



Questions and Answers

The Ministerial Order for permitting offshore wind energy

Hollandse Kust (zuid) Wind Farm Sites I and II

Hollandse Kust (zuid) Wind Farm Zone Sites I and II

Version 17 November 2017

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

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



Communication		
No.	Question	Answer
1	What information will RVO.nl (Netherlands Enterprise Agency) publish about the ranking(s) and the successful applicant(s)?	RVO.nl will only publish the ranking score of the successful applicant(s) for Sites I and II and will not publish the scores of the other applicants. In retrospect, RVO.nl will determine what information on the ranking(s) will be disclosed. Please note that RVO.nl can be obliged to disclose information based on a court decision.
2	Will the investment amounts that must be recorded in the statement of income and expenditure be disclosed?	RVO.nl will not disclose the investment amounts recorded in the statement of income and expenditure of its own accord. However, RVO.nl can be obliged to disclose the information based on a court decision.
3	How can stakeholders keep up to date with current information?	It is your responsibility to keep up to date with the latest information. Via www.rvo.nl/sde , you can find the latest information on the Ministerial Order. Visit offshorewind.rvo.nl for all the available data regarding the site examinations. Via www.mijnrvo.nl , you can find all information required for submitting your application. You are also welcome to subscribe to the Offshore Wind Energy newsletter, which provides information on meetings, examinations, and so on. The newsletter does not have a regular publication schedule and does not provide a complete picture of current data. You can subscribe to the newsletter by sending an email to woz@rvo.nl The information can also be found on offshorewind.rvo.nl

Form		
No.	Question	Answer
1	In what language must applications be made?	The application form for the permit is only available in Dutch. This form must be filled in by the applicant in Dutch or English.
2	Is the application form also available in English?	The official application form is only available in Dutch. For reference purposes, an English translation of the application form can be found in Appendix A of the Project & Site Description Hollandse Kust (zuid) Sites I and II as well as on our website. However, the English translation of the application form is not an official document that can be used to submit an application.
3	Can RVO.nl confirm that no other information must be provided apart from the application form and the appendices referred to in the application form?	Applicants must fill in the application form in full and submit it, together with all applicable appendices, to RVO.nl in Zwolle. No other information will be required.
4	In the application form, why is no IBAN or BIC code is requested from the applicant?	You can only apply for the permit, not for a subsidy.



Wind report and wind turbines		
No.	Question	Answer
1	Can the applicant personally draw up a wind report and subsequently have it approved by an independent party?	No. The wind report must be compiled by an independent party, not by the applicant.
2	Wind turbines with boosters are available. How does a booster affect the capacity of the wind turbine and the wind farm?	In order to determine the capacity of wind turbines and wind farms, the installed capacity as defined in the Wind Farm Site Decision applies.
3	With what certification must wind turbines comply?	Section 6.16d of the Water Decree stipulates that a certificate must be issued by an independent expert no later than eight weeks prior to the start of the construction period, stating that the design of the wind turbines and other installations that form part of the wind farm comply with the requirements set out in Section 6.16g(1) of the Water Decree. Applicants who make use of a type of wind turbine that has already been certified for offshore wind energy need not provide any further information. Applicants who wish to make use of a type of wind turbine that has not yet been certified for offshore wind energy must provide information demonstrating that the applicant can plausibly provide the above certification from an independent expert no later than eight weeks prior to the start of the construction period.
4	When an applicant chooses a non-certified wind turbine, must they also demonstrate convincingly in Appendix 12 that the foundations and infield cables will meet the requirements set out in Section 6.16d(1)(c) of the Water Decree in good time?	Yes. In such a case, the applicant must demonstrate convincingly that they will have a declaration of an independent expert showing that the turbines, foundations and infield cables will meet the requirements set out in Section 6.16d(1)(c) of the Water Decree no later than eight weeks before the start of the construction period.
5	Does RVO.nl publish a list of parties approved by RVO.nl to prepare the wind report?	No. RVO.nl does not publish a list of parties that have been approved to prepare wind reports.
6	What capacity curve must be used for the calculation of the P50 in the wind report?	The wind report must be prepared by an independent party with expertise in the field of wind energy yield calculations. This party will use the capacity curve determined by a certification institution. If this information is not available, the supplier of the wind turbine can make a capacity curve available.
7	When determining the P50 for Sites I or II, the Luchterduinen Wind Farm must be taken into account. Is a capacity curve available for these wind turbines?	No. On RVO.nl's website, you can find the information from the Luchterduinen Wind Farm that needs to be taken into account, including the turbine type. The capacity curves will not be made available.
8	The Ministerial Order stipulated that the calculation of the P50 value for the wind farm's net electricity production per annum must take into account the availability, wake effects, electricity losses and curtailment losses. What is meant by curtailment losses?	Curtailment losses are incurred if TenneT must curtail the transport capacity of the export cables as a result of the cables becoming too hot. TenneT guarantees a transport capacity of 350 MW for Sites I and II. The maximum flexible transport capacity for Sites I and II is 380 MW. If you use this area for transplanting, you must take curtailment losses into account. TenneT has published a number of studies of this issue on its website.



