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BIJ DE GRATIE GODS,
KONING DER NEDERLANDEN,
PRINS VAN ORANJE-NASSAU,
ENZ. ENZ. ENZ.

DRAFT DATED 3 April 2025

Decree of […] **amending the Environmental Activities Decree, the Environmental Structures Decree, the Environmental Quality Decree, the Environment Decree, the Implementing Decree for the Environment and Planning Act, the Asbestos Removal Decree 2005, the Administrative Provisions (Road Traffic) Decree, the Decree on Safety Regions and the Landfills and Waste Dumping Prohibitions Decree (2025 Consolidated Environmental Decree under the Environment and Planning Act (Infrastructure and Water Management))**

On the recommendation of the State Secretary for Infrastructure and Water Management, done in agreement with Our Minister for Justice and Security, of, No IenW/BSK-2025/37848, General Directorate of Administrative and Legal Affairs;
Having regard to Sections 2.24(1), 2.28, preamble and (c), 2.29a, 4.3(1), 4.20(1)(n), 5.1(2), 5.18(1), 13.5(1), 16.24a, 18.22(1) and 20.6 of the Environment and Planning Act, Section 18(3) of the Road Traffic Act 1994, Sections 8.10, 9.2.2.1(1) and 9.5.2 in conjunction with Sections 9.5.6 and 10.2(2) of the Environmental Management Act and Section 31(4) of the Safety Regions Act;
Having heard the Opinion of the Advisory Division of the Council of State (Opinion of, No);
Having regard to the detailed report of the State Secretary for Infrastructure and Water Management, issued in agreement with Our Minister for Justice and Security of, No IenW/BSK-, General Directorate of Administrative and Legal Affairs;

Have approved and hereby decree the following:

ARTICLE I (amendment of the Environmental Activities Decree)

The **Environmental Activities Decree** is amended as follows:

A

In Article 3.5(1), after replacing '; and' at the end of Part h with a semicolon and replacing the full stop at the end of Part i with '; and', a part is added, which reads:

j. hydrogen.

B

In Article 3.40f(2)(b), 'insofar as the activities have been designated as requiring a permit in Article 3.40e(1) or (3)' is deleted.

C

In Article 3.46(2)(d), ‘insofar as the activities have been designated as requiring a permit in Article 3.45’ is deleted.

D

In Article 3.109(3)(e), ‘insofar as the activities have been designated as requiring a permit in Articles 3.104 to 3.108 inclusive’ is deleted.

E

In Article 3.116(3)(e), ‘insofar as the activities have been designated as requiring a permit in Articles 3.112 to 3.115 inclusive’ is deleted.

F

In Article 3.120(3)(c), ‘insofar as the activities have been designated as requiring a permit in Article 3.119’ is deleted.

G

In Article 3.126(2)(e), ‘insofar as the activities have been designated as requiring a permit in Articles 3.123 to 3.125 inclusive’ is deleted.

H

In Article 3.132(3)(e), ‘insofar as the activities have been designated as requiring a permit in Articles 3.129 to 3.131 inclusive’ is deleted.

I

In Article 3.138(3)(e), ‘insofar as the activities have been designated as requiring a permit in Articles 3.135 to 3.137 inclusive’ is deleted.

J

In Article 3.146(2)(e), ‘insofar as the activities have been designated as requiring a permit in Article 3.145’ is deleted.

K

Article 3.152 is amended as follows:

1. In paragraphs 1 and 3(b), ‘motor vehicles’ is replaced with ‘motorised vehicles’.

2. In paragraph 3(a), ‘motor vehicle’ is replaced with ‘motorised vehicle’.

L

Article 3.185(3) is amended as follows:

1. Part u now reads:

u. end-of-life motorised vehicles, when servicing or repairing motorised vehicles to which paragraph 4.22 applies;

2. In Parts v, w and y, ‘motor vehicles’ is replaced with ‘motorised vehicles’.

M

Article 3.186 (3) is amended as follows:

1. In Part a, ‘motor vehicles’ is replaced with ‘motorised vehicles’.

2. In Parts b and c, ‘motor vehicle’ is replaced with ‘motorised vehicle’.

N

In Article 3.198(2)(d), ‘insofar as the activities have been designated as requiring a permit in Articles 3.185 to 3.197 inclusive’ is deleted.

O

In Article 3.227(2)(c), ‘insofar as the activities have been designated as requiring a permit in Article 3.226’ is deleted.

P

In Article 3.270(2)(c), ’insofar as the activities have been designated as requiring a permit in Article 3.269’ is deleted.

Q

In Article 3.294(2)(b), ‘insofar as the activities have been designated as requiring a permit in Article 3.293’ is deleted.

R

In Article 3.302(c) ‘insofar as the activities have been designated as requiring a permit in Article 3.301’ is deleted.

S

In Article 3.322(2)(c), ’insofar as the activities have been designated as requiring a permit in Article 3.321(1)’ is deleted.

T

In Article 4.127(1), ‘measured in a one-time measurement’ is deleted.

U

A new row is added to Table 4.127 Emission limit values and reads:

Benzene	1	1.25

V

Article 4.129 is amended as follows:

1. Paragraph 2 is amended as follows:

a. In the preamble, ‘one-time’ is deleted and ‘also’ is inserted after ‘are’.

b. After replacing ‘; and’ with a semicolon at the end of Part d, and replacing the full stop at the end of Part e with ‘; and’, a new part is added, which reads:

f. for benzene: ‘NPR-CEN/TS 13649.’

2. After renumbering paragraph 3 as paragraph 4, a paragraph is inserted, which reads:

3. Assessment of compliance with the emission limit value for polycyclic aromatic hydrocarbons (PAHs) shall be based on the sum of the measured concentrations of naphthalene, acenaphthene, acenaphthene, fluorene, phenanthrene, anthracene, fluoranthene, pyrene, benz(a)anthracene, chrysene, benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(a)pyrene, indeno(1,2,3,c,d)pyrene, dibenzo(a,h)anthracene and benzo(g,h,i)perylene.

W

Article 4.130 now reads:

Article 4.130 (air: monitoring and measurement obligation exemption)

1. Measurements shall be taken at least once to determine compliance with the emission limit values for total dust, nitrogen oxides, sulfur oxides and volatile organic compounds, as referred to in Table 4.127.

2. Paragraph 1 shall not apply for total dust if the measures referred to in Article 4.128 are taken.

3. Measurements shall be taken at least once per year to determine compliance with the emission limit values for PAHs and benzene, as referred to in Table 4.127.

4. If emission-reduction technology is used, monitoring shall also take place by means of an emission-relevant parameter.

5. The following shall be demonstrated for an emission-relevant parameter:

a. the emission-relevant parameters that monitor emissions from a specific component; and

b. the limits within which the emission-relevant parameters meet the emission limit value.

X

Article 4.131 is amended as follows:

1. In the heading, ‘and annual’ is inserted after ‘one-time’.

2. Paragraph 1 now reads:

1. A measurement shall consist of three partial measurements of 15 minutes at least and half an hour at most. If it is not technically possible to carry out the partial measurement of PAHs and benzene in the time allotted, the measurement of these substances may also consist of a one-time measurement of 2 hours.

3. In paragraph 2, ‘the one-time measurement’ is replaced with ‘a measurement’, and ‘or the one-time measurement’ is inserted after ‘measurement results of the partial measurements’.

4. Paragraph 5 is deleted.

Y

An article is inserted after Article 4.132 and reads:

Article 4.132a (report)

1. The results of emission measurements or checks on emission-relevant parameters shall be documented in a report.
2. The results of emission measurements shall be:

a. reported for air conditions at a temperature of 273 K, 101.3 kPa and related to dry air for temperature and pressure, and in dry waste gas; and
b. corrected for measurement uncertainty.

Z

Article 4.313 is amended as follows:

1. Paragraphs 2 and 3 now read:

2. Paragraph 1 shall not apply if:

a. stone blasting is done using equipment with an integrated dust extraction system; or

b. rubble is crushed with a rubble crusher alongside which efficient dust-control techniques are used.

3. The following shall be regarded as efficient dust-control techniques as referred to in paragraph 2(b):

a. effective wet methods in which the water jet or water curtain is dimensioned such that no visually detectable dust dispersion occurs at a distance of two metres from the dust source; or

b. effective mechanical dust extraction in which emissions pass through a suitable filtering separator so that no visually detectable dust dispersion occurs at the outlet of the filter system.

2. Paragraphs 4 and 5 are deleted:

AA

In Article 4.314, ‘when processing stone in an enclosed space’ is inserted at the end of the sentence.

AB

Article 4.315(1) now reads:

1. For emissions into the air when processing stone as referred to in Article 4.313(1), (2)(a) and (3)(b), the emission limit value of total dust shall be 5 mg/Nm^3, measured in a one-time measurement.

AC

Article 4.320 is amended as follows:

1. ‘1.’ is added in front of the text.
2. A paragraph is added, which reads:

2. This subsection shall not apply to the reduction of woody plant residues with a mobile machine in the immediate vicinity of the location where the residues to be reduced were released.

AD

In Article 4.365, ‘motor vehicles’ is replaced with ‘’motorised vehicles’.

AE

Article 4.366 is amended as follows:

1. In paragraphs 1 and 2(a) and (c), ‘motor vehicles’ is replaced with ‘motorised vehicles’.
2. In paragraph 2(b), ‘motor vehicle’ is replaced with ‘motorised vehicle’.

AF

In Articles 4.518(2), 4.520(c), 4.573, 4.576(1)(a), 4.577(1), 4.587(1), preamble, 4.588(3), 4.590(1), 4.1063(4) and 4.1064(4), ‘motor vehicles’ is replaced with ‘motorised vehicles’.

AG

Article 4.685b now reads:

Article 4.685b (notification of competent authority: exemption from port waste plan)
If Article 4.685(4) applies, the competent authority referred to in Section 2.2 shall be notified accordingly within 4 weeks.

AH

Article 4.1069 now reads:

Article 4.1069 (air: measures when loading and unloading dust-sensitive goods)

To prevent or reduce diffuse emissions, the following measures shall be taken when loading and unloading:
a. loading and unloading with unloading hoppers: the hoppers shall be fitted with an extractor;
b. loading and unloading with grabs: the top of the grabs shall be sealed;
c. loading and unloading barges: the hopper of the barge loader shall extend to:
1°. the floor of the space; or
2°. the material that has already been poured down the hopper; and
d. loading and unloading with pneumatic elevators:
1°. the weighing stations and transfer points shall be of an enclosed design;
2°. the dust deposited shall regularly be removed from the transfer points; or
3°. the hopper shoe shall be fitted with an extractor.

AI

Article 4.1073a(2) is amended as follows:
1. Part a now reads:
a. CC wood: wood treated with a copper-chromium-based preservative;
2. After relettering Parts b and c as Parts c and d, a new part is added, which reads:
b. CCA wood: wood treated with a copper-chromium-arsenic-based preservative;

AJ

In Article 4.1292(1), after replacing ‘; or’ at the end of Part h with a semicolon and replacing the full stop at the end of Part i with ‘; or’, a part is added, which reads:
j. hydrogen.

AK

In Articles 4.1293(2)(c) and 4.1294(1)(c), ‘, hydrogen’ is inserted after ‘fermentation gas’.

AL

A new paragraph is added to Article 4.1303 and reads:
5. When burning hydrogen in a combustion plant with a rated thermal input of 400 kW or less, compliance with paragraph 1 shall have been achieved in any event if Commission Regulation (EU) of 2 August 2013 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to

ecodesign requirements for space heaters and combination heaters (OJ L 239/136, 2013) applies.

AM

Table 4.1303 is amended as follows:

1. In the second-to-last row, ‘or hydrogen’ is inserted after ‘Natural gas’.
2. After the second-to-last row, a row is inserted, which reads:

Hydrogen, fired in a combustion plant of 400 kW or less	90	-	-

AN

In Table 4.1304, after the second-to-last row, a row is inserted, which reads:

Hydrogen	50	-	-

AO

Table 4.1307 is amended as follows:

1. In the second-to-last row, ‘or hydrogen’ is inserted after ‘fermentation gas’.
2. After the second-to-last row, a row is inserted, which reads:

Hydrogen	35	-	-

AP

In Table 4.1308, ‘or hydrogen’ is inserted after ‘Natural gas’.

AQ

In Article 4.1312(5)(b), ‘for the quality management system’ and ‘NEN-EN-ISO/IEC 17021-1 for’ are deleted.

AR

Article 4.1326 is amended as follows:

1. In subparagraph 4, ‘or when this paragraph has become applicable to it’ is inserted after ‘taken into operation’.
2. In paragraph 5, ‘that operates more than 500 hours per year or a hydrogen combustion plant combustion plant’ is inserted after ‘combustion plant’.
3. In paragraph 6, ‘A gas combustion plant shall be’ is replaced with ‘Combustion plants other than those referred to in paragraph 5 shall be’.
4. In paragraph 7, ‘for the quality management system’ and ‘NEN-EN-ISO/IEC 17021-1 for’ are deleted.

AS

Article 4.1327 is amended as follows:

1. In paragraph 2(f), ‘, hydrogen’ is inserted after ‘fermentation gas’.
2. Paragraph 2(j) now reads:

j. the date and measurement results of the most recent emission measurements and the carbon monoxide and oxygen concentrations measured during the inspection;

AT

Article 5.23 now reads:

Article 5.23 (notification and minimisation: emissions of substances of very high concern and avoidance and reduction programmes)
The following shall be submitted to the competent authority referred to in Section 2.2 once every 5 years:
a. data about the extent to which substances of very high concern will be emitted into the air or the water, and
b. the avoidance and reduction programmes referred to in Article 5.24.

AU

Article 5.29 now reads:

Article 5.29. (emission-relevant parameter)

1. In this paragraph, the term ‘category-A emission-relevant parameter’ shall mean: a parameter that provides a quantitative picture of emissions, after calibration if necessary.
2. The term ‘category-B emission-relevant parameter’ shall mean: a parameter that provides a qualitative picture of emissions.

AV

Annex I (A) is amended as follows:
1. The following definition is inserted in correct alphabetical order:
emission-relevant parameter: a measurable or calculable variable with a relationship with the emissions under assessment;.
2. In the definition of *end-of-life vehicle*, ‘motor vehicle’ is replaced with ‘motorised vehicle’.
3. The definition of *end-of-life two-wheeled motor vehicle* now reads:
end-of-life two-wheeled motor vehicle: motor vehicle on two wheels that is a moped or motorcycle as referred to in the regulation pursuant to Section 71(1) of the Road Traffic Act 1994 and that is a waste material;

AW

In Annex II, Category 21, ‘(wolmanised C wood)’ is deleted.

AX

In Annex IVa(A)(a), ‘motor vehicles’ is replaced with ‘motorised vehicles’.

AY

Annex VIII, Part M now reads:

The activity referred to in Article 3.144, if the activity has been designated as requiring a permit in Article 3.145(1) and is performed on metal vessels or floating equipment with a length of 25 m or more, to be measured along the waterline and consisting of:
a. the processing of metal in the open air; or
b. test-running combustion engines between 19.00 and 07.00.

AZ

In Annex VIII, Part P, ‘if the activity is designated as requiring a permit in Article 3.293, and’ is deleted.

ARTICLE II (amendment of the Environmental Structures Decree)

The **Environmental Structures Decree** is amended as follows:

A

In Article 6.40, ‘for the quality management system’ and ‘NEN-EN-ISO/IEC 17021-1 for’ are deleted.

B

Article 7.12 now reads:

Article 7.12. (notification: start and end of demolition work)

1. The competent authority referred to in Article 2.2 shall be notified that demolition work is due to start at least two working days in advance.
2. The competent authority referred to in Article 2.2 shall be notified that demolition work has ended on the first working day after demolition work ends at the latest.
3. Paragraphs 1 and 2 shall only apply to the demolition of a structure for which a notification of demolition is required.

C

A new article is inserted in paragraph 7.1.3 and reads:

Article 7.12a. (notification: start and end of demolition work for asbestos in risk category 2 or 2A)

1. This article shall apply if, during demolition work, asbestos has been or will be removed that has been classified as risk category 2 or 2A, as referred to in Article 4.48 or 4.53a of the Working Conditions Decree.
2. Contrary to Article 7.12(1), the start date for demolition work shall be entered into the National Asbestos Monitoring System (LAVS) at least two working days before demolition work starts.
3. Contrary to Article 7.12(2), the end date for demolition work shall be entered into the LAVS by the first working day after demolition work ends.
4. The party that conducted the final assessment referred to in Article 7.22(1), or the visual inspection referred to in Article 7.22(2), shall enter the final result thereof into the LAVS within 2 weeks of the date of the final assessment or visual inspection.
5. Within 2 weeks of the completion of the final assessment referred to in Article 7.22(1), or the visual inspection referred to in Article 7.22(2), proof of the removal of the asbestos waste shall be entered into the LAVS, specifying the weight and disposal destination of the asbestos waste.
6. Paragraphs 2 to 4 shall only apply to the demolition of a structure for which a notification of demolition is required.

D

Article 7.21 is amended as follows:

1. In the heading, the phrase ‘other than in the exercise of a profession or business’ is deleted.
2. In the preamble, the phrase ‘The party that performs the activities referred to in Article 7.9(2)(e) other than in the exercise of a profession or business’ is replaced with ‘The party that removes asbestos or an asbestos-containing product during demolition work,’.
3. After relettering Parts d and e as Parts e and f, a subparagraph is inserted after Part c and reads:

d. after removal in accordance with Part a, there shall be no asbestos residues;

4. In Part e (new), ‘Article 7 of the Asbestos (Products) Decree’ is replaced with ‘Appendix 7 to Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (OJ L 396, 2006)’.

E

A new article is inserted in paragraph 7.2.3 and reads:

Article 7.39a (dust emissions)

1. Stone or rubble shall be crushed with a rubble crusher alongside which efficient dust-control techniques are used.
2. The following shall be designated as efficient dust-control techniques:

a. effective wet methods in which the water jet or water curtain is dimensioned such that no visually detectable dust dispersion occurs at a distance of two metres from the dust source; or

b. effective mechanical dust extraction in which emissions pass through a suitable filtering separator so that no visually detectable dust dispersion occurs at the outlet of the filter system.

ARTICLE III (amendment of the Environmental Quality Decree)

The **Environmental Quality Decree** is amended as follows:

A

In Articles 3.26(a), 5.78(1)(c), 5.78i(1)(a), 5.78ae(1)(a) and 7.10a(1), ‘1 000 motor vehicles’ is replaced with ‘2 500 motor vehicles’.

B

A sentence is added to Article 3.27(2) and reads:

> If Article 5.78m(3) or Article 5.78n(3) has been applied, the basic noise emission (hereinafter: BNE) of the municipal road shall be based on the noise emitted by the municipal road and the local railway jointly.

C

In Article 3.39(1), ‘the façade of’ is deleted and ‘noise-sensitive buildings’ is replaced with ‘a noise-sensitive building’.

D

Article 3.52 now reads:

> 1. Where appropriate, the following administrative bodies shall decide whether, and if so which, noise abatement measures will be taken in a noise-sensitive building:
> a. the Municipal Executive, if:
> 1°. following the consideration referred to in Article 3.28, no noise reduction measures are to be taken to reduce the BNE or limit value to the levels specified;
> 2°. a municipal administrative body applied Articles 3.35, 3.36, 3.37 or 3.41 when determining a noise production ceiling as an environmental value;
> 3°. Article 5.78n, 5.78o or 5.78af(3) is applied in an environment plan or environmental permit for an environment plan activity and the noise in the noise-sensitive building is higher than it was at the time of application; or
> 4°. the noise in a noise-sensitive building increases due to a traffic decision as referred to in Article 21a of the Administrative Provisions (Road Traffic) Decree adopted by the Municipal Executive or an executive committee established by the Municipal Executive;
> b. the executive board of a water authority, if:
> 1°. following the consideration referred to in Article 3.28, no noise reduction measures are taken that bring noise levels within the BNE or the limit value; or
> 2°. the noise in a noise-sensitive building increases due to a traffic decision as referred to in Article 21a of the Administrative Provisions (Road Traffic) Decree adopted by the governing board or executive board of the water authority;
> c. the Provincial Executive, if:
> 1° a provincial administrative body applied Articles 3.35, 3.36, 3.37 or 3.41 when determining a noise production ceiling; or
> 2°. the noise in a noise-sensitive building in the noise focus area of a municipal road or water authority road increases due to a traffic decision as referred to in Article 21a of the Administrative Provisions (Road Traffic) Decree and adopted by them;
> d. Our Minister of Infrastructure and Water Management, if:
> 1°. a government administrative body applied Articles 3.35, 3.36, 3.37 or 3.41 when determining a noise production ceiling; or
> 2°. the noise in a noise-sensitive building in the noise focus area of a municipal road or water authority road increases due to a traffic decision as referred to in Article 21a of the Administrative Provisions (Road Traffic) Decree and adopted by it.
>
> 2. Contrary to paragraph 1, in the case of a project decision or an environmental permit for a non-planned environmental plan activity of provincial or national importance, the decision shall be taken by the competent authority, or, if this is another minister, Our Minister of Infrastructure and Water Management.
>
> 3. Contrary to paragraph 1(a), (b) and (c) and paragraph 2, the decision about a noise-sensitive building located outside the territory of the municipality, the water authority or the province where the noise source is located shall be

taken by the Municipal Executive of the municipality in which the building is located.

E

Article 5.12(3) now reads:
3. A toxic cloud focus area is the location bounded by the distance within which an unusual occurrence leads to a toxic cloud that could cause individuals in a building to die as a result of exposure to the dose of a hazardous substance determined by ministerial order.

F

Article 5.15a is amended as follows:

1. '1.' is added in front of the text.
2. A paragraph is added, which reads:

2. Article 5.15 shall not apply:
a. insofar as activities are already lawfully being performed, or are permitted at a location under an environment plan or an environmental permit for a non-planned environment plan activity, when Article III(E) came into effect, or are permitted under Article IX(1) of the Consolidated Environmental Decree under the Environment and Planning Act (Infrastructure and Water Management), or
b. to low, moderate and high vulnerability buildings and low to moderate vulnerability sites, insofar as activities are already lawfully permitted at a site under an environment plan, or an environmental permit for a non-planned environment plan activity, at the time referred to under (a) or are permitted under Article IX(1) of the 2025 Consolidated Environmental Decree under the Environment and Planning Act.

G

Article 5.78m(3) now reads:
3. If a local railway that is to be constructed or modified is largely interconnected or clustered with a municipal road, or a municipal road that is to be constructed or modified is largely interconnected or clustered with a local railway, the standard value for municipal roads referred to in Table 3.34 may be applied jointly for the noise caused by the municipal road and local railway.

H

Article 5.78n(3) now reads:
3. If a local railway that is to be constructed or modified is largely interconnected or clustered with a municipal road, or a municipal road that is to be constructed or modified is largely interconnected or clustered with a local railway, the limit value for municipal roads referred to in Table 3.35 may be applied jointly for the noise caused by the municipal road and local railway.

I

In Article 5.78q, 'the façade of' is deleted and 'noise-sensitive buildings' is replaced with 'the noise-sensitive building'.

J

Article 5.78aa is amended as follows:

1. Paragraph 1(b) now reads:

b. no measures other than those referred to in Article 5.78z may be taken in order to comply with the limit value referred to in Table 5.78u.

2. After renumbering paragraph 2 as paragraph 3, a paragraph is inserted, which reads:

2. Other measures, as referred to in paragraph 1(b), shall be taken into consideration if they are not unreasonably expensive and there are no compelling objections to them of an urban-development, traffic-engineering, transportation, landscape or technical nature.

K

In Article 5.78ad, ‘the façade of’ is deleted and ‘noise-sensitive buildings’ is replaced with ‘the noise-sensitive building’.

L

Article 8.18 is amended as follows:

1. In paragraph 1, ‘in noise-sensitive buildings than the standard values referred to in Article 5.65(1), preamble and (a), paragraphs 2, 3 or 4’ is replaced with ‘in a noise-sensitive building than the noise of that activity in the building that is permitted under the environment plan or an environmental permit for a non-planned environment plan activity that falls outside the scope of the environment plan’.
2. In paragraph 2, ‘within noise-sensitive rooms in noise-sensitive buildings’ is replaced with ‘in noise-sensitive rooms in noise-sensitive buildings’.
3. After relettering Parts a and b as Parts b and c in paragraph 3, a new part is inserted, which reads:

a. the noise of the activity in the building shall comply with the standard values referred to in Article 5.65(1), preamble and subparagraph a;

M

Article 11.46(3) now reads:

3. The data shall be collected by a time to be determined by Royal Decree for the BNE in a calendar year but by the year 2026 at the latest.

