of measure:** this is assessed on the basis of: - The ecological substantiation: the effectiveness and impact of the measure in relation to the prescribed goal, using the best available techniques; and - Feasibility; such as technical feasibility.	0-7
		Research and reporting plan: this is assessed based on: - Contribution to (scientific and international) ecological knowledge development; - The effectiveness and feasibility of the monitoring plan; and - Knowledge expansion: reporting to the Government and external publication of data and research results.	0-10

4 Regulation (EU) 2024/1991 of the European Parliament and of the Council of 24 June 2024 on nature restoration and amending Regulation (EU) 2022/869.

		Conditions for applying the assessment criterion	Assessment criterion	Pts.
		2.4 Objective: To investigate biomass development on the foundation and wind turbine in Site Nederwiek I-A. **Target species:** hard substrate species that contribute to biomass development on the foundations and wind turbine. **Measure:** A study of the impact of wind turbines on the presence and development of biomass on the foundation and wind turbine tower during some of the lifespan of the wind farm. The measure must meet the following conditions to be eligible for assessment: A) It is explained how eight turbines were selected for the study, the locations of which are representative of the different conditions within the wind farm, given the prevailing currents on the edge and in the centre of the wind farm; B) It is explained how samples will be taken of growth at different heights of the wind turbine tower in particular the thicker growth layers in the splash zone. It is also indicated which research and monitoring techniques are used and how accurately the presence in surface, population and biomass can be determined with these; C) It has been explained how the presence and biomass of species and/or taxa is determined, explaining how it is achieved from the lowest possible taxonomic level; D) The research is carried out in the first, third, fifth, eighth and eleventh year that the wind farm is fully operational; E) It has been substantiated how this research contributes to knowledge development on species richness and biomass development within wind farms; F) The applicant agrees to publish the findings after each sampling year and to share them with the National Government, including a quantitative analysis of biomass development on the foundations and turbines during the project period.	**Quality of measure:** this is assessed on the basis of: - The ecological substantiation: the effectiveness and impact of the measure in relation to the prescribed goal, using the best available techniques; and - Feasibility; such as technical feasibility.	0-7
			Research and reporting plan: this is assessed based on: - Contribution to (scientific and international) ecological knowledge development; - The effectiveness and feasibility of the monitoring plan; and - Knowledge expansion: reporting to the Government and external publication of data and research results.	0-14

Explanatory Notes

1. Reason and objective

The Dutch Climate Act sets a target for a 55% reduction in greenhouse gas emissions by 2030 and climate neutrality by 2050. This is in line with the climate ambitions of the European Union and its aim to accelerate and increase production of energy from renewable sources. The European Climate Act[5] includes a target of 55% emissions reduction by 2030 for each Member State, with further focus on offshore wind energy. On 25 April 2024, the updated schedule for the Dutch Additional Offshore Wind Energy Roadmap was published, with the aim of achieving 21 gigawatts (GW) of installed offshore wind capacity by end 2032.[6]

This Ministerial Order contains the regulations for granting of the permit for Site I-A in the Nederwiek Wind Farm Zone (NWWFZ).

The originally proposed Site I (2 GW) in the NWWFZ has been split into Sites I-A and I-B with an installed capacity of approximately 1 GW per site. This was decided because it will reduce required investment per wind farm and thus reduce financial risks.

The Offshore Wind Energy Act (hereinafter referred to as the Act) is the legal framework underpinning the roll-out of offshore wind energy in the Netherlands. The Act outlines four procedures for granting permits for construction and operation of offshore wind farms, namely: a procedure with subsidies, a comparative test, a comparative test with a financial bid and an auction procedure. This Ministerial Order uses the procedure of a comparative test with a financial bid, as announced in the 31 May 2024 Letter to the House of Representatives.7

Pursuant to Section 14a (3) of the Act, market conditions were examined and consultations were held with the Minister of Finance before choosing which procedure to apply. The procedure of a comparative test with a financial bid has been chosen because, in addition to the main objective of realising an offshore wind farm, parties can be stimulated to come up with solution-oriented applications for related social goals, such as integration of the wind farm within the ecological carrying capacity at sea and in the onshore energy system. Solutions that contribute to these goals can ensure that (future) bottlenecks for the construction and operation of offshore wind farms are reduced. By adding a financial bid, parties can also offer a sum of money for the right to build and operate the offshore wind farm, to the extent that there is still financial room in the business case. In this way, any excess profits will go to society.

2. Designation of offshore wind energy sites

Sites are only designated for development in a wind farm zone that has been designated in the North Sea Programme. The North Sea Programme is a policy plan adopted under the Water Act. The North Sea Programme 2022 – 2027 includes the designation of the NWWFZ.[8] A Wind Farm Site Decision (WFSD) determines where and under what conditions a wind farm may be built and operated. TenneT has been appointed as the offshore grid operator and is therefore responsible for connection of the wind farms to the offshore grid, connection to onshore landing points and integration into the onshore electricity system. In line with the Offshore Wind Energy Development Framework[9] (hereinafter: the Development Framework), TenneT's technical concept is based on substation platforms to which a maximum of 2 GW of wind capacity can be fed in.

Under the conditions of the WFSD, all installed turbines are considered to be part of a wind farm. Any other generation techniques, such as offshore floating solar energy, and other activities, such as energy storage, do not fall under the Act and are not covered by the WFSD or the permit that can be applied for under this Ministerial Order. Other permits are required for these activities, including an environmental permit. In addition, other applicable regulations, including the Electricity Grid Code and TenneT's model agreements (Realisation Agreement and a Connection and Transmission Agreement) also apply.

5 Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality, and amending Regulations (EC) No 401/2009 and (EU) 2018/1999.
6 Parliamentary Paper 33561, no. 61.
7 Parliamentary Paper 33561, no. 62.
8 North Sea Programme 2022-2027.
9 Offshore Wind Energy Development Framework adopted by the Council of Ministers on 18 December 2024.

3. Applying for a permit

For the granting of the permit for construction and operation of a wind farm at the Nederwiek I-A site, this Ministerial Order sets out additional rules in connection with the application, the assessment of the application and the respective weighting of the ranking criteria required in the event that two or more applications are eligible for the permit.

Under the Act, one permit is granted per site. Article 2(1) of this Ministerial Order sets out the period within which applications for the permit for Nederwiek I-A may be submitted.

Article 2(2) of this Ministerial Order sets the number of applications that can be submitted per applicant to a maximum of one application. Article 2(3) of this Ministerial Order stipulates that legal entities and companies in a group or group company are to be regarded as a single applicant. The definition of 'group or group company' is based on Article 24b of Book 2 of the Dutch Civil Code. A group is (i) an economic unit, (ii) in which legal persons and companies are organisationally linked and (iii) with central or common management. Group companies are legal entities and companies that are linked to each other.

It has been decided to limit the possibility of applications in this way, so that parties can be prevented from submitting strategic applications to increase the chance of obtaining a permit. Alignment with existing definitions and therefore also with existing doctrine of 'group' and 'group society' promotes the comprehensibility of the provision.

If an applicant is part of a group or group company, an organisation chart of the group or group company must be attached to the application, stating the registration numbers in the trade register.

