

Message 001

Communication from the Commission - TRIS/(2025) 3774

Directive (EU) 2015/1535

Notification: 2025/0790/BE

Notification of a draft text from a Member State

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

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

MSG: 20253774.EN

1. MSG 001 IND 2025 0790 BE EN 24-12-2025 BE NOTIF

2. Belgium

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4. 2025/0790/BE - S20E - Waste

5. Preliminary draft decree amending the Decree on general provisions regarding environmental policy and the Materials Decree as regards the implementation of various European regulations and directives and the strengthening of asbestos removal policies.

6. A number of changes are being made to the DABM and the Materials Decree with the aim of implementing EU legislation (EPBD, Batteries Regulation, WSR, SUP Directive) and strengthening the asbestos removal policies.

7.

Directive 2006/123/EC on services in the internal market

Requirements that reserve access to particular providers

This decree creates legal bases for the appointment of new experts and certification bodies. This concerns the calculation of the GWP indicator and material performance of buildings in the context of the EPBD, and the asbestos incident experts. Any person meeting the outstanding requirements, irrespective of nationality, will be allowed to participate in the services in question. The requirements will only be set out in an implementing decree that implements this legislation. At the moment, the requirements do not yet exist, so this legislation in itself cannot have any discriminatory effect. The implementing decree will be notified again. In order to ensure a certain level of quality in the services provided, it is necessary to impose a number of minimum requirements on service providers. These requirements are not drawn up in the context of this notification, but will only be laid down in an implementing decree for which this legislation forms the basis. The implementing decree will be notified again.

As mentioned above, these requirements are not drawn up in the context of this notification, but will rather be laid down by an implementing decree for which this legislation forms the basis. The implementing decree will be notified again.

8. Legal bases for the implementation of the EPBD: Art. 2, Art. 4-5, 27-36, and Art. 37

Changes in the context of the implementation of the EVOA (mostly technical changes): Art. 3, 8, 12 and Art. 37

Implementation of the Batteries Regulation: Art. 2.

Implementation of littering policies (linked to the introduction of EPR for litter in the context of the SUP Directive): Art. 2 and 9

Amendments to the asbestos removal policies: Art. 5-6, 13-26, Art. 37

9. This decree amendment aims to make a number of amendments to the Decree on general provisions regarding environmental policy (Decreet Algemene Bepalingen Milieubeleid, DABM) and the Materials Decree with the aim of implementing European legislation, optimising and strengthening asbestos removal policies, and simplifying certain aspects and improving quality assurance.

Implementation of European legislation

OVAM (Public Waste Agency of Flanders) will help implement Directive (EU) 2024/1275 on the energy performance of buildings, which must be transposed by 29 May 2026. The Directive provides that Member States shall ensure that the GWP (Global Warming Potential) over the entire life cycle of the building is

calculated. This mandatory calculation results in a number of new tasks for OVAM, namely providing the methodology for the calculation, maintaining the material performance calculations in a database, issuing MPCs (material performance certificates) and monitoring and following up on quality (by certifying material performance experts and recognising certification bodies for MP experts).

For the tasks set out in Chapter VIII of Regulation 2023/1542 concerning batteries and waste batteries, OVAM is designated as the competent authority.

The implementation of Regulation 2024/1157 on shipments of waste (by 21 May 2026) often involves technical adaptations.

In addition, this draft decree also creates the necessary legal bases in the DABM and the Materials Decree for the tasks of Mooimakers. In implementing the extended producer responsibility for litter – in accordance with the SUP Directive – OVAM will not only receive funds for its litter policies but will also be responsible for allocating the litter levy to other public authorities.

#### Optimisation and strengthening of the asbestos removal policies

Provision is made for the possibility of introducing a removal obligation for structures with large areas of asbestos-cement roof or façade cladding in the external envelope. Certain target groups and certain specific structures will be required to obtain an asbestos inventory certificate by 2030 or from 2030 onwards, rather than by 2032. This means the deadline is brought forward by two years compared with other at-risk buildings. This provision applies to buildings occupied by young people and/or buildings with existing federal employer obligations to perform an asbestos inventory. When concluding new tenancy agreements, the owner must have an asbestos inventory certificate from 2030 onwards. A definition of an accessible structure of an at-risk construction year with a sensitive nature is introduced for sites used for penitentiary, nuclear or military purposes. We will implement the alternative 'modified asbestos certificate' reporting format for public, technically accessible structures of an at-risk construction year and accessible structures of an at-risk construction year with a sensitive nature. A legal basis is being created to further clarify the tasks of asbestos experts in the context of asbestos incidents. Other amendments focus on quality assurance of the asbestos certificate and clarification of legal bases.

#### Simplification and quality assurance

Various changes are being implemented to achieve a simpler, more uniform and higher-quality application of the legislation: drainage water is excluded from the scope of the Materials Decree, the definition of industrial waste is amended, and a number of changes are aimed at making the preparation of an implementation plan or prevention programme less burdensome. The general registration obligation for processors subject to a notification requirement is abolished and replaced by the possibility to impose a registration obligation on certain activities. A registration obligation is important in order to better enforce certain conditions on specific actors.

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

11. No

12.

13. No

14. No

15. No

16.

TBT aspects: No

SPS aspects: No

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European Commission

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