

Oil, gas and geothermal resources in the Netherlands

Applications for permits for exploration and production

The exploration and production of mineral and geothermal resources require an appropriate permit from the Dutch Minister of Economic Affairs.

- Exploration permit
- Production permit: in cases of application by the holder of the exploration permit
- Production permit: for an open area

Exploration permit

The procedure for applying for an exploration permit is outlined in Chapter 2 of the Mining Act (Articles 14–17, in particular) and detailed in Chapter 1 of the Mining Regulations. Section 1.3 and Appendices 1 and 2 of the Mining Regulations contain a summary of the information that must be provided with a permit application.

An application for an exploration permit for an open area can be submitted to the Dutch Ministry of Economic Affairs at any time. Once the application is received, an invitation for counter-applications is placed in the Official Journal of the European Union (applies only to cases of exploration for hydrocarbons) and in the *Staatscourant*, the Dutch Government Gazette, (Article 15 of the Mining Act). Interested parties have 13 weeks from the date of publication in the Official Journal and/or Government Gazette to submit a competitive application.

Once the 13 weeks have passed, the Dutch Ministry of Economic Affairs solicits the advice of TNO Built Environment and Geosciences¹, *Energie Beheer Nederland* (EBN), which stands for 'Netherlands Energy Management'², the National Mines Inspectorate (SODM)³ and, if the area for which a permit is being requested falls under the dominion of a provincial government, the Provincial Executive (GS)⁴ of the province in question. They will issue their recommendations concerning various aspects of the application within 6 weeks, if possible, of when the period for submitting counter-applications ended. The Dutch Minister of Economic Affairs then seeks the advice of the Mining Advisory Council (Article 105, third paragraph, of the Mining Act) with regard to the permit that he/she has been asked to issue. The council meets once every 2 to 3 months.

In accordance with the provisions in Article 17 of the Mining Act, the Minister of Economic Affairs must issue a decision on the application for an exploration permit no later than 6 months after the period for submitting counter-applications ended. The minister can extend the decision-making period one time, by no longer than 6 months. The decision to issue the exploration permit is announced in the Government Gazette (Article 17 of the Mining Act). If it is not contested, the permit becomes irrevocable after 6 weeks.

¹ TNO Built Environment and Geosciences advises on the geological substantiation in the application and, if necessary, the boundaries of the area.

² EBN advises on the financial resources of new companies.

³ SODM advises on the technical capacities of new companies/operators.

⁴ The GS of the applicable province advises on issues related to the area.

Table: Procedure for exploration permit pursuant to Article 6 of the Mining Act

Procedure and Projected Turnaround Times	
Receipt of permit application	1 week
Place invitation in EU Official Journal and Government	varies
Period for counter-applications	13 weeks
Advice from: <ul style="list-style-type: none"> • EBN • TNO Built Environment and Geosciences, Economic Affairs Advisory Group • SODM • Province (onshore) 	± 6 weeks
Advice from Mining Advisory Council	± 6 weeks
Economic Affairs issues permit	± 1 month
Permit goes into effect	1 day after sending
Announcement of decision in Government Gazette	If not contested: permit irrevocable after 6 weeks

Table: Summary of information required in an application, pursuant to Art. 1.3 of the Mining Regulations

Application Information, Art. 1.3 of the Mining Regulations
<ul style="list-style-type: none">- The time period;- A map and a description of the requested area (Article 1.2.2 of the Mining Regulations);- Type of mineral or geothermal resource;- <u>Scheduled of proposed activities</u> in the subject area;- Geological report;- General, technical and financial information on the applicant(s) (see Appendices I and II of the Mining Regulations);- Mining operations owned by the applicant(s) that can be used for the planned activities;- <u>Collective terms and conditions applicable</u> if application is submitted by more than one applicant;- Surface area, in km², of the requested area- At least 2 copies of the application (4 copies + 1 digital copy preferred).