Wind report and wind turbines		
9	The developer of an innovative wind turbine that has not yet been certified is initially taking a conservative power curve as a starting point. However, according to the manufacturer, it is very probable that the power curve will improve (become steeper) during the development process. What power curve may be used for the P50?	The most probable power curve of the turbine developer can be used. After all, the key factor is the determination of the net P50 value, i.e. where there is a 50% chance of that level of production being achieved. If a power curve is estimated too conservatively by the turbine developer, the party preparing the wind report may use the most probable power curve for the calculation of the net P50 value.
10 New	Should the wind report also take account of a compulsory shut-down for birds and bats?	Reduced production resulting from a compulsory shut-down for birds and bats is very low you do not need to take this into account in the wind report.
11 New	Should the wind report also take account of the potential five days' maintenance carried out by TenneT each year on the export cable?	You do not need to take this into account of the five days' maintenance that TenneT carries out each year on the export cable in the wind report.

Terms		
No.	Question	Answer
1	What is meant by the "obligation to start the construction of a wind farm within four years of the date on which the permit becomes irrevocable"?	The start of construction means the beginning of offshore construction, e.g. the laying of the first foundations.
2	When can the wind farm be dismantled?	The site decisions for Sites I and II stipulate that dismantling can only begin in year 25 after the issue of the permit and must be completed by year 30.
3	Section 14(1)(d) of the Offshore Wind Energy Act stipulates that a permit can only be granted if, based on the application, it has been made sufficiently plausible that the construction and operation of the wind farm can commence within four years of the date on which the permit becomes irrevocable. Does this four-year term relate to construction and operation, or only to the fact that construction must start within four years?	In the application, you must make it sufficiently plausible that construction and operation can begin within four years of the date on which the permit becomes irrevocable. The start of operations means the first supply of electricity to the power grid by the wind farm. Once the successful applicant or applicants has or have received the permit or permits, it can of course happen that the schedules may be delayed for various reasons.

Operating model		
No.	Question	Answer
1	What is the minimum value that the project yield must satisfy?	No prior minimum value for the project yield has been prescribed. Ultimately, the financial feasibility will be comprehensively assessed.
2	Completion of the operating model provided by RVO.nl is compulsory. Can you use your own model? And if different yields are given, which should I use in the application form?	Use of the calculation model provided by RVO.nl is compulsory and it serves as the guiding principle. In addition to this calculation model, applicants can also submit an operating calculation in accordance with their own model. This process must be done using the same input data as for the calculation model provided by RVO.nl and the calculations in the applicant's model must be explained. If the models differ, this fact means that the yields can also differ. RVO.nl focuses mainly on the plausibility of the input data and understands



Operating model		
		that different models can also result in different yields.
3	Must interest costs accrued during the construction also be included in the specification of investment costs?	The operating model automatically calculates the interest costs accrued during the construction period, so these costs do not need to be included in the investment costs, otherwise they would be duplicated. However, any costs involved in securing loans do need to be included in the investment costs.