N

Article 11.42 is amended as follows:

1. In paragraph 1(a), after renumbering Part 7° as Part 8°, a new part is inserted, which reads:

7°. a reference to the internet address at which the noise production ceiling monitoring report referred to in Article 11.45 has been made available electronically; and

2. In paragraph 1(b), after renumbering Parts 2°, 3° and 4° as Parts 3°, 4° and 5°, a new part is inserted, which reads:

2°. a reference to the source in which the report on the value of the basic sound emission referred to in Article 11.46 has been published electronically;

3. In paragraph 1(b), after renumbering Part 5° as Part 7°, a new part is inserted, which reads:

6°. a reference to the source in which the report on the monitoring of the basic sound emission referred to in Article 11.47 has been published electronically; and

4. Paragraph 1(c) now reads:

c. for the noise caused by aviation:

1°. the 48 L_{den} noise contour, the 20 Cost units noise contour and the 1 L_{den} noise contours located within those contours; and

2°. an indication of the decision in which the 48 L_{den} noise contour or the 20 Cost units noise contour has been determined;

5. Paragraph 1(d) now reads:

d. for the noise caused by a wind turbine or a wind farm on an industrial estate:

1°. the noise source data; and

2°. particulars of the document on the basis of which the activity is lawful and from which the data has been derived; and

6. In paragraph 1(e), after replacing ‘; and’ with a semicolon at the end of Part 1° and replacing the full stop at the end of Part 2° with ‘; and’, a part is added, which reads:
3°. particulars of the document on the basis of which the activity is lawful and from which the data has been derived;

O

Article 12.1 is amended as follows:

1. In Part a, ‘and’ is deleted.
2. In Part b, the full stop is replaced with ‘; and’.
3. A new part is added to the definition of ‘limit value under the Noise Abatement Act’, which reads:
c. the maximum permissible values of the noise exposure caused by the industrial estate, determined by Our Minister pursuant to Section 63(2) of the Noise Abatement Act.

P

In Articles 12.2(1), 12.5(1) and 12.6(1), ‘3.40’ is replaced with ‘3.39’.

Q

The following paragraph is inserted in Article 12.2a and reads:

3. Article 5.78g shall not apply if Article 12.2 alone is applied.

R

Article 12.3 of the Environmental Quality Decree now reads:

Article 12.3 (existing industrial estate to which reasonable summation was applied when determining limit values in the Noise Abatement Act)
If when determining a limit value in accordance with the Noise Abatement Act, a deduction is applied as referred to in Article 2.3(2) of the Calculation and Measurement Regulations Noise 2012, as it read until 1 January 2024, in application of Article 12.2(1), the limit value shall be increased by the value of the deduction, and noise production on the industrial estate shall be reduced by the same value.

S

Article 12.4(2) of the Environmental Quality Decree now reads:

2. If an existing industrial estate is subject to a deduction as referred to in Article 2.3(2) of the Calculation and Measurement Regulations Noise 2012, as it read until 1 January 2024, it shall not be necessary, contrary to Article 3.44, to determine the noise production ceiling determined pursuant to Article 12.2(1) for a period of up to 5 years, whereby the noise production ceiling may be exceeded by the value of the deduction at the very most.

T

Article 12.12 is amended as follows:

1. Paragraph 1 now reads:
1. A programme as referred to in Section 22.18(1) of the Act shall include noise reduction measures that are taken to limit noise in the buildings referred to in Article 15.2(2)(d) of the Environment Decree and Article 12.11(2), insofar as the said buildings are located in the noise focus area of a municipal road or a local railway that has not been designated by environmental regulation, to be limited to a maximum of 65 dB.
2. After renumbering paragraphs 2 and 3 as paragraphs 3 and 4, a new paragraph is inserted, which reads:

2. Limitation of the noise referred to in paragraph 1 shall be determined in relation to the noise in the building in the year referred to in Article 11.46(3).

U

Article 12.13 is amended as follows:

1. Paragraph 1 now reads:

1. A programme as referred to in Section 22.18(2) of the Act shall include noise reduction measures that are taken to limit the noise in the buildings referred to in Article 15.2(2)(d) of the Environment Decree and Article 12.11(2), insofar as the said buildings are located in the noise focus area of a water authority road, to be limited to a maximum of 65 dB.

2. After renumbering paragraphs 2 and 3 as paragraphs 3 and 4, a new paragraph is inserted, which reads:

2. Limitation of the noise referred to in paragraph 1 shall be determined in relation to the noise in the building in the year referred to in Article 11.46(3).

V

Article 12.13a(1) is amended as follows:

1. Part a now reads:

a. 65 dB for the buildings referred to in Article 15.2(2)(a) and (c) of the Environment Decree, and the buildings referred to in Article 12.11(2), if the noise originates from a provincial road located within a built-up area determined pursuant to the Road Traffic Act 1994 or of a local railway designated by environment regulation;

2. Part b now reads:

b. 60 dB for the buildings referred to in Article 15.2(2)(b) of the Environment Decree, and the buildings referred to in Article 12.11(2), if the noise originates from a provincial road located outside the built-up area;

3. Parts c and d are deleted.

W

In Annex IX(D), the row containing the ‘Complex TNO Rijswijk’ location is deleted.

ARTICLE IV (amendment of the Environment Decree)

The **Environment Decree** is amended as follows:

A

In Article 8.5(p), ‘motor vehicles’ is replaced with ’motorised vehicles’.

B

In Article 10.6e, ‘3.43 or 3.46(2) of the Environmental Quality Decree’ is replaced with ‘3.43, 3.46(2) or 12.13k of the Environmental Quality Decree’.

C

Article 10.17(2) now reads:

2. An action plan shall be updated by 18 July of every fifth calendar year after 2024. In the event of a significant development that affects the noise situation, the action plan shall be updated in the interim, if necessary. An interim update of an action plan shall not affect the obligation referred to in the first sentence.

D

Article 10.42a(1) is amended as follows:

1. In Part a, ‘7°’ is replaced with ‘8°’.
2. In Part c, ‘and 7°’ is inserted after ‘6°’.
3. In Part d, preamble, ‘5°’ is replaced with ‘6°’.
4. In Part e, ‘and 5°’ is inserted after ‘4°’.

E

Article 10.42c(3) now reads:

3. The report on the value of the BNE and the report on the results of the monitoring shall be universally accessible by electronic means.

F

After paragraph 10.8.5a, a paragraph is inserted, which reads:

Paragraph 10.8.5b Efficient management of waste

Article 10.42c3 (data provision, exception port waste plan)
If the competent authority referred to in Section 2.2 of the Environmental Activities Decree has information as referred to in Article 4.685b of that decree, it shall make the said information available to Our Minister of Infrastructure and Water Management.

G

Article 10.50(2) now reads:

2. The competent authority shall update a noise exposure map by 30 June 2027 and thereafter no later than on 30 June of each fifth calendar year after 2027.

H

In Article 13.12(1), ‘the interests referred to in Article 2.2, 18.3 or 19.1b of the Environmental Activities Decree,’ is replaced with ‘the interests referred to in Article 2.2, 18.3 or 19.1b of the Environmental Activities Decree,’.

I

Article 15.2 is amended as follows:

1. In paragraph 1, preamble, ‘put together’ is replaced with ‘prepare’.
2. A paragraph is added, which reads:

5. After the date referred to in paragraph 1, preamble, the list may only be amended in the event of an error.

J

Article 15.3 is amended as follows:

1. In the heading, ‘put together’ is replaced with ‘prepare’.
2. In paragraph 1, ‘putting together’ is replaced with ‘preparing’.

K

In Article 15.4(1), ‘7°’ is replaced with ‘8°’.

ARTICLE V (amendment of the Implementing Decree for the Environment and Planning Act)

The **Implementing Decree for the Environment and Planning Act** is amended as follows:

Article 8.2.3 of the Implementing Decree for the Environment and Planning Act is deleted.

Article VI (amendment of the Asbestos Removal Decree 2005)

The **Asbestos Removal Decree 2005** is amended as follows:

A

In Article 1, ‘such’ is replaced with ‘the said type of’ in the definition of the term *object*.

B

In Article 3(4), ‘the object’ is replaced with ‘the object or location’.

C

Article 7 is amended as follows:

1. In the preamble, the phrase ‘other than in the exercise of a profession or business’ is deleted.
2. After Part c, and relettering Part c to g as Parts f to j, two parts are inserted, which read:

d. any asbestos residues dispersed after removal in accordance with Part a shall be removed;

e. asbestos dispersion shall be avoided as much as possible during removal according to Part a, separation and collection according to Part b and packaging according to Part c;

3. In Part h (new), ‘Article 7 of the Asbestos (Products) Decree’ is replaced with ‘Appendix 7 to Annex XVII to the Regulation (EC) concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals’.

D

In Article 8(1), the phrase ‘other than in the exercise of a profession or business’ is deleted.

E

A new paragraph is added to Article 11 and reads:

6. The data and documents entered into the National Asbestos Monitoring System (LAVS) will enable the LAVS manager to prepare analyses and overviews in respect of the monitoring and evaluation of current government policy on asbestos removal and the preparation of future government policy on asbestos removal. These analyses and overviews shall not contain any personal data as referred to in the General Data Protection Regulation.

F

Article 13(1) is amended as follows:

1. In Part a, ‘, in the event of asbestos removal projects that fall within the scope of the body concerned’ is deleted.
2. After replacing the full stop at the end of Part g with a semicolon, a new part is added, which reads:

h. the LAVS manager.

G

A new article is inserted in paragraph 5, which reads:

Article 16

Insofar as the operations referred to in Article 3(3) and (4) in conjunction with (3), or Article 9, relate to construction work, the Municipal Executive shall be responsible for the administrative enforcement of this Decree instead of Our Minister.

ARTICLE VII (amendment of the Administrative Provisions (Road Traffic) Decree)

In Article 21a(1) of the Administrative Provisions (Road Traffic) Decree, ‘5.78a,’ is inserted after ‘articles’.

Article VIII (amendment of the Decree on Safety Regions)

The following is added to Article 7.1(1)(e) of the Decree on Safety Regions:
‘in the event of a railway marshalling yard referred to in Annex VII(E)(13) to the Environmental Quality Decree’.

ARTICLE IX (amendment of the Landfills and Waste Dumping Prohibitions Decree)

In Article 1(1), Category 37, ‘with the exception of wolmanised C wood’ is replaced with ‘with the exception of wood treated with a copper-chromium-based preservative (CC wood) or a copper-chromium-arsenic-based preservative (CCA wood)’.

ARTICLE X (transitional law)

1. If, before the entry into force of Article III(E), a draft of an amendment to the environmental plan has been submitted for inspection, or an application for an environmental permit for a non-planned environmental plan activity or an environmentally harmful activity has been submitted, Article 5.12(3) of the Environmental Quality Decree, as it read before the date of entry into force of Article III(E) of this Decree, shall continue to apply until the decision amending the environmental plan has entered into force, or the decision on the application for the environmental permit for the non-planned environmental plan activity or the environmentally harmful activity has become irrevocable.
2. If the amendment to Article 3.5(1) of the Environmental Activities Decree for the operation of a combustion plant means that the prohibition referred to in Subsection 5.1.1 of the Environment and Planning Act no longer applies, an instruction attached to an irrevocable environmental permit for the activity in question shall be deemed to be a customised instruction, insofar as it relates to a subject for which the competent authority is able to set customised instructions as referred to in Section 4.5(1) of the Environment and Planning Act.

ARTICLE XI (entry into force)

This Decree shall enter into force at a time to be determined by Royal Decree, which may be different for the individual parts thereof.

Article XII (title)

This Decree shall be cited as the: Consolidated Environmental Decree under the Environment and Planning Act (Infrastructure and Water Management)).

I hereby order this Decree and its associated explanatory notes to be published in the official journal.

THE STATE SECRETARY FOR INFRASTRUCTURE AND WATER MANAGEMENT - PUBLIC TRANSPORT AND THE ENVIRONMENT

EXPLANATORY MEMORANDUM

I. General

1. Introduction

The 2025 Consolidated Environmental Decree under the Environment and Planning Act (Infrastructure and Water Management) (Verzamelbesluit Omgevingswet IenW milieu 2025) contains amendments to the Environmental Activities Decree (Besluit activiteiten leefomgeving; hereinafter: Bal), the Environmental Structures Decree (Besluit bouwwerken leefomgeving; hereinafter: Bbl), the Environmental Quality Decree (Besluit kwaliteit leefomgeving; hereinafter: Bkl), the Environmental Decree (Omgevingsbesluit; hereinafter: Ob), the 2005 Asbestos Removal Decree (Asbestverwijderingsbesluit), the Decree on Administrative Provisions on Road Traffic (Besluit administratieve bepalingen inzake het wegverkeer), the Decree on Safety Regions (Besluit veiligheidsregio's; hereinafter: Bvr) and the Landfills and Waste Dumping Prohibitions Decree (Besluit stortplaatsen en stortverboden afvalstoffen). The consolidated Decree contains policy-related and technical amendments. These amendments are consolidated because they fall under the portfolio of the State Secretary for Infrastructure and Water Management and all relate to the environment and the living environment. The policy-related amendments are discussed below: The technical amendments are explained by article in the explanatory notes.

2. Amendments

2.1 Hydrogen as a fuel (Articles 3.5, 4.1292, 4.1293, 4.1294, 4.1303, Table 4.1303, Table 4.1304, Table 4.1307, Table 4.1308, Articles 4.1312, 4.1326 and 4.1327 of the Bal)

Amongst other things, the amendments to the Bal relate to the simplification and supplementation of regulations for the combustion of hydrogen. The Netherlands wants to be climate neutral in 2050. Therefore, the expectation is that the use of hydrogen combustion plants will become more the norm in the future. The consolidated Decree amends the general rules on hydrogen combustion. The permit requirement for the combustion of hydrogen in plants from 100 kW to 50 MW (small and medium-sized combustion plants) no longer applies and has been replaced with a notification requirement. Emission limit values for NO_x emissions from small hydrogen combustion plants (<1 MW) have been added as well to avoid an increase in NO_x emissions from the combustion of natural gas. Finally, an inspection requirement has been introduced for hydrogen combustion plants. Inspection frequency has been aligned for all small and medium-sized combustion plants that operate for less than 500 hours per year and do not combust hydrogen. This reduces the inspection frequency.

Before the consolidated Decree entered into force, hydrogen was considered a non-standard fuel for which a permit had to be obtained from the competent authority, just as for other non-standard fuels. The emission limit values and other requirements for combustion plans from 1 MW upwards (medium-sized combustion plants) followed from paragraph 4.127 of the Bal. Paragraph 5.4.4 of the Bal applied to combustion plants from 400 to 1 000 kW (small combustion plants). However, the emission limit value for NO_x included in this paragraph did not apply because emissions from these combustion plants did not exceed the lower limit specified in Table 5.30. Since 26 September 2018, combustion plants with a rated thermal input of < 400 kW have been subject to the requirements of Regulation (EU) No 813/2013 of 2 August 2013 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for space heaters and combination heaters[1]. No inspection requirement applied for small and medium-sized hydrogen combustion plants. The competent authority was able to add this requirement to the permit.

Permit requirement deleted

[1] Commission Regulation (EU) No 813/2013 of 2 August 2013 implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for space heaters and combination heaters (OJ L 239/136, 2013).

In the interests of safety, burden and air quality, the consolidated Decree classifies hydrogen as a standard fuel. By designating hydrogen as a standard fuel, the general requirements set out in paragraph 4.126 of the Bal for small and medium-sized combustion plants that burn standard fuels also apply to plants that burn hydrogen. As a result, the permit requirement for the combustion of hydrogen in plants from 100 kW to 50 MW (small and medium-sized combustion plants) no longer applies. It has been replaced by a notification requirement, which ensures the competent authority is still able to monitor hydrogen combustion plants.

Emission limit value for small combustion plants
Hydrogen has a higher flame temperature than natural gas; this could result in an increase in NO_x emissions. The general rules already included emission limit values for NO_x for medium-sized and large hydrogen combustion plants. The rules also relate to the combustion of hydrogen with other fuels like natural gas. The consolidated Decree also includes emission limit values for NO_x for hydrogen combustion plants from 100 kW to 1 000 kW (small combustion plants). The TNO report of 14 April 2023 on hydrogen combustion and nitrogen emissions (Waterstofverbranding en stikstofemissie)[2] shows that the combustion temperature and, as such, NO_x emissions can be reduced by recycling flue gas in the plant. The consolidated Decree also includes NO_x emission limit values for medium-sized hydrogen combustion plants in paragraph 4.126 of the Bal. These emission limit values are not new for medium-sized combustion plants. They are the same emission limit values as those previously applicable pursuant to paragraph 4.127 of the Bal[3].

Inspection requirement
General rules impose an inspection requirement on standard fuels like natural gas. The object of inspections is to ensure the safe operation, optimal combustion and energy efficiency of combustion plants, including flue gas discharge. The SCIOS certification system has been created to safeguard the quality of inspections. These inspections may only be carried out by companies that have been certified by SCIOS (the foundation for the certification of the maintenance and inspection of combustion plants; hereinafter: SCIOS). Inspectors have told SCIOS that hydrogen is being mixed with natural gas on site and then burned in combustion plants. Before the entry into force of the consolidated Decree, plants that burn a hydrogen blend did not fall under the SCIOS certification system. Inspections must be carried out by inspectors who are familiar with the specific properties of hydrogen and its specific consequences for combustion plants, to ensure safe operation, optimal combustion and also energy efficiency. Therefore, points for attention include hazardous situations in which pipes are not gas tight or combustion plants that have been configured incorrectly. The consolidated Degree introduces an inspection requirement for hydrogen combustion plants. As a result, plants must be inspected within 6 weeks of the date on which they are commissioned (or become subject to these regulations). Thereafter, plants that burn hydrogen are to be inspected every 2 years. The first inspection must be carried out by a highly-qualified SCIOS inspector, who determines the aspects to be inspected in follow-up inspections. It is not the intention for the inspection requirement to increase the inspection frequency in situations where small quantities of hydrogen have been added into the existing natural gas grid covered by the gas quality regulations. In parallel with the preparation of the consolidated Decree, SCIOS is drafting inspection regulations for plants that burn hydrogen.

Alignment of the inspection requirement for plants to which the 500-hour regulations do not apply
Following the evaluation[4] of the former Emission Limits Medium-sized Combustion Plants (Environmental Management) Decree in 2013, an inspection for emergency facilities that are in operation for less than 500 hours was added to the Activities (Environmental Management) Decree. In 2017, the House of Representatives was promised that steps would be taken in the run-up to 2025 to ascertain whether the inspection system is still in balance[5]. This happened in 2022. At the instigation of the sector, specific attention was paid to the subject of inspection frequency. The parties state that safety and reliability

[2] Waterstofverbranding en stikstofemissie, TNO 2023 R10343, 14 April 2023.
[3] Given the blending rule in Article 4.1322 of the Bal, the amendments also apply to partial replacement of the fuel or fuels used, such as the replacement of natural gas with hydrogen.
[4] Annex to Parliamentary Papers II 2012/13, 29383, No 211.
[5] Appendix to Official Report II 2016/17, No 2509.

benefit from the regular inspection of emergency facilities. The parties also state that the inspections required will create an economic burden of approximately EUR 2 million per year. Emergency facilities include emergency generators and pump sets for sprinkler systems that are fired by liquid fuels. An inspection frequency of once every 2 years is on the high side for plants of > 100 kW in particular, given the limited safety risks, emissions and fuel consumption and in relation to the costs involved. An inspection frequency of once every 4 years applies for all gas combustion plants with higher safety risks, regardless of their operating time. Therefore, the consolidated Decree aligns the inspection frequency for emergency facilities that are in operation for less than 500 hours (excluding those that burn hydrogen). An inspection frequency of once every 4 years applies. Given the higher safety risks when burning hydrogen compared to natural gas, the higher inspection frequency applies to plants that burn hydrogen. Inspections must be carried out once every 2 years. Because a hydrogen flame is not visible to the human eye and hydrogen ignites faster than natural gas, the risks are greater than when burning natural gas.

2.2 Emission and monitoring requirements for benzene and PAHs to be met by asphalt plants (Articles 4.127, 4.129, 4.130, 4.131 and 4.132a (new) of the Bal)

In recent years, extensive communication has taken place with stakeholders about emissions of benzene and PAHs from asphalt plants. The stakeholders in question are asphalt plants, the Dutch Construction and Infrastructure Federation (Bouwend Nederland), environmental services, provinces, municipalities and local residents. The House of Representatives has been informed about benzene and PAH emissions from asphalt plants and the actions that the relevant competent authorities have taken as a result of emissions from asphalt plants and about their status thereafter[6]. Given the large number of helpdesk questions that the information point for the Environment and Planning Act (IPLO) received about the monitoring of PAHs, it has been decided to consider the monitoring requirements to be met by asphalt plants in paragraph 4.7 as well. Benzene was already subject to an emission requirement (Article 5.30 of the Bal). As it is now known that asphalt plants emit benzene, it is more logical for this emission requirement to be specifically mentioned in the paragraph about asphalt plants. This has resulted in the addition of a benzene emission requirement for asphalt plants in paragraph 4.7 of the Bal, an updated measurement obligation for PAHs and benzene, a clarification of which PAHs are to be measured, an updated measurement frequency and duration and provisions for emission-relevant parameters. The emission limit values for benzene and PAHs have not been changed; the main change is a clarification of the measurement and monitoring regime for these substances.

2.3 Dust control when using rubble crushers (Articles 4.313, 4.314 and 4.315(1) of the Bal and Article 7.39a (new) of the Bbl)

The Ministry of Infrastructure and Water Management has been discussing rules on the prevention of dust emissions from stationary and mobile rubble crushers with Branchevereniging Breken en Sorteren (hereinafter: BRBS) since 2021. As commissioned by the Ministry of Infrastructure and Water Management, a study on measures at mobile rubble crushers was conducted in 2023[7]. This shows that measures involving spraying are common in the case of mobile rubble crushers. The wetting of stone would seem to be the most efficient dust-control method used by the operators of rubble crushers and is considered the best available technique. Both the Bal and Bbl contain rules for rubble crushers. Rubble crushers that fall under the Bbl are mobile systems that are used, for no more than 3 months, to crush stony industrial waste in the immediate vicinity of the structure or road where the waste to be crushed was produced. Rubble crushers that do not fall under the Bbl fall under the Bal. The Bal contained an enclosed processing requirement for rubble crushers that fall under the Decree. The consolidated Decree

[6] See, inter alia, the letter of 19 December 2023 to the Lower House from the State Secretary for Infrastructure and Water Management, informing the House of the status of asphalt plants (Parliamentary Papers II 2023/24, 28089 No 270) and the letter of 7 July 2022 from the State Secretary for Infrastructure and Water Management, informing the House of the emissions of benzene and PAHs from asphalt plants and the actions taken by the relevant competent authorities in response to emissions from asphalt plants (Parliamentary Papers II 2021/22, 28089 No 241).

[7] Report ‘Examination of measures for mobile rubble crushers, dust emissions’, Witteveen+Bos, 7 June 2023.

creates the possibility for enclosed processing or another efficient dust-control technique. Effective wet methods or effective mechanical dust extraction have been designated as effective dust-control techniques. The requirements for dust emissions from mobile rubble crushers at demolition locations that fall under the Bbl were less stringent than the requirements for mobile or other rubble crushers that fall under the Bal. The requirements in the Bbl are now more stringent, to reflect the hazardous nature of the substance. Crushing rubble results in the emission of respirable crystalline silica, which has been on the substances of very high concern (SVHC) list published by the National Institute for Public Health and the Environment (RIVM) since 19 May 2021. Mobile rubble crushers that fall under the Bbl are often used near densely populated residential areas. The consolidated Decree also imposes the requirement for effective dust control, in the form of effective wetting, etcetera, on rubble crushers that fall under the Bbl. As such, the consolidated Decree aligns the dust-control measures for rubble crushers that fall under the Bal and Bbl.

2.4 Deletion of the phased introduction of BNE and the amendment of traffic intensity (Article 11.46(3), respectively Articles 3.26(a), 5.78(1)(c), 5.78i(i)(a), 5.78ae(1)(a) and 7.10a(1) of the Bkl)

The State, the Association of Dutch Municipalities (hereinafter: VNG) and the Dutch Water Authorities (Unie van Waterschappen; hereinafter: UvW) have made further administrative agreements about implementation of the BNE system: the system for monitoring noise development on municipal roads, water authority roads and local railways without noise production ceilings. Contrary to the previous text of Article 11.46(3)(a) of the Bkl, this means that the BNE base year for all the aforementioned roads and railways is 2026 at the latest. This also deletes the introduction of the BGE, as previously provided for in that paragraph, in two phases (first for busier roads and only later for less busy roads).
Noise measurements have also shown the necessity to update the emission factors for vehicle emissions in respect of road traffic noise. In most cases, the actual noise emission on roads with a maximum speed of less than 70 km/h was found to be lower than previously assumed. In 2022, this prompted the amendment of the emission factors in Annex IVe of the Environmental Regulation. In this connection, consideration has been given to the potential consequences of this for the minimum traffic intensity of roads for which the BNE must be determined. The lower limit for the traffic intensity of municipal roads and water authority roads has been established to ensure that local residents are protected sufficiently against traffic noise and also to limit the implementation costs to situations in which it contributes to this protection. As a result, the requirement to establish BNE is limited to roads with daily traffic above a certain value. A lower maximum speed (of less than 70 km/h) applies for the majority of municipal roads and water authority roads, and measurements that RIVM carried out on behalf of the Ministry of Infrastructure and Water Management in 2022 have led to the insight that the traffic on these roads generates less noise than previously known. In view of this, an increase in intensity to 2 500 motor vehicles per day generally provides local residents with an equivalent level of protection as that provided by the initial intensity of 1 000, which was based on the (old) emission factors prior to the amendment of the Environmental Regulation.
The updated emission factors also extend to the instruction rules of the Bkl on noise from roads (paragraph 5.1.4.2a). A lower limit of 1 000 motor vehicles per day had also been determined for the scope of instruction rules in decision-making about the construction of or changes to roads and in decision-making about whether or not to permit the construction of noise-sensitive buildings near these roads. This traffic intensity is also amended to 2 500 motor vehicles per day.

