



MINLEX - Netherlands Country Report

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TABLE OF CONTENTS

- 1. NETHERLANDS 2
 - 1.1. Summary of findings 2
 - 1.2. General introduction 3
 - 1.3. Legislation governing mineral exploration and extraction 5
 - 1.4. Authorities governing mineral exploration and extraction 11
 - 1.5. Licensing procedures for exploration..... 15
 - 1.6. Licensing procedures for extraction 16
 - 1.7. Court cases on permitting procedures..... 17
 - 1.8. Success rates of exploration and extraction permits 17
 - 1.9. EU legislation impacting permits and licenses for exploration and extraction..... 17

1. NETHERLANDS

1.1. Summary of findings

The Netherlands' s non-energy mineral resources encompass mainly sand, gravel and clay extracted from the Dutch subsurface at annual rates of 90, 5 and 4 million tonnes per year, as well as salt and magnesium compounds. State-owned minerals include off-shore minerals (shells, gravel, sand and clay of the Continental Shelf – Art. §4b Excavation Act) and on-shore non-surface minerals (e.g. salt). On-shore surface minerals (e.g. construction minerals) belong to the landowner.

The main mining law is the Mining Act of 2002 (last amended in 2012) which applies to limestone, gravel, sand, clay, shells and mixtures. Other relevant laws are the Mining Decree of 2003, the Mining Regulation of 2013, the Excavations Act of 2008, the Environmental Licencing Act of 2010, the Nature Protection Act, the Flora and Fauna Act, the Spatial Planning Act and the Water Act. **The State Supervision of Mines (SSM) is the agency within the Ministry of Economic Affairs that oversees the production of minerals and the Netherlands' continental shelf.** The agency is responsible for drafting and enforcing mining laws, mine safety, and mineral production regulations on and offshore. **Netherlands has a mixed (centralised-decentralised) permitting regime in which the SSM grants the exploration and extraction permits, and the Ministry of Infrastructure and Environment grants the environmental and water extraction permits;** however, the consent of the provincial governments is also mandatory whereas the municipalities and local water authorities only provide consultative (legally non-binding) opinions.

Concerning exploration permits, an application must be sent to the responsible Ministry which then asks for advice to the responsible inspection agency (SSM or the Environmental Agency). The maximum legal timeframe for the final decision is six weeks. After that the public consultation is obliged in which the permitting request is published in regional and national papers inviting all citizens to send their comments to the responsible authority; the provincial government also mandatorily participates in giving its opinion. **A maximum timeframe of four weeks is allowed, which in total means that exploration permits are usually granted in a maximum of three months.**

With regard to extraction permits, mineral licensing ("extraction permit") will generally follow by an application submitted for the granting of an extraction contract. Applications for extraction contracts are addressed to and decided by the responsible Ministry (either the Ministry of Economic Affairs or the Ministry of Infrastructure and the Environment) which will consult the responsible inspection department for technical advice. The application should include a formal request, a general plan should including a Mining plan, a Health and Safety plan, an Environmental and Landscape recovery plan and a Waste Management plan, a water plan and an environmental impact assessment study. To start operating a mine or a quarry the extraction permit and the environment and water extraction permits are all required. The provincial government must also grant its consent for the extraction permit to be issued, and municipalities also participate providing legally non-binding opinions. **The competent authorities have two months to grant the extraction permit. Usually there are no problems with the permitting process if the information needed is included in the permit application.** However, the latest development is that during the obliged public consultation time, due to many public concerns several questions may be asked and this may be a cause of some delay in the maximum permitting time (three to four months).

Currently Dutch authorities are working on a "one stop shop" permitting system that should cover several legislation and competencies that have been transferred from other Ministries to the SSM. The SSM is advising on the technical content of an application and advises directly to the Ministry of Economic Affairs. **Once**

such system is established the SSM will grant the extraction and environmental permit after consulting the responsible ministry. Nowadays authorities work during the permit request in a central online database system through which they share comments and feedback. With the recent changes in the government's policy governing earth removal practices, **greater emphasis is being placed on integrating surface mineral extraction into spatial planning**, for example by linking a planning project with some other primary goal.