Wind Farm Site Decision		
No.	Question	Answer
1	In the event that the infield cables connecting the wind turbines to TenneT's Alpha platform are not exactly straight, how many coordinates should be used in order to indicate the correct route?	If a cable is not in a straight line, it is not necessary to supply an extensive series of coordinates. It must be made clear that the infield cables remain within the boundaries of the site. You must therefore select the coordinates and the number of coordinates to ensure that the straight lines between the coordinates remain fully within the site.
2	The Wind Farm Site Decision for Site I includes the following provisions: <i>"Wind Farm Site I is designated as the location for a wind farm with a total installed capacity of between 342 MW (minimum) and 380 MW (maximum). The coordinates of the boundaries of Site I are presented in regulation 2(1) of this Decision.."</i> Is "maximum" to be understood as "up to and including"? Does an installed capacity of 380 MW for Site I meet the requirements of the Wind Farm Site Decision?	Yes. An installed capacity of 380 MW for Site I still meets the requirements of the Wind Farm Site Decision for Site I.
3	Should the coordinates used in the application form be indicated in UTM only?	The coordinates must be indicated in UTM only.
4 New	What exactly is meant by the maximum installed capacity of 380 MW for each site?	The maximum capacity that may be installed without a booster at a site is 380 MW. You can also fit your turbines with a booster, but you must never supply more than 380 MW to TenneT's platform.

Financial		
No.	Question	Answer
1	Compliance with the requirement that the applicant possesses capital amounting to at least 20% of the total investment costs can be demonstrated through the parent company's annual accounts. Can this compliance also be demonstrated through the annual accounts of the parent company's parent company (the grandparent company)?	Yes. Applicants can also use the annual accounts of the parent company's parent company to demonstrate that the scale of its equity capital is greater than or equal to 20% of the total investment costs.
2	In a group of companies comprising multiple legal	Consolidated annual accounts for multiple legal entities can be used



Financial		
	entities, consolidated annual accounts often are prepared at the group level. Can these annual accounts be used to comply with the requirement that the applicant must possess equity capital amounting to at least 20% of the total investment costs?	to demonstrate compliance with the requirement that the applicant must have at its disposal equity capital amounting to at least 20% of the total investment costs.
3	In the event that the application's financial plan was based on 20% equity capital, is it permitted to deviate from this figure at a later date?	In the financial plan, you must indicate how you propose to finance the wind farm.
4	If the applicant makes use of a so-called SPV (Special Purpose Vehicle), can every parent company of every participant in this SPV count towards the requirement that the applicant must have at its disposal equity capital amounting to at least 20% of the total investment costs?	Where an SPV is used, the parent company of every participant in this SPV may count towards the requirement that the applicant must have at its disposal equity capital amounting to at least 20% of the total investment costs.
5	Do requirements apply to the annual accounts in order to demonstrate that there is sufficient equity capital?	Requirements apply to the annual accounts. You must submit the most recently adopted annual accounts and they may not be more than three years old. A more detailed explanation of these requirements can be found in the notes to Appendix 4 of the application form.
6	Can several entities within a group use their own equity capital as a parent company for an application by a subsidiary?	Within a group of several entities, several entities may use their equity capital as a parent company for a subsidiary, provided that the equity capital of an entity can also be demonstrated through annual accounts for this entity.
7	Can a copy of the signed declaration of consent with regard to the parent company's equity capital be supplied, or must the original signed document be supplied?	A copy of the signed declaration of consent may be supplied. In case of doubt, RVO.nl may request the original.