2.5 Post-remediation value for decentralised infrastructure (Articles 12.12, 12.13 and 12.13a of the Bkl)

Articles 12.12, 12.13 and 12.13a of the Bkl state that a programme, as referred to in Section 22.18 of the Environment and Planning Act, must contain noise reduction measures that are taken to reduce noise in the (noise-sensitive) buildings mentioned in these articles and located in a noise focus area (post-remediation) to the maximum noise values mentioned in those articles. These maximum noise values are the so-called ‘post-remediation values’.

In the interests of health, the ‘post-remediation value’ for the mandatory remediation of a municipal road, a local railway, a water authority road or a provincial road is reduced by 5 dB. This aligns the post-remediation value for mandatory remediation with the existing post-remediation value for voluntary remediation. In concrete terms, this means that even in the event of mandatory remediation, after considering the implementation of noise-reducing measures, in other words: source or transfer measures, the need for additional measures in the form façade insulation will need to be investigated in more situations. This will ensure better compliance with the indoor value for the noise-sensitive buildings in question.
Thus, where appropriate, lowering the post-remediation value will lead to more measures being taken in residential dwellings. For the sake of completeness, it is stated that it does not lead to the remediation of more dwellings. The criteria used to determine whether a dwelling is eligible for remediation do not change.

The addition of a new paragraph 2 to Articles 12.12 and 12.13 for the infrastructure of municipalities and water authorities also clarifies that the situation applicable when starting to monitor BNE serves as the starting point for the reduction of noise during remediation.

2.6 Toxic cloud focus area (Article 5.12 of the Bkl)

The amendment to Article 5.12(3) of the Bkl revises the criterion for the definition of the term ‘toxic cloud focus area’. This amendment ensues from the letter of 17 July 2023 from the State Secretary for Infrastructure and Water Management to the House of Representatives[8]. This letter marked the end of a consultation process with representatives from, inter alia, the Association of Provincial Authorities (hereinafter: IPO), VNG and business, including the Royal Association of the Dutch Chemical Industry (hereinafter: VNCI), about the wish to again carefully consider the calculation method for the focus areas.

To date, toxic cloud focus areas have been bounded by the distance at which individuals in buildings are exposed to a certain concentration of hazardous substance with the toxic properties determined by ministerial order for a period of time designated by that order. Instead of bounding toxic cloud focus areas based on the concentration of a hazardous substance, it has been chosen to bound them by a distance based on the dose of a toxic substance. Consideration must be given to how far a certain lethal concentration of a toxin could penetrate into a building in the event of an unusual occurrence but also to the duration of exposure and the concentration at which people could die at the duration in question. This approach results in a more informed estimate of where protection may be insufficient for individuals in a building. It has been chosen to align the method used to calculate the toxic cloud focus area with the RIVM advisory report[9].

2.7 Supervising asbestos removal (Articles 7 and 8 of the Asbestos Removal Decree 2005 and Articles 7.12, 7.12a and 7.21 of the Bbl)

The object of the amendments to Article 7.12 and the insertion of Article 7.12a (new) in the Environmental Structures Decree is to rectify omissions.
Article 7.12a(4) (new) states that the person who carried out the final assessment or visual inspection, after asbestos has been removed from a structure in accordance with the Working Conditions Decree, must enter the ultimate result of the assessment or inspection into the National Asbestos Monitoring System (hereinafter: LAVS). This was regulated in Article 9(3) of the Asbestos Removal Decree 2005 until 1 January 2024. However, Article 9(3) has only applied to the removal of asbestos from objects since 1 January 2024. This is due to the reference in Article 9(1) and Article 9(2) to Article 6(1) of the Asbestos Removal Decree 2005, which has applied solely to objects since 1 January 2024. Therefore, the requirement to enter the ultimate result of a final

[8] Parliamentary Papers II 2022/23, 28089, No 263.

[9] ‘Advice attention zones. Consideration of a proposal for an alternative approach to calculate attention zones’, RIVM letter report 2022-0012, https://www.rivm.nl/publicaties/advies-aandachtsgebieden-beschouwing-van-voorstel-alternatieve-benadering-voor.

assessment or visual inspection of structures into the LAVS no longer applies. The new paragraph 5 does provide for this requirement.
Secondly, the (old) paragraph 5 of Article 7.12 incorrectly referred solely to the final assessment as the last step in an asbestos removal process and excluded the visual final inspection. This omission is now rectified in Article 7.12a(5) (new).
The obligations in paragraphs 2, 3 and 5 to enter information into the LAVS are aimed at the party who is to perform the work (paragraphs 2 and 3) or has performed it (paragraph 5). This follows from the general provision in which the party to which the above applies is designated in Article 7.3. In the case of the LAVS, this is the contractor, because it has access to the LAVS and is actually able to meet these obligations. The client for demolition work is usually a private individual who does not have access to the LAVS because use of the LAVS requires experience that a private individual who is having work carried out on a one-off basis does not usually have. To safeguard the quality and accuracy of the information entered into the LAVS and to avoid frustrations when entering information, the LAVS is only accessible to companies.

The Bbl is being clarified for the purpose of supervisory and enforcement action by municipalities (environmental services) in the event of the improper removal of asbestos in the context of demolition work.
Article 7.21 of the Bbl related solely to private individuals who carry out certain operations involving the removal of asbestos. These operations are defined in Article 7.9(2)(d). The definition of work that private individuals are permitted to carry out themselves corresponds to Article 4(3) of the Asbestos Removal Decree 2005.
When carrying out these operations, private individuals are subject to both Article 7.21 and the specific duty of care laid down in Article 7.4 of the Bbl. This duty of care entails that a party that knows or may reasonably suspect that demolition work may result in a health or safety hazard in the immediate vicinity is required to take any and all measures that may reasonably be required of it to eliminate the hazard. Article 7.21 can be seen as an addition to and clarification of the duty of care.

The amendments to Article 7.21 of the Bbl relate to various matters.
Firstly, they are intended to further supplement and clarify the specific duty of care laid down in Article 7.4. The duty of care in Article 7.4 imposes the requirement to prevent the dispersal of asbestos due to the removal of asbestos as part of demolition work. The addition to and clarification of Article 7.21 of the Bbl with the insertion of a new Part d in this Decree means that asbestos that has inadvertently been dispersed must be removed. It is desirable to expressly stipulate this in Article 7.21 because it could be argued that, if asbestos is left where it is, the risk strictly no longer arises from the demolition work as such. For this reason, it is now expressly stated that asbestos that has been dispersed into the surrounding area during demolition work must be removed. This is because the object of all rules on asbestos removal is to prevent asbestos-related risks. The new Part d is in line with the clarifications included in the other parts of Article 7.21. However, there must be a connection with the performance of demolition work. Asbestos may also have been dispersed into the surrounding area in other ways, including an asbestos fire or the hosing off of asbestos roofs. Removal in these situations does not fall under the new Part d. The removal of asbestos that has been found in the soil and was already present there before demolition work started is not covered by the new Part d. either.
Secondly, the amendments to Article 7.21 make it applicable to both private individuals and companies that are carrying out asbestos removal operations. The specific duty of care laid down in Article 7.4 of the Bbl applies to companies as well. In the case of companies, this may involve asbestos removal operations in both risk category 1 (which may also be carried out by private individuals and non-certified companies) and risk categories 2 and 2a (which may only be carried out by certified companies). Article 7.21 of the Bbl did not previously apply to companies or to asbestos removal operations in risk categories 2 and 2a (this resulted from the phrase ‘other than in the exercise of a profession or business’ and the reference to Article 7.9(2)(d), which describes asbestos removal operations in risk category 1). Because companies were already required to comply with the specific duty of care laid down in Article 7.4, they were actually already required to comply with the obligations laid down in Article 7.21. Therefore, because the object of Article 7.21 is to supplement and clarify the duty of care, it is advisable to expressly stipulate this for companies just as it is for private individuals. For this reason, it is also beyond dispute that the obligations of Article 7.21 do not apply solely to private

individuals carrying out asbestos removal operations (in risk category 1) but also to companies that carry out asbestos removal operations.
Given the aforementioned, the phrase ‘other than in the exercise of a profession or business’ has been deleted, as well as the reference to operations as defined in Article 7.9(2)(d) (asbestos removal operations in risk category 1). Instead, an amendment has been made to the effect that operations involve the removal of asbestos or an asbestos-containing product as part of demolition work.

In view of the applicability of the specific duty of care laid down in Article 7.4, the insertion of a new Part d and the other amendments to Article 7.21 do not actually result in changes to obligations when carrying out asbestos removal operations. It is assumed that all the obligations defined in Article 7.21 already ensued from Article 7.4. The amendments merely serve to clarify obligations.

To avoid any misunderstanding, it is noted that the deletion of the reference in Article 7.21 to Article 7.9(2)(d) does not mean that private individuals may now dispose of asbestos or asbestos-containing products themselves in more situations than before. Which work private individuals are permitted to do themselves still follows from the Asbestos Removal Decree 2005 (in particular Article 4(3)). These are specifically-defined asbestos removals subject to a limited maximum size. According to Article 7.20(1) of the Bbl and Article 6 of the Asbestos Removal Decree 2005, all other asbestos removal operations in risk category 2 or 2a must still be done by a certified company, which must be certified if a risk category 2 or 2A removal is the case.

In this context, the opportunity is also taken to point out that municipalities (environmental services) became the competent authorities for careful asbestos removal in the context of demolition work upon the entry into force of the Bbl on 1 January 2024. This is because they are the competent authority pursuant to the Bbl, in which asbestos removal operations fall under Articles 7.4 and 7.21 of that Decree, regardless of whether they are carried out by private individuals or companies. The present Decree does not alter this.

The Buildings Decree applicable before 1 January 2024 did not designate municipalities (environmental services) as the competent authority for the supervision and enforcement of asbestos removal operations in the context of demolition work (or, at any rate, the aforementioned decree did not clearly provide for this). If, while supervising demolition work, municipalities (environmental services) saw that asbestos was not being removed carefully, they were still required to involve the Netherlands Labour Authority as the competent authority for compliance with the provisions on asbestos removal included in the Working Conditions Act for the purposes of working conditions.
The fact that municipalities (environmental services) did not play a role in the supervision and enforcement of asbestos removal at that time was inefficient because municipalities (environmental services) were usually present at the demolition site as the competent authority for demolition work. For this reason, municipalities (environmental services), in their role as the competent authority for demolition work, have repeatedly asked to be granted supervisory and enforcement powers in respect of (careful) asbestos removal.

The amendments to Article 7 of the Asbestos Removal Decree 2005 are in line with the amendments to Article 7.21 of the Bbl.
Unlike Article 7.4 of the Bbl, the Asbestos Removal Decree 2005 does not include a duty of care. The obligations are specifically elaborated on in Article 7 of the Asbestos Removal Decree 2005.
In line with the amendment to Article 7.21 of the Bbl, an addition has been made to the effect that asbestos removal must prevent the dispersal of asbestos. Any asbestos dispersed inadvertently must be removed. Another amendment results in the applicability of Article 7 to both private individuals and companies.
The obligations in the Bbl apply to asbestos removal from structures. The obligations in the Asbestos Removal Decree 2005 apply (largely) to asbestos removal from objects. Because the Environmental Structures Decree only applies to structures and not objects, the asbestos removal operations for objects are regulated in Article 7 of the Asbestos Removal Decree 2005.

2.8 Deleted amendments

The draft of the consolidated Decree set a fixed date for the entry into force of the amendment of the emission limit values for biomass boilers and the emission limit values in subparagraph 5.4.4 of the Bal, the so-called air module, for existing plants[10]. The Bal specifies a period of 4 years after the entry into force of the Bal for the entry into force of the amendment of these emission limit values. The idea behind the inclusion of a fixed date was the need to clarify the implementation date given the posted entry into force date of the Environment and Planning Act. With the entry into force of the Environment and Planning Act on 1 January 2024, this clarity has been achieved and it is no longer necessary to include a fixed date. Therefore, this proposed amendment has been deleted.

3. Relationship to higher law

The Environment and Planning Act forms the basis for the majority of the consolidated Decree. Other laws form the basis for several other parts. These laws are the Road Traffic Act 1994, the Environmental Management Act and the Safety Regions Act.

4. Consequences for companies, competent authorities and environmental impact

Insofar as the consolidated Decree relates to editorial amendments and the correction of technical omissions, there is no associated administrative or local government burden. The same applies to amendments that ensure the continuation of the situation as it was before the entry into force of the Environment and Planning Act.

For several amendments, the consequences of the consolidated Decree for the environment, the regulatory burden on companies and the local government burden for competent authorities is elaborated on below. The assessment shows that the regulatory burden of the various amendments is relatively limited.

4.1. Consequences of hydrogen as a fuel (paragraph 2.1)

To estimate the impact of this amendment to regulations, an estimate is necessary of the number of combustion plants that will eventually be fired by hydrogen. Natural gas combustion plants in particular may be replaced or modified for hydrogen combustion. In total, there are approximately 52 000 small (<1 000 kW) natural gas combustion plants and 9 000 medium-sized (1 000 kW to 50 MW) natural gas combustion plants. It has been assumed that approximately 10 % of natural gas combustion plants will eventually be hydrogen-fired. It should be noted that competing heating techniques may be applied en route to climate neutral in 2050. Heat pumps, for example. Therefore, it is currently unclear how many hydrogen combustion plants there will be. In this context, it is important to note that discussions are still ongoing about whether or not there will be a national hydrogen transport network and, if yes, how big this network will be. If a large network is developed, many more plants will be able to switch to hydrogen.

4.1.1. Environmental impact of hydrogen as a fuel

The expectation is that the consolidated Decree will have a positive impact on the environment and human health because it is endeavouring to prevent increases in the emissions of nitrogen oxides from the combustion of hydrogen. Therefore, compared to a situation in which regulations have not been amended, the expected effect is positive. Because this amendment also sets NO_x emission limit values for small combustion plants, a potential increase in NO_x emissions of up to 0.5 kton will be avoided. A negligible environmental impact is expected from the amendment of inspection frequencies.

4.1.2 Regulatory burden of hydrogen as a fuel

Hydrogen as a fuel: new plants and blending

[10] Decree of 22 August 2022 amending the Environmental Activities Decree and the Environmental Quality Decree in relation to the updating of the rules on industrial emissions and certain other decrees in relation to technical corrections, Bulletin of Acts and Decrees 2022, 320.

In the context of the energy transition, some natural gas combustion plants will be replaced with hydrogen combustion plants. The emission limit values for medium-sized combustion plants will not change. Therefore, there will be no financial impact for new medium-sized combustion plants or existing medium-sized combustion plants that have already switched to hydrogen. The expectation is that there will be no additional costs for new small combustion plants that burn hydrogen (combustion plants of less than 1 000 kW) because they can be designed to meet the emission limit values in the consolidated Decree. Just a very limited number of existing small plants have already switched to hydrogen and, to the extent known, the projects realised comply with current emission limit values.

Different burners are required when burning hydrogen than when burning natural gas. If a plant switches from natural gas combustion to hydrogen combustion, new burners will be necessary to comply with the emission limit values. Hydrogen burners are approximately 10 % more expensive than burners for the combustion of natural gas. A burner for the combustion of natural gas costs approximately EUR 10 000/MW. If the average plant size of the 6 100 plants is 1 MW, additional costs will be approximately EUR 6 100 000 (6 100*10 000*10 %) spread over the period up to 2050.

The amendment will cause the administrative burden to decrease because the permit application process is replaced with the submission of a notification. Each permit application costs an average of EUR 6 800. A notification costs a maximum of 20 % of this amount. If 10 % of small and medium-sized natural gas combustion plants become hydrogen combustion plants, approximately 6 100 permits would need to be granted. Based on a figure of 6 100 plants, this would mean a reduction of EUR 33 000 000 in one-off costs, spread over the period up to 2050.

Plants that burn hydrogen: inspection once every 2 years
A new requirement is for hydrogen combustion plants to be inspected under the general rules; this was previously provided for via permits. Given the higher risks associated with the use of hydrogen compared to natural gas, a bi-annual inspection requirement applies. A periodic inspection of a combustion plant costs approximately EUR 500. This means that annual inspection costs will increase from EUR 1 100 000 to EUR 2 200 000 compared to the current situation with natural gas combustion until 2050.

Emergency facilities (excluding hydrogen): inspection changing to once every 4 years
The consolidated Decree aligns the inspection frequency for emergency facilities (excluding those that burn hydrogen) that are in operation for less than 500 hours with the inspection frequency for all gas combustion plants. Therefore, an inspection frequency of once every 4 years now applies. According to data in the SCIOS inspection sign-off system, there are approximately 1 200 such plants. This is probably an underestimate because Federatie Veilig Nederland (hereinafter: FVN) states that there are approximately 1 500 - 2 000 fire extinguishing pump sets. As such, there will be a decrease in annual inspection costs of between EUR 300 000 to EUR 150 000 at the very least.

Given the higher safety risks applicable when burning hydrogen compared to natural gas, the higher inspection frequency applies to plants that burn hydrogen. Inspections must be carried out once every 2 years.

In summary, companies are subject to the following regulatory burden:

- a notification requirement instead of a permit requirement for hydrogen combustion: change in one-off costs: - EUR 33 000 000 spread over the period up to 2050;
- a higher inspection frequency for hydrogen combustion plants under the general rules:
- change in annual costs: increasing to EUR 1 100 000 in 2050;
- a reduction in the inspection frequency for emergency combustion facilities for liquid fuels: change in annual costs: - EUR 150 000 and
- additional costs for burners: approximately EUR 6 100 000 spread over the period up to 2050.

4.1.3 Burden for local government of hydrogen as a fuel

The local government burden on the authorities is also expected to decrease because of the transition from a permit requirement to a notification requirement. The assumption is that it will take two working days to grant a permit for a hydrogen combustion plant. It is estimated that the assessment and administrative processing of a notification will involve 2 hours of work. As such, based on an hourly wage of EUR 54/hour, the reduction in administrative burden is estimated at 8 600*(16-2)*54 = EUR 6 500 000 divided over the period up to 2050.

4.2 Consequences of the benzene and PAH emission and monitoring requirements to be met by asphalt plants (paragraph 2.2)

4.2.1. Environmental impact of emission and monitoring requirements for benzene and PAHs to be met by asphalt plants

This Decree sets requirements for the periodic monitoring of the PAH and benzene emissions of asphalt plants. Both substances are on the RIVM SVHC-list of substances for which emissions are to be minimised. Periodic monitoring of the emissions of these substances is essential to verify whether the emissions from plants are in compliance with the relevant emission requirements. Increased emissions will now be detected earlier. This will have a positive impact on the environment.

4.2.2. Regulatory burden of the benzene and PAH emission and monitoring requirements to be met by asphalt plants

Monitoring requirements for the measurement of these components were already in place for asphalt plants. A one-time measurement of PAHs was required. The monitoring regime for benzene followed from a calculation of the failure factor. Depending on the extent of failure emissions, a plant is subject to a simple or complex monitoring regime. The consolidated Decree stipulates a measurement frequency of once a year for PAHs and benzene. For benzene, this corresponds with the second most complex monitoring regime, in accordance with the requirements of the Bal. The permit requirements imposed on some asphalt plants mean that they are already subject to a measurement obligation of twice per year for benzene. This obligation does not change for these plants. However, the plants will be subject to a new mandatory annual PAH measurement. Some asphalt plants may also have permits that do not require them to measure benzene on an annual basis. The amended measurement obligations in this Decree will increase the burden for these plants.

Calculation principles
The cost of measuring PAHs and benzene is estimated at EUR 5 000. The various cost components are:

- preparation of the measurement;
- performance of the measurement by two measurement technicians on one measurement day;
- travel time on the measurement day;
- triple sampling of both PAHs and benzene;
- analysis costs for the samples taken, the blanks and breakdown samples (for benzene); and
- preparation of the report.

The additional measurement for PAHs and are benzene measurement are estimated to cost EUR 500.
According to the aforementioned letter to the House of Representatives dated 19 December 2023, there are 27 asphalt plants, one of which closed with effect from 2024. Therefore, there are a total of 26 asphalt plants. It is assumed that some of these plants are already subject to a 2-year measurement obligation for benzene and that the same number of plants are not yet subject to annual measurement obligations for benzene. Therefore, the net effect of the amended measurement obligation for benzene is small.

Calculation of annual costs
The annual additional costs for PAH measurement represent a burden for the sector of: EUR 500 x 26 = EUR 13 000.

4.3. Consequences of dust-control requirements when using rubble crushers (subparagraph 2.3)

4.3.1. Environmental impact of dust control when using rubble crushers

The consolidated Decree imposes requirements on dust control when using rubble crushers. The dust emissions requirement to be met by mobile rubble crushers at demolition sites that fall under the Bbl is aligned with the requirement for rubble crushers that fall under the Bal: no visual dispersion of dust at a distance of two metres from a dust source. Demolition work with mobile rubble crushers on demolition sites is often carried out in densely populated areas with residential dwellings close to the rubble crushers. Local residents will be exposed to the dispersion of dust relatively quickly. In this situation, the dust dispersed when crushing stone largely consists of respirable quartz. This is because concrete and many stone types contain high percentages of quartz. RIVM designated respirable quartz as a SVHC with effect from 21 May 2021. Emissions by SVHCs must be minimised. The tightening of the dust requirement will reduce the dispersion of dust in the vicinity of rubble crushers that fall under the Bbl. This will reduce the exposure of local residents to particulate matter, a large proportion of which is quartz dust.

4.3.2. Regulatory burden of dust control when using rubble crushers

Rubble crushers that fall under the Bbl
Mobile rubble crushers on demolition sites that fall under the Bbl are subject to the requirement to take measures to reduce the visible dispersion of dust outside the construction and demolition site (Article 7.19 Bbl). The consolidated Decree makes this requirement more stringent stipulating that no visual dispersion of dust may occur within two metres of a source of dust. Because a dust requirement is already in place for situations like this, it is estimated that the more stringent requirement will lead to additional measures in 20 % of demolition projects. For example, the use of an additional misting cannon. Because companies already have spraying systems and misting cannons, it is estimated that this will result in the purchase of an additional spraying system or misting cannon in 10 % of demolition projects. It is estimated that the sector carries out approximately 500 larger demolition projects each year.

Calculation principles:
The following calculation principles apply:
- cost of hiring a misting cannon, refill tank and generator: EUR 200/day;
- water consumption: 40 m^3/day;
- duration of demolition work with rubble crushing: 4 weeks;
- diesel consumption: 50 l/day;
- cost of diesel: EUR 1.90/l;
- cost of water: EUR 1.16/m^3;
- hourly wage of technicians to operate water sprayers: EUR 33/hour and
- 1 hour of additional operation per day.

Additional costs when using an additional misting cannon/spray system:
The following additional costs apply when using an additional misting cannon/spraying system:
- rental of stand-alone misting cannon: 200*5*4 EUR 4 000
- cost of water: EUR 464
- cost of diesel: EUR 950
- cost of hourly wage: EUR 660

The total additional costs for the use of an additional stand-alone misting cannon are EUR 6 074.

Calculation of annual costs

The annual additional costs for the sector for additional misting cannons are 500*0.1*6 074 = EUR 300 000. The annual additional costs for the sector for additional water and diesel, and staffing when using their own misting cannons, are 500*(464+950+660) = EUR 1 000 000.

Rubble crushers that fall under the Bal
The possibility has been created for rubble crushers that fall under the Bal to meet the dust requirement by means of measures other than enclosed processing as well. For example, compliance can also be achieved via effective wetting methods as the best available technique. This is already the existing practice for rubble crushers of this nature and does not create additional costs. An enclosed space entails that the part of the system that emits dust is located in an enclosed space, or that the entire system has been placed in a fully-covered (indoor) area. On request, the competent authority may deviate from the requirement for enclosed processing by issuing a customised instruction. It is estimated that the competent authority will not agree to 20 % of requests of this nature. Therefore, a (partial) cover will be necessary in 20 % of cases. It is estimated that a full cover will be necessary in half of all cases. Planning permission will be required for both partial covers and full covers.

Calculation principles:
The following calculation principles apply:
- 100 licensed plants that fall under the Bal,
- putting up full cover: EUR 500 000 per cover;
- putting up partial enclosure: EUR 50 000;
- implementing customised procedure by company: EUR 10 000 and
- implementing permit procedure (construction): EUR 5 000.

One-off costs avoided:
The one-off costs avoided are:
- putting up full covers: 200 x 0.1 x 500 000 = EUR 10 000 000;
- putting up partial enclosures: 200 x 0.1 x 50 000 = EUR 1 000 000;
- requesting customised instruction: 200*10 000 = EUR 2 000 000 and
- applying for planning permissions: 200*0.2*5 000 = EUR 200 000.

The total one-off costs avoided for the sector are EUR 13 200 000.

Costs will be much higher if a partial enclosure is to be erected for a rubble crusher in multiple places and/or dust extraction is to take place in multiple places.

4.3.3 Local government burden of dust control when using rubble crushers

The local government burden will also decrease because of the reduced need to issue permits. The average time necessary to issue an environmental permit to put up a cover, including public consultation and appeals, is estimated at four working days. As such, the local government burden will decrease by: 200*4x8*54= EUR 400 000.

4.4 Consequences of the deletion of the phased introduction of BNE and the amendment of traffic intensity (paragraph 2.4)

Municipalities and water authorities determine BNE. They also monitor the noise caused by the roads for which they are responsible and by local railways. Therefore, the sole impact is the impact on the local government burden.