1.2. General introduction

The Kingdom of the Netherlands is a member of the European Union (EU), located in north western Europe, bounded by Germany (east) and Belgium (south). The country is a parliamentary democracy and constitutional monarchy with a population of 17 million and a land surface of 41 526 km². The capital is Amsterdam though the government resides in The Hague. Being located at the mouth of the Rhine, Meuse and Scheldt rivers Rotterdam was from 1962 till 2004 the world's busiest port and still is Europe's largest harbour. The GDP of the country for 2015 amounts to 679 billion Euro (738 billion US\$), split up into a small but highly developed agricultural sector (1.6%), an industrial sector (18.8%; agriculture-related industries, engineering products, electronic machinery and equipment, chemicals, petroleum, construction and microelectronics) and very large service sector (79.6%), manifesting the position of the Netherlands as one of the top trading countries in the World, depending heavily on foreign trade. It represents the 17th largest economy in the world. Dutch-based multinationals include AkzoNobel NV, Heineken NV, ING NV, Koninklijke Philips N.V., KPN NV, Royal Dutch Shell plc. and Unilever NV. Per capita income (2015) varies between 43,603 and 52,129 US\$ depending whether you believe the International Monetary Fund, World Bank, or United Nations. The labour productivity level in the Netherlands is one of the highest in Europe.

The Netherlands has three layers of government: (1) the national government composed of a prime minister and cabinet, controlled by two chambers, (2) provincial governments in 12 provinces, each with a governor and provincial board (*gedeputeerde staten*) and (3) 458 municipalities each with a mayor and town or city council (*gemeenteraad*). Given the fact that a third of the country is below sea level, water management is extremely important. For that reason the country is also subdivided into water districts – actually a fourth layer – only responsible for water management and flooding security and governed by a water control board. The joint defence against flooding – the Polder model – has resulted in a tradition of consensus in Dutch policy.

Apart from the territory in Europe, the Kingdom of the Netherlands includes six islands in the Caribbean, comprising three autonomous countries and three overseas municipalities (officially "public bodies"). The countries are Curaçao (444 km²; pop. ~150,000). Aruba (179 km²; pop. ~103,000) and Saint Maarten (34 km²; ~45,000). They are self-governing except for defence and foreign policy. Overseas municipalities include Bonaire (294 km²; pop. ~18,000), Saba (13 km²; ~2000) and Sint Eustatius (21 km²; ~3600). These Caribbean territories are part of the European Union. The Mining Laws of the Kingdom of the Netherlands also apply to the Exclusive Economic Zone on the continental shelf in the North Sea and the Caribbean territories.

Being largely underlain by a flat delta, the Netherlands have never been an important mining country. However, peat (turf) was exploited on a large scale as a house fuel till the 19th century and coal was extracted on an industrial scale from underground mines in the province of Limburg from 1899 till 1974. The early closure of the coal mines was related to the development of a giant natural gas field located near Slochteren in Groningen province in the northeastern part of the Netherlands. Discovered in 1959, it is the largest natural gas field in Europe and the tenth-largest in the world. Apart from gas, the Netherlands is a minor oil producer from a large number of fields onshore and on the continental shelf (EEZ) in the North Sea. The Schoonebeek oil field in the north-eastern part of the country was discovered in 1943 and put into production in 1947. It is the largest

onshore oil field in north-western Europe. Production was halted in 1996 because of the viscosity of the oil but was resumed 13 years later due to the development of new technology allowing drilling of horizontal wells, high-capacity pumping and steam injection. The "Nederlandse Aardolie Maatschappij B.V.", a Shell/ExxonMobil joint venture, expects to produce a further 100 to 120 million barrels by 2035.

