Policy rule regarding the offshore wind energy permits for Sites Gamma-A and Gamma-B in the IJmuiden Ver Wind Farm Zone

Commissioned by the Ministry of Economic Affairs and Climate Policy

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Policy rule by the Minister of Climate Policy and Green Growth of 20 June 2026, No. WJZ/ 107006454, containing policy rules regarding the amendment and revocation of the offshore wind energy permits for Sites Gamma-A and Gamma-B in the IJmuiden Ver Wind Farm Zone (Policy Rule on the amendment and revocation of the offshore wind energy permits for IJmuiden Ver Sites Gamma-A and Gamma-B)

The Minister of Climate Policy and Green Growth,

Having regard to Article 17 (1 and 4) of the Offshore Wind Energy Act and Article 4:81 of the General Administrative Law Act;

Has decided the following:

Article 1

Under this policy rule, the following definitions apply:
Revocation application: application for revocation of a permit as referred to in Article 17 (4) of the Act;
Site Gamma-A: Site Gamma-A as referred to in Article 1 of the Ministerial Order on the Subsidy and Permitting for IJmuiden Ver Site Gamma-A;
Site Gamma-B: Site Gamma-B as referred to in Article 1 of the Ministerial Order on the Subsidy and Permitting for IJmuiden Ver Site Gamma-B;
Minister: Minister of Climate Policy and Green Growth;
Implementing Regulation 2025/1176: Commission Implementing Regulation (EU) 2025/1176 of 23 May 2025 specifying the pre-selection and award criteria for auctions for the rollout of energy from renewable sources (OJ EU L 2025/1176);
Act: Offshore Wind Energy Act;
Amendment application: application for amendment of a permit as referred to in Article 17 (4) of the Act.

Article 2

This policy rule applies to an amendment application and/or a revocation application with regard to Site Gamma-A or Site Gamma-B.

Article 3

The Minister considers the information and documents provided to be sufficient for assessment of the amendment application and for preparation of the decision if the applicant thereby clarifies how the intended amendment to the permit affects:
a. the location by the production facility;
b. the installed capacity of the production facility;
c. the extent to which the criteria referred to in Article 14 (1)(d and f) of the Act are met;
d. the feasibility of the plan;
e. the technical feasibility of the plan;
f. the financial feasibility of the plan; and
g. the economic feasibility of the plan.

Article 4

1. This article applies to an amendment application seeking to change:
   a. the number of turbines forming part of the production facility;
   b. the positioning of the turbines;
   c. the hub height of the turbines;
   d. the type of turbine; or
   e. other components that influence the wind energy yield calculation.

2. Without prejudice Article 3, the Minister considers a wind energy yield calculation provided by the applicant to be sufficient for the assessment of an amendment application and for the preparation of the decision.

Article 5

The Minister shall reject an amendment application that seeks to change:
a. The offered amount, if the permit was granted via an auction procedure;
b. The tender amount, if the permit was granted via a subsidy procedure.

Article 6

1. This article applies to an amendment application that aims to amend an obligation arising from the implementation of Article 7 of the Implementing Regulation 2025/1176.

2. Without prejudice to Article 3, the Minister may grant an application for amendment only if the permit holder demonstrates that:
   a. compliance with the obligation is reasonably impossible due to force majeur; or
   b. compliance with the obligation leads to demonstrably disproportionately higher costs of at least 20%.

Article 7

1. The Minister shall grant a revocation application submitted by the permit holder only if:
   a. the permit holder's revocation application is made within two years of the permit being granted; and
   b. the permit holder has demonstrated that it is not technically, financially or economically feasible to comply with the obligations arising from the permit.

2. If the Minister intends to grant the revocation application, the Minister shall, prior to adopting the revocation decision, send the bank or insurer a request for payment of the bank guarantee or the security deposit in the amount of €100,000,000, as referred to in Article 15a of the Act.

Article 8

This policy rule will enter into force on 1 October 2026.

Article 9

This policy rule is referred to as: Policy rule on the amendment and revocation of the offshore wind energy permits for IJmuiden Ver Sites Gamma-A and Gamma-B.

This policy rule, along with the explanatory notes, will be published in the Government Gazette.

The Hague, 20 June 2026

The Minister of Climate Policy and Green Growth,
S. van Veldhoven-van der Meer

EXPLANATORY NOTES

1. Introduction

The Offshore Wind Energy Act (hereinafter: the Act) provides the comprehensive framework for the development of offshore wind energy projects in the Dutch North Sea. Under the Act, sites are designated where offshore wind farms may be constructed. An exclusive permit for such a site is granted to an offshore wind farm operator. Applications for a permit for Sites Gamma-A and Gamma-B in the IJmuiden Ver Wind Farm Zone may be submitted to the Minister of Climate Policy and Green Growth (hereinafter: the Minister). Pursuant to Article 17 (4) of the Act, the Minister has the authority to amend or revoke a permit at the request of the permit holder.