A partnership is a non-legal entity, consisting of at least two participants not affiliated with a group, that is established for the purpose of carrying out activities, other than as a company. If there is a partnership, the lead partner of the partnership submits the permit application on behalf of the participants (Article 2(4) of this Ministerial Order). If several parties jointly establish a company that then submits the application, the application is regarded as an application from this company and not as an application from a partnership. The definitions of partnership and lead partner are based on the formulations in Article 1 of the Framework Decision on National Economic Affairs and Climate Policy and Agriculture, Nature and Food Quality Subsidies.

A resource is made available for the application via the website of the Netherlands Enterprise Agency (RVO). The information and documents that must be submitted with the application are outlined in Articles 3 and 4 of this Ministerial Order. In accordance with Article 3 (5 and 6), it may concern one or more parties.

No costs are charged for processing an application for a permit. However, the costs incurred by the Government in preparing the WFSD for Site NW I-A will be charged to the party granted the permit. This amount is set in Article 9 at €18,352,510. This Article also states when and how this amount must be paid. Finally, the party awarded the permit must pay its submitted bid annually, starting in 2031. The permit will specify the period within which 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, it is also possible for an insurer to issue a security deposit, provided the insurer has at least a long-term A rating from a rating agency[10]. This ensures a level playing field between banks and insurers and also offers the permit holder more opportunities to comply with this suspensive condition. The bank guarantee must be issued by a bank established within the European Economic Area.

In addition, the regulation stipulates that the entire bank guarantee or security deposit will be forfeited if the Minister decides to revoke the permit or if the permit holder requests revocation and the Minister intends to honour this request. In this way, before the application period, it is clear what will happen to the bank guarantee or security deposit in such cases. Previous regulations did not explicitly address this.

10 In accordance with Regulation (EC) No 1060/2009 of the European Parliament and of the Council of 16 September 2009 on credit rating agencies.

4. Assessment of applications

4.1 Introduction

Section 1 of these Explanatory Notes explains that the Act provides for four procedures for granting permits for construction and operation of offshore wind farms. In all procedures, the permit will only be granted if it is sufficiently plausible that construction and operation of the wind farm is technically, financially and economically feasible, can be started within the period referred to in Article 5 (2) of this Ministerial Order, and complies with the WFSD. Article 4 of this Ministerial Order contains additional rules regarding these assessment criteria where necessary.

4.2 Assessment of the feasibility of the envisaged planning for the construction of the offshore wind farm

The electricity from the NW I-A site will land in Borssele. TenneT will connect Site NW I-A to the same 2 GW direct current (DC) platform as Site I-B in the NWWFZ. Site NW I-B will be licensed and connected at another time. The updated Development Framework[11] includes provisions on the planned delivery procedure and dates for DC connections. The delivery of the planned DC connections requires a separate procedure because, unlike alternating current connections, a DC connection must be tested. For this, the entire wind farm must be connected and ready to supply full power. This requires close cooperation between the wind farm developer and TenneT from the moment the permit is granted. It is therefore important that the wind farm developer indicates in the schedule whether the offshore grid operator's conditions for connection and transport of electricity can be agreed to within 12 months of obtaining the permit.

Due to the mutual dependencies and obligations between TenneT and the permit holder, set out in the Development Framework, to follow this delivery procedure and realise it in accordance with the delivery dates, the applicant is requested in Article 3(3) of this Ministerial Order to state, in the timetable completion of construction and operation of the wind farm, the dates for the start of pulling of the 66 kV cables onto the offshore grid substation platform and being ready to deliver full power for the joint test phase. The final delivery dates for the offshore grid have been set and published before publication of this Ministerial Order in the Development Framework (in Table 4).

In view of the delivery dates for the offshore grid, the period referred to in Article 5 (2), of this Ministerial Order has been set at 52 months after the permit has become irrevocable. This is based on the assumption that the permit will become irrevocable on 8 March 2026. The permit can only be granted if, based on the application, it is sufficiently plausible that construction and operation of the wind farm can be started within this period. This period of 52 months therefore only applies to the assessment of the application and not to the periods that will be included in the permit. The periods specified in the permit regulations will be linked to the milestones for delivery of the offshore grid, as stated in the Development Framework.

The permit holder can assume and will be held in the permit to the milestones of the Development Framework, 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 full power and delivery of the DC connection. There is a possibility that, due to the objection and appeal procedure that can be initiated by another party, the permit will become irrevocable considerably later than 8 March 2026. If the period between the permit becoming irrevocable and the platform being ready for cable pull-in is less than 48 months, due to an objection and appeal procedure initiated by another party, the Minister of Climate and Green Growth will consult with TenneT and the permit holder and determine a new schedule for the delivery milestones for the grid and wind farm. In that case, the Minister of Climate and Green Growth will, in principle, make use of 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 stated in the permit. The Minister of Climate and Green Growth will also, in principle, make use of the option to grant an exemption from the obligations to carry out certain activities within certain periods, if the offshore grid platform is not ready for pulling 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, can no longer complete the wind farm in time for supply of full capacity and thus cannot meet its obligation.

4.3 Assessment of financial feasibility

The assessment of financial feasibility will take into account, among other things, the combined size of equity and capital commitments. Capital commitments will only be taken into account they meet the definition included in Article 1 of this Ministerial Order. The construction and operation of a wind farm will only be considered financeable if the application shows that the combined size of the applicant's equity and capital commitments is at least 20% of the total investment costs for the wind farm. To determine the combined

11 Offshore Wind Energy Development Framework adopted by the Council of Ministers on 18 December 2024, Paragraph 4.2.2 2 GW DC

size of equity and capital commitments, in the case of a partnership, the equity and capital commitments of the participants in the partnership and their parent company/companies shall be taken into account at the applicant's request. If the applicant is part of a group, the equity and capital commitments of the parent company will included at the request of the applicant.

The capital requirement in Article 6 (2) of this Ministerial Order is intended to prevent the permit from being granted to a party that is not financially sound. An applicant may also be sufficiently financially sound on the basis of the assets of others participating in the application. This is explained in Article 6 (3) of this Ministerial Order. The assets of other entities are only taken into account at the request of the applicant.

It is not intended that someone else 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 combined size of the equity and capital commitments of all joint venture partners and their parent companies may be taken into account. In the case of a private limited company in formation, both the assets of the parent company/companies and the founding party can be included. In the case of an application by a limited partnership (hereinafter: CV), in addition to the separate assets of the CV, the combined size of the equity and capital commitments of the managing partner and its parent company/companies can also be included.

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

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

4.4 Permit requirements that may result from the application

After the permit has become irrevocable, the permit holder is obliged to carry out all activities related to the permit in accordance with: the Act; this Ministerial 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 with financial bid, including any conditions for the application of the assessment criteria. In the event of a violation of this obligation, the authority exists to impose an administrative coercion order (Section 27 of the Act) or revoke the permit (Article 17 (2), opening words and (b), of the Act). An applicant should not include any reservations in its application regarding ability to carry out an activity, for example about: obtaining a subsidy; a positive business case; or obtaining a connection from a network operator. This ensures the applications can be assessed fairly. For assessment of an activity from the application, it does not matter whether a subsidy has already been awarded for that activity or has yet to be applied for. After all, the permit holder of NW I-A is obliged to carry out the activities offered. To receive a subsidy for the activity offered, it is required that the subsidy to be awarded 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 offered activity that is applied for and granted after the permit application has been submitted or the permit has been obtained, can therefore still have an incentive effect.