Amending the latest base year for BNE to 2026 allows the so-called agglomeration municipalities, which the EU Environmental Noise Directive requires to prepare a noise exposure map and action plan, to work cost efficiently. This results in a reduction in the local government burden for the agglomeration municipalities compared to the previous Article 11.46 of the Environmental Quality Decree, the base year for which was the year in which the Environment and Planning Act (2024) entered into force. The article above did not enter into force in anticipation of its amendment by this Decree[11].

[11] Bulletin of Acts and Decrees 2023, 113.

Added to the above, the amendment of traffic intensity from 1 000 to 2 500 motor vehicles per day results in a decrease in implementation costs for all municipalities and water authorities. It is no longer necessary to determine BNE or monitor noise development for roads with a traffic intensity of between 1 000 and 2 500 motor vehicles per day. Nor is it now necessary to apply the instruction rules about the noise caused by roads for the purpose of decision-making on the construction of or changes to roads in this category, or for decision-making on whether or not to permit noise-sensitive buildings near these roads.

As described in paragraph 2.5, an equivalent level of protection per 24-hour period applies when amending the original lower limit from 1 000 to 2 500 motor vehicles. Thus, this amendment does not have an adverse environmental impact.

4.5 Consequences of remediation value for decentralised infrastructure (paragraph 2.5)

Articles 12.12, 12.13 and 12.13a of the Bkl focus on municipalities, water authorities and provinces. Therefore, the only burden possible is a local government burden.

This Decree reduces the so-called ‘post-remediation value’ of the mandatory remediation of a municipal road, a local railway, a water authority road or a provincial road. This effectively requires a greater efficiency from remediation measures. In concrete terms, this means that, after considering the implementation of noise-reducing measures (that is to say, source or transfer measures), the implementation of additional noise abatement measures will need to be investigated in a wider range of situations. This will not increase the number of noise-sensitive buildings to be remediated; however, these buildings will be better protected from outdoor traffic noise. The obligation to investigate and take noise-reducing and noise abatement measures lies with the competent authority of a municipality, water authority or province. The State finances the full cost of mandatory remediation. Citizens and companies are not charged for any façade insulation required. Moreover, owners of noise-sensitive buildings are free to opt out of cooperation in the remediation should they wish to do so. The owners and users of the noise-sensitive buildings in question benefit from the measures as well.

4.6 Consequences of toxic cloud focus area (paragraph 2.6)

The amendment to Article 5.12(3) may cause the size of a toxic cloud focus area to increase or decrease. If, after the amendment of paragraph 3, the competent authority takes a decision that involves the assessment of the group risk in a toxic cloud focus area, the competent authority must consider the group risk within the toxic cloud focus area in accordance with Article 5.12(3) of the Bkl, as applicable at that time.

The amendment does not have consequences for activities that are already lawfully being carried out at a site, whether on the basis of an environment plan or an environmental permit, for a non-planned environment plan activity, or that are permitted at the time of the entry into force of the amendment to Article 5.12(3), or to low, moderate and high vulnerability buildings, or to low to moderate vulnerability sites, insofar as they are already lawfully authorised at a site, by virtue of an environment plan or an environmental permit, for a non-planned environment plan activity at this time. Transitional provisions are included in Article 5.15a of the Bkl for these situations. Nor does the amendment have consequences for the assessment of the group risk in the toxic cloud focus area (where applicable) when a draft amendment to the environment plan has been submitted for review, or an application for an environmental permit for a non-planned environment plan activity or an environmentally harmful activity has been submitted before the entry into force of the amendment to Article 5.12(3). Transitional provisions are included in Article IX of the consolidated Decree for these situations.

4.7 Supervision of asbestos removal (paragraph 2.7)

The amendments to Articles 7.12 and 7.21 of the Bbl and the insertion of Article 7.12a (new) do not affect companies, citizens or competent authorities. The amendments correct omissions and clarify Article 7.21 in respect of the specific duty of care to be

observed during demolition work pursuant to Article 7.4 of the Bbl. The background to these amendments has already been discussed above.
The object of the amendment to Article 7.12 of the Bbl, combined with the insertion of Article 7.12a (new), is to incorporate an obligation into the Bbl that was inadvertently omitted upon the entry into force of that Decree. By limiting Article 6(1) of the Asbestos Removal Decree 2005 to the removal of asbestos from objects, the obligation under Article 9(3) of that Decree to enter the ultimate result of a final assessment or visual inspection into the LAVS after asbestos has been removed, is now also limited to objects due to the reference in this respect to Article 6(1). Consequently, this obligation inadvertently no longer applied to structures. The insertion of Article 7.12a(4) (new) rectifies this omission. As regards the obligation provided for in the regulations in force until 1 January 2024, which had inadvertently temporarily been deleted, this does not affect companies, citizens or competent authorities.

5. Implementation and enforcement aspects

The Human Environment and Transport Inspectorate (hereinafter: ILT) has assessed the enforceability, feasibility and fraud-sensitivity of the amendments to the consolidated Decree, insofar as they relate to aspects for which it is the competent authority.
The aspects in question pertain to environmentally harmful activities (including asbestos removal) on a large number of defence objects. The amendments do not contain anything that is insurmountable for ILT. As such, the amendments have been assessed as enforceable, feasible and fraud-resistant. The amendments do not have any financial impact on ILT.
VNG, IPO and UvW have not made any observations about the implementation and enforcement aspects associated with the amendments in the consolidated Decree.

6. Evaluation

The amendments do not require a separate evaluation. This takes place as part of the evaluation of the legal system of the Environment and Planning Act.

7. Consultation and advice

Multiple organisations and parties were involved in the drafting of the consolidated Decree. This chapter describes the most important input from these organisations and parties and from the internet consultation about the amendments to the consolidated Decree. Input of a general nature, relating to other legislation or to regulations that are not amended by the consolidated Decree, is not dealt with here.
Informal consultation took place in the phase prior to the internet consultation and formal advice.

Section 23.5 of the Environment and Planning Act, Section 21.6 of the Environmental Management Act, Section 2b of the Road Traffic Act 1994 and Section 80 of the Safety Regions Act regulate the involvement of parliament in respect of the consolidated Decree via the preliminary scrutiny procedure. Section 23.5 of the Environment and Planning Act pertains to the amendments to the Bal, Bbl, Bkl and the Environment Decree, Section 21.6 of the Environmental Management Act to the amendments to the Asbestos Removal Decree 2005 and the Landfills and Waste Dumping Prohibitions Decree and Section 2b of the 1994 Road Traffic Act to the amendment of the Safety Regions Decree. In accordance with Section 21.6 of the Environmental Management Act, the draft Decree will also be pre-published in the Government Gazette due to the amendments to the Asbestos Removal Decree 2005 and the Waste Dumping Prohibitions Decree, which creates (another) opportunity to respond to the consolidated Decree.

7.1 SME test

A number of parts of the consolidated Decree affect SMEs. In anticipation of this Decree, extensive consultations were held with the relevant sector associations during the pre-consultation phase. The considerations underlying the amendments were shared and ideas for potential solutions were discussed. Consideration was also given to the practicability and feasibility of the rules, the additional regulatory burden and possible

alternative solutions. The expectation is that the consolidated Decree will reduce the financial burden or make it relatively low compared to the total turnover of a sector. Business did not raise any concerns about this in the informal consultations. Therefore, no SME tests in the form of a panel discussion have been organised.

7.2 Sector consultation

Hydrogen as a standard fuel/amendment of inspection frequency of emergency facilities
In early March 2023, an initial draft of the amendments regarding the combustion of hydrogen was shared with IPO (including the environmental services), VNG, ILT, FVN, VNO NCW MKB and SCIOS. Further to this informal consultation, various clarifications were made in the articles and/or the Explanatory Memorandum. For example, where environmental impact is concerned, a further explanation was provided about how a potential increase in emissions will be prevented. In response to questions about the definition of hydrogen (100 % hydrogen or blends as well), the Explanatory Memorandum clarifies that the existing blending rule from Article 4.1322 of the Bal applies. The question was also raised as to whether it would be possible to include more stringent NO_x requirements on the combustion of hydrogen. This proposal has not been adopted as it is not supported by the TNO report. In the consolidated Decree, the unit used to express NOx emissions is mg/Nm^3 and not g/GJ as some parties indicated. This is in line with European legislation, in which emission limit values are also expressed in mg/Nm^3.

Concerns were expressed about the feasibility of inspecting existing hydrogen combustion plants within 6 weeks of the entry into force of the amendment if there are a large number of such plants. After contacting SCIOS, it became clear that no bottleneck is expected in terms of capacity for the inspection of existing plants. Companies also wonder whether the emission limit values are feasible in every situation. As customisation is also possible for hydrogen combustion, the competent authority is able to opt for customisation in these specific cases. Finally, business asked whether alignment was possible with the system set out in the Commodities Act (Warenwet) in terms of an extension of the time limit for an inspection requirement.
The comments of the relevant sector associations were into consideration when formulating the requirements for combustion plants in the consolidated Decree.

Benzene and PAH emission and monitoring requirements for asphalt plants
The Ministry of Infrastructure and Water Management has been in discussions with the asphalt plants since 2022 about the proposal to amend the general rules. The proposals were also sent to the sector association Bouwend Nederland for pre-consultation purposes. The comments of the relevant sector associations were taken into consideration when formulating the requirements for asphalt plants in the consolidated Decree.

Dust control when using rubble crushers
As described in paragraph 2.3, the Ministry of Infrastructure and Water Management has been discussing regulations about the prevention of dust emissions from rubble crushers with the industry association Brancheverenigingen Breken en Sorteren (hereinafter: BRBS) since 2021. Brancheverenigingen Mobiele Recycling was consulted as well. Both sector associations commented on the initial version of the amended regulations in the pre-consultation phase. The comments of the relevant companies were taken into consideration when formulating the requirements for rubble crushers in the consolidated Decree.

7.3 Internet consultation and consultation of VNG, IPO and UvW

Pursuant to Section 23.4(1) of the Environment and Planning Act, all parties are given the opportunity to submit comments on the draft of a governmental decree electronically for a period of at least 4 weeks. The internet consultation for the consolidated Decree took place in the period from 1 February to 4 March. Pursuant to the Inter-administrative Relations Code (Code Interbestuurlijke Verhoudingen), the draft of the consolidated Decree was also submitted to VNG, IPO and UvW. The responses of the umbrella organisations are summarised briefly below. The outline report on the online consultation is available at:
https://www.internetconsultatie.nl/verzamelbesluit_omgevingswet_ienw_milieu_2025/b1.

7.3.1 Response from VNG, IPO and UvW

Association of Netherlands Municipalities (VNG)
In its response, VNG addressed the noise-related amendments to the Bkl that pertained to BNE. VNG endorses the amendment relating to the deletion of the phased introduction of BNE and the amendment to traffic intensity but would like to ascertain whether this could be applied with retroactive effect.
VNG also responded to the subject of toxic cloud focus areas, in respect of the wording of the article on the limitation criterion for the bounding of a toxic cloud focus area and texts in the draft Explanatory Memorandum.

Association of Provincial Authorities (IPO)
Like VNG, IPO responded to the subject of the toxic cloud focus area; it highlighted the same points for attention. As regards the subject of hydrogen, IPO asks for consideration to be given to the development of the number of hydrogen combustion plants, the additional costs of the higher inspection frequency for hydrogen combustion plants and the permissible NO_x emissions for large combustion plants. IPO also discusses a number of aspects of the amendments that relate to asphalt plants. Consideration is also requested for the health effects of the amendments.

Dutch Water Authorities (Uvw)
UvW responds to the rubble crusher and noise components. It is in favour of these amendments.

7.3.2 Response to consultations

Hydrogen
Business commented that hydrogen combustion is not regulated for large combustion plants. However, this is incorrect. Chapter 4.3 of the Bal already includes emission regulations for large hydrogen combustion plants. The emission limit values in this chapter follow from the Industrial Emissions Directive[12] and, in part, from the implementation of the BREFs (Best Available Techniques (BAT) Reference Documents). If existing large combustion plants are converted for hydrogen combustion, they will become subject to the emission limit values for new large combustion plants.
IPO asks for consideration to be given to the external safety aspects of the transport of (blended) hydrogen in the current natural gas infrastructure. This is an aspect that falls outside the scope of this amendment. IPO also asks for steps to be taken to monitor the development of the number of hydrogen combustion plants and the additional costs of the higher inspection frequency for hydrogen combustion plants. The SCIOS sign-off system for plant inspections will provide the insight required. No additional measures are necessary. Finally, IPO asks for consideration to be given to the permissible NO_x emissions from large combustion plants, as this is important for customised agreements in the context of the energy transition. This falls outside the scope of this amendment. Moreover, the emission limit values follow from European legislation and there is little to no policy latitude for more flexible emission limit values or transport-related limit values.

Asphalt production plants
During the internet consultation, it became clear that Article 4.130 of the Bal in the draft consolidated Decree inadvertently stated that the measurement obligation for sulfur oxide in paragraph 1 did not apply when applying a recognised measure. This exception had inadvertently been included in the draft consolidated Decree and has been deleted.

Various responses were received to a number of aspects of the amendments for asphalt plants. These responses relate to the following subjects: measurement duration, measurement frequency, PAH-16 and the emission requirement for PAHs, a transitional period, emission-relevant parameters and reporting, granting permits, supervision and compliance, and integral assessment.

Measurement duration

[12] Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (recast) (OJ L 334/17, 2010).

The sector feels that the measurement duration for PAHs and benzene is too long and not practicable. In response to this, Article 4.131(1) now states that *in the event of low concentrations* of PAHs and benzene, a measurement *may* consist of a single measurement of 2 hours. As such, the measurement duration necessary to achieve a reliable result will be determined when performing the measurement.

Measurement frequency
According to the sector, the measurement frequency stipulated in the consolidated Decree is too frequent once it has been established that an asphalt plant complies with the emission limit values. Others in the sector feel the frequency is not high enough and continuous measurement is proposed as an option. A continuous measurement is not possible for PAHs. Although this would be possible for benzene, combined with the calibration measurements stipulated by NEN-EN 14181, it would be very expensive. This standard states that calibration requires five parallel measurements per year and also 15 parallel measurements divided over 3 days once every 5 years. If the situation so requires, the competent authority may still require the continuous or indicative continuous measurement of benzene.

PAH-16 and emission limit value
The measurement of EPA 16 PAHs elicits a large number of responses from the sector[13]. This is seen as a doubling of the number of substances to be measured, which ought to result in an increase in the emission limit value for PAHs as well. However, this is incorrect. The emission limit value for PAHs applies to the entire PAH substance group and, therefore, includes all individual PAHs, not just the EPA 16 PAHs. The standards used for the measurement of PAHs are NEN-ISO-11338-1 (sampling) and NEN-ISO-1138-2 (sample analysis). The NEN-ISO-1138-2 standard contains two methods for sample analysis: HPLC and GCMS. HPLC analyses EPA 16 PAHs; GCMS analyses more than 16 PAHs. Alignment is sought with one of these methods, namely HPLC. This is in line with international agreements. EPA 16 PAHs are generally the most common PAHs. When they meet the emission limit value, this indicates that all PAHs meet this requirement. If appropriate in a particular situation, the competent authority may use customisation to impose a measurement obligation in respect of a different PAH.
The sector also argued that a number of PAHs in the EPA 16 PAHs group are not SVHCs or in powder form, and that, therefore, it has not been substantiated that the strict emission limit value for SVHCs in powder form ought to apply in order to protect the living environment. RIVM determines how a substance is classified and whether or not it is an SVHC. The question of whether certain PAHs ought to be classified as SVHCs is not at issue in the consolidated Decree.
Because measurement of the EPA 16 PAHs is seen as a tightening of the emission limit value in a number of consultation responses, a transitional period is also requested for the amendment relating to the measurement of PAHs. However, a tightening of the emission limit value for PAHs is not at issue and, therefore, no transitional period is included. This amendment relates solely to how measurements are to be carried out, and no transitional period is required. The Bal gives competent authorities the opportunity to customise. If they deem necessary, they may also adopt a customised approach to the measurement of PAHs.

Emission-relevant parameters and reporting
Another point in the consultation concerns the removal of the obligation, in respect of benzene, to record the results of emission measurements and checks on emission-relevant parameters in a report. This obligation has been removed by including a benzene emission limit value for asphalt plants in paragraph 4.7. Therefore, the rules of subparagraph 5.4.4 for emissions into the air no longer apply and the obligation to prepare a report as set out in Article 5.38 of the Bal has been deleted as well. This is undesirable and, therefore, this obligation is included in paragraph 4.7.

Integral consideration
Responses show concern that the integral consideration of circularity, climate neutrality and emission limit values is not sufficient. The sector responds that the high percentage of recyclate required makes it difficult to comply with the emission limit values for PAHs.

[13] EPA 16 PAHs are the set of PAHs that are set out in paragraph 3 of Article 4.129 of the Bal.

Local residents are concerned that the use of waste products will damage the environment. Given all the above, it is wise to continue to measure and monitor PAHs. A healthy environment is paramount; thus, the requirements for people and the environment must be met when producing circular asphalt as well.

(Mobile) rubble crushers
VERAS trade association for demolition contractors and asbestos removal companies
VERAS has pointed out that the wording in Articles 4.313 and 7.41 (this article number was changed to 7.39a after the internet consultation) of the Bal is different, without there seeming to be any reason for this. These articles have been amended so that the wording is now identical.

Brancheverenigingen Mobiele Recycling
Brancheverenigingen Mobiele Recycling points out that it unclear from the wording 'equipped with efficient dust suppression techniques' whether or not the techniques in question should be part of the rubble crusher itself. The intention is for effective dust suppression techniques to be applied when using a rubble crusher. These techniques may include those that do not form part of the rubble crusher itself. To avoid any ambiguity, the words 'which is equipped' have been deleted in Article 7.39a.

Brancheverenigingen Mobiele Recycling proposes that the consolidated Decree consider the distance from the crushing activity to the nearest residential dwelling in analogy with the prevention of noise nuisance (Article 7.39 of the Bbl). The advantage of this is that the healthy and safe living environment objective is achieved, while fuel and water are used economically with the national climate targets in mind.

The small particle fractions $PM_{2.5}$ and PM_{10} that are emitted when crushing rubble are particularly responsible for health damage. They are small dust particles that disperse long distances. The particulate matter emitted by rubble crushing is highly harmful due to their high content of respirable quartz that has been designated as a SVHC substance and is emitted directly at living-environment level. Based on a 2006 CE Delft report, rubble crushers emit a total of approximately 150 tonnes of dust per year[14]. For these reasons, the consolidated Decree does not stipulate that measures are unnecessary if there are no buildings nearby.

Stichting Gezondheid op 1
Stichting Gezondheid op 1, Werkgroep Gezondheid Bode and Stichting Schapenduinen point out that, in the interests of local residents and their living environment, all (mobile) rubble crushing at Tata Steel, as well as all associated slag processing and the processing of rubble and scrap containing SVHCs, must always take place in a hall, i.e. in an enclosed space.

Previously, Article 4.313(1) of the Bal stipulated that rubble crushing was always to take place in an enclosed space. The amendment of this articles facilitates the use of measures other than enclosed processing to reduce emissions. The effective wetting of stone or effective mechanical extraction are two of the most efficient dust-control methods if rubble crushers are being used and are considered best available techniques. The effectiveness of wetting is ensured, inter alia, by the requirement for there to be no visual dispersion of dust at a distance of two metres from a source of dust. The articles on rubble crushing in the Bal and Bbl that have been amended via the consolidated Decree do not apply to Harsco. This company is located next to Tata Steel and crushes the slag that Tata Steel produces on the Harsco site. The relevant competent authority is responsible for considering the measures to be taken to prevent dust emissions at Harsco. These measures may be set out in the permit issued to Harsco.

Toxic cloud focus areas

IPO, VNG, VNCI and the Port of Amsterdam commented on the wording of Article 5.12(3) of the Bkl (Article III(E) of the draft Decree), as already worded prior to the amendment of the criterion in respect of the bounding of the toxic cloud focus area in this paragraph. Paragraph 3 stated that a toxic cloud focus area is bounded by the distance within which,

[14] Report entitled 'Stofemissies in de bouw(keten)', CE Delft, April 2006.

due to an unusual occurrence that causes a toxic cloud, individuals in a building die as a result of exposure to the dose of a hazardous substance determined by ministerial order. This wording could be misunderstood to mean that everyone in the toxic cloud focus area would die in the event of an unusual occurrence. This is not the case. A toxic cloud focus area is an area in which people could die in the event of an unusual occurrence involving a toxic substance. For example, in practice, the wind (direction) plays an important role in respect of where and whether people could die in a toxic cloud focus area. This ambiguity has been rectified by replacing the word ‘die’ with the words ‘could die’ in Article 5.12(3).

IPO, VNG and VNCI also commented on the text in the general part of the Explanatory Memorandum about the amendment of the criterion for a toxic cloud focus area. They are of the view that this text could erroneously give the impression that the RIVM opinion was based on the proposal of these parties about how a toxic cloud focus area was to be calculated. The text of this subparagraph has been amended further to this response.
The Explanatory Memorandum states that the amendment to the aforementioned paragraph 3 follows from the letter of 17 July 2023 from the State Secretary for Infrastructure and Water Management to the House of Representatives[15]. This letter marked the end of a process of consultation with representatives from, inter alia, IPO, VNG and business, including VNCI, on the wish to again carefully consider the calculation method to be used for focus areas. The bounding of the size of a toxic cloud focus area based on dose rather than on the concentration of toxic substance is an amendment proposal that emerged from the consultation process and, as such, can rely on the endorsement of the parties independent of the technical details. The choice for an approach in which the calculation of a toxic cloud focus area is determined based on the dose of a toxic substance within a building ensures a more informed estimate of where people might be insufficiently protected in a building. This new approach considers not just the concentration of a toxic substance but also the duration of exposure.

As indicated in the aforementioned letter from the State Secretary, it was decided to align with the RIVM advisory report as regards the technical details of the calculation method to be used for a toxic cloud focus area[16]. In short, this means that different types of buildings will be considered when determining the size of a toxic cloud focus area, particularly very vulnerable buildings in which there are individuals who are less able. The calculation method has been included in the RIVM Handboek Omgevingsveiligheid as a ‘dose approach to effect distances’. This calculation method will be designated in the Environmental Regulation at the same time as the entry into force of the consolidated Decree.
The Ministry of Infrastructure and Water Management commissioned a consequence analysis[17] of the calculation method advised. This showed that the size of a toxic cloud focus area was smaller for short-term ‘unusual occurrence’ scenarios and larger for long-term ‘unusual occurrence’ scenarios. Because the protection of individuals who are less able was an important starting point in policy renewal in the field of environmental safety, no regulation areas apply to toxic cloud focus areas and a cap of 1 500 metres remains in place for spatial developments, it has been decided to continue along this path and to implement the amendment of the calculation rules in the Environmental Regulation as necessary.

Supervising asbestos removal
VERAS objects to the proposed amendment to the Bbl in respect of asbestos removal. It states that the proposed amendment is unnecessary and also undesirable and, moreover, will lead to a new supervisory task for environmental services.
VERAS raises two points in respect of asbestos removal.

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[15] Parliamentary Papers II 2022/23, 28089, No 263.

[16] Letter report entitled ‘Advice attention zones. Consideration of a proposal for an alternative approach to calculate attention zones’, RIVM letter report 2022-0012, https://www.rivm.nl/publicaties/advies-aandachtsgebieden-beschouwing-van-voorstel-alternatieve-benadering-voor.

[17] Report entitled ‘Consequentie-onderzoek wijziging berekeningswijze aandachtsgebieden’, AVIV, 13 June 2023, https://www.rijksoverheid.nl/documenten/rapporten/2023/07/17/bijlage-2-rapport-concequentie-onderzoek-wijziging-berekeningswijze-aandachtsgebieden.

VERAS asks for clarification of Article 7.11(3) of the Bbl, which states that the competent authority must be informed immediately if, during demolition work, asbestos is discovered that was not included in the asbestos survey report. According to VERAS, it is the policy of a number of environmental services that new notifications of demolition, as referred to in Article 7.10 of the Bbl, are to be submitted if asbestos is found that was not identified in the survey; these notifications must be submitted 4 weeks before demolition work starts. According to VERAS, this policy and the explanation provided are contrary to the Bbl. The notification of demolition is a one-off obligation and action for a demolition project. A (new) notification requirement does not apply for asbestos that was not detected in the survey but an information requirement instead.

In response to the above, it is observed that an information requirement is indeed the case in Article 7.11(3) of the Bbl, not a notification requirement. Therefore, there is no reason to amend this provision in response to the request by VERAS.

VERAS also requests that the amendment to Article 7.21 of the Bbl not be implemented. It explains its request as follows. The aforementioned provision currently only applies to the removal of asbestos by private individuals. The proposed amendment would extend the applicability of the article in question to companies as well. The proposed amendment is undesirable and unnecessary because it facilitates more frequent and more intrusive inspections and enforcement by environmental services, on behalf of municipalities, of the way in which asbestos removal is carried out by asbestos removal companies. The Netherlands Labour Inspectorate is now primarily responsible for the supervision of companies. In addition, designated certification bodies supervise compliance with the statutory certification requirements. This supervision takes place pursuant to the asbestos rules in the Working Conditions Decree (partly in implementation of European rules and their elaboration in the asbestos certification scheme (Certificatieschema Asbest)).