Process and Procedures		
No.	Question	Answer
1	If – as a result of a change to the Wind Farm Site Decision stemming from appeal proceedings – the winner of the tender requests withdrawal of the permit, does the second-highest tendering party in the rankings become eligible for the permit or will a new tendering process be initiated for the site in question?	Should the winner of the tender withdraw following a change to the Wind Farm Site Decision, the second-highest tendering party in the rankings does not automatically become eligible for the permit. In this case, the Minister of Economic Affairs will decide whether a new call for tenders must be issued.
2	How is the assessment of the applications and the rankings determined by RVO.nl?	All fully completed applications will be assessed and only those that comply with all the applicable conditions will be ranked.
3	Will the applications only be assessed by RVO.nl staff, or will experts in the field of offshore wind energy be specifically hired?	The applications will be assessed by RVO.nl staff and experts with specific knowledge of offshore wind energy.
4	What is the procedure regarding additional and supplementary information for the permit	Once the Ministerial Order has closed, it will no longer be possible to supplement or amend an application with information that could



	application, and how will RVO.nl request additional information or amendments?	affect the assessment of the application.
5	Will RVO.nl ask additional questions if it does not understand the operating model?	Applicants are responsible for answering the questions in the application form and the operating model clearly and fully. RVO.nl may ask additional questions for clarification purposes if it is unclear how a particular statement should be interpreted, but it will not request any additional information if a particular statement has been insufficiently substantiated. If an application submitted by an applicant is so poor that it is not ranked, the applicant may challenge the decision not to rank it only after the decision on its rejection has been received.
6 New	Will further information be provided about the experts who will be assessing or helping to assess the applications?	No information about the experts will be provided in advance.
7 New	Can the permit holder submit a request to amend the project?	The permit holder is obliged to implement the project in accordance with the application. However, the permit holder may submit an application to change the permit. That request will be granted provided that the ranking score does not fall as a result and the change would not cause the application to be rejected. The exception to this rule is the deadline for agreeing to the conditions of the offshore grid operator for the connection and the transport of electricity in accordance with the Electricity Act 1998. The individual score for this ranking criterion cannot be changed. It will be laid down formally in a policy rule.
8 New	Which regulations are included in the permit?	<p>The following regulations are included in the provisional permit:</p> <p><u>Regulation 1</u> <i>The permit shall be valid with effect from the time of issue for a period of 30 years (Section 15(1)(a) of the Act and Regulation 3 of the Wind Farm Site Decision).</i></p> <p><u>Regulation 2</u> <i>The permit shall be valid for Sites I and II of the Hollandse Kust (zuid) Wind Farm Zone (Section 15(1)(b) of the Act and Regulation 2 of the Wind Farm Site Decision).</i></p> <p><u>Regulation 3</u> <i>The activities mentioned below must be carried out within the stated periods, after the permit has become irrevocable (Section 15(1)(c) of the Act).</i></p> <ul style="list-style-type: none">• <i>construction: it is assumed that a maximum period of five years from the moment that the permit becomes irrevocable will be required for the construction of the wind farm (Section 4.4.1 of the explanatory notes to Part II of the Wind Farm Site Decision);</i>• <i>operation: the operating period may start from year 3 and may continue until year 29 inclusive (Section 4.4.1 of the explanatory notes to Part II of the Wind Farm Site Decision);</i>• <i>dismantlement: the dismantlement period may start from year 25 and may continue until year 30 inclusive (Section 4.4.1 of the explanatory notes to Part II of the Wind Farm Site Decision). Dismantlement will start within two years after the cessation of operations at the latest and always</i>



9
New

What is the level of the periodic penalty payment that the government will impose if the obligations are not met?

within the term of validity of the permit (Regulation 6 of the Wind Farm Site Decision).

Regulation 4

The permit holder is obliged to implement the project in accordance with the details as submitted with the application.

Regulation 5

The permit holder shall report annually to the Netherlands Enterprise Agency on the progress made with the construction of the power generation facility until the time at which the power generation facility is commissioned. To this end, the Netherlands Enterprise Agency will send a reminder to the permit holder.

Regulation 6

The permit may be transferred to another party only with the written consent of the Netherlands Enterprise Agency.

Regulation 7

The permit holder shall notify the Netherlands Enterprise Agency immediately of any submission of an application for a suspension of payment or winding-up petition to the district court.