The permit conditions will require that, after the permit has become irrevocable, the permit holder reports annually to the permit issuer on: (1) progress on the realisation of wind farm, until it is commissioned, (2) progress on the activities the permit holder has committed to in response to the ranking criterion referred to in Table 4 'Compliance with the principles of the International Responsible Business Conduct (IRBC) Agreement for the Renewable Energy Sector' in the Appendix to this Ministerial Order and (3) annual electricity production from wind energy (per site and per wind turbine).

If the permit holder is awarded points for Sections 2.1 to 2.6 and 2.8 of Table 5 'Consumption of raw materials, environmental impact and value retention in the design, construction, operation and removal of the wind farm', the permit conditions will include that the permit holder supplies a one-off report with the information promised no later than 18 months after the permit has become irrevocable. The permit conditions will also require the permit holder to report on the plan for the end-of-life phase of the components of the wind farm, no later than 12 months before the expiry date of the permit, if the permit holder has been awarded points for this.

5. Ranking of applications

5.1 *Introduction*

In the event of multiple applications, the permit will be granted to the applicant whose permit is ranked highest (Article 25b (1) of the Act).
Tables 1 to 7 in the Appendix to this Ministerial Order specify the way in which the ranking criteria are weighted against each other. In the ranking of the applications, the most weight is given to the criterion: 'Contribution to the integration of the electricity produced in the site into the Dutch energy system' (table 7 of the appendix). Therefore, this criterion receives a maximum of 40% of the total score, with a maximum of 160 points.

It is possible that two or more applications will be awarded the same number of points in the assessment. In that case, the ranking criteria shall be weighted in accordance with Article 8 (2 to 8). In this weighting, according to Article 8 (2), the criterion: 'Contribution to the integration of the electricity produced in the site into the Dutch energy system' is decisive. If two or more applications per site are still ranked (joint) highest, Article 8 (3) will be applied, so that in that case the criterion : 'Contribution of the wind farm to the ecosystem of the Dutch North Sea' is decisive. In accordance with the above, if necessary, the ranking according to the criterion 'Certainty of realisation of the wind farm' will be applied on the basis of Article 8 (4). If necessary, the fifth and sixth paragraphs, Articles 8 (5 and 6), will then be applied, as a result of which the ranking will be based on the criterion of 'Contribution of the wind farm to energy supply' and the criterion of 'Consumption of raw materials, environmental impact and value retention in the design, construction, operation and removal of the wind farm', respectively. Subsequently, if necessary, the applications will be ranked based on paragraph 7, with the criterion of 'Compliance with the principles of the International Responsible Business Conduct (IRBC) Agreement for the Renewable Energy Sector' being decisive. Finally, paragraph 8, concerning the amount of the financial bid, will be applied if necessary.

5.2 *Amount of the financial bid*

Based on the criterion 'Amount of the financial bid' (Table 1 in the Appendix to this Ministerial Order), an application receives more points as the amount offered increases. The maximum number of points can be earned with an annual payment amount of €150 million or more. The financial bid explicitly includes a maximum number of points and an amount to which this maximum number of points is linked. The aim is to give an objective form to the criteria referred to in Article 7 (2) of this Ministerial Order an objective form to provide clarity for the applicants and assessors of the applications about the way in which the maximum number of points can be achieved. The size of the financial bid allows for room for variation between applications, if the same ranking is achieved based on the additional criteria. Given the necessary investments and costs required for the additional qualitative ranking criteria and the value of the site, it is not expected that the maximum number of points will be scored on the financial bid. The permit conditions will include a provision that the financial bid amount must be paid annually by 31 July from 2031 until the end of the permit period. This means the permit holder must pay the offered amount annually for 35 years. This amount will not be indexed. A staggered payment amount has been chosen, because this gives the permit holder the opportunity to include a large part of this amount in the operational costs of the wind farm and thus reduces the financing requirement for the realisation of the wind farm as a condition precedent for obtaining the permit.

5.3 *Certainty of realisation of the wind farm*

For the criterion 'Certainty of realisation of the wind farm' (Table 2 in the Appendix to his Ministerial Order), points are awarded based on experience, financial strength and the degree of commitment to internships for future technical personnel. In other words, the more experience the main parties involved in the construction and operation of the wind farm have in realising an offshore wind farm and the greater the combined size of the equity and capital commitments in relation to the investment costs in the wind farm, the more points the application will receive until the maximum number of points for this criterion is reached. An application can also receive points if an applicant has experience in realising other types of offshore energy projects, such as the realisation of mining platforms. In this way, parties that already have experience in carrying out complex offshore projects do not have to hire another party for project management to be ranked higher. This can help reduce development costs. Furthermore, points are awarded if the applicant commits to guaranteed internships for the training of technical personnel during the maintenance period of the wind farm. This can be done by participating in the Wind Netherlands Internships Covenant' or by making an annual amount of €22,000 (the equivalent of two internships) available to an educational institution that offers the relevant elective subjects.

5.4 *Contribution of the wind farm to energy supply*

For the criterion 'Contribution of the wind farm to energy supply' (Table 3 in the Appendix to this Ministerial Order), points are awarded based on the amount of electricity the permit holder expects to feed into the offshore grid each year . If investments are also made in electricity production from sources other than wind energy, these do not count towards the contribution of the wind farm to energy supply.

5.5 *Adherence to the principles of the International Responsible Business Conduct Agreement*

5.5.1 *Introduction*

The aim of the criterion 'Compliance with the principles of the International Responsible Business Conduct (IRBC) Agreement for the Renewable Energy Sector' (Table 4 of the appendix to this Ministerial Order) is to encourage companies in the offshore wind energy sector to achieve concrete improvements in the areas of human rights, working conditions and the environment in their own supply chain. In this way, these companies take concrete steps to do business in a socially responsible manner abroad, which is in line with the Government's position on IRBC[12].

A broader sustainability approach is intended by anticipating and aligning with EU legislation in the area of IRBC, in line with the Organisation for Economic Co-operation and Development (OECD) Guidelines for Multinational Enterprises, the United Nations (UN) Guiding Principles on Business and Human Rights and the IRBC Agreement for the Renewable Energy Sector signed by the Minister for Climate and Energy on 6 March 2023.[13]

The criterion ranks an application higher if it can be demonstrated that the parties, as referred to in Article 3 (5 a to h) of this Ministerial Order, apply due diligence in terms of IRBC. Applicants can demonstrate this by:

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

5.5.2 *Monitoring progress*

IRBC Renewable Energy Agreement uses a scoring system. This consists of a green, orange and red score. The green score means the participant in the IRBC Renewable Energy Agreement meets the requirements that apply to the relevant number of years they have participated in the Agreement. This is the highest score. The orange score means the participant in the IRBC Renewable Energy Agreement does not fully meet the requirements that apply to the relevant number of years it has participated in the Agreement, but still implements the requirements. The red score means the participant in the IRBC Renewable Energy Agreement does not meet all the requirements and that other participants in the Agreement do not expect the participant to meet these requirements within the current reporting year. The SER annually assesses the requirements of the IRBC Renewable Energy Agreement and awards one of these scores. Participants must show progress in in terms of IRBC each year by, for example, identifying risks in the chain and setting up projects to tackle abuses.