In terms of world production, the Netherlands is a modest producer of non-metallic raw materials (lime, cement, sand, gravel, brick clay, peat). Magnesium compounds and sodium chloride are produced by solution mining. There are no metal mines in the Netherlands but metal products are produced from imported raw materials or scrap and include aluminium, cadmium, iron, steel, lead and zinc. The country plays, however, an important role as a regional producer of natural gas and petroleum for the European market. The country is furthermore an important trans-shipment and storage centre for mineral materials entering and leaving continental Europe and as a supplier of energy to Europe via pipelines and other methods and entrepôt for oil products for the whole of northwestern Europe. Construction materials (clay, sand, gravel) are extracted extensively in quarries.

The use of soil and subsurface data by government and private organisations has increased strongly in recent decades, both qualitatively and quantitatively. The data are crucial at operations levels, but also for solving societal problems. Such problems include mitigation of and adaptation to the effects of climate change, like rising sea levels and soil subsidence. Other examples are the use of subsurface information in spatial planning, subsurface constructions, geo-thermal energy and CO₂ storage. With the BRO (Soil information system) the government aims to strongly improve the accessibility of subsurface information. This is achieved by standardizing public information on the subsurface and making it available to both governmental and other parties. The BRO is part of the national key register system. This system enables the government to improve its services by sharing key data and people, companies, buildings and abo the subsurface within the government. Once the BRO is implemented, all data on the subsurface will be managed in one location and made available for subsequent multiple use.

Mineral ownership

State-owned minerals include off-shore minerals (shells, gravel, sand and clay of the Continental Shelf - Article §4b Excavation Act) and on-shore non-surface minerals (e.g. salt). On-shore surface minerals (e.g. construction minerals) belong to the landowner.

1.3. Legislation governing mineral exploration and extraction

The *Mijnbouwwet* (Mining Act) of the Netherlands was published in the Staatsblad no. 542 in 2002 and is effective since the 1st of January 2003 as amended in 2006, 2008, 2009 and 2012. The new Mining Act replaces the old Napoleonic law of 1810 (the last law in French in the Netherlands), the Mining Act of 1903, the Law on Exploration for Raw Materials and the Mining Act Continental Flat. The new Mining Act has integrated all previous laws both onshore and on the continental shelf. In this report both the original text in the Netherlands and the unofficial English translation prepared by J. L. Den Dulk has been consulted (Den Dulk, 2003). The Netherlands text is guiding. The translation includes:

1. the text of the original Mining Act 2003;
2. mere textural changes as a result of the Amendment Act (Veegwet), dated 20-11-2006;
3. more fundamental changes as a result of the Amendment Act dated 12-06-2008 setting forth in particular a more detailed description of the EBN's tasks;
4. changes related to introduction of the National coordination regulation (Act dated 25-09-2008);
5. changes relating to the stimulation of active use of licences for exploration, production and storage (Act dated 26-11-2009).

The Mining Act applies to minerals or substances of organic origin, present in the subsoil in solid, liquid or gaseous form (at a depth >100 m), including terrestrial heat (at a depth of >500 m), which has originated from natural causes. The extraction of marsh gas, limestone, gravel, sand, clay, shells and mixture are included.

Licensing of non-energy minerals are covered by different laws and authorities:

Law	Minerals	Ministry
Mining law, environmental law	Salt	Ministry of Economic Affairs/State supervision of Mines
Excavation law/environmental law	Sand, clay and shells Offshore	Ministry of Infrastructure and the Environment <i>Gedeputeerde staten</i>
	Onshore	
	National water plan 2016-2021	Ministry of Economic Affairs /Ministry of Infrastructure and the Environment
	OSPAR convention	Ministry of Economic Affairs / Ministry of Infrastructure and the Environment

Mining law, environmental law, water law	Magnesium compounds	Ministry of Economic Affairs / Ministry of Infrastructure and the Environment
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Table 1: Netherlands. Legislation relevant to exploration and extraction permitting.