According to VERAS, the amendment is unnecessary and it is also undesirable for the environmental services to focus on the same supervisory domain as the Netherlands Labour Inspectorate and the certification bodies.

VERAS believes the amendment is unnecessary because the Environment and Planning Act already allows the environmental services sufficient scope for supervision and, where necessary, to take enforcement action in the field of demolition and asbestos removal, such as the existing legal (duty of care) provisions. This already makes it possible to take action in situations where the actions of an asbestos removal company have direct harmful effects on the environment. Action may also be taken in consultation with the Netherlands Labour Inspectorate.

VERAS believes the proposed amendment is undesirable because it puts asbestos removal companies under even more pressure where inspections are concerned. This will exacerbate the existing problem of interpretation differences in supervisory practice between public bodies as regards the removal methods applied. VERAS is of the view that this is highly undesirable. The amendment also introduces a substantive change to the supervisory function of the municipality as the competent authority, instead of merely facilitating the existing supervision.

VERAS is of the opinion that it is unclear whether or not there is actually a problem or ‘supervisory deficiency’ that justifies the proposed amendment. There is no justification for it in the Explanatory Memorandum to the draft Decree.

The following is noted in response to the above. At the request of the environmental services themselves, it is the specific intention for them to also have the ability to supervise asbestos removal projects; they believe this is essential for their ability to effectively supervise whether or not asbestos is emitted into the environment during asbestos removal (see also the opinion of the Omgevingsdienst Nederland (hereinafter: ODNL), to be discussed below). This supervision does not focus so much on the functioning of companies that remove asbestos, or on the safety of employees performing removal work (this is covered by the Working Conditions Act), but on preventing the dispersion of asbestos into the environment, to protect the environment in general and the health of local residents in particular.

In response to the argument put forward by VERAS, the Explanatory Memorandum has been extended on this point (paragraph 2.7). For example, it has been pointed out that it is the intention for companies and private individuals to be subject to the same obligations to carefully carry out asbestos removal and, in particular, to make sure that asbestos is not able to disperse into the environment. This already falls under the duty of care in Article 7.4 of the Bbl. Thus, there is no question of the introduction of a new obligation, nor of a new task for the environmental services. The environmental services combine the supervision of asbestos removal with the supervision of demolition work. It would be circuitous for them to have to inform the Netherlands Labour Inspectorate whenever a violation is observed. Moreover, the Netherlands Labour Inspectorate does not have the power to act if working conditions are not at issue, whereas the Environmental Structures Decree seeks to protect the environment in general and local residents in particular.

ODNL also emphasises the importance of amending Article 7.21 of the Bbl, as it provides the competent authority with the means to act when asbestos is not removed properly. ODNL points to the arrangements made to enable municipalities (environmental services) to act on the basis of direct instructions without having to use a catch-all article.

However, ODNL believes the amendment to Article 7.21 is insufficient because the reference to Article 7.9 only covers asbestos work that may be carried out by private individuals, while the object of the amended Article 7.21 is also to cover all asbestos work that is (to be) carried out by companies.

ODNL observes that it does not have any objections to the amendments to the Asbestos Removal Decree 2005, which were previously agreed with ODNL in part.

In response to the views of ODNL, it is noted that the reference in Article 7.21 to Article 7.9 must indeed be deleted. The text of the draft Decree has been amended.

Lower limit for BNE
Various responses were received to the increase in the minimum traffic intensity from 1 000 to 2 500 motor vehicles per day for roads for which BNE is to be determined. VNG and UvW have said they are in favour of this increase in view of the feasibility of noise policy. A number of environmental services have said they see the increase as a deterioration in the level of protection for local residents because it makes it unnecessary to determine the BNE for part of the road network, which had previously been mandatory at a lower limit of 1 000 motor vehicles per day.
The increase in this lower limit is prompted by the fact that, according to Annex IVe of the Environmental Regulation, the noise exposure along roads for which the BNE must be determined are lower than the emission factors in Annex III of the Noise Calculation and Measurement Regulation 2012, on the basis of which the original lower limit of 1 000 motor vehicles per day was determined. This decrease in vehicle emissions at lower speeds is demonstrated by the measurement results that form the basis of the emission factors.
As also pointed out in a number of views expressed, this decrease is not the same for all roads because of differences in maximum speed, traffic composition and type of road surface. This was taken into consideration in the study on the recalibration of the lower limit for the BNE by calculating various representative scenarios. As such, the new lower limit will ensure an equivalent level of protection for the majority of all possible situations. At the same time, there will also be a (limited) number of situations in which the new lower limit and the new emission factors result in a higher noise exposure than the original lower limit and the emission factors from the 2012 calculation rule. It should be borne in mind that neither the original lower limit nor the new lower limit offer protection against excessive noise exposure in every potential situation. By making the lower limit stricter, to ensure that more situations are protected, a large number of unnecessary situations would also fall under BNE. Therefore, to keep the implementation burden manageable for the authorities, an optimum should be found that generally provides sufficient protection and is not at issue in terms of feasibility. Moreover, it must be borne in mind that the reliability of traffic data for low-traffic roads is often low.

It is also noted that it is mandatory for municipalities and water authorities to determine the BNE of a road with a traffic intensity above the lower limit of 2 500 motor vehicles once every 24 hours. However, the competent authority is also able to do the same for roads with a lower traffic intensity. The competent authority is in the best position to estimate whether this would be worthwhile in a specific local situation. It is also possible to determine the BNE of road sections with daily traffic just below the legal lower limit and bordering on road sections that are just above it. In situations like this, the result is a more cohesive network of roads for which the BNE has been determined.

In conjunction with adjusting the lower limit for determining the BGE, the (identical) lower limit for application of the instruction rules of Section 5.1.4.2a for decision on the construction and modification of railways and roads and permitting noise-sensitive buildings is also increased to 2 500 motor vehicles per day. The Association of Netherlands Municipalities (VNG) has asked whether this amendment could apply retroactively from 1 January 2024. In this way, planning could already take place with the 2 500 motor vehicles as a starting point, in order to avoid unnecessary research costs and simplify planning. In response to this request, it was examined whether retroactive effect would have added value and would also be possible. Due to the sensitivity of regulatory decision-making that is still pending, this has not been chosen. However, this request has led to the omission of the normal transitional legal provisions in the case of this amendment.

Post-remediation value for decentralised infrastructure
The Association of Provincial Authorities (IPO) has responded positively to the proposed reduction in the post-remediation value in mandatory remediation, as this is positive for protection of health. However, the IPO has expressed concerns about the available national budget for the remediation, as there may be additional costs for the State. It was requested that this aspect be included as a matter for attention in the evaluation of the debt management scheme. This request will be honoured.

Safety Regions Decree
A response has been received from the Council of Commanders and Directors of Safety Regions concerning the amendment of the Safety Regions Decree in the Collective Decree. It concerns the amendment to Article 7.1(1)(e) of the Safety Regions Decree. From the response it transpires that it is recognised that the current definition in the Safety Regions Decree, whereby all railway yards fall under the designation power (power to issue instructions) of a company fire brigade, is too broad. However, the proposed amendment as included in the Collective Decree is seen as too restrictive in relation to the situation prior to the Environment and Planning Act. It is also stated that the scope of the designation power thus depends on an amendment to Table E.13. In the existing situation, there is a substantive and procedural link between applying for an environmental permit (for an environmentally harmful activity), the advisory power and the designation as a company fire brigade.

The proposed amendment to Article 7.1(1)(e) of the Safety Regions Decree is necessary in connection with the rectification of the unintended broadening of the category of railway yards that has arisen as a result of unforeseen overlapping amendments. As a result, all railway yards inadvertently fall under the designation power for a company fire brigade. The designation power and advisory power of the Safety Region as regards railway yards are intended for railway yards where dangerous substances are shunted. In its response, the Council of Commanders and Directors of Safety Regions states that there is a procedural link between the environmental permit for the environmentally harmful activity and the company fire brigade designation. The proposed amendment would be inconsistent with this. The procedural link between an application, the advisory power and the designation power remains intact. The advisory power applies to the railway yards as referred to in Table E.13 in Annex VII to the Environmental Quality Decree (Bkl.) The procedural link between the advisory power and the designation power means that the Safety Region will request a report on the company fire brigade as referred to in Article 7.2 of the Safety Regions Decree as soon as possible after the request for an opinion in the context of an environmental permit. Because the advisory power also relates to the railway yards in Table E.13, that procedural link remains unchanged.

The response from the Council of Commanders and Directors of Safety Regions indicates that the designation authority prior to 1 January 2024 applied to transport-related devices and facilities if the environmental permit allowed hazardous substances to be present there. These are devices and facilities that were covered by the Additional Risk Assessment and Evaluation (ARIE) scheme. It is also stated that the proposed amendment will result in a company fire brigade report request (and designation) not being possible until a new yard has been included in Table E.13. For the power to issue instructions, reference was previously made to the ARIE scheme, which is included in the Working Conditions Decree. In Article 2.3(3)(a) of that Decree, the applicability of that regulation is limited to railway yards where hazardous substances are shunted. Therefore, there was also the power to issue instructions in such railway yards. Table E.13 lists the same railway yards where shunting with hazardous substances is carried out. It indeed follows from the reference to Table E.13 that the designation power for new situations depends on an amendment to that table.

7.3.3 Publication of the draft in the Government Gazette

Pursuant to Article 21.6(2) of the Environmental Management Act, the draft of a general administrative regulations will be submitted to both houses of the Dutch Parliament and published in the Government Gazette when the draft of those general administrative regulations are based, inter alia, on one of the articles mentioned in that provision. Since the Collective Decree provides, inter alia, for an amendment to the Asbestos Removal Decree 2005 and the Waste Substances (Landfills and Dumping Bans) Decree, the draft of the Collective Decree has been published in the Government Gazette and the opportunity has been given to all parties to submit their comments on the draft in writing within 4 weeks. Five responses were received.

Asphalt production plants
Three responses were received relating to the changes regarding asphalt production plants. Two parties asked for attention to reactions previously submitted. One party from the asphalt sector drew attention to its previously submitted response, because the party was of the view that the public consultation responses were not or were hardly examined in substance. The other reaction came from local residents, who claimed that one measurement per year is not sufficient for monitoring at the asphalt production plants in connection with the discontinuous process with many parameters. Therefore, they claimed that at least one continuous benzene measurement should take place as a proxy measurement. In addition, an emission-reduction technique should be continuously monitored for efficiency and operation to protect the living environment.
A third party drew attention to the use of the word ‘test’ that may have an unintended restriction of the emission limit value for PAHs.

The response from the industry and the local residents shows that there are many interests around this issue. However, it is pointed out by the industry that the adapted monitoring regime provides for unachievable requirements. Nevertheless, local residents point out that there is too little monitoring and thus the living environment is not being properly protected.

A discussion was held with the industry on the Collective Decree and other concerns in the policy concerning asphalt production plants. Concerns were raised by the industry about, among other things, the lack of best available techniques, the lack of an implementation period, the difference in supervision and enforcement and the lack of a comprehensive assessment. The request was to reconsider the Collective Decree and to introduce a transitional period.

A number of these points have been discussed earlier in this Explanatory Memorandum, under Section 7.3.2 Response to consultation. The points about best available techniques and differences in supervision and enforcement are briefly discussed below. These points were not discussed earlier because they do not relate directly to the Collective Decree. It is indicated that it is not yet known which techniques reduce PAH emissions sufficiently so as to meet the emission limit value. However, the emission limit value is not adjusted by

this Collective Decree, nor by this measurement obligation, as also explained in Section 7.3.2. Differences in regulation may be the consequence of the principle of subsidiarity of the Environment and Planning Act (decentralised, unless). A local competent authority may deviate from the general requirements for the industry if the situation so requires, with individual arrangements. This applies to all environmentally harmful activities in the Environmental Activities Decree (Bal). The situation around asphalt production plants often differs, for example, if one looks at the distance from the local residents. Therefore, the possibility of individual arrangements and thus a difference in approach for asphalt production plants is also appropriate.

The request has been submitted from local residents to establish continuous benzene measurement and continuous monitoring of the emission-reducing technology. The point regarding continuous benzene measurement is also addressed under Section 7.3.2. The monitoring of an emission-reducing technology is established by Article 4.130. It states that emission-reducing technologies must be carried out on the basis of emission-relevant parameters. This can be done, among other things, using a continuous indicative measurement of benzene. An indicative measurement may provide insight into the operation of technology, but is not to be used for enforcement because the quality requirements are less strict. The quality requirements for continuous measurement are high and therefore expensive. For asphalt production plants, excess benzene emissions are (hardly) a problem and requiring continuous benzene measurement in the Bal would, therefore, be disproportionate.

Thirdly, it has been stated that the use of the word ‘review’ in Article 4.129 may lead to limiting the emission limit value for PAHs and not the measurement obligation, whereas that is not meant. After careful consideration, it was decided not to adjust the article here. The article states that the emission limit value for PAHs will be tested and it then states that this will be done in any case on the basis of a measurement of the substances named.

Noise
One response has been received on noise. This response calls, inter alia, for attention to the explanatory notes regarding the amendment to the Bkl, included in Article III, Parts B [Article 3.27], G [Article 5.78m] and H [Article 5.78n]. The petitioner requests that this Explanatory Memorandum be deleted or amended because, according to the petitioner, only the term ‘municipal road’ is important for the parts in question, not the noise of the entire type of source of the noise.
The text cited by the petitioner is a strongly compressed description of the functioning of the noise rules regarding municipal roads in the Environmental Quality Decree (Bkl.). The articles, which are amended by this Collective Decree, concern the modification of a road. As indicated in the Explanatory Memorandum, the decision on the modification of a road starts with that single road. For this road, the direct effects of the change will be assessed by applying Subsection 5.1.4.2a.3. It is precisely by assessing this change as part of the network of municipal roads – the type of noise source – that it becomes clear whether this change may also lead to indirect effects, which must then also be assessed in the decision-making pursuant to Subsection 5.1.4.2a.5; of course, this only if the criteria set out in that subsection are met. The calculation rules from the Environmental Regulations provide for this approach as ‘type of noise source’. Therefore, this response does not give rise to any changes to the text of the Explanatory Memorandum cited by the petitioner.

The other issue cited in this response relates to Article 4.103(1)(b) of the Environmental Buildings Decree (Bbl) and does not refer to this Collective Decree. The petitioner requests that peak noise should also be taken into account in the event of noise effects. This proposal will be brought to the attention of the Ministry of Housing and Spatial Planning. There is no reason to change the Collective Decree because of this proposal.

Asbestos
One response has been received that relates to asbestos. In this response, it is noted that the explanatory notes to Article V, Parts B and G, are incorrect insofar as it concerns the obligation to clean up after an asbestos fire. This view is correct. The Explanatory Memorandum has been deleted because this Collective Decree does not regulate the removal of asbestos that has spread into the environment following an asbestos fire and

is, therefore, not relevant. A proper presentation on this topic would require a detailed explanation, which does not relate to the provisions at issue in this Decree.

7.4 Advisory Board on Regulatory Burden

The draft of this Collective Decree has also been submitted to the Advisory Board on Regulatory Burden (Adviescollege toetsing regeldruk (hereinafter: ATR)).

The ATR noted that there is no in-depth analysis of the additional costs for manufacturers of hydrogen installations, which will have to invest in adjustments to meet the new emission conditions. A rough estimate of the additional costs for installations has, therefore, been made in Section 4.1.2. This is an amount of approximately EUR 6 500 000 spread over the period up to 2050.

7.5 Parliamentary involvement
The Lower House of Parliament has responded to the Collective Decree with written questions in the context of the preliminary scrutiny.
The GroenLinks-PvdA party asked about the justification for the requirements for emission limit values and monitoring requirements for benzene and PAHs, and how the local residents are involved in this Collective Decree. The NSC party asked for further justification for the change in the threshold value from 1 000 to 2 500 motor vehicles per day in which the BGE is required to be recorded.

The questions have not led to any changes in the Collective Decree. The answers to the questions can be found in Parliamentary Paper II 2024-2025, 36600-XII-64.

8. Notification

PM

9. Transitional legal provisions and entry into force

The transitional legal provisions for the system are included in the Act implementing the Environment and Planning Act, the associated Decree implementing the Environment and Planning Act and in the supplementary acts and -decrees. The Bal and Bkl also include specific transitional legal provisions in a number of paragraphs with rules on activities. This Collective Decree contains transitional legal provisions for the amendment to Article 5.12(3) of the Bkl (amendment to the criterion for the limitation of the toxic cloud focus area). This has been included in the Bkl by an amendment to Article 5.15a of the Bkl and in Article IX of this Collective Decree. Transitional legal provisions have also been included for the amendment to Article 3.5 of the Bal in connection with the expiry of the permit requirement for hydrogen-fired installations.

This Decree shall come into force at a time specified by Royal Decree, which may differ for the individual articles or parts thereof. This may be useful in connection with the different procedures to be followed for the changes.

Article V, Part A, shall enter into force on the day after the publication of this Decree in the Official Gazette and shall apply retroactively up to and including the date of entry into force of the system of Environment and Planning Act, 1 January 2024. As a result, Article 8.2.3 of the Decree implementing the Environment and Planning Act referred to therein has never entered into force. The reason for this is that the article contained inaccuracies, which have caused confusion in practice.

II. Explanatory notes by article

Article I Amendment to the Environmental Activities Decree

Article I, Parts A [Article 3.5], AJ [Article 4.1292], AK [Articles 4.1293 and 4.1294], AL [Article 4.1303], AM [Table 4.1303], AN [Table 4.1304], AO [Table 4.1307], AP [Table 4.1308], AQ [Article 4.1312], AR [Article 4.1326] and AS [Article 4.1327]

- Article 3.5(1)
Hydrogen has been added under (j), so combustion is no longer subject to any permit requirements.

- Article 4.1292(1)
By adding hydrogen under (j) to the list of fuels in Article 4.1292, the scope of Section 4.126 (Small and medium combustion plants for standard fuels) has been expanded to include the combustion of hydrogen and Section 4.127 (Medium combustion plant for non-standard fuels)
shall no longer apply to this.

- Articles 4.1293(2)(c) and 4.1294(1)(c)
The obligation to provide information on the use of fuels in medium-sized combustion plants has been extended to include the proportion of hydrogen used.

- Article 4.1303(5) and Table 4.1303
Previously, Section 4.127 applied to a medium-sized combustion plant with hydrogen. These installations now fall under Section 4.126. Section 2.1 of the general part of the Explanatory Memorandum explains the reason for this amendment. The emission limit value for NO_x of 70 mg/Nm^3 in Article 4.1349 (Section 4.127) has been taken over in Table 4.1303 (Section 4.126). With the amendment to Table 4.1303, the emission limit value for NO_x has also been set to 70 mg/Nm^3 for hydrogen fired in small combustion plants of more than 400 kW. For hydrogen-fired boilers with a capacity of 400 kW or less, a new emission limit value of 90 mg/Nm^3 at 3% by volume O2 shall apply. This emission limit value has been calculated from the requirement of 56 mg/kWh, which follows from Commission Regulation implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to ecodesign requirements for space heaters and combination heaters (OJ L 239/136, 2013). The new paragraph 5 makes it clear that if this Regulation applies, the new emission limit value will be met.

- Tables 4.1304, 4.1307 and 4.1308
For combustion plants other than boilers, the amendment to Tables 4.1304, 4.1307 and 4.1308 also applies the same emission limit values for NO_x as applied before entry into force of this amendment on the basis of Section 4.127 (Articles 4.1346 and 4.1347). A NO_x emission limit value of 50 mg/Nm^3 and 35 mg/Nm^3 shall apply to gas turbines and gas engines respectively. For other hydrogen-fired plants other than gas turbines, gas engines and boilers, the emission limit value for natural gas-fired plants, i.e. 80 mg/Nm^3, has been sought.

- Articles 4.1312(5)(b) and 4.1326(7)
In Articles 4.1312(5)(b) and 4.1326(7), the references to the accreditation standard have been deleted, as this standard will be amended. NEN-EN-ISO/IEC 17021-1, referred to in the relevant articles, is no longer in line with current insights on verification of inspection activities. The Accreditation Council (RvA) has orally indicated to the Foundation for Certification, Inspection and Maintenance of Combustion Plants (SCIOS) that it would be more logical to bring the certification scheme under NEN-EN-ISO/IEC 17065. This makes it clearer that, in addition to the technical processes, the inspection work and reporting also fall under the certification. The NEN-EN-ISO/IEC 17065 relies heavily on other accreditation standards (e.g. for inspection) and, where necessary, depends on their regulations. For the inspection of the technical system of the layout, the same checks as defined in NEN-EN-ISO/IEC 17021-1 shall continue to apply. SCIOS is working on the conversion to NEN-EN-ISO/IEC 17065. It is not clear at this time when the conversion will be completed and implemented. Until then, no accreditation standard will be specified. Even when no specific accreditation standard is mentioned, the article has meaning. The article still

stipulates that a measurement or inspection must be carried out by an undertaking with a certificate for the Sub-scheme for combustion plants.

- Article 8(4) and (6)
Because hydrogen-fired boilers may already be in operation when this Amendment Decree enters into force, Article 4.1326(4) adds that these plants must be inspected within 6 weeks of the amendment entering into force. The risks when firing hydrogen are greater than for other standard gaseous fuels, such as natural gas or propane. Therefore, it has been chosen to prescribe a higher inspection frequency. For this reason, Article 4.1326(5) includes an inspection requirement for hydrogen once every 2 years, whereas for other gaseous fuels it is once every 4 years. The evaluation of the inspection requirement has shown that for non-gas-fired installations that are in operation for less than 500 hours per year, the costs for the biennial inspection requirement are disproportionate to the environmental gain. For this reason, it has been decided to halve the inspection requirement to once every 4 years.

- Article 4.1327(2)(f) and (j)
The amendment to Article 4.1327(2)(f) provides that, where this is the case, the inspection report must also include information on hydrogen.
The change in Article 4.1327(2)(j) is necessary because the wording of the article is currently incorrect. There is no emission measurement obligation, whereas the current text of the article refers to it. This change corrects the article as it also applied under the Environmental Management Activities Decree (Article 3.7m(11)(j)).

Article I, Parts B [Article 3.40f(2)(b)], C [Article 3.46(2)(d)], D [Article 3.109(3)(e)], E [Article 3.116(3)(e)], F [Article 3.120(3)(c)], G [Article 3.126(2)(e)], H [Article 3.132(3)(e)], I [Article 3.138(3)(e)], J [Article 3.146(2)(e)], N [Article 3.198(2)(d)], O [Article 3.227(2)(c)], P [Article 3.270(2)(c)], Q [Article 3.294(2)(b)], R [Article 3.302(c)] and S [Article 3.322(2)(c)]

With the amendment of Articles 3.40f(2)(b), 3.46(2)(d), 3.109(3)(e), 3.116(3)(e), 3.120(3)(c), 3.126(2)(e), 3.132(3)(e), 3.138(3)(e), 3.146(2)(e), 3.198(2)(d), 3.227(2)(c), 3.270(2)(c), 3.294(2)(b), 3.302(c) and 3.322(2)(c) of the Bal, Section 5.4.4 of the Bal also applies to activities not subject to permit requirements. Previously, this section was appropriate only for the activities covered by these articles to the extent that these activities are subject to permit requirements. In the Environmental Management Activities Decree, the emissions requirements from Section 2.3 air also applied in those cases where no specific emissions requirements were laid down for an activity in a type B operation. A type B operation was an operation that was not subject to the permit requirement in Article 2.1(1), preamble and under (e), of the Living Environmental Permitting (General Provisions) Act (environmental permit). The amendment thus concerns a continuation of the legislation that applied before entry into force of the Environment and Planning Act. With this amendment, the competent authority does not need to make individual arrangements for a relevant emission for which no emission requirement is stated in Chapter 4 of the Bal, because the requirements of Section 5.4.4 apply.

Article I(K) [Article 3.152], (L) [Article 3.185], (M) [Article 3.186], (AD) [Article 4.365], (AE) [Article 4.366], (AF) [Articles 4.518, 4.520, 4.573, 4.576, 4.577, 4.587, 4.588, 4.590, 4.1063 and 4.1064], (AV)(2) and (3), [Annex I(A) to the Bal] and (AX) [Annex IVa(A)(a) to the Bal];

Through the Decree implementing the Environment and Planning Act (Invoeringsbesluit Omgevingswet)[18], 'motor vehicle' has been replaced by 'motorised vehicle' to ensure greater uniformity in the rules in a number of articles in the Bal. However, in some articles and an annex, 'motor vehicle' has remained unintentionally. This has been done with these amendments included in Article I, Parts K, L, M, AD, AE, AF, AV and AX. This is therefore a question of housekeeping.