If the applicant is awarded points for this criterion, the permit conditions will include a requirement for the permit holder to report annually to the permit issuer on the progress it and its supply chain, as referred to in Article 3 (5 a to h), have achieved in the IRBC Renewable Energy Agreement. The permit holder and its supply chain referred to in Article 3 (5 a, d, e and h) must achieve at least an orange score from the moment the permit becomes irrevocable, i.e. either a green or an orange score. These parties are often members of the IRBC Renewable Energy Agreement, which ensures that the permit holder and parties in its supply chain actually take steps in terms of IRBC. To date, all parties already signed up to the IRBC Renewable Energy Agreement have received at least an orange score.

In the event that the IRBC Renewable Energy Agreement is terminated earlier by a decision of the General Assembly of the IRBC Renewable Energy Agreement, the permit holder shall report on the progress made on IRBC and shall at least demonstrate a progress effort comparable to the orange score from the IRBC Renewable Energy Agreement.

12 Improving Responsible Business Conduct (RBC) | Responsible Business Conduct (RBC) | Government.nl
13 Renewable Energy | IRBC Agreements

5.5.3 *Time of accession*

Points will only be awarded for participation in the IRBC Renewable Energy Agreement if parties have applied for accession to the IRBC Renewable Energy Agreement before submitting the (permit) application. In the case of parties referred to in Article 3 (5 b, c, f and g) of this Ministerial Order, the permit holder must demonstrate, no later than one year after the permit has become irrevocable, that these parties have joined the IRBC Renewable Energy Agreement. This means that, if the permit holder promises this in the application, these parties have more time to join the IRBC Renewable Energy Agreement. After joining, these parties must also achieve at least an orange score.

RVO will ask the steering committee of the IRBC Renewable Energy Agreement to share information about the scores achieved with them. The steering group is authorised, on the basis of Article 2.2a of the Confidentiality Protocol to the IRBC Renewable Energy Agreement, to take a decision on sharing this information. In principle, they will vote on this by consensus.

This reporting will take 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 in the event of participation in a similar IRBC multi-stakeholder initiative or without demonstrable participation in it, the permit holder will report annually on the progress on IRBC and will demonstrate at least a progress effort that is comparable to the orange score from the IRBC Renewable Energy Agreement.

5.5.4 *European directives*

On 25 July 2024, Directive (EU) 2024/1760 on corporate sustainability due diligence[14]entered into force. This Corporate Sustainability Due Diligence Directive (CSDDD)must be implemented in Dutch legislation by 2026 at the latest. After this implementation, from 26 July 2027, large companies will be required, in phases,to look at (possible) actual or potential adverse consequences for human rights and the environment and to prevent, limit or stop these adverse consequences as much as possible. In the European Commission's 'Omnibus simplification package' (26 February 2025)[15], adjustments to the CSDDD have been proposed and it is also proposed to postpone the implementation period by one year (26 July 2027).

Any reporting under this permit may overlap with the statutory reporting obligation that will apply to large companies after implementation of the Corporate Sustainability Reporting Directive (CSRD). With the publication of the Omnibus proposal by the European Commission, in which changes are proposed for the CSRD and the CSDDD, there is currently uncertainty at European level. In combination with the Government's policy on IRBC mentioned above, the IRBC Renewable Energy Agreement ranking criterion at least provides clarity to sector parties about the expectations at national level.

5.5.5 *A multi-stakeholder initiative similar to the IRBC Renewable Energy Agreement*

A multi-stakeholder initiative similar to the IRBC Renewable Energy Agreement must meet the following conditions to be eligible for assessment:

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, trade unions, governments and the business community, which can put forward the different perspectives on the risks of human rights violations and negative environmental impact in the chain; and
4. There is a monitoring process, in which the secretariat of the multi-stakeholder initiative or another independent organisation checks the compliance of the participants.

In this tender, points are only awarded for participation in another multi-stakeholder initiative comparable to the IRBC Renewable Energy Agreement if accession has taken place in time for assessment of the applications.

14 *In accordance with Regulation (EC) No 1060/2009 of the European Parliament and of the Council of 16 September 2009 on credit rating agencies.The Corporate Sustainability Due Diligence Directive (CSDDD).*
15 Press release European Commission, "Commission simplifies rules on sustainability and EU investments, delivering over €6 billion in administrative relief", published on 26 February 2025.

5.6 *Consumption of raw materials, environmental impact and value retention in the design, construction, operation and removal of the wind farm*

5.6.1 *Introduction*

Increasing geopolitical uncertainty and the need to achieve our economic and sustainability goals towards 2030 and 2050 require an acceleration of the transition to a circular, climate-neutral and autonomous European economy. The Netherlands also stresses that circular measures contribute to climate and energy objectives. Availability of materials is crucial for the feasibility and practicality of the energy transition. The Government wants to strengthen the innovative power of the Netherlands by, among other things, focusing on circular design, production and business models.[16]Through the National Circular Economy Programme (*Nationaal Programma Circulaire Economie*, NPCE), the Government is committed to the broad raw materials transition. The NPCE includes measures for the manufacturing industry to increase security of supply and, at the same time, reduce the environmental and social impact of raw materials. In addition to the NPCE, the Government is strengthening security of supply of critical raw materials through the National Raw Materials Strategy (*Nationale Grondstoffenstrategie*, NGS). The European Commission has also set several strategic goals in the European Regulation on Critical Raw Materials to achieve a long-term sustainable economy. The goals aim to strengthen the value chain by striving for a substantial degree of self-sufficiency in strategic and critical raw materials for European consumption. The Government is currently investigating how this can lead to implementing legislation for the aforementioned Regulation.[17]

5.6.2 *Circular strategies*

Basically, the NPCE proposes four steps that can be taken to make a design or product more circular. These steps stem from an advice from the Netherlands Environmental Assessment Agency.[18] These steps represent a simplified representation of the R-ladder.[19] The four circular strategies are: (1) reducing the use of raw materials; (2) substituting raw materials and components; (3) high-quality processing of raw materials; and (4) extending the lifespan of the wind farm components.

For the substantiation required in Table 5, Section 1.1, the applicant must answer the following questions: (1) Why is the chosen (circular) design appropriate for the circular strategy in question?; (2) What are the total additional costs, rounded to €50,000, compared to a conventional design?; (3) In which development phase(s) are the circular innovations, if applied, and what is the expected development over the next 10 years at an annual level?

Here, the applicant can refer to the Technology Readiness Level (TRL) or to the production capacity. This information can be used in the future to evaluate the effectiveness, proportionality and feasibility of the circular designs submitted.

In Table 5, Section 1.2, the applicant is asked to substantiate how shipping will be optimised in the construction and operational phases to take account of effects on nature, the environment, the climate and lifespan extension of wind farm components. For example, operation and maintenance activities can be considered in the operational phase. The applicant is asked to at least address the use of sustainable fuels and/or electrification of the intended ships, transport movements of the intended ships, shipping noise level during various phases and the use of antifouling on ships. 'Nature' refers to local fauna in and around the wind farm. 'The environment', for example, relates to particulate matter and nitrogen emissions. 'Effects on the climate' include greenhouse gas emissions. 'Lifespan extension' relates to various forms of preventive and corrective (smart) maintenance. The applicant is only assessed on the fact that it provides insight into the requested optimisation. The applicant will receive full points if the substantiation meets the stated assessment condition.