Regulation 8

By no later than the time at which RVO.nl has received proof that the Guarantees of Origin have been issued for the electricity supplied, the permit holder shall guarantee the removal of the wind farm by means of a bank guarantee for the government (Regulation 7 of the Wind Farm Site Decision). The permit holder must use a prescribed model for the bank guarantee. Netherlands Enterprise Agency will place this model at the permit holder's disposal in good time.

The party obtaining the permit to construct and operate a wind farm is obliged to implement the project in accordance with the details in the plan that it submitted with the permit application (see Regulation 4 in the permit). They include not only the technical specifications but also, for example, the delivery deadlines for various components of the power generation facility.

In the event of non-compliance with these obligations, the Minister has the power to impose an administrative enforcement order or an order subject to a penalty and, if necessary, to withdraw the permit. On this point, the Ministerial Order for the granting of offshore wind energy permits for the Hollandse Kust (zuid) Sites I and II departs from the approach followed thus far for the wind farms in the Borssele Wind Farm Zone, where compliance with the agreements was enforced by a system of penalties and associated bank guarantees.

In the event of an order subject to a penalty being applied, the Minister will determine an amount for the periodic penalty payment which is proportionate to the loss inflicted on the national government as a result of the non-compliance with the obligations. This provision means that the assessment and decision-making with regard to the level of the periodic penalty payment takes place only if the situation of non-compliance becomes a current event. Expectations are that – depending on the nature and cause of the non-compliance – the level of the periodic penalty payments will be in proportion to the penalty amounts applicable to wind farms in the Borssele Wind Farm Zone.



Ranking criteria		
No.	Question	Answer
1 New	Will additional background information on ranking criteria e and f be provided to give applicants a better opportunity to assess how the maximum score can be achieved?	No background information on the assessment of ranking criteria e and f will be provided.
2 New	A number of applicants are obliged to issue a call for tenders. How should they complete the list of suppliers and installers as referred to in ranking criterion 1?	Applicants which are obliged to issue a call for tenders have two options for completing the list. They can name a preferred supplier and then provide explanatory notes on that party's experience. That preferred supplier may be changed at a later stage if the new party has at least the same score as the preferred supplier. The other option is to list several suppliers and provide explanatory notes on the experience of each supplier. The supplier and installer receiving the lowest number of points will be taken into account in the ranking score for this component.
3 New	If details of the experience on the part of the producer of the foundations are requested, does this experience mean offshore foundations in general or specifically experience with the production of the particular type requested for the Hollandse Kust (zuid) Sites I and II?	This experience means the general experience required to build offshore foundations, not the particular type.
4 Moved	The "capacity of the wind farm" criterion considers the combined installed capacity of the wind farm in MW. Is a "booster" also included as part of that installed capacity?	No. The booster is not part of the installed capacity.

Other		
No.	Question	Answer
1	Does the permit qualify as a "public works concession", meaning that the tendering obligations stemming from the Public Procurement Act 2012 apply to both the Minister of Economic Affairs and the successful tenderer?	No. The Ministerial Order is not subject to the Public Procurement Act 2012.
2	Must the successful tenderer or tenderers pay a fee for using the sites?	No. Hollandse Kust (zuid) Wind Farm Zone Sites I and II are outside the 12-mile zone, so the successful tenderer or tenderers is or are not required to pay a fee for using the sites.
3	Must the successful tenderer or tenderers pay a fee for the examinations of the relevant site(s)?	No. The successful tenderer or tenderers does or do not have to bear the costs of the site examinations.
4	What date of completion should be selected for TenneT's Alpha Platform?	The date of completion for the Alpha Platform stipulated in the Assessment Framework is 30 June 2021. You should schedule your first power supply date after 30 June 2021. Note that under the Offshore Wind Energy Act, however, the construction and operation of the wind farm must commence within a period of four years after the permit becomes irrevocable. This fact means that you should schedule a commencement date in between those two dates.
5	How are Dong and Blauwwind prevented from	TenneT will post new information about the connection to the grid



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Nederland

Other

having more information about the connection to the grid than the other tender participants? on its website, where it is available to everyone.