The replacement of 'motor vehicle' by 'motorised vehicle' is for a further reason in addition to the rectification of an omission. The point is that the definition of 'motor

[18] *Bulletin of Acts and Decrees* 2020, 400.

vehicle' in Annex I to the Bal refers to the definition of 'motor vehicle' in the Bkl. The Bkl defines 'motor vehicle' as 'motor vehicle as referred to in Article 1 of the Road Traffic and traffic Signals Regulations 1990'. 'Motor vehicles' of Article 1 of those regulations include all motorised vehicles intended for propulsion other than by rails. Mopeds, pedal-assist cycles and disabled vehicles are excluded. These exceptions apply because of the different references to what falls under 'motor vehicle' in the Bal. So, mopeds do not fall under 'motor vehicle' and, in the waste phase, neither under the terms 'wreck of a two-wheeled motor vehicle' (as that term read prior to this amending Decree) or 'end-of-life vehicle' in the Bal. Yet the rules in the Bal for those vehicles should also apply to mopeds as was the case in the former Environmental Management Activities Decree. As a result of replacing 'motor vehicle' with 'motorised vehicle', mopeds fall in the waste phase under 'wreck of a two-wheeled motor vehicle' or 'end-of-life vehicle'. Replacing 'motor vehicle' with 'motorised vehicle' avoids references to the Bkl via the term 'motor vehicle' in Annex I to the Bal and thus to the more limited meaning given in the Road Traffic and traffic Signals Regulations 1990.
The amendment of the concept of 'end-of-life two-wheeled motor vehicle' to 'end-of-life two-wheeled motorised vehicle' (except as indicated above) is not intended to make any other substantive change.

A third reason for the amendment is that 'motor vehicle' comes back in Articles 4.518 and 4.520 on petrol vapour recovery systems. Those articles implement the European Petrol Vapour Recovery Directive[19], which refers back to the Petrol Storage and Distribution Directive for its terms[20]. Both directives use the term 'motor vehicles' without defining it. The term 'motor vehicle' in Annex I to the Bal (including which vehicles do and do not fall under it) may inadvertently imply a colouration of what the guidelines mean. Replacing 'motor vehicle' with 'motorised vehicle' prevents that.

Chapter 18 of the Bal (emissions from mobility) does still refer to 'motor vehicle'. That chapter is contained in the Decree of 28 November 2023 amending the Environmental Activities Decree (Besluit activiteiten leefomgeving) and the Environment Decree (Omgevingsbesluit) in relation to the reduction of carbon dioxide emissions from work-related passenger mobility[21] will be inserted into the Bal. Chapter 18 of the Bal concerns traffic and seeks to make the link with the terms from the traffic regulations.
As a result, 'motor vehicle' in Chapter 18 of the Bal does have the meaning given to it by the Bkl.

Furthermore, in Article 3.185(3)(u), 'an activity' is changed to 'maintenance or repair of' due to consistency. This is not intended as a change in content.

Article I, Part T [Article 4.127]

The change in this part concerns the deletion of the phrase ', measured in a one-time measurement'. This phrase has been deleted because Article 4.130 specifies the frequency of measurement of the different substances.

Article I, Section U [Table 4.127]

The amendment to this part concerns the addition of the emission requirement of benzene in Table 4.127 to Article 4.127 of the Bal. In recent years, it has become clear that benzene is a relevant emission of asphalt production plants. This was subject to the benzene requirement of 1 mg/Nm^3 from the air section of the Bal (Article 5.30) applied. It is common practice to regulate known and relevant emissions from an activity in the section on that activity. This is easier to understand for companies and the public authorities. The emission requirement for benzene has, therefore, been added to Article 4.127. There is no double regulation: Article 5.27(b) of the Bal states that

[19] Directive 2009/126/EC of the European Parliament and of the Council of 21 October 2009 on Stage II petrol vapour recovery during refuelling of motor vehicles at service stations (OJ L 285/36, 2009).
[20] European Parliament and Council Directive 94/63/EC of 20 December 1994 on the control of volatile organic compound (VOC) emissions resulting from the storage of petrol and its distribution from terminals to service stations (OJ L 365, 1994).
[21] *Bulletin of Acts and Decrees* 2023, 472.

Article 5.30 of the Bal does not apply when an emission of a substance is subject to an emission requirement in Chapter 4 of the Bal. Transitional legal provisions are not necessary because there is no tightening of the emission requirement.

Article I, Part V [Article 4.129]

This part amends a number of points in Article 4.129 of the Bal. The word 'one-off' has been removed from Article 4.129(2). Instead, the frequency of measurement of the different substances is specified in Article 4.130. The standard applicable to benzene measurement has also been added in the second paragraph. Because an emission requirement for benzene has been added to Article 4.127, it is also desirable that monitoring requirements for benzene be included in Section 4.7 of the Bal.

The new third paragraph stipulates which PAHs must, in any case, be measured when testing against the emission limit value for PAHs. This provides clarity for businesses and the public authorities. There are hundreds of individual PAHs. Which PAHs are released from an environmentally harmful activity depends on the processes used. Therefore, the Bal does not include a definition of PAHs. Practical measurements show that the common set of most common PAHs is sufficient for asphalt production. This set is usually denoted by PAHs EPA 16. This set of PAHs has been included in the new third paragraph.

Article I, Part W [Article 4.130]

This part replaces Article 4.130 of the Bal. This article sets out which frequency applies to measurements. For total dust, nitrogen oxides, sulfur oxides and volatile organic compounds, the measurement frequency will remain one time, as set out in paragraph 1.

In the third paragraph, the measurement frequency of PAHs and benzene is established to be at least once per calendar year. For PAHs, there was no obligation as regards measurement due to the use of the recognised measure, which was included in Article 4.128(1) of the Bal. This recognised measure has elapsed.[22] For benzene, the obligation as regards measurement followed from a calculation of the failure rate. The failure rate is calculated using the formula: * interference emission in (g/h)/lower limit (kg/year).[23] Table 5.32 of the Bal lists the failure rate F and the associated monitoring regime. This could also mean that benzene does not have to be measured. In view of the experiences with recent measurements at the asphalt production plants, it is desirable to carry out regular measurements at the asphalt production plants, see the overview in the annex to the letter to the Parliament of 7 July 2022 on the state of play of asphalt production plants.[24] For this reason, Article 4.130 of the Bal contains a measurement frequency. A measurement frequency of at least once per calendar year has been chosen. Continuous measurement to demonstrate compliance with the emission limit values also requires a quality assurance as per NEN-EN 14181. The costs associated with this are not proportionate for benzene and PAHs. If there are doubts about continuous compliance with the emission limit value, the competent authority may choose to set additional requirements for the recording of emission-relevant parameters by means of individual arrangements. In that case, for example, the authority may choose to initiate an indicative continuous benzene measurement in addition to the periodic measurements and designate it as an emission-relevant parameter.

The fourth paragraph includes the obligation that when an emission-reduction technique is used, monitoring will also take place by means of an emission-relevant parameter. This monitoring demonstrates that the technology is working adequately. These emission-relevant parameters do not replace the usual emission measurements. Emission measurements are available to demonstrate that the emissions comply with the specified emission limit values. Emission-relevant parameters have the function of checking the

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[22] *Official Gazette* 2022, 25973. See also Article I, Part AL, of the Collective Decree on the Environment and Planning Act (*Bulletin of Acts and Decrees* 2023, 298). This part has provided for the deletion of Article 4.128(1) Bal.

[23] https://iplo.nl/regelgeving/regels-voor-activiteiten/emissie-eisen-monitoring-milieubelastende/bepalen-controleverplichtingen-emissies-lucht/.

[24] See the overview in *Parliamentary Proceedings II* 2021-22, 28 089, No 241, Annex 'Overview of emissions of benzene and PAHs per asphalt production plant, including actions (dated June 2022)'.

functioning of emission-reducing technologies. This is important because it checks whether the technology is working properly to reduce emissions. An emission-relevant parameter can be an indicative continuous benzene measurement as mentioned above, but there are also other emission-relevant parameters. Previously, pursuant to Article 2.8 of the Environmental Management Activities Decree, the monitoring of emission-relevant parameters for asphalt production plants resulted from a calculation that determined which control regime was applicable. Section 5.4.4 of the Bal contains a similar provision (Article 5.32 of the Bal) for monitoring emission-relevant parameters. With this addition to Article 4.130, should an emission-reduction technique be applied at asphalt production plants for the emissions of the substances referred to in Article 4.127 of the Bal, the obligation to monitor the emission-relevant parameters also applies.

Article I, Part X [Article 4.131]

Article 4.131 includes the possibility to perform a single 2-hour measurement at low concentrations of PAHs and benzene. The option for a longer measurement duration is necessary due to the low emissions in relation to the detection limit. In addition, the fifth paragraph of this article has been deleted. The SCIOS certification scheme[25] is intended for only measuring combustion emissions from medium-sized combustion plants, for which Section 4.126 sets emission limit values. The SCIOS certification scheme does not provide for complex emission measurements, such as these should be carried out for asphalt production plants. The measurement methods applied and the equipment used are not suitable for this. This amendment corrects an error in the Bal. A measurement must be carried out by an accredited body. This is already included in Article 4.131(4).

Article I, Part Y [Article 4.132a (new)]

A new article is added to Section 4.7. This article requires the results of emission measurements and monitoring of emission-relevant parameters to be recorded in a report. These are the results of emission measurements and monitoring required in Article 4.130. Prior to this amendment, this obligation was already in place for the emission measurements. This follows from the designation of standard NEN-EN 15259 in Article 4.129 of the Bal. With the inclusion of Article4.132a, this obligation also applies to the results of the monitoring of emission-relevant parameters.

Article I, Parts Z [Article 4.313], AA [Article 4.314] and AB [Article 4.315(1)]

- Article 4.313
This part amends Article 4.313 of the Bal. The central principle of the Bal is that activities with diffuse dust emissions must take place in an enclosed space. The air in the enclosed space is extracted and filtered. An enclosed space could, for example, be a building placed around an installation. But an enclosed space can also be a small enclosed space around the machine parts from which dust emissions are released. The requirements in paragraphs 2 (old) and 3 (old), respectively, that the blasting of stone takes place in an enclosed space and the grinding of stone take place in an enclosed installation have been deleted because this is already required under the first paragraph. The fourth paragraph (old) has been removed because pursuant to the first paragraph, stone, including gypsum, must be processed/worked in a closed space. If this activity takes place in an enclosed space, it is not necessary to use wet working methods in addition to the limitation of emissions into the air.

What is new is what is stipulated in the amended second paragraph under (b), namely that the limitation of dust emissions from a rubble crusher may also take place with effective dust-removal techniques. Research has shown that in practice rubble crushers are not used in an enclosed space.[26] The one-off investment costs of a hall, which is mandatory pursuant to the first paragraph, are high. A closed space around the components of the rubble crusher where dust emissions are released is less costly, but it is probably not applicable for rubble crushers in all cases. An alternative to reducing dust emissions is efficient humidification. In doing so, diffuse emissions can be reduced by wet

[25] https://www.scios.nl/Certificeren.

[26] Report ‘Examination of measures for mobile rubble crushers, dust emissions’, Witteveen+Bos, 7 June 2023.

processing methods such as a water jet or water curtain. Another alternative is that there is first source extraction of the diffuse emission and that the extracted air then passes through a filtering separator. If extraction at source takes place, a point source will be made of the diffuse emission. In practice, moistening measures and spraying systems are often applied to rubble crushers such as a water curtain. These measures are therefore considered to be the best available techniques. The amendment to the second paragraph (b) prevents a company from having to apply for special arrangements if a closed space is not possible. With the amendment of the second paragraph, the competent authorities do not need to draw up a separate permit requirement with special arrangements for rubble crushers. This reduces the administrative burden on the competent authority and the company, while the company has the choice of measures that limit the emission of dust sufficiently and are also applicable to mobile rubble crushers.
The general rule that mechanical processing of stone must take place in an enclosed space relates not only to protection against air pollution, but also against noise pollution. However, with the system of the Environment and Planning Act ensuring protection against noise has primarily been shifted to the municipal environmental plan.
Section 5.1.4.2 of the Bkl contains the instruction rules for this. Even in situations where there is no longer a general rule that mechanical processing of stone must take place in an enclosed space, the municipal authority must ensure in an appropriate way that, in the environmental plan, there is an acceptable noise level due to this activity at any surrounding noise-sensitive buildings. To this end, the municipality can include values in the environmental plan that must be complied with, as well as other rules (Article 5.71 of the Bkl). In a specific situation, the municipality may still stipulate in the environmental plan that this activity must take place in an enclosed space. This is then not a general rule, but the result of a situation-specific assessment.

- Articles 4.314 and 4.315

The amendment to Article 4.313 requires an amendment to Articles 4.314 and 4.315(1). As Article 4.313(3)(a) (new) pertains to the reduction in dust emissions by using dust-removal techniques where the air is not extracted, there is therefore no point source. An emission requirement applies to a point source. The amendment to Articles 4.314 and 4.315(1) means that these articles apply only if there is an enclosed space, an integrated dust extraction system or mechanical dust extraction.

Article I, Part AC [Article 4.320]

This part amends Article 4.320 of the Bal for the mobile reduction in woody plant residues (branches). The mobile reduction in woody plant residues in the forest or in the parks comes under the waste phase in the Bal. Activities with commercial waste are regulated by Section 3.5.11 of the Bal. Because that section declares the rules of Section 4.20 of the Bal to be applicable, the requirements mean, inter alia, that the machines must be indoors. In the case of work in the forest or in parks or gardens, branches may be reduced on site with a shredder or using another machine, such as a chain saw, after which the material is returned to the ground. This activity does not require the rules of Section 4.20 of the Bal to be applied. For this reason, the new second paragraph states that Section 4.20 of the Bal does not apply to the mobile reduction in woody plant residues.

Article I, Part AG [4.685b]

In order to implement Directive (EU) 2019/883[27], Article 4.685(2) of the Bal includes the obligation to draw up a port waste plan for a marina where normally seaborne pleasure craft dock. The port waste plan contains a waste reception and handling plan. However, there is an exception to this obligation if the conditions in Article 4.685(4) are met. Pursuant to Directive (EU) 2019/883, it must be recorded in the European monitoring and information system, SafeSeaNet, that such a port is exempted from the obligation to have a port waste plan. SafeSeaNet is accessible to the Human Environment and Transport Inspectorate (ILT) and the Coast Guard.

[27] Directive (EU) 2019/883 of the European Parliament and of the Council of 17 April 2019 on port reception facilities for the delivery of waste from ships, amending Directive 2010/65/EU and repealing Directive 2000/59/EC (OJ L 151, 2019).

During the implementation phase of Directive (EU) 2019/883, it was agreed that a marina manager who invokes this exemption option shall report this to the Minister for Infrastructure and Water Management. This notification shall be submitted to the ILT so that the ILT can register it in SafeSeaNet. The competent authority (municipality) has no direct link to SafeSeaNet, so it was not deemed logical to report the report to the competent authority.

When developing applicable rules for submission of information regarding marinas in the Digital System of the Environment and Planning Act (DSO), it was found that it is not desirable for the marina manager to provide this information to the Minister for Infrastructure and Water Management. This is because the marina manager provides all other data on this activity to the competent authority via the DSO. It is more logical that the marina manager should thus also provide the competent authority and not the ILT with the information on exemptions from the obligation to have a port waste plan. If the competent authority has assessed that the marina manager may invoke the exemption, the competent authority will then provide this information to the ILT. The ILT will then register this in SafeSeaNet.

Article I, Part AH [Article 4.1069]

The amendment to this part concerns the amendment of Article 4.1069 of the Bal. The measures in Article 4.1069 of the Bal have been changed from an approved measure to a mandatory measure. This is because Article 4.1067 of the Bal does not contain any target-related provisions for loading and unloading. A reference that the measure complies with Article 4.1067 of the Bal is therefore illogical. With this amendment, this will be rectified.

Article I, Part AI [4.1073a(2)]

In the Environmental Activities Decree and the Waste Substances (Landfills and Dumping Bans) Decree, the term ‘wolmanised’ occurs if it concerns wood that has been treated with agents containing copper, chromium or arsenic. However, wolmanised wood may also contain other substances not covered by the said provisions. Therefore, the term ‘wolmanised’ is removed and these provisions specify what wood is, namely wood treated with agents that contain copper and chromium (CC wood) or copper, chromium and arsenic (CCA wood).

Article I, Part AC [Article 5.23 of the Bal].
The amended wording had given rise in practice to doubts as to whether the minimisation obligation still applied to all emissions of SVHCs and it was unclear whether the ‘avoidance and reduction programmes’ (ARPs) should also be submitted to the competent authority every 5 years.
The addition of ‘minimisation’ in the heading of Article 5.23 makes it clear that minimisation is the essence of the 5-yearly obligation to supply SVHC emissions via the SVHC database. With the additions of ‘avoidance and reduction programmes’ in the heading and with (b), it is clarified that the ARPs must also be provided to the competent authority every 5 years.[28] Informing the competent authority of the possibilities to prevent emissions of SVHCs into the air or into the water or, if that is not possible, to limit them as much as possible (old (b)) is done with the ARP. This confirms the policy-neutral transposition of the Environmental Management Activities Decree for SVHC emissions into the air in the system of the Environment and Planning Act. Under the old system, there was the same obligation as regards SVHC emissions into the water. This was not included in the Environmental Management Activities Decree, but in the General Assessment Methodology that had to be involved in the granting of permits. The minimisation requirement and the ARPs are fundamental components of the SVHC emission policy. For a company to which Article 2.4(11)(a) of the Environmental Management (Activities) Decree applied, this 5-year cycle started on 1 January 2016. This means that such companies must submit the ARPs again no later than 1 January 2021 and no later than

[28] According to the Handreiking Bal and Bbl (Bal and Bbl guide), ‘submit data and documents’ is used if certain specific data and documents must be provided. If it is possible to provide information in a form-free manner, ‘inform’ is used. Where emission data must be submitted via the SVHC database, but no documents have to be submitted, ‘submit data’ has been used. The minimisation obligation (a) and the ARPs (b) are subject to an information obligation, as this provision is form-free.

1 January 2026, etc. For a company that started a cycle on the basis of the Dutch Emissions Guideline or the General Assessment Methodology on the basis of a date specified in a requirement attached to the permit, this cycle will also continue every 5 years. For example, if the permit specifies a date of 4 July 2015, this 5-year cycle will continue, so that the submission will be due on 4 July 2020, 4 July 2025, 4 July 2030 and so on. For companies for which the obligation regarding the avoidance and environmental programme had only just begun to apply at the time of entry into force of the Environment and Planning Act, the 5-year cycle will run from 1 January 2024. This means that the data must be provided before 1 January 2029, 1 January 2034 and so on.

Article I, Parts AU and AV(1) [Article 5.29(1) and Annex I(A)]

Annex I(A) contains a definition of an emission-relevant parameter. This corresponds to the definition of emission-relevant parameter previously included in Article 5.29(1) of Section 5.4.4 of the Bal. Because this Collective Decree also includes the obligation to monitor by means of an emission-relevant parameter in Section 4.7, it has been decided to include a definition for this in Annex I(A). This definition has therefore been deleted from Article 5.29(1) of the Bal.

Article I, Part AW [Annex II, under category 21]

For an explanation of this amendment, see the explanatory notes to Article I, Part AI.

Article I, Section AY [Annex VIII, Part M]

Annex VIII to the Bal designates the activities that can cause noise to a significant extent (major noise makers). The activity referred to in Article 3.144 (Shipyards) is designated as one requiring a permit in Article 3.145(1) if the activity is designated as requiring a permit in the open air in Article 3.145(1) and, insofar as it concerns the production, maintenance, repair, treatment of the hulls of ships or the testing, during the evening or night period, of engines of metal vessels or floating equipment with a length of 25 m or more to be measured along the waterline. The wording chosen allows this designation to be read in such a way that the lower limit ‘with a length of 25 m or more to be measured along the waterline’ applies to only the testing of engines. This would render every shipyard a major noise maker. That is not the intention. Part M is intended as an unchanged continuation of what was previously provided for in Article 13.3(b) in conjunction with Annex D(j) of the former Environmental Law Decree (Bor). For this reason, the text has been reworded.

Article I, Part AZ [Annex VIII, Part P]

Under the old law, the ‘testing of jet engines or -turbines with thrust levels of 9 kN or more’ was considered a major noise maker (Annex I, Part D(1)(A), in conjunction with Annex I, Part C(1.3)(C), of the Bor). Annex VIII to the Bal designates the same activity as an activity that can cause significant noise:

- In Part H(h), as an activity of the metal products industry;
- In Part N(b), as an activity of an engine overhaul company; and
- In Part P, as an activity of a maintenance workshop for aircraft.

Article 3.294(2)(c) links the designation under P to the permit requirement for aircraft repairs (Article 3.293 Bal). As a result, the testing process of aircraft engines, which is required under international obligations after the carrying out of only maintenance (no repair), is no longer designated as a major noise mask. That is not the intention. In the explanatory notes to the Noise Decree supplementing the Environment and Planning Act (Bulletin of Acts and Decrees 2020, 557, p. 355) states that the activities designated in Annex VIII to the Bal correspond to the activities by establishments listed in Annex 1, Part D, of the former Environmental Law Decree. The amendment to Part P ensures that airport areas where the testing process of jet engines or jet turbines for maintenance and/or repair must be regarded as industrial areas, as was the case under the old law.

Article II amendment to the Environment Buildings Decree

Article II, Part A [Article 6.40]

In this article, the references to the accreditation standard have been deleted, as this standard will be amended. This corresponds to the deleted reference in Articles 4.1312 and 4.1326 in the Bal. For an explanation of the deletion of the accreditation standard, reference is therefore made to the explanatory notes for these articles.

Article II, Parts B and C [Articles 7.12 and 7.12a (new)]

The amendment to Article 7.12 in conjunction with the insertion of Article 7.12a (new) of the Bbl is intended to rectify omissions.
Firstly, the fourth paragraph of Article 7.12a(new) provides that the final result of a final result of a final assessment or visual inspection that has taken place after the removal of asbestos from a building in accordance with the Working Conditions Decree must be entered into the LAVS by the party that carried out the final assessment or visual inspection.
Secondly, the visual final inspection is now also mentioned in the fifth paragraph of Article 7.12a (new) (previously fifth paragraph of Article 7.12).
The background to this amendment has been explained in the general section.

Article II, Part D [Article 7.21]

The background to and purpose of the amendments to Article 7.21 of the Bbl are extensively discussed in the general part of this Explanatory Memorandum.
It clarifies the special duty of care laid down for individuals and companies in Article 7.4 of the Bbl.
Firstly, it explains that the obligations of Article 7.21 apply not only to private individuals (for asbestos removal operations in risk class 1), as indicated in the text, but also to companies (for all asbestos removal operations, in risk classes 1, 2 and 2a). In fact, this amendment does not have any consequences, because the obligations also applied in accordance with the special duty of care pursuant to Article 7.4 of the Bbl. The relationship of Article 7.21 to Article 7.4 is explained.
Secondly, it is made clear that, if asbestos has ended up in the environment in the context of demolition works, this asbestos must be cleaned up. This obligation also applied in accordance with the special duty of care pursuant to Article 7.4 of the Bbl and, in this case too, the relationship of Article 7.21 to Article 7.4 is explained.

Finally, Article II, Part D(4) of this Collective Decree provides in Article 7.21(f) (new) of the Bbl that ‘Article 7 of the Asbestos (Products) Decree’ shall be replaced by ‘Appendix 7 to

Annex XVII to the EC Regulation (EC) 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (OJ L 396, 2006)'. For an explanation of this amendment, see the explanatory notes to Article V, Part C(3) (amendment of Article 7 of the Asbestos Removal Decree 2005).

Article II, Part E [Article 7.39a (new)]

With this amendment, Article 7.39a (new) has been added to Section 7.2.3 of the Bbl. Under the Bbl, mobile rubble crushers, among other things, were previously subject only to a very general article about reducing dust emissions from building and demolition works, namely Article 7.19. When carrying out building and demolition works, measures are to be taken to control the visually detectable spread of dust outside the construction or demolition site. The Bal requirements on (mobile) rubble crushers for reducing dust emissions are stricter. These requirements are set out in Article 4.313 of the Bal and amended by this Collective Decree. The requirements specified in the Bal for (mobile) rubble crushers do not apply to mobile rubble crushers to which the Bbl applies (Article 4.304(2) of the Bal). These are mobile facilities for the processing of building and demolition waste pursuant to Article 7.27 of the Bbl, including all other facilities and machinery used for such processing and which are used during a period of no more than 3 months and in the immediate vicinity of the building or the road where the waste to be crushed is produced. Mobile rubble crushers covered by the Bbl are often located in the middle of residential sites where many citizens live. When breaking up concrete, stone and rubble, respirable crystalline silica dust is also released and has been on the list of SVHCs of the National Institute for Public Health and the Environment (RIVM) since 19 May 2021. Therefore, it is desirable, from the health point of view of the local residents, that the requirements for the reduction of dust emissions from mobile rubble crushers be tightened up. The Ministry of Infrastructure and Water Management has commissioned a study on measures to reduce dust emissions from mobile rubble crushers.[29] This shows that measures involving spraying are common in the case of mobile rubble crushers. For this reason, the present amending Decree requires mobile rubble crushers to use effective dust-control techniques with the result that no visually detectable spread of dust occurs at a distance of 2 m from the source of dust. Efficient techniques involve effective wetting and the use of suitable filtering separators. These requirements limit the harmful dust emissions from mobile rubble crushers and ensure that comparable requirements apply to (mobile) rubble crushers subject to the Bal.

[29] Report 'Examination of measures for mobile rubble crushers, dust emissions', Witteveen+Bos, June 2023.

Article III amendment to the Environmental Quality Decree

Article III, Part A [Articles 3.26(a), 5.78(1)(c), 5.78i(1)(a), 5.78ae(1)(a) and 7.10a(1)]

This part regulates the change in the number of motor vehicles per day in the articles to which the part relates. On the basis of measurements carried out by RIVM on behalf of the Ministry of Infrastructure and Water Management, new emission ceilings for road traffic were established in 2022. The results of the annual noise monitor for national roads indicated that traffic at higher speeds (100 km/h and above) produced more noise than from the previous emissions levels of the Calculation and Measurement of Noise Regulations 2012, Appendix III. The RIVM measurements, on the basis of which the emission estimates have been updated, were not limited to measurements at higher speeds, but covered the entire bandwidth of 30 km/h roads to motorways. Whereas the new emission indicators led to higher noise production at higher speeds, they appeared to have decreased at lower speeds (30-50 km/h).