5.6.3 *Life cycle assessment (LCA)*

5.6.3.1 *Introduction*

For cost-effective deployment of offshore wind energy, it is essential that a transition takes place from a linear supply chain to a circular one, which allows for more effective and efficient use of scarce materials and products within future wind sites. It is desirable that regulations are eventually drawn up for the use of materials for wind farm components to protect the environment. At present, regulations to sufficiently safeguard the public value of environmental protection cannot be adequately defined, partly due to the information asymmetry between market parties and the Government. In addition, the wind energy sector is still in the early stages of the transition to circular design. Promoting transparency by means of ranking criteria is a first step in this regard and gives the wind

16 Government programme | Government | Rijksoverheid.nl
17 The *Corporate Sustainability Due Diligence Directive (CSDDD*.
18 National Circular Economy Programme 2023 - 2030 | Policy brief | Rijksoverheid.nl
19 The R-ladder indicates the degree of circularity. As a rule of thumb, the higher a strategy (such as refuse and rethink) is on the R-ladder, the more raw material use can be avoided. However, this must be considered per product group. For example, to extend the lifespan of an elevator, it may be necessary to initially use more raw materials so that the elevator lasts longer. This reduces the total use of raw materials and the associated environmental pressure.

energy sector, as well as the Government, more insight into consumption of raw materials, environmental impact and value retention of the components of an offshore wind farm. Moreover, this type of reporting can ensure the permit holder has sufficient insight into raw material consumption, environmental impact and value retention across the entire chain of wind farms early in the process and continuously throughout all phases of the project. Finally, the prescribed ranking criteria for the entire chain, with regard to the intended and/or applied materials and products, are a necessary first step towards industry standards for the products, materials and services within future wind farms. Finally, there are also process-related improvement opportunities to be achieved within the wind energy sector, such as embracing a sector-specific Life Cycle Assessment (LCA) methodology. Encouraging this type of reporting will increase transparency about the products and services traded between companies

For Table 5, Sections 2.1 to 2.6, an applicant will be awarded points if it undertakes to submit the requested reports to the permit issuer no later than 18 months after the permit for construction and operation of the wind farm has become irrevocable. If the permit holder submits a request for amendment, for example, for changing the turbine, in the period after 18 months and up to and including 40 months after the permit for construction and operation of the wind farm becomes irrevocable, the permit holder must update this information and submit it to the permit issuer no later than 48 months after the permit for construction and operation of the wind farm becomes irrevocable.

For Table 5, Section 2.7, the applicant is asked to provide reports that provide insight into all raw materials and components, greenhouse gas emissions, the impact on biodiversity and various data regarding the life cycle of the products used. The requested information must be submitted no later than 12 months before the expiry date of the permit for the construction and operation of the wind farm. These reports will provide the requested insight as outlined below.

5.6.3.2 Product Decomposition List

The applicant must submit the (above-mentioned) data based on a Product Decomposition List. The Product Decomposition List is a list of the products to be used at least at the level of the Classification of Products by Activity (CPA) with a six-digit numerical code, and, in any case, relates to the following parts of a wind farm:

a. The wind turbine, consisting of a tower (mast), nacelle, rotor blades and any measuring equipment of the wind turbines;
b. The foundation, including erosion protection and any transition piece; and
c. The cabling that connects the individual wind turbines and connects them to a connection point (inter-array cables).

If the permit holder is awarded points on the basis of Table 5, Sections 2.1 to 2.6, the permit will include a requirement that the permit holder provides the data on the basis of a production decomposition list.

5.6.3.3 Raw material and greenhouse gas analysis

Sections 2.1 and 2.2 of Table 5 relate to the scope of the raw materials and greenhouse gas analysis. The wind energy sector does not yet have sector-wide accepted reporting and/or calculation methodologies that provide insight into the consumption of raw materials, environmental impact and value retention of products and materials throughout the value chain of all parts of the wind farm. This can be done, for example, in the form of a standardised LCA or a digital product passport. Such a standard promotes transparency in the sector and makes it easier to compare, assess or share data and assumptions. This allows everyone in the sector to learn from each other, and the sector as a whole can go through the raw materials, environment and climate transition more quickly.

Where possible, the ranking criterion includes internationally accepted methodologies and standards. This is in line with the Product Category Rules (PCR) for LCA for the production and supply of electricity, drawn up in collaboration with the wind energy sector, and with the standard for LCA of construction products that is customary in tenders for the infrastructure of wind farms. The applicant must at all times use the internationally accepted methodologies and standards that apply when producing the raw materials, environment, climate and product analysis.

5.6.3.4 Classification of products linked to activities

Sections 2.1 to 2.7 of Table 5 deal with the Classification of Products by Activity (CPA). The CPA provides a common European framework for the comparison of statistical data on goods and services. The CPA forms the basis for the classification of goods and services in the

Supply and Use tables for National Accounts. The Netherland's Central Bureau of Statistics (Statistics Netherlands) uses this for the specification of industrial purchases in part of the Production Statistics. The European starting point is that the structure of the CPA must reflect the economic origin of products. The CPA can be seen as the European version of the Central Product Classification (CPC) recommended by the United Nations.

5.6.3.5 Scope of raw material consumption and greenhouse gas analysis

Sections 2.1 and 2.2 of Table 5 contain conditions for assessment of the scope of the raw material composition and the greenhouse gas analysis. The usual LCA breakdown is used and is based on modules based on EN 15804_2012+A2, broken down by the production

phase (A1-A3), construction phase (A4, A5), operational phase (B1 to B5) and end-of-life phase (C1 to C4) or the classification of PCR 2007:08 Electricity, steam and hot/cold water generation and distribution (5.0.0), broken down by chain processes (upstream & downstream) and core processes.

5.6.3.6 *Raw materials*

Table 5, Section 2.1, discusses critical, strategic and biotic raw materials and substances of very high concern. Critical raw materials are raw materials that are economically most important and for which the risk of supply being disrupted is greatest. Strategic raw materials are raw materials for which demand is expected to increase exponentially, with a complex production process and a greater risk of supply problems. Biotic raw materials are extracted from living sources, of plant or animal origin (including algae and bacteria). Substances of Very High Concern (SVHC) are substances that are dangerous to humans and the environment, for example because they impede reproduction, are carcinogenic or accumulate in the food chain.

5.6.3.7 *Environmental Cost Indicator (ECI)*

Section 2.2 of Table 5 asks for a report with the Environmenal Cost Indicator (ECI). The ECI is a weighted environmental cost indicator commonly used by the Ministry of Infrastructure and Water Management (Rijkswaterstaat) for civil engineering projects to express environmental impact over the entire life cycle of a project into a single score of environmental costs (in Euros). For the ECI, environmental impacts are weighted based on the so-called 'shadow price method'. Each specified environmental effect/impact category (calculated per specified unit e.g. kg CO_2) is multiplied by a fixed price reflecting the 'shadow' societal/environmental costs (i.e. the weighting factor for scores is €/unit) and then all scores are added together to give a single overall score for total costs. The weighting factors are provided by RVO. This ECI is already requested by TenneT in tenders for the offshore grid. The use of ECI within civil engineering is anchored in the circular climate policy of the Minister of Infrastructure and Water Management and the policy is being further scaled up. The underlying LCA method for the ECI or a specific environmental impact such as CO_2 equivalent is identical. There is therefore no question of an increase in the burden by requesting both parts.

5.6.3.8 *Environmental Statement*

In Section 2.3 of Table 5, the validation of the data by means of an environmental statement[20] is a condition for assessment. The external assessment, as prescribed in the ECI methodology based on the assessment protocol of the National Environmental Database Foundation, meets the requirements of a Type 3 environmental statement. Type 3 (ISO 14025) or Environmental Product Declarations (EDP) are verified by an independent third party. A 'product' refers to the level of the CPA with a six-digit numerical code.

