

Official Gazette of the Kingdom of the Netherlands



Year 2024

16

Act of 20 December 2023 containing temporary rules on the establishment of a Climate Fund (Temporary Climate Fund Act)

We Willem-Alexander, by the Grace of God, King of the Netherlands, Prince of Orange-Nassau, etc. etc. etc.

To all who shall see or hear this read, greetings! Let it be known: Whereas We have considered that it is desirable to have a multi-year to reserve financial resources and make them available for measures that contribute to the implementation of the Climate Act and Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing a framework for the achievement of climate neutrality and amending Regulation (EC) No 401/2009 and Regulation (EU) 2018/1999 (OJ EU 2021, L 243) and to temporarily establish a budgetary fund for this purpose as referred to in Article 2.11 of the Accountability Act 2016;

Thus it is that We, having heard the Advisory Division of the Council of State, and with the common consent of the States General, have approved and understood, as We approve and understand hereby:

Article 1 Definitions

In this Act, the following terms are understood

to mean: greenhouse gas: CO₂ or one of the other greenhouse gases as referred to in the definition of greenhouse gases in Article 1 of the Climate Act; fund: Climate Fund as referred to

in Article 2, first paragraph; multi-year programme: Multi-year Climate

Fund programme as referred to in Article 4, first paragraph; Our Minister: Our Minister for Climate and Energy.

Article 2 Establishment and purpose of the fund

1. There is a Climate Fund.

2. The fund aims to facilitate measures that contribute to reduce greenhouse gas emissions to the levels referred to in Article 2, first and second paragraphs, of the Climate Act, and to contribute to the transition to a climate-neutral energy supply, economy and society and to contribute to a just climate transition by making financial resources available

for:

a. a greenhouse gas-neutral energy supply in 2050;

b. stimulating the implementation of energy efficiency technologies and stimulating the application of renewable energy and other greenhouse gas reducing and circular technologies and measures in the business community;

c. encouraging the application of energy efficiency, renewable energy and carbon sequestration technologies in the built environment.

3. The fund does not facilitate measures with a view to the climate targets established for agriculture and land use in implementation of Article 2, first and second paragraphs, of the Climate Act.

4. The third paragraph does not apply to measures in greenhouse horticulture.

Article 3 Management of the fund

1. The fund is a budgetary fund as referred to in Article 2.11, first paragraph, of the Accountability Act 2016.

2. Our Minister shall manage the fund.

3. Our Minister shall assess the measures that can be facilitated in accordance with Article 2, paragraph 2, with regard to, among other things:

a. the agreement with the climate plan referred to in Article 3 of the Climate Act;

b. the feasibility, effectiveness and efficiency of the measures;

c. the duration of the measures in relation to the temporary nature of the fund; and

d. whether the measures are additional to climate measures adopted and financed before 1 January 2022.

4. When applying the third paragraph, opening sentence and part b, account shall be taken of the consequences of the climate policy referred to in Article 3, second paragraph, part g, of the Climate Act, and the consideration thereof in the climate plan.

5. Our Minister concerned shall submit the draft of a general administrative measure or of a ministerial regulation for a measure that qualifies for facilitation by the fund to both Houses of the States General, insofar as the wish to do so has been expressed by or on behalf of one of the Houses of the States General or by at least one third of the constitutional number of members of one of the Houses during the consideration of a multi-year programme. The nomination for the relevant general administrative measure or the adoption of the relevant ministerial regulation shall not take place earlier than four weeks after the draft has been submitted.

Article 4 Multi-year Climate Fund Programme

1. Our Minister shall annually submit a proposal for a law at the same time as the bill determination of the budget statement of the Multi-Year Climate Fund Programme to the States General.

2. The multi-annual programme provides information on the multi-annual financial obligations of the fund to achieve the fund's objective.

3. The multi-year programme shows which expenditure is charged to resources from the fund, to which budget item of another central government budget as referred to in Article 2.1, first paragraph, of the Accountability Act 2016 these resources are transferred and what the resulting expenditure is for individual projects, project packages and subsidy schemes.

4. The multi-annual programme provides insight into the assessment of the measures referred to in Article 2, paragraph 2, against the criteria referred to in Article 3, paragraph 3, and into the status of implementation of individual

measures that the fund facilitates, and contains an overview of the changes compared to the previous year.

Article 5 Receipts of the Fund

The fund's receipts are:

- a. contributions charged to general resources;
- b. contributions charged to other central government budgets as referred to in Article 2.1, first paragraph, of the Accountability Act 2016;
- c. contributions from third parties in the context of achieving the objective of the fund;
- d. other contributions in the context of achieving the objective of the fund.

Article 6 Expenditure charged to the fund

1. In order to achieve the objective of the fund, contributions to other central government budgets as referred to in Article 2.1, first paragraph, of the Accountability Act 2016 will be charged to the fund.

2. Contributions as referred to in the first paragraph that have not been spent will be considered contribution as referred to in Article 5, opening sentence and section b, for the benefit of the fund. Our Minister shall decide jointly with Our Minister concerned on the transfer of the relevant contributions to the fund.

3. In addition to Article 2.31 of the Accounting Act 2016, the
The fund's annual report also provides insight into the implementation and possible bottlenecks of the individual measures facilitated by the fund.

Article 7 Independent advice

1. Our Minister shall obtain independent advice in the preparation of the multi-year programme and when making expenditures charged to the fund.

2. Our Minister will have experts reflect on the socio-economic consequences for the purpose of drawing up the multi-year programme.

Article 8 Evaluation provision

Within four years of the entry into force of this Act, Our Minister shall send a report to the States General on the effectiveness and effects of this Act in practice.

Article 9 Entry into force and sunset provision

1. This Act shall enter into force and shall expire on a date to be determined by Royal Decree. determine time.

2. As of January 1, 2031, no new receipts will be considered referred to in Article 5 added to the fund.

Article 10 Citation title

This Act may be cited as: Temporary Climate Fund Act.

We command and order that this be published in the Official Gazette and that all ministries, authorities, colleges and officials concerned will ensure its precise implementation.

Given at The Hague, 20 December 2023

Willem-Alexander

The Minister for Climate and Energy,
RAA Jetten

The Minister of Finance,
SPRA from Weyenberg

Released February 1, 2024

The Minister of Justice and Security, D.
Yes, ilgöz-Zegerius