The lower limit for the traffic intensity of municipal roads and water authority roads in Article 3.26 has been established in order to provide adequate protection against traffic noise for residents, while at the same time limiting the implementation burdens for the road authorities. As a result, the obligation to record BNEs is limited to roads with a level of daily intensity above a certain value. For the majority of municipal roads and water authority roads, a lower maximum speed applies and the measurements, therefore, lead to the view that traffic on those roads generates less noise than was previously known. In conjunction with this, it has been examined what consequences this may have for the BGE, more specifically for the minimum traffic intensity of roads for which the BGE must be determined. It has been found that an increase in this intensity to 2 500 motor vehicles per day will generally provide an equivalent level of protection for local residents as with the initial intensity of 1 000, which was also based on the outdated emission indicators.

This modification in the traffic intensity also affects Articles 5.78, 5.78i, 5.78ae and 7.10a of the Bkl and is, therefore, also adjusted in those articles. As a result, the instruction rules in, in particular, Section 5.1.4.2a of the Bkl on noise from roads are no longer required to be applied when constructing or modifying roads with a traffic intensity between 1 000 and 2 500 motor vehicles per day, nor when deciding whether to allow noise-sensitive buildings near roads in this category.

Article III, Parts B [Article 3.27], G [Article 5.78m] and H [Article 5.78n]

- Article 3.27(2)

The additional sentence in Article 3.27(2) ensures that, if a decision is taken during the construction of a road or railway, using the option provided in the applicable instruction rules, to assess jointly the noise of a local railway and a municipal road (Articles 5.78m and 5.78n), this choice affects the determination of the BNE for that road and that railway. This amendment is in line with the amendment of Articles 5.78m and 5.78n of the Bkl.

- Articles 5.78m(3) and 5.78n(3)

The noise rules in the Bkl offer the option to assess jointly the noise of a local railway and a municipal road if they are largely interconnected or run together. Where roads and railways already run together at the time of entry into force of the Decree, the municipality may use this option at the time that it determines the BNEs for the first time (2026). However, there was no provision for a regulation for situations, where a road and local railway run together for the first time in the future, for example, where a local railway is constructed in or next to an existing road, or a road is constructed next to an existing local railway. The amendments to Articles 5.78m and 5.78n ensure that it is possible to decide whether to assess the noise jointly or separately in the case of a decision where the road and railway already run together. The addition to Article 3.27 ensures that this Decree is working towards the BNE that must then be determined.

The amendment of the aforementioned articles always refers to the joint assessment of the noise of *a* local railway and *a* municipal road – in the singular. This has a practical background, because, for example, a decision on modifying a road primarily concerns that single road. However, the traffic and noise effects of this amendment do not have to be

limited to that single road, but may have effects on traffic and noise on surrounding roads. For this reason, the noise rules also do not apply to individual roads or sections of roads, but for a type of noise source as a whole: for example, within a municipality, all municipal roads together form the 'municipal roads' type of noise source (see the definition of the term 'type of noise source' in Annex I of the Bkl).

For the application of Article 3.27(2), or prior to the application of Articles 5.78m(3) and 5.78n(3), a municipality may prefer to make the choice to look at the local railways and municipal roads together for the assessment of noise, or the choice not to do so, for all local railways (whether or not of a particular type) within a municipality as a whole, instead of individual roads or sections of tracks. In such a case, that choice can, if desired, be laid down in, for example, a policy document from the municipality, so that it is also known for future planning and decision-making which choice a municipality has made in this regard.

Article III, Part C [Article 3.39(1)]

The deletion of 'the façade of' and the use of 'a noise-sensitive building' in the singular brings this wording more in line with other related provisions in this regard in the Bkl, including on assessing the cumulative noise. This clarifies that the collective noise needs to be determined for only those noise-sensitive buildings for which use has been made of the possibilities mentioned in these articles in which the noise increases and the default value is exceeded and, therefore, not for all noise-sensitive buildings located in the noise focus area. Incidentally, the latter also arises from the scope of Article 3.39. After all, this applies only in the cases (referred to in that article) in which the noise increases and the default value is exceeded.

Article III, Part D [Article 3.52]

Article 3.52 of the Bkl indicates the cases in which an administrative body must take a decision as referred to in Article 2.43 of the Environment and Planning Act on noise-insulating measures in the building. inadvertently, that article did not mention the traffic order. Even in the case of a traffic order leading to an increase in the noise of a municipal road or a water district road, a situation may arise that the increase cannot be or is insufficiently limited by noise reduction measures, there is an issue of an increase in the noise by more than 1.5 dB (Article 21a of the Road Traffic (Administrative Provisions) Decree, hereinafter: Babw) and noise-insulating measures may be required as a consequence. Previously, this was regulated for reconstructions in Article 112 of the Noise Abatement Act and Articles 3.3, 3.4 and 3.10 of the Noise Abatement Decree. The term 'reconstruction' from the Noise Abatement Act also includes many cases that do not qualify as modifications to roads under the new system, but that do require a traffic order. The task is new for water boards, but is in line with the task of the water board to manage the noise of its own roads, as laid down in Article 2.17(1)(c) of the Environment and Planning Act. Following a question in the consultation, it is stated, for the sake of completeness, that there is only an issue of a traffic order pursuant to Article 21a of the Babw if an increase in noise of more than 1.5 dB remains when the traffic order is made. If noise-reducing measures are taken in the traffic order to ensure that the noise at the façade of noise-sensitive buildings does not increase or increase by less than 1.5 dB, Article 21a of the Babw does not apply to that traffic order and the relevant parts of Article 3.52(1) of the Bkl also do not apply. Moreover, Parts c(2) and d(2) of Article 3.52(1) of the Bkl concern a traffic order of the Provincial Executive or the Minister for Infrastructure and Water Management, respectively, which results in an increase in noise by more than 1.5 dB on noise-sensitive buildings in the noise focus area of a municipal road or water district road. If, in those situations, in addition to a decision on noise-insulating measures, noise-reducing measures are also necessary, Article 2.2 of the Environment and Planning Act provides for the necessary coordination and cooperation between the administrative bodies concerned in order to ensure that the adoption of adequate noise-reducing measures on or along the municipal or water district road.

The public authority that adopts a traffic order pursuant to Article 21a of the Babw is responsible for the noise-insulating measures. In the case of municipalities, a traffic order on the basis of Article 18(1)(d) of the Road Traffic Act 1994 may be adopted by the

Municipal Executive or, by virtue of its decision, by a governing committee set up by it. Pursuant to Article 2.43 of the Environment and Planning Act, only the Municipal Executive may decide on noise-insulating measures for buildings. In the case of the water boards, a traffic order on the basis of Article 18(1)(c) of the Road Traffic Act 1994 may be adopted by the general management or, by virtue of the decision of the general management, by the day-to-day management. Pursuant to Article 2.43 of the Environment and Planning Act, the executive board may decide on noise-insulating measures.

Traffic decisions of the Provincial Executive and the Minister for Infrastructure and Water Management are also added, because a traffic order on a provincial road or a national road may affect the traffic intensity on municipal roads or water authority roads. The likelihood that an individual traffic order on a province or national road will lead to an increase of 1.5 dB (approximately 40% growth in traffic) on a road of another administrator is indeed small, but as this possibility cannot be ruled out, a regulation for this has nevertheless been foreseen. It should be noted that Article 21a of the Babw does not concern noise caused by national roads and provincial roads as such, because that is subject to the system of noise production ceilings. After all, if the noise from a noise source with noise production ceilings increases and noise reduction measures on the road to satisfy the noise production ceilings prove not to be possible, the noise production ceilings must to be raised. A decision on noise production ceilings was already indicated as a decision that may make it necessary to take a decision on noise-insulating measures. This is provided for in Parts c and d of the first paragraph of Article 3.52.

The amendment to Article 3.52(2) of the Bkl is linked to the fact that a project decision may be considered a traffic order on the basis of Article 5.52(2) of the Environment and Planning Act. In that case, the responsibility for deciding on noise-insulating measures also lies with the competent authority for the project decision. In drafting this Decree, it was found that such a shift in competence may also occur if a project decision counts as a decision that changes noise production ceilings from another administrative body. For the sake of brevity, the reference is, therefore, shortened to ‘first paragraph’ and not extended to include all the cases in which a project decision may be considered to be one of the decisions to which reference is made in the first paragraph. Following the consultation reaction of the Union of Water Boards, it is noted that taking a decision on noise-insulating measures in conjunction with a project decision may also be relevant for water boards not performing a task as a road operator. For example, if the project decision for a water control structure leads to limiting or otherwise routing the traffic over that structure, it may require a traffic order for the approach roads, after which the traffic is diverted onto other roads and there leads to an increase in the noise by more than 1.5 dB (Article 21a Babw). In such a case, if the water board chooses to have its project decision applied as a traffic order, the responsibility for the decision on noise-insulating measures that follows also lies with the water board.

In addition, the wording in Article 3.52(1)(a)(3°) has been brought into line with other articles on noise on a noise-sensitive building.

Article III, Part E [Article 5.12(3)]

In this Collective Decree, the criterion for defining the concept of toxic cloud focus area has been revised in Article 5.12(3), where the previous criterion for exposure to a toxic cloud (concentration of a toxic substance) has been replaced by the criterion for a dose of a toxic substance. As a result of the dose approach, the toxic gas focus area will, in certain cases, be larger or smaller than that based on the previously applicable concentration criterion.

When a municipality amends an environmental plan or grants an environmental permit for an activity that is outside the environmental plan, it must, pursuant to Articles 5.15 and 8.0b(1)(a), respectively, in conjunction with Article 5.12 of the Bkl, take into account the toxic gas focus area as applicable on the basis of the amended third paragraph of Article 5.12 of the Bkl when assessing the group risk in a toxic gas focus area. Pursuant to Article 8.10a(3) in conjunction with Article 5.12, this also applies to the granting of an environmental permit for an environmentally harmful activity.

For activities and low, moderate and high vulnerability buildings and low to moderate vulnerability sites that were already legitimately being carried out or authorised before paragraph 3 was amended, transitional legal provisions have been included in Article 5.15a (see the explanatory notes to Article III, Part F). This also applies to decisions amending the environmental plan, in the process of which an assessment of the group risk in a toxic gas focus area is involved or decisions regarding the granting of an environmental permit for an activity that is outside of the environmental plan or an environmentally harmful activity that has already been initiated. Transitional legal provisions have been included for this purpose in Article IX of the Collective Decree (see also the explanatory notes to Article IX).

For the recalculation of the toxic gas focus area of existing businesses, the State has made funds available to the environmental services in the amount of approximately EUR 800 000. The (re)calculated toxic gas focus area will be included in the External Safety Risks Register after validation by the competent authority, in anticipation of this amendment.

Article III, Part F [Article 5.15a]

The transitional legal provisions already included in Article 5.15a have been supplemented with transitional legal provisions in connection with the amendment to the criterion for the limitation of the toxic gas focus area (Article 5.12(3)). These transitional legal provisions pertain to activities under an environmental plan or an environmental permit for an activity outside of the environmental plan that is already legitimately performed at a site or authorised at the time of entry into force of the amendment to Article 5.12(3), and to low, moderate and high vulnerability buildings and low to moderate vulnerability sites to the extent that they are already legitimately authorised under an environmental plan or an environmental permit for an activity that is outside of the environmental plan at a site at the time of entry into force of the amendment to Article 5.12(3). The transitional legal provisions provide that an assessment of the group risk within the toxic gas focus area made before entry into force of the amendment to Article 5.12(3) does not need to be made again due to the change in the criterion for the limitation of the toxic gas focus area. The transitional legal provisions also apply to activities and to low, moderate and high vulnerability buildings and low to moderate vulnerability sites permitted pursuant to Article IX(1) of the Collective Decree.

Article III, Part I [Article 5.78q]

The wording of Article 5.78q has been brought into line with Articles 3.39 and 5.78ad.

Article III, Part J [Article 5.78aa]

The wording of Article 5.78aa(1)(b) has been amended to correspond to Article 3.37(2)(a). As a result of this amendment, the same decision-making frameworks for new noise-sensitive buildings apply as for decision-making on sources of noise. In line with similar provisions in the Bkl, it is first laid down – in the first paragraph – that measures are to be taken and then – in the second paragraph – that measures are to be ‘eligible’. In the second paragraph, the hardship clause has been taken from Article 3.37(4).

Article III, Part K [Article 5.78ad]

The wording of Article 5.78ad has been brought into line with Articles 3.39 and 5.78q.

Article III, Part L [Article 8.18(1), (2) and (3)]

Article 8.18 of the Bkl aims to prevent an environmental permit from being granted for an environmentally harmful activity that results in more noise on the façade of a building than is permitted on the basis of the rules in Section 5.1.4.2 of the Bkl (Bulletin of Acts and Decrees 2018, 292, p. 824). In terms of content, the rules correspond to the applicable instruction rules for the environmental plan. This Decree amends the first paragraph, which establishes the scope of application of this article. Under the original wording, the noise should be assessed if the activity may cause more noise than the

standard value. However, this wording can be read unintentionally as an obligation to carry out a complete acoustic assessment for each environmental permit for an environmentally harmful activity. The amendment to the first paragraph limits the scope of application to cases where an activity on a building may cause more noise than was already permitted under the environmental plan or an environmental permit for an activity that is outside of the environmental plan. This limits the implementation burdens of this obligation to the situations for which it was intended.

In this context, the environmental plan refers not only to the rules in the new part of the environmental plan, which have been created pursuant to Section 5.1.4.2 of the Bkl, but also to the noise rules in the temporary part of the environmental plan that have been inserted with the so-called dowry. These noise rules, which were included on 1 January 2024 in Section 22.3.4 of all environmental plans, do not, pursuant to Article 22.1(2), apply to an environmentally harmful activity if the environmental permit includes instructions for the noise on noise-sensitive buildings. However, as soon as the noise due to the activity increases and these provisions should be amended, the noise rules of Section 22.3.4 will apply and will also determine the scope of Article 8.18.

Compared to the rule in force, there may be some specific situations in which an environmental permit may well be granted, while that is currently not possible. These are situations in which the noise on a poorly acoustically isolated (older) noise-sensitive building does indeed meet the values in the environmental plan (including the dowry), but may not meet the noise limit values in noise-sensitive spaces of that building. It will almost always be an existing lawful situation. The assessment of whether such situations can be respected or should be terminated lies primarily with the municipality when adopting the environmental plan and is not at issue when assessing an application for an environmental permit for an environmentally harmful activity.

In addition to the above, the addition to the third paragraph clarifies that this obligation does not apply in its entirety if the noise does not exceed the standard value.

With the amendment of the second paragraph, the wording is editorially aligned with comparable provisions in Articles 5.65 and 5.66 of the Bkl. This has no impact on the implementation burdens.

Article III, Part M [Article 11.46(3)]

This amendment implements further administrative agreements between the State, the Association of Netherlands Municipalities (VNG) and the Association of Regional Water Authorities (UvW) on the introduction of the BNE for municipal roads, water authority roads and local railways without noise production ceilings. This means that – contrary to the previous text of Article 11.46(3)(a) – the base year of the BGE for all these railways and roads will be 2026 at the latest. This also deletes the introduction of the BGE, as previously provided for in that paragraph, in two phases (first for busier roads and only later for less busy roads). For this reason, the designation of separate types of noise sources and traffic intensities in Article 11.46(3) is no longer necessary; this breakdown provided only for the phased introduction and is, therefore, now superfluous. The types of noise sources that have a BGE are listed in Article 3.27 of the Bkl and – in relation to the data collection – are repeated and detailed in the first and second paragraphs of Article 11.46 of the Bkl. The central determination with the lower limit of the BGE (expressed in traffic intensity) can be found in Article 3.26 of the Bkl (scope of application); see in this context also the amendment to Articles 3.26(a), 5.78(1)(c), 5.78i(1)(a), 5.78ae(1)(a) and 7.10a(1) of the Bkl with Article III, Part A, of this Collective Decree, as explained above.

Adjusting the base year for the BGE does not require any adjustment in the articles on remediation. Article 15.2 of the Environment Decree already provides that a Royal Decree will determine a time when the relevant administrative bodies (in sum) compile the remediation list. The choice of that date will be based on the adjustment of the base year for the BGE and, if necessary, different times may be set for provincial roads and municipal and water authority roads respectively.

Article III, Part N [Article 11.52(1)]

Article 11.52 lists the data to be included in the noise register. An elaboration of this can be found in the Environmental Regulation (noise source data) and the Noise Information Model (IMG, Article 12.71e of the Environmental Regulations). The data must be based on a decision or other document that legitimises the data. This is necessary because the information is associated with legal consequences. For example, noise source data associated with noise production ceilings must be used for acoustic surveys in preparation of decisions on, for example, housing construction. The monitoring data on noise production ceilings and the BNE will indicate whether noise measures must be taken into account. If noise production ceilings are not complied with, an enforcement request may be submitted. It is, therefore, important information for which the legal status must be known from a document.

The Noise Information Model, therefore, states that one or more references to such a document should also be included with each submission of data. However, Article 11.52 stipulated only that an indication of the decision by which the noise production ceiling was determined must be provided. This could raise the question of whether it is justified for the Noise Information Model to request more types of document references. Therefore, this article is now supplemented for clarification by other relevant document references already prescribed in the IMG. These are reports from the monitoring of noise production ceilings and BNEs, decisions regarding airport acts and announcements of permits and reports for wind turbines and outdoor shooting ranges. In all cases, it concerns documents that must be made available electronically (monitoring reports) or that must be notified in the electronic journal (airport decrees, permits and reports), so that the provision of a link to the noise register does not lead to a relevant increase in implementation burdens.

For one document added in Article 11.52, the IMG did not yet include a reference to be submitted to the noise register. This concerns the report of the value of the BNE (Article 10.42c(3) of the Environment Decree). This has not been omitted for any given reason, but is an omission that will be rectified in this Collective Decree and in the IMG.

Since the numbering is changed in Article 11.52, the references to this article in Articles 10.42a and 15.4 of the Environment Decree are also adjusted.

Article III, Part O [Article 12.1]

The limit values in the Noise Abatement Act form the basis for determining the first noise production ceilings as environmental values for existing industrial sites pursuant to Subsection 12.1.1 of the Bkl. These limit values consist of the higher values referred to under (a) for the maximum permissible noise exposure referred to in Article 110a of the Noise Abatement Act and the limit values of 50 dB(A) 24-hour value referred to under (b) at each point of the outer limit of the temporary noise focus area referred to in Article 12.7(3) of the Bkl. However, the responsible minister (when the Minister for Housing, Spatial Planning and the Environment) has in the past also set maximum permissible values of noise exposure pursuant to Article 63(2) of the Noise Abatement Act. These were mistakenly not included in this definition, while they are relevant for the determination of noise production as referred to in Article 12.2(1). This amendment rectifies this omission. Since it was already clear that these maximum permissible values for noise exposure laid down by the Minister must also be involved in determining the first noise production ceilings for industrial sites, this has no consequences for the implementation burdens.

Article III, Part P [Articles 12.2(1), 12.5(1) and 12.6(1)]

Section 12.1 of the Bkl contains, among other things, instruction rules for the transition of existing situations from the old to the new law. Articles 12.2, 12.5 and 12.6 of that section relate to the determination of the first noise production ceilings as environmental values for industrial sites, main railway lines with noise from railway vehicles on railway yards and existing provincial roads respectively. Because it concerns a neutral transition of existing situations, a number of provisions from Section 3.5.4.2 of the Bkl have been omitted in those articles. This was mistakenly referred to as Article 3.40 of the Bkl, which

has nothing to do with the determination of the first noise production ceilings for the aforementioned types of noise sources. This amendment corrects this and the incorrect reference to Article 3.40 is replaced by the correct reference to Article 3.39 of the Bkl. This correction of an incorrect reference does not affect the implementation burdens.

Article III, Part Q [Article 12.2a(3)]

Article 5.78f of the Bkl provides that the environmental plan for an industrial site must include rules for activities on the industrial site, aimed at complying with the noise production ceilings specified for that industrial site. Article 12.2a(1) provides that Article 5.78f does not apply if, and for as long as, the first noise production ceilings apply to the industrial site, which have been laid down by environmental plan in application of the transitional legal provisions Article 12.2 of the Bkl. This prevents Article 5.78f from unintentionally constituting an obstacle to the initial determination of noise production ceilings (Bulletin of Acts and Decrees 2023, 298, p. 122).
It has been found that Article 5.78g could constitute the same obstacle. In many cases, the environmental plan will still contain the rules on noise from the dowry environmental plan, rules which do not comply with Article 5.78g. The new third paragraph of Article 12.2a ensures that, when setting the noise production ceilings for the first time, the municipality is not obliged to lay down rules at that time for an activity in or on a military site or a site with a military object, which complies with Article 5.78g. The removal of this (unintended) barrier to the first determination of the noise production ceilings has a limited positive impact on the implementation burdens.
The exception applies only if Article 12.2 of the Bkl is applied to determining (by environmental plan) the first noise production ceilings for an existing industrial site. Article 5.78g must in fact be applied to every subsequent decision on the environmental plan that relates to a site as referred to in Article 5.78g(1). In an environmental plan, municipalities may lay down solely rules that comply with Article 5.78g.

Article III, Parts R and S [Articles 12.3 and 12.4(2)]

Articles 12.1 to 12.4 of the Environmental Quality Decree contain transitional legal provisions for the initial determination of noise production ceilings for industrial sites present on 1 January 2024 that have been zoned under the Noise Abatement Act. It has been found that Article 12.3(2) was not entirely correct.

First, Article 12.3(2) provided that a noise production ceiling determined pursuant to Article 12.2 as an environmental value had to be reduced by the value of the deduction for reasonable summation when determining it. There was no explicit requirement that the value for the noise production of the industrial site should also be reduced accordingly. As a result, the noise register could contain incorrect noise source data. In order to prevent this, Article 12.3, reworded, provides that it is not the noise production ceiling, but rather the noise production must be reduced by the previously applied value of the deduction for reasonable summation. In this case, the value of a noise production ceiling no longer needs to be reduced. That is determined on the basis of the permitted (reduced) noise production pursuant to Article 12.2(1).

It has also been found that Article 12.3(2) had an excessively broad effect. A noise production ceiling does not need to be reduced if the deduction has been used for granting of a permit. A noise production ceiling must be reduced only if the deduction for reasonable summation has been applied when setting limit values under the Noise Abatement Act. The first paragraph of that article concerned that situation. For this reason, the two paragraphs of the original Article 12.3 have now been merged.

In the original Article 12.4(2), reference was made to the application of Article 12.3(2) with regard to the different deadline for compliance with the noise production ceiling. In this Decree, the two paragraphs of that article have been merged. For this reason, the reference to that article has been replaced with a direct reference to Article 2.3(2) of the Calculation and Measurement of Noise Regulations 2012. Article 12.4(2) thus retains the correct broad effect that it had. The paragraph has also been editorially clarified on this occasion.

These amendments ensure that the application of reasonable summation under the Noise Abatement Act, where appropriate, correctly affects the noise production ceilings to be determined and that the noise source data are also correct and consistent with them. Because the practical implementation and working method do not change, this does not affect the implementation burdens.

Article III, Parts T [Article 12.12], U [Article 12.13] and V [Article 12.13a]

The Collection Decree amends the post-remediation value included in the relevant articles for noise-sensitive buildings that are subject to mandatory remediation. Under the Environment and Planning Act, noise-sensitive buildings in decentralised infrastructure must be subject to remediation under Article 12.11(1) of the Bkl if the noise exposure exceeds the remediation threshold set out in Article 15.2(2) of the Environment Decree. That value is usually equal to the limit value of Article 3.35 of the Bkl. In addition, buildings, which had to be remediated under the Noise Abatement Act, may be voluntarily remediated and have a noise exposure of less than 5 dB below the remediation threshold for the mandatory remediation (Article 12.11(2) of the Bkl).

The remediation consists of two steps referred to in Article 12.12(1) and (3), in Article 12.13(1) and (3) and in Article 12.13a(1) and (2):

1. reduction in noise levels at the façade with noise-reducing measures such as quiet road surfaces and noise screens;
2. investigate whether the interior value is exceeded in the building and, if so, take noise-insulating measures (façade insulation).

In step 1, the aim is to satisfy the value of the noise as referred to in the relevant paragraph, hereinafter referred to as the ‘post-remediation value’. Article 12.13b of the Bkl is also important. It states that noise-reducing measures are applied only if they meet the conditions set out there, including financial efficiency. If the post-remediation value is met, step 2 is not carried out, and otherwise if not. This Collective Decree changes the post-remediation value for the buildings that are required to be remediated. Instead of a post-remediation value equal to the threshold for the mandatory remediation, a value lower than 5 dB shall apply. As a result, the post-remediation value for the mandatory remediation has also been aligned with the existing post-remediation value for the voluntary remediation.

The reason for this amendment is that after remediation with noise reduction measures, such as quiet road surfaces and noise shields, the noise level inside a building may still be higher than the indoor value of 41 dB (Article 3.53(1) of the Bkl). Step 2 does not need to be carried out while it is desirable in view of the protection of health from excess noise.