5.6.3.9 *Maintenance*

In Section 2.4 of Table 5, insight into product support is requested. Part of this is (preventive) maintenance that can contribute to value retention of products within their value chain. This means maintenance also contributes to value retention after the operational period of the wind farm.

5.6.3.10 *Bundling reports*

The reports for Table 5, Sections 2.1 to 2.6, may be bundled together into a single report.

5.6.3.11 *Residual value*

Section 2.7 of Table 5 encourages the permit holder to further elaborate on the residual value of the components in the wind farm. By paying attention to value retention, the residual value of the wind farm remains higher. Being able to separate into elements, building components, materials or raw materials increases the value retention of individual products (or components of these products) and thus the residual value of these individual products. The ecological value retention increases as materials, components and products are reused as high as possible on the R-ladder. The R-ladder indicates the degree of circularity with 'reject/refuse' and 'reconsider/rethink' on the top step to 'reclaim/recover' on the bottom step.

5.6.4 *Knowledge sharing*

Section 3.1 of Table 5 asks the permit holder to make the insights public, with the exception of confidential information. In doing so, the request is made to share full information with the permit issuer. This data is essential to ultimately make a transition to circular offshore wind farms. Above all, this information is needed to ultimately work towards industry standards. The transition towards the circular economy is gaining momentum and it is essential that parties learn from each other. For this reason, points are only awarded if the applicant, as a permit holder, makes this information publicly available.

20 An environmental statement is a communication and transparency tool that makes it possible to present the environmental impact of a product over its entire life cycle.

5.6.5 *Rotor blades*

5.6.5.1 *Use of reversible polymers*

Table 5, Section 4.1, encourages the use of reversible covalent polymers in the rotor blades. The aim of this criterion is to stimulate innovations that will eventually result in a reduction in the use of raw materials, substitution of raw materials and components, high-quality processing of raw materials and an extension of the service life of the rotor blades.

Reversible covalent polymers are those that are capable of changing a bond and structure through a reversible reaction caused by an external stimulus, such as heat, light or pH, while maintaining stability, as in irreversible covalent polymers, in the absence of stimuli. This criterion is designed in such a way that the highest possible quality of recyclate is stimulated in an objective manner. The criterion focuses on the resins, adhesives and coatings, but it is expected that the use of reversible polymers will eventually also result in a higher quality glass and carbon fibre. It also further encourages the market to include circularity measures in the design (*circularity by design*). Nevertheless, explicit scope has been given for specific recycling technologies such as solvolysis, whereby a comparable quality of recyclate can be achieved as with the use of reversible resins, adhesives and coatings.

5.6.5.2 *Recyclability of rotor blades*

Section 4.2 of Table 5 encourages the applicant to design the rotor blades used in such a way that the highest possible recycling potential is achieved. There is a chance that recycling techniques and methods for rotor blades will develop rapidly and there is a risk that a submitted recycling technique or method will be outdated by the end of life of the rotor blades. For this reason, only the recycling potential is requested. The applicant is not obliged to recycle the turbine blades in accordance with the submitted recycling technique, method or degree of end-of-life recyclability of the rotor blades. However, a condition for assessment has been set with regard to the level of technology readiness. The proposed technology must be sufficiently developed that technology is proven at the prototype level.

TRL 6 is the prototype system level. This means that: (i) the components and process have been scaled up to prove the industrial potential and its integration within the entire system; (ii) most of the issues identified have been resolved previously; (iii) the system has been identified and modelled at full commercial scale; (iv) the LCA and economic assessments have been further developed; (v) the results of laboratory tests of the prototype system are close to the desired configuration in terms of performance, weight and volume; (vi) it is already known how the test environment differed from the operational environment and whether this was in line with expectations; and (vii) it is known whether and how the problems that may have been identified will be resolved in subsequent versions.

5.6.5.3 *Environmental Technology Verification*

The Environmental Technology Verification according to the ISO14304:2016 should ensure that the intended rotor blade design and/or technology has the highest possible chance of being processed into usable secondary raw materials such as resins, fibres, adhesives, coatings, etc. at end of life.

5.7 *Contribution of the wind farm to the ecosystem of the Dutch North Sea*

5.7.1 *Introduction*

With this criterion, an application is ranked higher the more points it is given in the assessment by the independent expert committee. To this end, as well as the assessment criteria, Table 6 includes various conditions for the application of the assessment criteria. For each measure, the applicant must substantiate that these conditions and assessment criteria have been met. The independent expert committee will assess whether these conditions and assessment criteria have been sufficiently met. To be able to take sufficient account of the quality of the measure(s), Sections 1.2, 1.4, 2.1, 2.2 and 2.3 are assessed for quality. This is done on the basis of a weighted average of the points mentioned in the assessment criterion and a 5-point scale explained in Table A (below). Before the expert committee looks at the applications, they determine a criterion for assessment. This criterion is made public. The committee reserves the right to award 0 points if a part is deemed insufficiently feasible. The research measures must be initiated no later than 60 months after the permit becomes irrevocable, unless previously indicated in Table 6.

Table A. Assessment based on 5-point scale

Quality of the application	Percentage of maximum points
Excellent, with (some) additional added value The information provided exceeds expectations, all components are described in sufficient detail and add value beyond expectations	100%
Good The information provided is in line with expectations, all components have been named and described in sufficient detail	80%
Sufficient The information provided is in line with expectations and all components have been named	60%
Insufficient The information was not fully in line with expectations and/or certain components were not fully disclosed	20%
Very insufficient The information is incomplete and does not meet the request	0%
No result The component cannot be assessed due to the lack of information	0%

Table 6 of the Appendix sets out the assessment criteria and the conditions for applying the assessment criteria focusing on two objectives:

1. Taking measures at NW I-A to reduce the negative ecological effects of the wind farm on locally occurring birds and marine mammals;
2. Researching, strengthening and restoring underwater nature, marine ecosystems and naturally occurring diversity of benthos at NW I-A.

5.7.2 *Mitigating measures that contribute to reducing ecological pressure factors*

The North Sea Agreement states that new installations should be realised with the smallest possible negative ecological footprint (Agreement 5.2). In line with this, applicants are encouraged to reduce pressure factors during both the construction and operation phases of the wind farm, focusing on different target species.

Section 1.1 encourages the applicant to contribute to the recognition of location-specific species and to prevent collision victims of these species.

For the future roll-out of offshore wind energy, it is essential to continue to develop techniques to reduce underwater impulse noise (i.e. foundation pile-driving noise) during the construction phase, measured as the number of porpoise disturbance days. This is in line with Agreements 5.6 and 5.7 of the North Sea Agreement. Various activities can be used for this, such as mitigating measures, noise reduction, use of a lower number of turbines and innovative construction techniques. For Section 1.2 of Table 6, an application will be awarded more points if the number of porpoise disturbance days during the construction phase is reduced compared to the maximum number of porpoise disturbance days as included in the WFSD. The calculation of porpoise disturbance days is subject to a number of conditions to be eligible for assessment. The assessment determines whether the assumptions behind the bandwidth approach are sufficiently substantiated.