2. Information and documents to be submitted for an amendment application

This policy rule sets out the conditions under which the Minister will amend the permit at the request of the permit holder. Pursuant to Article 3, an amendment application must be accompanied by an explanatory statement clarifying the impact on the factors specified in that article. The application must be submitted in full so that the Minister is able to make a substantive assessment of the request to amend the permit. The application must, among other things, explain the consequences of the proposed amendment for the site, the capacity of the production facility, and the technical and financial feasibility of the wind farm. If the amendment concerns the turbines, a new calculation of the wind energy yield must also be submitted (Article 4). If the supplier changes, it must be demonstrated that the new supplier possesses sufficient knowledge and experience regarding the feasibility and viability of the plan.

3. No amendment to the offered amount or tender amount

Article 5 stipulates that an amendment application shall be rejected insofar as it seeks to alter the amount offered in an auction or, where the permit had been granted via a subsidy procedure, the tender amount. Such an amendment is undesirable. After all, the permit is a scarce resource granted through a competitive procedure among applicants; consequently, altering the offer amount bid or the tender amount would undermine the outcome of the competition. This means applicants are bound by the offer (tender) amount once the application has been submitted.

4. Amendment regarding the resilience criterion

The permits include a requirement implementing Article 7 of the Implementing Regulation 2025/1176[1] , the so-called resilience criterion established under the Net-Zero Industry Act. Sufficient production capacity is expected to be available to meet this requirement. An amendment application may be granted only in exceptional cases. Standard market developments, such as price increases, longer delivery times, or limited component availability, do not in themselves constitute grounds for amendment. A case of force majeure within the meaning of Article 6 (2a) may arise if the components necessary for compliance are objectively unavailable in time, or if their availability is demonstrably so limited that timely compliance is reasonably impossible. The grounds for amendment due to force majeure concern an exceptional situation in which compliance is objectively impossible and maintaining an obligation that cannot be met would be unreasonable. It does not, therefore, constitute a general option to deviate from the resilience criterion.

Disproportionate costs as referred to in Article 6 (2b) may be deemed to exist if it is demonstrated, on the basis of objective and transparent data, that the costs of compliance are at least 20% higher than the costs that would reasonably have been incurred without the application of the requirement. This threshold aligns with Article 25 (10) of Regulation (EU) 2024/1735. The permit holder demonstrates this using data from at least two independent suppliers.

[1] Commission Implementing Regulation (EU) 2025/1176 of 23 May 2025 for further specification of the pre-selection and award criteria at auctions for the rollout of energy from renewable sources.

5 Conditions for granting a revocation application

It is possible that, after the permit has been obtained, the permit holder's financial or technical capabilities deteriorate to such an extent that the party no longer considers it feasible to construct and operate the wind farm. In such a case, the permit holder may submit a revocation request. Article 7 (1) stipulates the circumstances under which the Minister will grant a permit holder's request to revoke the permit. The first condition is that the revocation request must be submitted within two years of obtaining the permit. It is assumed that the permit holder will make the final investment decision during the first two years of the permit's term, thereby providing sufficient certainty at that stage regarding the financial and technical feasibility of the wind farm's construction and realisation. The second condition is that the permit holder must demonstrate that meeting the obligations arising from the permit is technically, financially, or economically unfeasible. This ensures that revocation takes place only when justified by special circumstances.

If the revocation application is granted, the permit holder is liable to pay a sum of €100,000,000, which the Minister may collect by drawing on the security deposit or bank guarantee. Article 7 (2) therefore stipulates that, upon intending to grant the application for revocation, the Minister shall request the bank or insurer to pay out the full amount of the bank guarantee or security deposit (€100,000,000). This aligns with Article 6 (7a) of the Ministerial Order on the Subsidy and Permitting of IJmuiden Ver Wind Farm Site Gamma-A (or Gamma-B) and also forms part of the 'model bank guarantee and security deposit' for the sites in the IJmuiden Ver Wind Farm Zone. This measure also serves to deter permit holders from too readily submitting a revocation application. After all, revoking the permit results in delays and increased costs regarding the construction and operation of the offshore wind farm, as the tender process must be repeated, entailing significant consequences for energy independence, climate targets, and the economy.

The Minister of Climate Policy and Green Growth,
S. van Veldhoven-van der Meer

This is a publication of:
Netherlands Enterprise Agency
Prinses Beatrixlaan 2
PO Box 93144 | 2509 AC The Hague
T +31 (0) 88 042 42 42
Contact
www.rvo.nl

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