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
mining, minerals management, technical safety, concession	NL-L1	Mining act (<i>Mijnbouwwet</i>) (last amended in 2012)	http://wetten.overheid.nl/BWBR0014168/2016-05-01	Y	Y	Y	Y	Y	Y	Y	Y	
	NL-L2	Mining decree (<i>Mijnbouwbesluit</i>) (last amended in 2011)	http://wetten.overheid.nl/BWBR0014394/2016-07-01	Y	Y	Y	Y	Y	Y	Y	Y	
	NL-L3	Mining regulation (<i>Mijnbouwregeling</i>) (last amended in 2014)	http://wetten.overheid.nl/BWBR0014468/2014-02-22	Y	Y	Y	Y	Y	Y	Y	Y	
	NL-L4	Excavations act Amended 1 July 2016	www.mijnoverheid.nl	Y	Y	Y	Y	Y	Y	Y	Y	

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
	NL-L5	Health and safety law	www.nlog.nl www.mijnoverheid.nl	Y	Y	Y	Y	Y	Y	Y	Y	Safety law
	NL-L6	Work law; March 1999 Last amended 1 January 2016	www.mijnoverheid.nl	Y	Y	Y	Y	Y	Y	Y	Y	
	NL-L7	Waste management act March 2003 Last amended 2009	www.mijnoverheid.nl	Y	Y	Y	Y	Y	Y	Y	Y	
environment	NL-L8	General provisions act	www.nlog.nl www.mijnoverheid.nl	Y	Y	Y	Y	Y	Y	Y	Y	
	NL-L9	Environmental licencing act (<i>Wet algemene bepalingen omgevingsrecht</i>)	http://wetten.Overheid.nl/BWBR0024779/2016-07-01	Y	Y	Y	Y	Y	Y	Y	Y	

Legis- lative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
		(last amended in 2010)										
	NL-L10	Regulatory framework for Environmental Impact Assessments (EIA), which establishes the rules for public and private projects likely to cause deleterious effects on the environment; Environmental licensing act (March 1993) Last amended 1 July 2016		Y	Y	Y	Y	Y	Y	Y	Y	Environmental impact assessment
	NL-L11	Activities Decree January 2013 Last amended 1 January 2016	www.infomil.nl	Y	Y	Y	Y	Y	Y	Y	Y	Air protection limit values
	NL-L12	Medium combustion Plant Directive	http://ec.europa.eu/environment/industry/stationary/mcp.htm	Y	Y	Y	Y	Y	Y	Y	Y	Air protection

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
nature conservation, forestry	NL-L13	Natura 2000 Act 19 may 2003	www.rws.nl	Y	Y	Y	Y	Y	Y	Y	Y	Nature protection law
	NL-L14	Flora and Fauna Act	www.rws.nl	Y	Y	Y	Y	Y	Y	Y	Y	
water management	NL-L15	Water Act	www.rws.nl	Y	Y	Y	Y	Y	Y	Y	Y	
	NL-L13	Natura 2000 Act	www.rws.nl	Y	Y	Y	Y	Y	Y	Y	Y	
land use planning, spatial development, soil management	NL-L16	Soil protection act		Y	Y	Y	Y	Y	Y	Y	Y	
	NL-L17	Spatial planning act, July 2008		Y	Y	Y	Y	Y	Y	Y	Y	

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
	NL-L18	Environmental & Planning Act (2019) (<i>Omgevingswet 2019</i>)	https://www.government.nl/topics/spatial-planning-and-infrastructure/contents/revision-of-environment-planning-laws	Y	Y	Y	Y	Y	Y	Y	Y	
	NL-L19	Environmental act		Y	Y	Y	Y	Y	Y	Y	Y	
transportation, construction, catastrophe protection, police, military	NL-L20	Monitoring seismicity Mining act		Y	Y	Y	Y	Y	Y	Y	Y	

