

Message 001

Communication from the Commission - TRIS/(2025) 3558

Directive (EU) 2015/1535

Notification: 2025/0738/NL

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késéseket - Non fa decorrere la mora - Atidējimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħ il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20253558.EN

1. MSG 001 IND 2025 0738 NL EN 11-12-2025 NL NOTIF

2. Netherlands

3A. Ministerie van Financiën
Douane Groningen, CDIU
(cdiu.notificaties@douane.nl)

3B. Ministerie van Infrastructuur en Waterstaat
Directoraat-generaal Milieu en Internationaal
Directie Duurzame Leefomgeving en Circulaire Economie
Afdeling Circulaire Economie Bouw, Textiel en Plastic

4. 2025/0738/NL - B10 - Construction materials

5. Amendment to the Environmental Management Act in connection with the introduction of the requirement to establish environmental performance requirements in tenders for civil engineering contracts

6. In lower-level regulations, it ensures that contracting authorities may be required to establish minimum (threshold values) environmental performance requirements in the technical specifications for certain

materials when used in civil engineering contracts.

7.

8. The legislative proposal is a delegation basis in the Environmental Management Act and ensures that, in lower-level regulations, contracting authorities and special sector companies may be required to include in the technical specifications that minimum (threshold values) environmental performance requirements are established for certain materials or products to the extent that they are used in civil engineering projects. Articles 9.6.2 and 9.6.3 may contain technical requirements that are further elaborated in lower-level regulations. This pertains to the following regulations:

Article 9.6.2 stipulates that, in lower-level regulations, minimum environmental performance requirements may be indicated for the most impactful materials and products that contracting authorities and special sector companies must take into account when preparing and developing the tendering of civil engineering contracts. The choice of materials and products that will be established in the lower-level regulations are the result of the high environmental impact they have within civil engineering contracts. The intention is to designate the materials of asphalt and concrete because they are the most environmentally harmful materials used in civil engineering work. Article 9.6.3 stipulates that contracting authorities are obliged to include the requirements in tenders for civil engineering contracts and indicate any exceptions to these. These are technical requirements in the form of minimum environmental performance requirements for the products designated in the lower-level legislation by means of a prescribed calculation method laid down therein. The basis of this calculation method is an LCA calculation in accordance with the European standard EN15804.

A mutual recognition clause is included in the lower-level legislation, specifying the materials to which the technical requirements will apply.

9. The technical requirements detailed in the lower-level legislation are non-discriminatory, necessary and proportionate for the following reasons:

Non-discriminatory

These regulations have been carefully drafted with a view to ensuring the free movement of goods within the European Union. The prescribed environmental performance requirements are open and apply equally to all market participants, regardless of the member state in which they are located. The method of determination that will be laid down in the lower legislation is, in principle, an LCA calculation in accordance with European standard EN15804. These standards are also enforced by contracting authorities and the Public Procurement Act ensures that the principle of equal treatment is applied in tenders (inter alia: Article 1.8 of the Public Procurement Act).

Necessity

The technical requirements laid down in lower-level legislation must be considered necessary for the protection of the environment and human health. When designing the legislative proposal, careful consideration was given to the most effective and appropriate instrument to reduce the environmental impact of civil engineering work. Pages 17 to 22 of the legislative proposal explain why voluntary instruments were not chosen, but regulations. Why generic product requirements are not introduced is also explained, as well as why the procurement instrument is suitable for achieving the desired objectives.

Proportionality

The minimum environmental performance requirements laid down in the lower-level legislation are suitable for achieving the intended purpose and do not go beyond what is necessary and has been proven to be the least restrictive means. Research has shown that (voluntary) alternatives would have an insufficient effect or be too restrictive for the market. This is explained in more detail in Chapters 2 and 3 of the explanatory notes. The environmental performance requirements are limited to the most environmentally polluting materials used in civil engineering work (concrete and asphalt) and the minimum environmental performance requirements are set in such a way that the requirements challenge the market to become more sustainable, while at the same time being achievable for all market participants. However, if inclusion of the minimum environmental performance requirements in a specific tender is disproportionate, the contracting authority may derogate from this obligation on the basis of Article 9.6.3, subsection 3 of the legislative proposal. The legislative proposal therefore provides for an explicit guarantee of the principle of proportionality.

10. Numbers or titles of the basic texts:

11. No

12.

13. No

14. No

15. No

16.

TBT aspects: No

SPS aspects: No

European Commission

Contact point Directive (EU) 2015/1535

email: grow-dir2015-1535-central@ec.europa.eu