

Message 001

Communication from the Commission - TRIS/(2025) 0002

Directive (EU) 2015/1535

Notification: 2025/0001/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 - Atidējimai 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: 20250002.EN

1. MSG 001 IND 2025 0001 NL EN 02-01-2025 NL NOTIF

2. Netherlands

3A. Ministerie van Financiën

Belastingdienst/Douane centrale dienst voor in- en uitvoer

3B. Het Ministerie van Binnenlandse Zaken en Koninkrijksrelaties

Directie Wetgeving en Juridische Zaken van het Ministerie van Economische Zaken,

Afdeling Groningen en Mijnbouw

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4. 2025/0001/NL - B00 - CONSTRUCTION

5. Amendment to the Policy Rule on Compensation for Costs of Earthquake-Resistant Industry Groningen 2023 [Beleidsregel vergoeding kosten aardbevingsbestendige industrie Groningen 2023] in connection with an adjustment in the working method for the assessment of industrial installations and buildings and some other adjustments

6. Buildings and installations of industrial companies working with hazardous substances in Groningen (where earthquakes can occur as a result of gas extraction in the Groningen gas field)

7.

8. New Articles 4a and 4b and 11a and 11b may contain technical requirements. These Articles prescribe a methodology for companies that need to be assessed for their safety risks and wish to be eligible for compensation for this. Companies are free to deviate from the methodology, but in principle they cannot then receive compensation for the preparation and implementation of the reinforcement measures. This methodology is a simplified alternative to previously notified methodologies in Articles 5, 7, 13, 15, 19 and 22 of the Policy Rule. The assessment takes place using the Earthquake Resistance Industry Guide, Process Description Comprehensive Assessment Phase 1, Phase 2 and Phase 3 [Handreiking Aardbevingsbestendigheid Industrie, Procesbeschrijving uitgebreide beoordeling Fase 1, Fase 2 en Fase 3], 2 December 2024, Witteveen and Bos. This is not a new instrument: it was already used in the measures already notified, but this instrument has recently been extended with the 2024 Supplement Review. When using the Supplement Review 2024, companies can perform simplified tests using one of three prescribed methods:

- alignment with the review framework for the chemical industry according to Guideline 6 of the Publication Series on Hazardous Substances [Publicatiereeks Gevaarlijke Stoffen];
- application of Step II selection methodology as a tailor-made instrument for simplified Phase 1 analysis; or
- using previous (Phase 1 or 2) assessments according to the principle of similar installations.

Nevertheless, a company is free to assess/design according to the previously notified methodologies. There is no applicable provision on mutual recognition. This is also due to the specific circumstances of this case, which are elaborated in point 9.

9. Pursuant to Article 13ba of the Temporary Act Groningen [Tijdelijke wet Groningen], the Minister of Economic Affairs and Climate Policy (due to a portfolio change, now in practice the Minister of the Interior and Kingdom Relations) takes all measures that can reasonably be required of them to prevent safety from being compromised as a result of gas extraction from the Groningen field. On the advice of the Meijdam Committee, this uses a maximum individual risk of 1 in 100 000 (the safety standard). For industry, this safety standard has been converted in the Policy Rule into the methods for testing whether a company meets the safety standard. These aforementioned methods and their accompanying documents have been specially developed with the aim of fast, effective but also safe testing against the safety standard. That is why they are suitable for achieving the stated goal. In any event, without such methods/documents, a review framework would have to be developed separately. This consumes considerable time and money, meaning the requirements stated are proportionate to the goal to be achieved. In this way, time and money are saved, while the buildings are effectively reinforced. The methods used have been developed by technical agencies. It is important that the methods developed by this body are used, as they can indicate as accurately as possible what measures should be used. This is important for the company, because without unnecessary investment it can meet the statutory safety requirements, but also for the safety of residents in the earthquake area, because the installations are as safe as possible in the event of an earthquake. This makes these methods necessary. The safety of the inhabitants of the earthquake area is a compelling and important concern. This is the least restrictive means of achieving compliance with the safety standard. The methods/documents refer to the assessment for the purpose of testing against the safety standard and only

the costs necessary to comply with the standard are reimbursed. Therefore, the methods/documents do not go beyond what is necessary with regard to the safety standard. The documents are based on the latest scientific evidence from relevant experts. The compensation can be received by all companies in the earthquake area that meet the eligibility requirements. Companies in the earthquake area, which fall within the Policy Rule because, for example, they work with hazardous substances, must take further measures to comply with the statutory safety requirements. These requirements apply only to the types of companies listed in Article 2 of the Policy Rule.

All companies in these categories in the Netherlands must meet these safety requirements, but this is more expensive for companies in the earthquake area, as they have to take more measures to meet the same requirement. The distinguishing factor is the risk of earthquakes.

These earthquakes are caused by gas extraction in Groningen. The Nederlandse Aardolie Maatschappij (NAM) [Netherlands Petroleum Company] is liable for this. Therefore, companies can receive compensation for taking additional safety measures.

The requirement is non-discriminatory, because all companies facing this earthquake risk are entitled to the compensation if they meet the same requirements as other companies in this group. In addition, the requirement is non-discriminatory because other companies in the Netherlands do not have to take additional measures to meet the statutory safety requirements. They already comply without this investment. Therefore, the eligible costs are not costs that they must incur.

10. Numbers or titles of basic texts: There are no basic texts

11. No

12.

13. No

14. Yes

15. No

16.

TBT aspects: No

SPS aspects: No

European Commission

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