Legislative sector	Code	English title	Web link	Permitting provisions (Y/N)	Deadlines (Y/N)	Relevant to (Y/N)			Relevant at (Y/N)			Remarks
						exploration	extraction	post-extraction	local	regional	(central) national	
culture heritage	No relevant laws identified											
public administration, court procedures	NL-L21	General administrative law act		Y	Y	Y	Y	Y	Y	Y	Y	

1.4. Authorities governing mineral exploration and extraction

The State Supervision of Mines (in Dutch *Staatstoezicht op de Mijnen* - SodM) is the agency within the Ministry of Economic Affairs (in Dutch *Ministerie van Economische Zaken*) that oversees the production of minerals in the Netherlands and the Netherlands' continental shelf. The agency is responsible for drafting and enforcing mining laws, mine safety, and mineral production regulations on and offshore. **SSM grants the exploration and extraction permits, and the Ministry of Infrastructure and Environment grants the environmental and water extraction permits.** Other responsible ministries have delegated the supervision of the environmental act, health and safety act, and construction legislation to SSM.

Table 2: Netherlands. Relevant authorities in exploration and extraction permitting.

	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
First instance permitting (local, regional, central, national)	NL-E1	Ministerie van Economische Zaken	Ministry of Economic Affairs	www.ez.nl	Responsible Ministry for granting extraction permits	Y	Y	Y	Mining act, degree, Mining Regulation	
	NL-E2	Staatstoelichting op de Mijnen	State Supervision of mines	www.sodm.nl	responsible for granting exploration and extraction permits	Y	Y	Y	Mining act, degree, Mining Regulation	
	NL-E3	Ministry of Infrastructure and Environment	Ministry of Infrastructure and Environment	https://www.government.nl/ministries/ministry-of-infrastructure-and-the-environment	Responsible for granting environmental and water extraction permits	Y	Y	Y		
	NL-E4	Rijkswaterstaat	Water protection ministry	www.rijkswaterstaat.nl	Protection of (sea)Water, provide legal advice to SSM	Y	Y	Y	Water framework Directive	

	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
	NL-E5	Provincial governments	Provincial government		Involved in legally binding decision procedure	Y	Y	Y		12 provincial governments
	NL-E6	Municipalities	Municipalities		Provide only consultative opinions (legally non-binding)	Y	Y	Y		390 municipalities
	NL-E7	Local water authority			Provide only consultative opinions (legally non-binding)	Y	Y	Y		23 local water authorities
	NL-E8	PBL	Environmental Assessment Agency	http://www.pbl.nl/en/	Provide only consultative opinions (legally non-binding)	Y	Y	Y		
Second instance permitting (regional, central, national)	No second instance authorities									

Court jurisdiction	Code	Name of entity	English name of entity	Address / web access	Role in permitting	Relevant to			Statute or relevant piece of legislation	Remarks
						exploration	extraction	post extraction		
	NL-E9	Public court	Public court		Instance where appeals against unfavourable permitting decisions must be lodged	Y	Y	Y		11 public courts in NL, District courts are the lowest instance, the High Council the highest

1.5. Licensing procedures for exploration

Assignment of exploration rights is subject to the prior consent of the Minister of Economic Affairs following an application lodged by the applicant to the responsible agency (SSM or environmental agency, the leading agency is the Ministry of Infrastructure and the Environment) accompanied by information concerning the capacity of the intended Licensee to continue operations and to meet contractual commitments, particularly those in respect of the schedule of work and investment which must be up to date. Also, the measures that will be adopted for environment safeguarding must be described.

Exploration rights cover the minerals specified in the contract and the area set forth therein. The contract stipulates the general work programmes and minimum investments as agreed in advance, to be implemented by the Licensee over the duration of the contract in question (balances of investments made larger than the established minimum figures established for a given contract period may, however, be carried forward to the next period). The general schedule is complemented every year by detailed programmes and the respective budget. They are monitored via presentation of progress reports the last of which should be drawn up as the final report of the work and investments undertaken, presented together with the main conclusions. The reports and technical data provided by the Licensee are considered confidential during the duration of the contract. The State Supervision of Mines has the enforcement for the exploration and extraction plans and is also obliged to do inspections at the location.

