

Message 001

Communication from the Commission - TRIS/(2025) 0170

Directive (EU) 2015/1535

Notification: 2025/0030/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 - Nezahtuje 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 jiftaħ 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: 20250170.EN

1. MSG 001 IND 2025 0030 NL EN 23-01-2025 NL NOTIF

2. Netherlands

3A. Douane Groningen, CDIU

3B. Ministerie van Klimaat en Groene Groei
Directie Wetgeving en Juridische Zaken

4. 2025/0030/NL - B00 - CONSTRUCTION

5. Regulation of the Minister for Climate and Green Growth of _____, No WJZ/, amending the Cooperative Power Generation Subsidy Scheme in connection with various amendments

6. Production installations using solar, wind or hydropower to generate electricity.

7.

8. The Regulation may contain technical requirements for production installations. Article 17 of the

Regulation (new) contains a requirement to comply with certain conditions regarding the nature-inclusive realisation of production facilities for the generation of renewable electricity from sunlight exclusively by means of photovoltaic solar panels not installed on or attached to a building, but situated on land, in order to be eligible for a subsidy.

Specifically, this concerns:

- a. have at least 25 % open space between the tables with solar panels;
- b. have a layout plan and management plan that aims to prevent deterioration of the soil quality, water quality, and ecological quality
- c. monitoring the effects of the production installation on soil quality, water quality and biodiversity and, if necessary, taking additional measures to prevent deterioration of soil quality, water quality and ecological quality; and
- d. carrying out a baseline measurement to determine the current value of soil quality, water quality, and ecological quality.

It cannot be ruled out that the subsidy will encourage compliance with those technical requirements and thus potentially affect the use/consumption of the production installations concerned.

A mutual recognition clause is not necessary, since the relevant requirement is descriptive in nature and there is no ban on products placed on the market in another Member State. The requirement concerns the space between panels and study/monitoring of effects on, among other things, water quality, the environment and biodiversity. This is independent of the domestic or foreign origin of (parts of the) production installation.

In previous openings, the Regulation has also been notified. For example, in 2024 (2024/0072/NL), the Regulation was notified in connection with a possible technical regulation for production installations in the form of a roof construction declaration.

9. The subsidy scheme will make it possible for local residents to participate more easily in renewable energy production facilities in their immediate vicinity. This is a grant for the local, small-scale generation of renewable energy. The grant will be opened before 2025 with a separate opening decision, for which a separate notification has been made.

The opening decision adds a new category of production installations. The present Regulation (Article 17) lays down requirements for the realisation of this new category in the light of nature inclusivity.

The technical requirements (potential or otherwise) are necessary to protect the environment, namely to reduce greenhouse gases as part of the energy transition required by climate change. The requirements are also the least restrictive means to achieve this goal (proportionally), because these requirements only concern the designation of the categories (in the opening decision) and the setting of certain requirements for nature inclusiveness (in this scheme) and do not go beyond that. Different categories are also designated, with no requirements regarding nature inclusiveness.

The requirement is also non-discriminatory. The technical requirements do not have any discriminatory impacts, since they apply equally to all plants eligible for subsidy and do not discriminate between Member

States.

10. Numbers or titles of basic texts: The basic texts were sent with a previous notification:
2021/0112/NL

11. No

12.

13. No

14. Yes

15. No

16.

TBT aspects: No

SPS aspects: No

European Commission

Contact point Directive (EU) 2015/1535

email: grow-dir2015-1535-central@ec.europa.eu