



Ministerie van Klimaat en
Groene Groei

> Return address Postbus 20401 2500 EK The Hague

Government Gazette (Staatscourant)

**Directorate for Legislation and Legal
Affairs**

Bezuidenhoutseweg 73
Postbus 20401
2500 EK The Hague

T 070 379 8911 (general)
F 070 378 6100 (general)
www.rijksoverheid.nl/kgg

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Subject **Regulation of the Minister for Climate and Green Growth
of, No. WJZ/101782902 amending the Cooperative
Energy Generation Subsidy Scheme in connection with various
technical amendments**

Annex(es)

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Submission method: Electronic

NB (1): Due to the introduction of electronic publication, annexes are no longer submitted for inspection, but are instead sent to Sdu as a separate file and published along with the regulation.

NB (2): If the regulation contains an annex, this annex must indicate the regulation and the relevant article number(s).

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**Regulation of the Minister for Climate and Green Growth
of..... No. WJZ/101782902 amending the Cooperative Energy
Generation Subsidy Scheme with various technical amendments
[ChainID WGK]**

The Minister for Climate and Green Growth,

Having regard to Article 3 of the Framework Act on subsidies granted by the
Ministries of Economic Affairs, of Agriculture, Fisheries, Food Security and Nature,
and of Climate Policy and Green Growth [Kaderwet EZ-, LVVN- en KGG-subsidies];

Hereby decrees:

Article I

The Cooperative Energy Generation Subsidy Scheme is amended as follows:

A

Article 1 is amended as follows:

1. In the definition of 'connection', the phrase 'connection as referred to in Article 1(1)(b) of the Electricity Act 1998' is replaced with 'connection as referred to in Article 1.1 of the Energy Act'.
2. In the definition of 'power grid', the phrase 'network as referred to in Article 1(1) (i) of the Electricity Act 1998' is replaced by 'transmission system or distribution system for electricity as referred to in Article 1.1 of the Energy Act'.
3. In the definition of 'minister', 'Minister of Economic Affairs and Climate Policy as referred to in Article 2 of the Framework Act on EZK and LNV subsidies' is replaced by 'Minister for Climate and Green Growth as referred to in Article 1(c) of the Framework Act on EZ, LVVN and KGG subsidies'.
4. In the definition of 'network operator', the phrase 'network operator as referred to in Article 1(1)(k) of the Electricity Act 1998' is replaced by 'transmission system operator or distribution system operator as referred to in Article 1.1 of the Energy Act'.

B

In Article 7(a), 'and the imbalance costs' is deleted.

C

In Article 9(1)(a), subsection 2°, 'and imbalance costs' are deleted everywhere.

D

Article 13 is amended as follows:

1. The third paragraph now reads:
3. If the application concerns a production installation for the production of renewable electricity from solar energy with a capacity of less than 1 MWp

involving installation on roofs or attachment to facades, the application is accompanied by a declaration from the applicant that the roof or façade is or is being made suitable for installation in accordance with the standards laid down in the Environmental Buildings Decree, using the means made available by the minister, unless an application as referred to in the fifth paragraph is involved.

2. The fourth paragraph now reads:

4. If the application concerns a production installation for producing renewable electricity from solar energy with a power output of 1 MWp or more involving installation on roofs or mounting to façades, the application is accompanied by a declaration by a manufacturer on the load capacity of the roof or façade in accordance with standards laid down in the Environment Buildings Decree using the means made available by the minister.

3. The following paragraph is added:

5. If the application concerns a production facility for the production of renewable electricity from solar energy, by which the roof of an existing building is structurally adapted or a support structure is added that relieves the load on the roof and by which this structural adaptation is necessary for the construction of the production facility, or if the roof of an existing building is used a production facility with a maximum weight of 10 kg per square metre of covered roof area, a declaration by a manufacturer on the load on the roof or façade in accordance with the standards laid down in the Environment Buildings Decree using the means provided by the minister.