For the permitting application, the permitting procedure is maximum 2 months if all information is included in the permitting request. The mandatory public consultation can delay the permitting process. The permitting request has to be sent to the responsible Ministry and they will ask advice to the responsible inspection agency (SSM or the Environmental inspection Agency). The maximum legal timeframe for the final decision is six weeks. After that the public consultation is obliged. It can be based on public tenders and expression of interest.

Timeframes

The authority has to grant the exploration permit within 3 months

Geographic areas covered by the permit

In the permit application (and request) the geographic areas are defined.

Rights and duties of the licensee

The Licensee, owner of the license, is obliged to handle within rules mentioned in the license. The inspection department will take care for the inspection. In case of non-compliance with the rules mentioned in the licence SSM has the legal possibility for enforcement.

Legal nature of the rights

The legal nature has no timeframe and exploration rights are exclusive and transferable, if authorized by the responsible Ministry.

Average length to get an exploration permit

3 months

Main problems or major modifications related to exploration permitting

Depending on quantity of the average length of a permitting exploration request can be shorter.

1.6. Licensing procedures for extraction

Mineral licensing will generally follow by an application submitted by the applicant for the granting of an extraction contract. Applications for extraction contracts are addressed to and decided by the responsible Ministry, they will consult the responsible inspection department for technical advice. The application should include a formal request, a general plan should be including a Mining plan, a Health and Safety plan, an Environmental and Landscape recovery plan and a Waste Management plan, a water plan and an environmental impact assessment study.

Several ways of applying for extraction rights exist:

- Directly for a contract.
- Request of an interested if the location is not covered by a license.
- By public tender published in national and local newspapers where deadlines for proposals and possible claims will be fixed.

All requests must be covered by an Environmental Impact Assessment (EIA).

Several Public entities are involved in the process:

- Ministry of Environment
- Ministry of Economic affairs
- Provincial government (involved when the exploration is within their district)
- Municipalities

Timeframes

The responsible authority has to grant the extraction permit defined by the law within 8 weeks.

Rights and duties of the licensee

The licensee is obliged to send a general work plan for approval to the responsible inspection agency (SSM or Environmental protection agency) and has to be in compliance with the several national laws (mining law, work law, Health and safety law, environmental law, water law and waste management law) and European laws.

Legal nature of the rights

The duration of the contract is stipulated on the basis of the estimated duration of the resources. Extraction rights are exclusive and transferable, if authorized by the responsible Ministry.

Average length to get an extraction permit

2 months

Integrity Assessment

No cases of lack of transparency in the permitting are known.

Main problems or major modifications related to extraction permitting

In the Netherlands work is being done on a new Surrounding Act (*Wet algemene bepalingen omgevingsrecht*) that will cover several national laws and will reduce administrative burden. This act will be operational in 2019 and will reduce the time for a permitting grant.

One-stop shop

The authorities in the Netherlands are working on a "one stop shop" permitting system that covers several legislation and competencies that have been transferred from other Ministries to SSM. SSM is advising on the technical content of an application and advice directly to the Ministry of Economic Affairs. A one-stop shop system means that a potential investor only deals with one authority during the licencing process, i.e. in this case SSM would be responsible of contacting other co-authorities once an application is sent to SSM. This means that if a company wants to engage in exploration or extraction of a known deposit, it sends SSM an application and SSM forwards this application to the Ministry of Economic Affairs and other co-authorities (e.g. water management authorities) which need to grant their consent. In this way, the different authorities examine the application in parallel, save time to the investor and the only organisation which informs on the outcome to the investor is the SSM. SSM will grant the extraction and environmental permit after consulting the responsible ministry.