Production permit: procedure in cases of application by the holder of the exploration permit

The procedure for applying for a production permit is outlined in Chapter 2 of the Mining Act (Article 14–17, in particular) and Chapter 1 of the Mining Regulations. Section 1.3 and Appendices 1 and 2 of the Mining Regulations contain a summary of the information that must be provided with a permit application.

If the applicant already holds an exploration permit, counter-applications are not accepted. As part of the application, the applicant must be able to demonstrate that the mineral or geothermal resources found in the permit area are economically viable.

Table: Procedure for a production permit for an exploration permit holder, Article 6 of the Mining Act

Procedure and Projected Turnaround Times	
Receipt of permit application	1 week
Advice from: <ul style="list-style-type: none"> • TNO Built Environment and Geosciences, Economic Affairs Advisory Group • SODM • EBN • Province (onshore) 	3 to 6 months
Advice from Mining Advisory Council	± 6 weeks
Economic Affairs issues permit	± 1 month
Permit goes into effect	1 day after sending
Announcement of decision in Government Gazette	If not contested: permit irrevocable after 6 weeks

Production permit: for an open area

An application for a production permit for an open area (called a 'spontaneous production permit') can be submitted to the Dutch Ministry of Economic Affairs at any time. Once the application is received, an invitation for counter-applications is placed in the Official Journal of the European Union (applies only to cases of exploration for hydrocarbons) and in the *Staatscourant*, the Dutch Government Gazette, (Article 15 of the Mining Act). Interested parties have 13 weeks from the date of publication in the Official Journal and/or Government Gazette to submit a competitive application.

Once the 13 weeks have passed, the Dutch Ministry of Economic Affairs solicits the advice of TNO Built Environment and Geosciences¹, *Energie Beheer Nederland* (EBN), which stands for 'Netherlands Energy Management'², National Mines Inspectorate (SODM)³ and, if the area for which a permit is being requested falls under the dominion of a provincial government, the Provincial Executive (GS)⁴ of the province in question. They will issue their recommendations concerning various aspects of the application within 6 weeks, if possible, of when the period for submitting counter-applications ended. The Dutch Minister of Economic Affairs then seeks the advice of the Mining Advisory Council (Article 105, third paragraph, of the Mining Act) with regard to the permit that he/she has been asked to issue. The council meets once every 2 to 3 months.

In accordance with the provisions in Article 17 of the Mining Act, the Minister of Economic Affairs must issue a decision on the application for an exploration permit no later than 6 months after the period for submitting counter-applications ended. The minister can extend the decision-making period one time, by no longer than 6 months. The decision to issue the exploration permit is announced in the Government Gazette (Article 17 of the Mining Act). If it is not contested, the permit becomes irrevocable after 6 weeks.

If the application for a spontaneous production permit concerns an overlapping section of a proven field that was identified in an exploration or production permit, an abbreviated procedure applies (fourth paragraph, Item b, and fifth paragraph of Article 15, Mining Act).

¹ TNO Built Environment and Geosciences advises on the geological substantiation in the application and, if necessary, the boundaries of the area.

² EBN advises on the financial resources of new companies.

³ SODM advises on the technical capacities of new companies/operators.

⁴ The GS of the applicable province advises on issues related to the territory.

Table: Procedure for a production permit for an open territory, Article 6 of the Mining Act

Procedure and Projected Turnaround Times	
Receipt of permit application	1 week
Place invitation in EU Official Journal and Government	varies
Period for counter-applications	13 weeks
Advice from: <ul style="list-style-type: none"> • EBN • TNO Built Environment and Geosciences, Economic Affairs Advisory Group • SODM • Province (onshore) 	3 to 6 months
Advice from Mining Advisory Council	± 6 weeks
Economic Affairs issues permit	± 1 month
Permit goes into effect	1 day after sending
Announcement of decision in Government Gazette	If not contested: permit irrevocable after 6 weeks