E

In Article 14, first paragraph, 'Article 74 of the Electricity Act 1998' is replaced by 'Article 2.58(5) of the Energy Act'.

F

Article 18(2)(e) is deleted, with subsection f being relettered as subsection e.

G

In Article 20(1), 'Article 18(1)(f)' is replaced by 'Article 18(1)(e)'.

H

In Article 22(1)(k), subsection 1°, 'or' at the end of the section is replaced by 'and'.

I

In Article 24(3), '500 kWp' is replaced with '1 MWp', and ', wind or hydropower' is replaced with 'or wind energy'.

J

In Article 29, the second paragraph is deleted, along with the designation '1.' in the first paragraph.

K

Article 35 is amended as follows:

1. The first paragraph, part c, is deleted.
2. The second paragraph, part c, is deleted.

L

In Article 41, 'an account as referred to in Article 1(1)(y) of the Electricity Act 1998' is replaced by 'an account for guarantees of origin as referred to in Article 1.1 of the Energy Act'.

M

After Article 47a, the following new article is added:

Article 47b (transitional provision on imbalance costs in the electricity price and correction amounts)

Decisions to grant subsidies issued on applications for subsidies received before the entry into force of the Decree on the opening of the Cooperative Energy Generation Subsidy Scheme 2026 are governed by Articles 7(1)(a) and 9(1)(a)(2) apply as they read prior to the entry into force of the Regulation of the Minister for Climate and Green Growth of **pm** 2026, No. WJZ/ **pm**, amending the Cooperative Energy Generation Subsidy Scheme in connection with **pm** (Government Gazette 2026, **pm**).

Article II

This regulation takes effect on 1 March 2026, with the exception of Article I(J), which takes effect on 1 January 2027.

This regulation and the explanatory notes will be published in the Government Gazette.

The Hague,

Sophie Hermans
Minister for Climate and Green Growth,

EXPLANATORY NOTES

I. GENERAL SECTION

1. Objective and rationale

The purpose of this regulation is to amend the Cooperative Energy Generation Subsidy Scheme (hereinafter: SCE). The SCE was published on 3 March 2021 (Government Gazette 2021, 11080) and entered into force on 1 April 2021. The SCE has been opened annually since 2021. In 2026, the SCE will be opened for the sixth time.

This amendment regulation aims to adapt the SCE to reflect wishes expressed in practice. In addition, the amendment regulation contains a number of adjustments in response to the advice of the Netherlands Environmental Assessment Agency (hereinafter: PBL) for the opening of the SCE in 2026¹. Finally, the regulation contains a number of legislative amendments due to the repeal of the Electricity Act 1998 and the entry into force of the Energy Act, with effect from 1 January 2026. The changes are explained below.

2. Content of the regulation

Imbalance costs

Under the electricity market guidelines², producers must bear full financial responsibility for their imbalance costs. It is therefore not allowed to reimburse the imbalance costs within the SCE by means of the corrective amount. The amendments in Articles 7 and 9 bring the SCE into line with this principle. The amendment only applies to decisions issued from 2026. A transitional provision (Article 47b) has therefore been added.

Expansion of the solar PV power limit

Based on the advice from the PBL (Netherlands Environmental Assessment Agency) on the basic amounts of the SCE for 2026 solar PV, the categories of solar PV with a capacity of up to 500 kWp have been expanded to 1 MWp. The requirements set out in Article 13(3) and (4) of the SCE are amended accordingly, so that the requirement to submit a 'roof or façade suitability statement' with the application now applies to projects of up to 1 MWp and the requirement to submit a roof construction statement, which applied to projects from 500 kWp, will now apply to projects from 1 MWp.

