

Message 001

Communication from the Commission - TRIS/(2025) 3582

Directive (EU) 2015/1535

Notification: 2025/0744/NL

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késésekét - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħx il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20253582.EN

1. MSG 001 IND 2025 0744 NL EN 12-12-2025 NL NOTIF

2. Netherlands

3A. Ministerie van Financiën

Belastingdienst/Douane centrale dienst voor in- en uitvoer

3B. Ministerie van Klimaat en Groene Groei,

Directie Wetgeving en Juridische Zaken

Afdeling Klimaat en Energie

4. 2025/0744/NL - N00E - ENERGY CARRIER

5. Decree of ... [date]... amending the Decree on the stimulation of sustainable energy production and climate transition in connection with improving the cost effectiveness of subsidies for offshore wind energy

6. Installations for the production of renewable electricity,

7.

8. This amending decree makes changes to the Decree on the stimulation of sustainable energy production and climate transition (hereinafter: SDEK Decree) with a view to obtaining state aid approval from the European Commission for subsidies for new offshore wind parks. With regard to the SDE++ subsidy scheme, the European Commission has demanded that a clawback mechanism be included to reduce the risk of excess profits. To this end, the SDEK Decree was already amended in 2024. The present amendment to the SDEK Decree provides in particular in the new Articles 20a and 23a for a subsidy mechanism whereby excess profits gained by operators of offshore wind energy parks may be offset against subsidies that have already been or are still being paid at a time of lower market prices.

The bill does not contain any provisions on accreditation or mutual recognition. No provision on mutual recognition has been included because no rules are being laid down for the admission of products or services to the Dutch market.

9. The aim of the Decree on the stimulation of sustainable energy production and climate transition is to promote technologies that produce renewable energy or otherwise reduce greenhouse gas emissions. The requirements are non-discriminatory because they apply equally to all installations eligible for subsidy and do not discriminate between Member States.

The requirements are necessary to meet the renewable energy share target of Directive (EU) 2018/2001 in an efficient manner and with the available resources, and they are necessary to achieve environmental protection and the necessary energy transition.

The requirements are proportionate. The only objective of the requirements is to ensure that there is a certain degree of efficiency and to avoid the coexistence with other government support.

It is an overriding reason of general interest, namely the protection of the environment and energy transition and the target of the share of renewable energy of Directive (EU) 2018/2001.

The requirements are appropriate to protect that interest by encouraging techniques that produce renewable energy, on the one hand, and, on the other hand,, reduce greenhouse gas emissions.

The requirements do not go beyond what is necessary to protect this interest and are the least restrictive means of achieving this objective, as the requirements are not guiding the type of production plant used and have no other effects beyond the promotion of efficiency and the prevention of overstimulation.

There are no alternatives to the requirements. There is currently no other suitable mechanism for offsetting excess profits. The requirements on the concurrence between production of renewable gas and the annual transport obligation are general in nature and are not suitable to be imposed by decision. The requirements regarding the incentive effect and the ranking amount must be included in the regulations due to European frameworks.

10. Numbers or titles of the basic texts: The basic texts were submitted with a previous notification:

2023/0410/NL

2023/0411/NL

11. No

12.

13. No

14. Yes

15. No

16.

TBT aspects: No

SPS aspects: No

European Commission

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