Section 1.3 of the same table encourages the development of innovative, quieter foundation techniques, focused on measures that have not previously been applied in an operational context. If the applicant makes plans for Section 1.3, the turbines in question can be disregarded in the calculation for Section 1.2 by adjusting the overplanting factor. During the operational phase, noise nuisance for marine mammals and other underwater life can also occur due the use of maintenance vessels in the wind farm. Section 1.4 encourages the applicant to limit this noise nuisance by optimising logistical planning.

5.7.3 *Nederwiek Site I-A may be a promising area for habitat-forming species*

According to the Environmental Impact Assessment (EIA) for the NW I-A WFSD, there is a reasonable chance that the spiny sand tube worm (sabellaria spinulosa), which has also been found in the Natura 2000 area of the Bruine Bank, is located in the area. On the one hand, this argues in favor of leaving the soil of the NW I-A site alone where possible (passive restoration of the locations between the wind turbines). On the other hand, where the area is already subject to interventions (such as the construction of and maintenance of turbines and cables), this argues in favour of taking existing nature into account as much as possible (Table 6, Section 2.1) and

focusing on strengthening and restoring nature after the wind farm has been built (Table 6, Section 2.2). The latter measure focuses on the combination of renewable energy areas with nature restoration, in line with paragraphs 67 and 68 of the Nature Restoration Regulation. The proposed ecological restoration measures are geographically limited to the wind turbines and cabling. For Section 2.1, using existing research can help to determine the possible presence of underwater nature. No extra points can be earned for carrying out additional research.

To learn more about the effects of a wind farm on underwater nature, in Section 2.3 of the table, the applicant is encouraged to investigate and monitor this. The sand eel, for which this area may be suitable, has been mentioned here as a target species because of its importance in the ecosystem. To carry out activities in the maintenance zone or space between the turbines, the applicant must, depending on the activity, apply for a separate permit or report the activity to Rijkswaterstaat. When carrying out activities in the intermediate space, possible co-use activities in these spaces must be taken into account.

In Section 2.4 of Table 6, the applicant is asked to investigate the growth of benthos species, under water at the turbine foundation and where relevant above sea level at the foundation and turbine. Such research is important to determine the effects of the introduction of hard substrate on the ecosystem through changes in food intake and availability, also in relation to possible co-use of the site. The data from the collected samples are therefore also important for (inter)national projects.

5.7.4 Research Code

The proposed measures are supplementary to the NW I-A WFSD and are based on the most up-to-date knowledge from the Ecology and Cumulation Framework 5.0. To substantiate the measures, use can be made of the preparatory site studies, the EIA for the NW I-A WFSD and other existing (international) research projects such as the Offshore Wind Ecological Programme (Wozep) and the Monitoring-Research-Nature Enhancement-Species Protection (MONS) programme.

Where a section asks for research and/or monitoring, it is expected that this is set up according to scientific standards and covers a representative period. Research must be analysed by an expert on behalf of the permit holder. For each study, the permit holder must indicate how and when (interim) results and analysis will be submitted to the Government. All collected and acquired knowledge and data must be made publicly available digitally, with importance being attached to FAIR data standards. When a section requests monitoring, the applicant submits a monitoring plan with the application, as part of a research and reporting plan. Five years after the permit becomes irrevocable, the applicant submits a completed plan, which is aligned with the monitoring that MIVSP is doing or intends to do. This can prevent duplication of work.

6. Legal aspects

Under this Ministerial Order, a permit will be granted for construction and operation of an offshore wind farm. This is a rare permit and therefore potential candidates are given the opportunity to compete for it in a competitive and non-discriminatory manner. Since the procedure for awarding the permit is set up in this way, there is no question of state aid. There would have been a question of granting prohibited state aid in the form of avoided costs for studies in the context of the Environmental Impact Assessment and Appropriate Assessment, which were made by the Minister of Climate and Green Growth during the preparation of the WFSD. To avoid this, these costs are charged to the final permit holder.

7. Consultation

The draft Ministerial Order was consulted on from 21 November 2024 to 31 January 2025 via the RVO website.[21] Prior to this consultation, potential applicants were given the opportunity to express their views on the regulation to be drawn up in writing or orally in a meeting and one-on-one discussions. These meetings and discussions took place in January 2024 and summer 2024. These views have been taken into account where possible. Further clarifications that have been requested will be made available via the RVO website.

Following consultation on the draft, a number of adjustments have been made to the regulations.

In Table 4 'Compliance with the principles of the International Responsible Business Conduct (IRBC) Agreement for the Renewable Energy Sector', the parties to which the IRBC Agreement ranking criterion applies, as referred to in Article 3 (5) of this Ministerial Order, are divided based on the moment of accession. The parties referred to in Article 3 (5 a, d, e and h) must participate in the IRBC Renewable

21 Permit for wind farm Nederwiek I-A | RVO.nl.

Energy Agreement or a multi-stakeholder initiative comparable to the IRBC Renewable Energy Agreement prior to submitting the application in order to be able to obtain the maximum number of points. No later than one year after the permit becomes irrevocable, the permit holder must demonstrate that the parties referred to in Article 3 (5 b, c, f and g) have joined the IRBC Renewable Energy Agreement or a multi-stakeholder initiative comparable to the IRBC Renewable Energy Agreement to be able to obtain the maximum number of points for these parties. The time of accession of these parties differs in order to give these parties more time.

In Table 5 'Consumption of raw materials, the environmental impact and the value retention in the design, construction, operation and removal of the wind farm', a number of components have been removed. For example, the component for reducing the use of balsa wood has been omitted, because this did not sufficiently guarantee a level playing field between turbine suppliers. The use of recycled fibres in the rotor blades proved to be unfeasible for the supply chain at this time, as did the use of post-consumer magnets for the magnets in the wind turbine generators and reducing the strategic dependency for magnet production on individual countries.

In Table 6 'Contribution of the wind farm to the ecosystem of the Dutch North Sea', a fourth component has been added to Section 2, focusing on research into underwater life and marine ecosystems. In addition, for Section 2, the emphasis in some assessment criteria has shifted from the design of a broader research plan to a more concrete research plan. The section on the application of the Aircraft Detection Light System (hereinafter: ADLS) has been removed. At the time of publication, it is not yet known how the exact regulations regarding the use of ADLS will be shaped, but it is expected that the application of ADLS close to the airspace of the United Kingdom will not be possible. The section concerning a financial contribution to research into monitoring relevant species on the North Sea scale has been removed, because insufficient clarity could be provided about the effective use of this financial contribution. Furthermore, a number of sections have been tightened and the assessment criteria have been clarified.

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

8. Regulatory burden

8.1 Introduction

Under this Ministerial Order, the applicant must provide information for the various ranking criteria included. This information is largely already available to applicants, because it is relevant for internal decision-making about the application. It is possible that applications submitted under this Ministerial Order will vary in terms of commitment, preparation time, complexity and size. However, by designing the ranking criteria as objectively as possible, as explained in Section 5 of these Explanatory Notes, it is possible that these differences between applicants will be limited. The degree of objectivity also limits the regulatory burden, because it is clearer in advance which activities are needed to obtain points for the ranking criteria. It is not unusual for permanent employees to make preparations for this (far) in advance of the publication of the Order or, if desired, for additional expertise to be deployed. Determining the administrative burden for this Ministerial Order is therefore mainly an approach based on a number of general principles (see explanation below). The selection of this permit tender procedure is based, among other things, on the results of a confidential market consultation, as explained in Section 7 of these Explanatory Notes. Market parties that have indicated an interest in a site in the IJmuiden Ver and Nederwiek wind farm zones participated in this consultation. This consultation showed that only a very small proportion of market parties prefer a different procedure, such as an auction, which entails less administrative burden.