Addition of requirement for roof construction declaration for weak roofs

If a subsidy is applied for in one of the categories for solar PV on a weak roof, the submission of a manufacturer's declaration on the load-bearing capacity of the roof or façade in accordance with the standards of the Environment Buildings Decree is required. This requirement to submit a declaration already existed for large-scale solar PV on roofs (formerly from 500 kWp, now from 1 MWp). The requirement now also applies to small-scale roof projects if the applicant wishes to make use of the categories for solar PV on weak roofs. In that case, the manufacturer's declaration must show that the roof is weak in order for the applicant to qualify for this category. The submission of a 'declaration of suitability

¹ The Netherlands Environmental Assessment Agency [Planbureau voor de leefomgeving], 'Advice on the Cooperative Energy Generation Subsidy Scheme' 2026'. Can be accessed at: <https://www.pbl.nl/publicaties/advies-subsidieregeling-cooperatieve-energieopwekking-2026>.

² Article 5 of Regulation (EU) No. 2019/943 of the European Parliament and of the Council of 5 June 2019 on the internal market for electricity.

of roof or façade' by the applicant itself is therefore no longer necessary. It is also possible to submit an application for solar PV up to 1 MWp in a category that is not intended for weak roofs, even if the roof is actually weak. The applicant must then provide a declaration stating that the roof will be made suitable for solar PV, as specified in Article 13(3).

Relaxation of requirements for wind turbine replacement

Article 22(1)(k), subsection 1° required that the wind turbine to be replaced had been in place for at least 15 years at the time of replacement and that the capacity of the replacement wind turbine was at least 1 MW higher. With the amendment of this article, only one of the two requirements needs to be met. This amendment aligns the requirements for replacement of an existing wind turbine with the SDE++.

Deleted requirement for pure feed-in allocation point

The requirement for a pure feed-in allocation point under Article 29(2) will lapse from 2027 for both existing and new decisions to be issued. This requirement will no longer be necessary from 2027, as the risk of overstimulation will cease to exist once the net metering scheme is abolished.

Changes resulting from the entry into force of the Energy Act

On 1 January 2026, the Energy Act entered into force and the Electricity Act expired. A number of references to the 1998 Electricity Act in the conceptual provisions of the SCE have been transposed to references to the Energy Act. This concerns a policy-neutral conversion.

3. Regulatory burden

The regulatory burden resulting from this amendment regulation can only be viewed in conjunction with the SCE itself. The explanatory notes on the opening decision 2026 elaborate on the regulatory burden effects resulting from this amendment regulation. In summary, there is a decrease in the structural administrative burden for subsidy recipients. The estimated one-off and structural administrative burdens will total EUR 56,610.

4. Notification

The design of the regulation was notified to the European Commission in compliance with Article 5(1) of Directive 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on information society services (codification) (OJ 2015, L 241). This includes technical specifications or other requirements relating to tax or financial measures. By virtue of Article 7(4) of the Directive 2015/1335, a standstill period does not apply here.

5. State aid

The cooperative or VvE is the beneficiary of the subsidy in this scheme. Both members of a VvE and participating members of a cooperative will often be private households, but may also be small enterprises (and possibly medium-sized enterprises). However, the majority will not be a company, but will consist of private households. As undertakings may receive aid under this scheme, state aid may exist in respect of those undertakings. In the case of aid to an undertaking under that scheme, the state aid is permitted under the General Block Exemption Regulation (hereinafter: GBER). Under the GBER, many aid categories are

exempted from notification to the European Commission. A notification has been made to the European Commission.

6. Entry into force

This regulation enters into force on 1 March 2026, with the exception of Article I, Part F, which enters into force on 1 January 2027. This deviates from the minimum introduction period referred to in Instruction 4.17(4) of the Instructions for Legislation [Aanwijzingen voor de regelgeving]. This is justified in this case because the target group benefits from the fast entry into force of the amendment regulation.

Article I, Part I, enters into force later than the other provisions of this regulation because the provision is related to the abolition of the net metering scheme, with effect from 1 January 2027.

Sophie Hermans
Minister for Climate and Green Growth,