The consequence of this amendment is that after taking noise-reducing measures, more buildings are eligible for step 2 of the remediation, with additional façade insulation if the interior value is still exceeded. In practice, when installing only quiet road surfaces for mandatory remediation, step 2 will always be necessary, because quiet road surfaces produce a maximum noise reduction of 4 dB. When installing a noise shield or embankment, larger noise reductions are possible and additional façade insulation will not always be required.

In summary, lowering the post-remediation value will therefore, where appropriate, lead to more measures being taken or to a dwelling. For the sake of completeness, it is stated that it does not lead to the remediation of more dwellings. The criteria used to determine whether a dwelling is eligible for remediation do not change.

The more frequent use of façade insulation increases the cost of the mandatory remediation. According to Article XI of the Noise Decree supplementing the Environment and Planning Act, these costs are borne by the State.

Articles 12.12 and 12.13 of the Bkl determine the extent to which the noise on noise-sensitive buildings must be reduced by the noise remediation of municipal roads and water authority roads. Noise-sensitive buildings appear on a list of buildings to be

remediated when the noise level exceeds 70 dB, based on a noise exposure from the road equal to the BNE (Article 12.11(1)). This amending Decree provides that this limitation of the noise is related to the noise level at the noise-sensitive buildings that follows from the BGE laid down for the roads in question. The remediation will, therefore, take place after determining the BGE, for which the final deadline is set out in Article 11.46 and, at the latest, in 2043. During that time, the noise emissions from the road can change. Municipalities and water boards are responsible for monitoring the noise emissions from the road and weighing up measures when the noise emissions increase. The State is responsible for noise remediation in relation to the situation at the start of noise monitoring. The limitation of noise during remediation is therefore determined in relation to the noise on the building on the basis of the BGE. This has been made explicit in Articles 12.12 and 12.13 with the addition of a paragraph.

Article III, Part W [Annex IX, Part D]
Activities with ammunition and explosives have been greatly reduced at TNO location Rijswijk-Plaspoelpolder. For the remaining activities with ammunition and explosives, an investment has been determined where the contours of safety zones A, B and C will be entirely located within the boundary of the site. The civil explosion focus areas A and B around the location of the TNO Rijswijk complex may therefore lapse.

Article IV amendment to the Environment Decree

Article I, Part A [Article 8.5]

For an explanation of this amendment, see the explanatory notes to Article I, Parts K, L, M, AD, AE, AF, AV and AX.

Article I, Part B [Article 10.6e]

Article 10.6e of the Ob provides that Section 3.4 of the General Administrative Law Act must be applied to the preparation of a decision determining a noise production ceiling as environmental value. Four cases are excluded from this in the current situation. This part provides that a fifth case (governed by Article 12.13k of the Bkl) is to be added to this. This involves the repair of defects in the recalculation and initial determination of noise production ceilings. This possibility of rectifying such defects was also available under the Environmental Management Act and, since Article 12.13k of the Bkl arose only later, had erroneously not been included in Article 10.6e of the Ob. By its nature, this exception is in line with the other exceptions mentioned, with no adverse consequences for the environment.

Article IV, Part C [Article 10.17(2)]

Article 10.17(2) of the Ob was not yet linked to the dates in the Environmental Noise Directive for which Member States, including the Netherlands, must send the summaries of the action plans to the European Commission. The Directive requires this to be done within 6 months of the date by which action plans must be adopted at the latest (Article 10(2) of the Environmental Noise Directive). For the adoption of the action plans, the date of 18 July 2024 applies and at least every 5 years thereafter (Article 8(5)). In order to enable the Minister for Infrastructure and Water Management to send the summaries of the action plans to the European Commission in a timely manner, it is necessary to also specify the date of 18 July for the adoption of the action plans in national regulations. Articles 11.11 and 11.12 of the Environmental Management Act were more closely aligned with the text of the Directive (by 18 July 2013 and at least every 5 years thereafter), but in practice every 5 years from the date of 18 July is being used as the final deadline for the submission of summaries of action plans to the Minister. The Minister then has 6 months to compile the transmission to the European Commission. The change does not affect the implementation burdens, as the practical implementation is not changing.
A similar change is made in Article 10.50(2) of the Ob.

In addition, the Environmental Noise Directive requires the assessment and, if necessary, revision of the action plans in the event of a major development affecting the existing noise situation. This element was also missing in Article 10.17 and has now been added. This element was also found in Articles 11.11 and 11.12 of the Environmental Management Act.

Article IV, Part D [Article 10.42a(1)]

This Collective Decree adapts the numbering of different parts in Article 11.52 Bkl. For this reason, the references to this article are also adjusted in Article 10.42a of the Environment Decree. Article 15.4 of the Environment Decree is also amended for this reason.

Article IV, Part E [Article 10.42c(3)]

The third paragraph of Article 10.42c Environment Decree (Ob) states that the monitoring report will be made available electronically to everyone. However, this article covers two types of reports, the report on the value of the BNE (paragraph 1(a)) and the report on monitoring (paragraph 1(b)). There is no reason not to make the first report available electronically. That report includes the choices made for the base year, the phasing in time, the base of the BNE on the noise emission in a base year or on a decree, the choice of a lower BNE than the value in the base year and whether or not to bundle with a

railway. This information is relevant for the public and for an explanation of the value of the BNE. Paragraph 3 is, therefore, extended to clarify that the report on the value of the BNE must also be made available electronically. This in itself means a one-time limited increase in the administrative burdens, which is in fact in line with the best efforts obligation in Article 3.1(1) of the Open Government Act, to make such documents public. That said, the document no longer needs to be sent to the applicants upon request. Thus, administrative burdens are also removed, so that a net reduction in the administrative burdens is expected.

Article IV, Part F [Section 10.8.5b (new)]

For an explanation regarding Section 10.8.5b (new), please refer to the explanatory notes regarding Article I, Part AG (Article 4.685b of the Bal) in the article-by-article part of the explanatory notes.

Article IV, Part G [Article10.50(2)]

Article 10.50(2) of the Environment Decree (Ob) was not yet linked to the data from the Environmental Noise Directive for which Member States, and thus also the Netherlands, must send the data in the noise maps to the European Commission. The Directive requires this to be done within 6 months of the date by which noise maps must be made (Article 10(2) of the Environmental Noise Directive). The date of 30 June 2012 applies to the making of the noise maps and thereafter at least every 5 years (Article 7(2)). In order to enable the Minister for Infrastructure and Water Management to send the data contained in the noise maps to the European Commission in a timely manner, it is also necessary to specify the date of 30 June for the making of the noise maps in national regulations. This was already the case under the Environmental Management Act.
Article 11.6(7) of the Environmental Management Act states: 'The making of noise maps will be carried out at least every 5 years before 30 June, starting from 2012'. In practice, the deadline of 30 June has been observed every 5 years for the submission of noise maps to the Minister. The Minister then has six more months to compile the transmission to the EU. The change does not affect the implementation burdens, as the practical implementation is not changing.
A similar change is made in Article 10.17(2) of the Ob.

Article IV, Part H [Article 13.12(1)]

This part editorially improves Article 13.12(1) of the Environment Decree.

Article IV, Part I [Articles 15.2(1) and (5) (new)]

In paragraph 1 of the Dutch text, 'lijst samenstellen' (compile a list) is amended to 'lijst opstellen' (draw up a list), because the term 'draw up a list' is more customary within the system of the Environment and Planning Act.

Although administrative bodies draw up the list of noise-sensitive buildings as referred to in Article 15.2(1) with the greatest possible care, there is a chance that the list contains inaccuracies. These inaccuracies may, for example, concern an adjustment in the distribution of the stock between administrative bodies. They may also refer to an incorrectly determined BNE or to a dwelling that has not yet been the subject of remediation but was initially assumed to have already been remediated by the municipal administration on the basis of the Noise Abatement Act because of an application for a preparation subsidy under the Subsidy Scheme for Remediation of Road Traffic Noise. This refers to the situation in which a municipality has applied for a preparation subsidy under the Noise Abatement Act and the Subsidy Scheme for Remediation of Road Traffic Noise for dwellings on a provincial road, but does not carry out the remediation due to an agreement with the province that it will carry out the remediation as pre-remediation or remediation under the Environment and Planning Act. The dwelling is then registered as remediated up under the Noise Abatement Act, but is not. In addition, the province must be able to supplement its remediation list. This is usually done before the set end date, but sometimes not.

Incidentally, a municipality may also reinstate a BGE because of a desire for an amended policy (see, for instance, Article 3.27(6)(a) of the Bkl), but this may not be grounds for amending the remediation list.
This addition makes it possible to amend the list, should it be necessary because of inaccuracies. For the sake of completeness, it is noted that Article 15.3 also applies for this amendment pursuant to the new paragraph 2 of Article 15.2, just as it did for the initial establishment of the list referred to in paragraph 1.

Article IV, Part J [Article 15.3, heading and first paragraph]

For an explanation of this amendment, see the remarks above for Article IV, Part E, in the first paragraph.

Article IV, Part K [Article 15.4]

This Collective Decree adapts the numbering of different parts in Article 11.52 Bkl. For this reason, the references to this article are also adjusted in Article 15.4 of the Environment Decree. Article 10.42a of the Environment Decree is also amended for this reason.

Article V amendment to the Decree implementing the Environment and Planning Act

Article V [Article 8.2.3]
Article 8.2.3 of the Decree implementing the Environment and Planning Act should be repealed retroactively up to and including January 2024 (date of entry into force of the Environment and Planning Act system), because the text of the article and the accompanying explanatory notes contain inaccuracies and, therefore, led to ambiguity in practice regarding the Environment and Planning Act system in the transition from the system as it applied prior to the entry into force of the Environment and Planning Act system.
Article 8.2.3 of the Decree implementing the Environmental Law, as it was in force immediately prior to the entry into force of Article V, failed to recognise that Article 2.4 of the Environmental Management Activities Decree applied to only emissions into the air and not to emissions into the water and covered only the category of companies falling under Article 2.4(11)(a) of the Environmental Management Activities Decree and not the category of companies falling under Article 2.4(11)(b) of the Environmental Management Activities Decree. As a result, uncertainty arose in practice as to whether and how the 5-year delivery cycles, as they existed prior to the entry into force of the Environment and Planning Act system, would continue for emissions of SVHCs and for ARPs. In order to clarify that Article 8.2.3 is incorrect, the article expires retroactively to the date of entry into force of the Environment and Planning Act system.

Article VI amendment to the Asbestos Removal Decree 2005

Article I, Part A [Article 1]

Part A rectifies an omission made by the Decree implementing the Environment and Planning Act in the Asbestos Removal Decree 2005.[30]

Article VI, Part B [Article 3]

This amendment is explained under Part G.

Article VI, Part C(1) and Part D [Articles 7, preamble and 8(1)]

The purpose of the Asbestos Removal Decree 2005 is to supplement the provisions in the Working Conditions Decree and the (implementing regulations under the) Environment and Planning Act with provisions that are specifically aimed at protecting the environment, which have not already been included in those other regulations.

[30] *Bulletin of Acts and Decrees* 2020, 400.

Obligations with regard to asbestos removal in the context of demolition works of buildings are included in the Environment Buildings Decree (Bbl). The supplement to the Asbestos Removal Decree 2005 concerns asbestos removal from objects.
Just as is the case of the Bbl, the Asbestos Removal Decree 2005 (Asbestverwijderingsbesluit 2005) must also include provisions for individuals and businesses. Therefore, the phrase ‘other than in the exercise of a profession or business’ in Articles 7 and 8 has been deleted.

Article VI, Part C)(2) [Article 7(d) and (e) (new)]

Two paragraphs have been added to Article 7. In line with the duty of care laid down in Article 7.4 of the Bbl with regard to asbestos removal from buildings, including for asbestos removal from objects, it is indicated that this should not allow asbestos to spread into the environment and, in the event that it should happen, the asbestos must be cleared and removed.
The Asbestos Removal Decree 2005 does not have a similar duty of care as that included in Article 7.4 of the Bbl. Therefore, two important obligations arising from the duty of care laid down in Article 7.4 of the Bbl are added in subsections (d) and (e).
The first obligation means that if asbestos is removed, its spread is prevented. Some examples here would be unnecessary creation of dust by dropping asbestos, unnecessarily breaking, etc., and the omission of emission-reducing measures such as moistening.
The second obligation entails cleaning up asbestos that has become spread after all.

Article VI, Part C(3) [Article 7(h) (new)]

In Article 7(h) (new), a reference has been amended. Annex XVII, Part 6(3) of the EC Regulation 1907/2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (hereinafter: REACH) requires the indication given in Appendix 7 to Annex XVII for 'the placing on the market and use of these fibres and of articles containing these fibres'. Since REACH does not apply to disposal as waste, the provision in REACH has no direct effect. The manner in which the waste containing asbestos should be indicated is now included in the Asbestos Products Decree. In order to avoid duplication of regulations, reference is made to the rules for labelling in REACH for the mandatory indication.

Article VI, Part E [Article 11(6) (new)]

The amendment to Article 11 implies that a paragraph 6 has been added to that Article, clarifying the activities entrusted to the system operator in order that the National Asbestos Monitoring System (LAVS) is able to fulfil its objective. The LAVS is intended to monitor the progress of asbestos remediation and to inform the competent authorities involved in works in the course of remediation throughout the entire chain of works, thereby contributing to improving supervision and enforcement in the context of compliance with the asbestos remediation regulations. It does not concern all asbestos remediation, but only asbestos remediation where certain works may be carried out solely by certified companies. In this context, it is also important that the Minister of Infrastructure and Water Management has overviews of the progress of the asbestos remediation in order to evaluate the effectiveness of the policy, which is intended to prevent risks to the environment and health, and to be able to adapt it if necessary and also to inform the House of Representatives more thoroughly about same.

In particular, these are overviews of the progress in the remediation of asbestos roofs. Asbestos roofs are the main source of dispersal of asbestos fibres in the living environment and the policy is aimed at remediation of the roofs as soon as possible. This concerns, for example, information on the number of m^2 of asbestos roofs that have been cleaned up and the postal code area where the remediation took place, so that an overview of the progress of the remediation operation can be given per province. For further policy development, it may also be necessary to generate more specific information on the classification of the buildings on which the cleaned roofs were located and the type of asbestos removed.

The information the ministry requires for this and will receive from the LAVS administrator will not contain any personal data. However, it is based on information in the LAVS that does contain personal data and, therefore, processing the information into the necessary overviews and analyses for policy purposes falls under the processing of personal data. There must, therefore, be a clear legal basis that this processing is permitted. In view of the new processing operation, it is desirable also to state explicitly in Article 13 that the information in the LAVS will be accessible to the system operator (see Part E above).

The insertion of the LAVS in the Asbestos Removal Decree 2005[31] provides for sufficient privacy protection measures (Privacy Impact Assessment (PIA) and the advice by the Data Protection Authority). This amendment does not affect those measures and, therefore, fits within the PIA carried out and advice.

Article VI, Part F [Article 13(1)]

The amendment to Article 13 implies, first of all, that the restriction on access by enforcing authorities, in particular the municipalities (environmental services), to information on asbestos remediation in their jurisdiction will cease to apply. The reason for this is that municipalities (environmental services) wish to take action to monitor and enforce activities that are performed successively throughout the remediation chain from the inventory of asbestos to the final storage of asbestos waste. Article 13.12(1)(e) of the Environment Decree entrusts the task of monitoring the chain to the municipalities

[31] *Bulletin of Acts and Decrees* 2019, 155.

(environmental services). These include activities designated in category 7 of Annex VI to the Environment Decree, i.e. commercial activities related to asbestos. Information from the municipalities (environmental services) is used to gain a national overview of which companies carry out activities in the context of asbestos remediation and how they carry them out for monitoring and enforcement purposes. The municipalities (environmental services) have indicated that they are hampered as regards the asbestos remediation that is carried out in their own area of working this by the restriction as regards the possibility of consulting the information stored in the LAVS. Municipalities (environmental services) must also be able to exchange the information. The LAVS was created precisely to facilitate the exchange of information by centrally storing the information so that it can be directly accessed by the persons entitled to do so. If the information relates to aspects of activities that fall under the regulations relating to working conditions, municipalities (environmental services) are not authorised to exercise monitoring or powers granted under those regulations themselves. They will then have to involve the competent authority for those regulations, the Dutch Labour Inspectorate.

The monitoring and enforcement efforts of municipalities (environmental services) focus primarily on activities in the context of asbestos remediation that take place on their own territory, in particular to prevent asbestos from ending up in the living environment and so resulting in unsafe situations. To this end, it is important that they are aware of the locations where asbestos is found in order to be able to ensure that no building work takes place before the asbestos has been removed.
However, activities related to asbestos remediation, carried out successively in the chain are not limited to activities carried out in their own working area. Monitoring the asbestos waste produced during asbestos remediation is another important issue for attention. This does not only concern asbestos waste that leaves their own work area when transported elsewhere, but also asbestos waste that enters their own work area for temporary storage or final dumping and that which originates from asbestos remediation elsewhere.

Secondly, the amendment to Article 13 means that the so-called LAVS administrator has been added to the list of those entitled to access (part of) the data and documents stored in the LAVS on asbestos remediation. The Directorate-General for Public Works and Water Management has been designated as the LAVS administrator, acting on behalf of the Minister for Infrastructure and Water Management in implementation of Article 9.5.7(2) of the Environmental Management Act. It goes without saying that, in order to be able and authorised to carry out the work entrusted to it, the operator of the system must have access to the information contained therein. However, the system operator is not expressly mentioned in Article 13 as a person entitled to such access. To avoid discussion, it is advisable not to assume this as being self-evident, but also expressly to regulate it.

The LAVS administrator itself does not have any tasks related to work performed in the context of asbestos remediation and is, therefore, not a competent authority. The LAVS administrator may, therefore, carry out only processing operations with the information from the LAVS to the extent necessary in order for the system to function properly. This also includes making information submitted via the LAVS available to the body for which that information is intended. Employees of the ministry, who are not employed by the LAVS administrator, do not have access to the information in the LAVS. They need only the ‘anonymised’ information from the LAVS in order to assess the effectiveness of the current policy and the desirability of any changes in policy.

The legal basis for the accessibility of the LAVS for the municipalities (environmental services) and for the LAVS system operator is Article 6(1)(c), (e) and (f) of the General Data Protection Regulation, which reads:
c. processing is necessary for compliance with a legal obligation to which the controller is subject;
e. processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
f. processing is necessary for the purposes of the legitimate interests pursued by the controller (...).
With the insertion of the LAVS in the Asbestos Removal Decree 2005 (*Bulletin of Acts and Decrees*). 2019, 155) adequate privacy protection measures (PIA and the advice by the

Data Protection Authority) have been provided. This amendment does not affect those measures and, therefore, fits within the PIA carried out and advice.

Article VI, Parts B and G [Article 3(4) and Article 16 (new)]

A new Article 16 is inserted: This is intended to correct an omission that arose from the fact that at the time Part G of Article 5.3 of the Decree implementing the Environment and Planning Act stipulated that Article 16 of the Asbestos Removal Decree 2005 expired in its entirety. Article 16 provided that, for operations involving asbestos which are (still) regulated in Sections 2 and 3 of the Asbestos Removal Decree 2005, the Municipal Council was responsible for administrative enforcement in place of the Minister for Infrastructure and Water Management with regard to building works. This now follows from the Bbl. This amendment overlooked the fact that the obligation to first have an asbestos inventory carried out and to have an asbestos inventory report available when clearing asbestos that has spread into the environment following an asbestos fire did not end up in the Bbl but remained in Article 3(3) and (4) of the Asbestos Removal Decree 2005. The same applies to the obligations of Article 9 of the Asbestos Removal Decree 2005, which can also apply to building works.
It is desirable that the Municipal Council remain responsible for administrative enforcement and that it does not inadvertently switch to the Minister of Infrastructure and Water Management, which in practice is not able to monitor local incidents such as asbestos fires that are associated with the spread of asbestos.
In conjunction with the insertion of the new Article 16, an omission in Article 3(4) has also been rectified. The fourth paragraph refers to ‘the object where activities are carried out as referred to in the first to third paragraphs’. In the third paragraph, however, it is not so much about an object but about a location. The amendment to Article 3(4), in Part B, is intended to rectify this omission.
Article 3(3) refers to the situation in which a person, whether mandatorily or voluntarily, takes the initiative to clean up asbestos. Only to the extent that this relates to building works is the Municipal Council (again) responsible for administrative enforcement. This concerns the obligation to have an asbestos inventory carried out prior to the start of the operation, and to have the asbestos inventory report prepared and dispose of it during the clean-up process, thus not so much about a clean-up obligation as such.
This amendment has been added after the consultations. This is not objectionable because it is about correcting an omission and the amendment has no impact on citizens and businesses. For public authorities, this amendment aims to reverse the unintended change in tasks and powers, and to restore the previous situation where they rested with the municipalities (environmental services) and not with the Minister of Infrastructure and Water Management (the ILT).

Article VIII amendment to Decree on Administrative Provisions on Road Traffic)

Article 21a of the Decree on Administrative Provisions on Road Traffic states that part of the noise rules from the Bkl apply mutatis mutandis to traffic decisions that lead to more noise through a road. According to the fixed system of the new noise regulations in the system of the Environment and Planning Act, when determining the noise and assessing whether standard values and limit values are met, the noise is taken from all roads or railways belonging to a type of noise source. For example, a traffic decision on one municipal road, which means that the road is closed to all motor vehicles, will often lead to an increase in noise on other municipal roads. In order to remove any ambiguity about this, Article 5.78a of the Bkl is also added to the articles to be applied correspondingly. This is without prejudice to other articles of the Bkl also taking into account the corresponding application of the articles already mentioned, such as definitions such as that of a ‘noise-sensitive building’.

Article VIII amendment to the Safety Regions Decree (Bvr)

The amendment to Article 7.1 of the Bvr is required in connection with rejoining the safety region’s advisory power and the power to designate a site as requiring a company fire brigade. At the time of establishment of the Decree implementing the Environment and Planning Act, the designation power from the administration of a safety region for sites that are subject to company fire brigade requirements was referred to the applicability of

Section 2 of the Working Conditions Decree[32], which concerns the Additional Risk Inventory and Assessment (the so-called ARIE scheme). For railway yards, this indicated that this is for railway yards with hazardous substances. The power was therefore limited to a number of specific railway yards. This was in line with the advisory power in the case of permit applications. In Annex III to the Ob, the advisory power of the administration of the safety region, in cases of an environmental permit for a railway yard, is focused on railway yards as referred to in Table E.13 in Annex VII to the Bkl.
In the Decree implementing the Environment and Planning Act, rules on railway yards have been added to the Bal, Bkl and Ob, and Article 7.1(1) of the Bvr has been amended. Due to the unforeseen overlap of this amendment to the Bvr with the amendment to the Bvr as of 1 January 2023[33], the power to designate that was linked to hazardous substances has inadvertently lapsed, as a result of which the power has been extended to all railway yards in the Netherlands as of 1 January 2024. This also covered the power for railway yards where there is no shunting with hazardous substances and where there is, therefore, no particular danger to the environment. Since the intention is to include the designation power in a policy-neutral manner in the system of the Environment and Planning Act, this amendment corrects this by including also in Article 7.1 a reference to Table E.13 in Annex VII Bkl.

[32] Decree of 15 January 1997 laying down rules in the interest of safety, health and well-being in relation to work (Working Conditions Decree), *Bulletin of Acts and Decrees* 1997, 60.
[33] Decree of 7 December 2022, amending the Working Conditions Decree in connection with a new set-up of the additional risk assessment and evaluation regarding the risks of serious accidents with hazardous substances, *Bulletin of Acts and Decrees* 2022, 501.

Article XI amendment to the Waste Substances (Landfills and Dumping Bans) Decree

For an explanation of the amendment to Article 1(1), category 37, of the Waste Substances (Landfills and Dumping Bans) Decree, see the explanatory notes to Article I, Part AI.

Article X Transitional legal provisions

In this article, transitional legal provisions have been included in the first paragraph in connection with the amendment to Article 5.12(3) of the Bkl (change in the criterion regarding limitation of the toxic cloud focus area) for decisions that are already pending. These are decisions to amend the environmental plan for which the draft Decree has already been submitted for review or decisions to grant a permit for an activity that is outside the scope of the environmental plan or an environmentally harmful activity for which an application has already been submitted before the entry into force of the amendment to Article 5.12(3) of the Bkl. For this purpose, the old law will continue to apply until these decisions have become irrevocable. This means that these decrees are still based on the criterion for the delineation of the concept of toxic cloud focus area as it applied for the amendment to Article 5.12(3) of the Bkl. This ensures that the ‘rules of the game’ are not being changed in the interim. This does not mean that it is an obligation to complete the procedure under the old law. An applicant may choose to withdraw the application and submit a new application.

Paragraph 2 gives the transitional legal provisions in the event that the permit requirement for hydrogen-fired installations is no longer applicable due to the amendment to Article 3.5 of the Bal. The basic principle of the transitional legal provisions is that the permit regulations will continue to apply as a tailor-made regulation, insofar as the regulation concerns a subject that has been designated as referred to in Article 4.5(1) of the Environment and Planning Act.

Article XI Entry into force

This Decree shall enter into force on a date to be determined by Royal Decree.

STATE SECRETARY FOR INFRASTRUCTURE AND WATER MANAGEMENT – PUBLIC TRANSPORT AND ENVIRONMENT,

C.A. Jansen