Nowadays the authorities are working during the permit request in a **central online database system** (called in Dutch *Omgevingsloket online*¹) and sharing their comments with each other. This is an instrument to digitally submit and process applications for licenses. With this internet tool it is possible to do a license-check to see whether a license or notification is in order, which information needs to be provided and, if need be, to download a paper application form. The Ministry of Economic Affairs strives for receiving applications and accompanying documents, such as building plans, as much as possible in digital form via *Omgevingsloket online (OLO)*, **the 'Service Counter All-in-one Permit for Physical Aspects'**. The all-in-one permit includes, among others, environmental permit, nature conservation permit, Dispensation from or amendments to a zoning plan, etc². Via such system, a company can apply digitally or in writing. A person can also authorise somebody else to apply for you.

1.7. Court cases on permitting procedures

No information could be collected for this section.

1.8. Success rates of exploration and extraction permits

In the Netherlands during the period 2013-2015 12 applications for exploration and extraction permits were submitted to the SSM, 7 for exploration, 5 for extraction. All of them were approved, i.e. a permitting success rate of 100% was achieved. All the requests for update have been done within the time frame of maximum six weeks.

1.9. EU legislation impacting permits and licenses for exploration and extraction

- 1) Does your country have any restrictive regulation on the private or legal entities performing the duties of an exploration or extraction concessioner, operator and/or holder of mineral rights as compared to the Services Directive (2006/123/EC)?

¹ <https://www.omgevingsloket.nl/> (accessed 25.01.17)

² <http://www.answersforbusiness.nl/regulation/scope-permit-physical-aspects> (accessed 25.01.17)

No restrictive regulation.

- 2) Does any of your permitting documentation require the involvement/signature of a geologist or mining engineer? If yes, which are these permits? Does it require a BSc or MSc or PhD or chartered (certified) professional?

No, in the Netherlands our inspector general of SSM final advise about the permitting documentation to the Ministry of Economic affairs in case the responsibility is for the Ministry of Economic Affairs.

- 3) Do you have a legislation on financial guarantees (with regard to the Extractive Waste Directive, Article 14)? Is the cost calculation of this guarantee done by an independent third party?

- 4) Is there a list of inert mine waste published in your country in accordance with Article 1(3) of Comm. Dec. 2009/359/EC?

No, in Netherlands there is no list of inert mine waste (only radioactive waste)

- 5) Do you use the risk assessment of 2009/337/EC Commission Decision of 20 April 2009 on the definition of the criteria for the classification of waste facilities in accordance with Annex III of Directive 2006/21/EC of the European Parliament and of the Council concerning the management of waste from extractive industries for abandoned sites as well?

Risk assessments for planned abandoned sites offshore and onshore are currently being used.

- 6) Has your country applied the waiver of the Landfill Directive paragraph 3 of Article 3: MS may declare at their own option, that the deposit of non-hazardous non-inert mine waste, to be defined by the committee established under Article 17 of this Directive can be exempted from the provisions in Annex I, points 2, 3.1, 3.2 and 3.3 (location screening, multiple barriers, leachate collection)?

No exemptions

- 7) Does a mine operator has to prepare and submit both a general waste management plan and a mine waste management plan as well? To the same or separate authorities?

Both documents to the same authority.

- 8) Has your national legislation transposed the Accounting Directive (2013/34/EC), with special regards its Art. 41-48 on the extractive industry? Do these rules on financial reporting appear in the concession law or mining act either?

The rules appear in the Concessions Act

- 9) Has your national legislation transposed the Transparency Directive (2004/109/EC, 2013/50/EU), especially Article on the extractive industry? Do these rules appear in the concession law or mining act either?

The rules appear in the Mining act and were transposed from the Directive

- 10) Does your competent authority ask for or check the CE marks of the exploration or extraction equipment when permitting or when having on-site inspections? Does the mining authority have a regulatory/supervision right in product safety/market surveillance in accordance with Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance?

In the Netherlands, there is a national accreditation body. The requirements for accreditation are done by the National accreditation body. During the inspections of the Inspection Department checks the CE marks of the exploration and extraction equipment.