A total of one permit is available under this Ministerial Order. In accordance with Article 2 (3) of this Ministerial Order, an applicant must submit a maximum of one application. In addition, it is not 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 Hollandse Kust (west) Sites VI and VII.

8.2 Application

For an application, the applicant must submit information on the basis of which the technical and financial feasibility is assessed. The production estimates are also part of this. Articles 3 and 4 of this Ministerial Order further elaborate on this information obligation, also for the purpose of assessment against the ranking criteria. When calculating the administrative burden, the deployment of approximately 12 full-time jobs over a period of six months and a fixed hourly rate of €60 were assumed. This results in approximately €748,800 in administrative costs for submitting an application. Based on the market consultation, it is expected that approximately six applications will be submitted. Total costs for this phase are therefore estimated at €4,492,800.

8.3 Monitoring / Accountability

During construction of the offshore wind farm, annual reports must be submitted on the progress in realising the wind farm until the time it is commissioned. This requires a brief description of the progress of the project in relation to a number of benchmarks. In this way, it can be assessed when the wind farm can be put into operation and whether this will happen within the set period. The annual obligations are based on four hours per year. This results in approximately €240 per permit. One permit is granted. This brings the annual cost to about €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, provided that the permit holder has indicated in its application that it will comply with the relevant ranking criteria. In all, the permit holder could report annually on electricity production, number of internships and the contribution of the wind farm to the goals and principles of the IRBC Agreement for the Renewable Energy Sector. Finally, the permit holder could report once on the use of raw materials, environmental impact and value retention in the design, construction, operation and removal of the wind farm.

The reporting obligation on the number of internships is based on eight hours per year. This amounts to annual costs of approximately €480. During the total operational life of the wind farm (approximately 35 years), these costs amount to approximately €16,800.

The reporting obligation on electricity production is based on two 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 approximately €50,400.

The reporting obligation for the IRBC Agreement is based on one full-time equivalent (FTE) employee per year. This results in approximately €124,800 in costs annually. The permit holder will report every year until the wind farm is ready to supply full power for the test phase, as stated in the periods in the permit. This is a maximum of five years. For this period, these costs amount to approximately €624,000.

The reporting obligation for the use of raw materials, environmental impact and value retention in the design, construction, operation and removal of the wind farm is based on half a FTE job for one year. The permit holder will report once, within the period of 18 months after the permit becomes 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 €754,800.

8.4 Bank guarantee or security deposit

When applying for a bank guarantee or deposit, the regulatory burden for parties will increase. This is due to the fact that it must be applied for and that a monthly amount will have to be paid during the term of the bank guarantee or deposit. A period of up to five years is assumed 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 under the law, a security deposit, the regulatory burden with 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 security deposit.

Assuming an average security of €100,000,000 and costs of 1% per year, the cost of a bank guarantee comes to an average of approximately €1,000,000 per year. This amounts to approximately €5,000,000 in total.

8.5 Objection procedures

Every applicant has the option to file an objection and then appeal against the award of the permit and the decision on the objection respectively. A total of three objection and appeal procedures are assumed to determine the administrative burden. The costs of objections must be included in the concept of regulatory burden costs. The costs arising from any appeal procedures are not regarded as a regulatory burden, because they are related to the guarantee function of a fair and efficient administration of justice. The administrative burden for objection procedures is approximately €10,000 per procedure. The total one-off cost for objection procedures are therefore expected to be approximately €30,000.

8.6 *Total regulatory burden costs*

This Ministerial Order potentially results in the following regulatory burden:

Phase	One-off regulatory burden for all applicants together	Cumulative annual regulatory burden for the permit recipient
Application	€ 4,492,800	-
Monitoring/accountability	-	€ 754.800
Bank guarantees	-	€ 5,000,000
Objection procedures	€ 30.000	-
Total	**€ 4,522,800**	**€ 5,754,800**

The total one-off costs of this Ministerial Order therefore amount to approximately €4,522,800 and the total cumulative annual costs to a maximum of €5,754,800, depending on what the applicant promises in the application.

For comparison – to the extent it is possible to give an indication within the margins of uncertainty – at an estimated average electricity price of €75 per megawatt hour, a 1 GW wind farm, assuming 4000 full-load hours over 35 production years, will have an expected turnover of approximately €10.5 billion. In this comparison, the one-off regulatory burden costs amount to 0.043% of the expected hypothetical turnover and the cumulative annual costs amount to 0.055% of the expected hypothetical turnover as a percentage

Finally, this Ministerial Order has no regulatory impact on citizens or small and medium-sized enterprises (SMEs), because they are not expected to submit any applications. Therefore, no SME test was carried out.

8.7 *Advisory Board on Regulatory Burden*

The draft regulation has been submitted to the Advisory Board for Regulatory Burden Assessment (*Adviescollege toetsing regeldruk*, hereinafter: ATR). ATR issued an opinion on 12 December 2024. In this opinion, ATR advises to further substantiate the added value of the IRBC ranking criterion or to delete the criterion and to prevent differences between IRBC obligations of the permit and the European Corporate Sustainability Due Diligence Directive (hereinafter: CSDDD).

ATR states in the opinion that it is not clear which specific problems within the wind energy sector are solved with the IRBC ranking criterion. In addition, the proposals deliberately anticipate (international) corporate social responsibility legislation.

In the current Ministerial Order, the added value of 'Compliance with the principles of the International Rensponsible Business Conduct Agreement for the Renewable Energy Sector' is further substantiated in Section 5.5 of the Explanatory Notes. The core of this is that the criterion encourages companies in this sector to achieve concrete improvements in their own supply chain, which is in line with government policy that companies, in line with the OECD guidelines, should conduct business abroad in a socially responsible manner.[22]This policy was recently reconfirmed by the Minister for Foreign Trade and Development Aid.[23]

This criterion indeed anticipates European legislation, the CSDDD. The publication of the European Commission's 'Omnibus simplification package'[24] may change the content of the due diligence obligations and the implementation timeline of the CSDDD. The implementation thereof may be delayed and will not, as ATR states in the advice, be completed by definition in 2026. In addition, the obligations for the first group of companies will not apply until July 2027 at the earliest. The 'Omnibus simplification package' proposes to postpone the implementation by one year. Precisely because the Government expects all Dutch companies to comply with the OECD guidelines and the Government continues to focus on making chains of critical raw materials more sustainable, it is important that the IRBC ranking criterion remains part of this tender procedure.

22 Improving Responsible Business Conduct (RBC) | Responsible Business Conduct (RBC) | Government.nl
23 Parliamentary paper 36180, No. 133.
24 Press release European Commission, "Commission simplifies rules on sustainability and EU investments, delivering over €6 billion in administrative relief", published 26 February 2025.

It is expected that many parties have already signed up to the IRBC Agreement for Renewable Energy. No additional regulatory burden is expected for these companies. In addition, the regulatory burden of this criterion is not something that concerns were expressed about by the sector during previous consultations.

9. Entry into force

This Ministerial Order shall enter into force on 1 July 2025. This is in accordance with the policy on fixed change dates and the minimum implementation period of Ministerial regulations.

The Minister of Climate and Green Growth,