

DRAFT dated 5 September 2025  
Regulation of the State Secretary for Infrastructure and Public Works, of ....., No  
IENW/BSK-2025/618051, amending the Soil Quality Regulation 2022 in connection  
with updates to the standards documents on soil

**ADMINISTRATIVE AND  
LEGAL AFFAIRS  
DEPARTMENT**

(KetenID WGK028131)

The Secretary of State for Infrastructure and Public Works

Having regard to Article 25(1) of the Soil Quality Decree;

HEREBY DECIDES:

### **Article I**

The Soil Quality Regulation 2022 shall be amended as follows:

A

In Article 3.11(7) and (8), 'NEN 5104' shall be replaced by the following: 'NEN  
6693'.

B

Article 5.8 shall be amended as follows:

1. In paragraph 1, the text 'Article 5.7(8)' shall be replaced with  
'Article 5.7(7)';
2. In paragraph 3, the words 'Article 5.7(4) or (7)' are replaced by the words  
'Article 5.7(3)' and the following is inserted between the words 'taking'  
and 'twelve samples': 'at least'.

C

Article 5.38(2) shall be amended as follows:

1. In subparagraph (g), 'or are the result of process-based soil cleaning  
installations' is deleted; and ';' or' at the end of subparagraph (g) shall be  
replaced with a semicolon;
2. The full stop at the end of subparagraph (h) shall be replaced with ';' or',  
and a subparagraph is added with the following text:

'i. BRL 9335 and the related SIKB Protocol 9335-10 on "soil whose components are  
the result of process-based soil cleaning installations".'

D

In Article 5.39(2) after the words 'paragraph and', the comma is deleted and  
'SIKB Protocol 9335-1, 9335-2 or 9335-4,' shall be replaced with: 'SIKB  
Protocol 9335-1, 9335-2, 9335-4 or 9335-10,'.

E

In Article 5.40(1)(b), 'and the related SIKB Protocol 9335-1, 9335-2 or 9335-4'  
shall be replaced with: 'and the related SIKB Protocol 9335-1, 9335-2, 9335-4 or  
9335-10'.

F

The table in Annex C shall be amended as follows:

1. In category 1, in the column 'Standards documents Certification and accreditation guidelines'

BRL SIKB 7700- Construction or repair of liquid-proof floors and surfaces, version 3.0, adopted on 23 March 2023.

Until 1 January 2026, the following may be used: BRL SIKB 7700- Construction or repair of liquid-proof facilities, version 2.0, adopted on 15 February 2018.' Replaced by:

'BRL SIKB 7700 - Construction or repair of liquid-proof floors and surfaces, version 3.0, adopted on 23 March 2023 with amendment sheet 1-01 to BRL SIKB 7700, version 3.0, of 6 December 2024.'

2. In category 1, the column 'Parts' shall be amended to read:

'Protocol 7701 - Construction or repair of liquid-proof floors and surfaces prefabricated concrete elements and/or a liquid-proof industrial drainage system, version 3.0, adopted on 23 March 2023 with amendment sheet 1-01 on BRL SIKB 7700 version 3.0, of 6 December 2024.

Protocol 7702 - Construction or repair of liquid-proof floors and surfaces made of concrete and/or a liquid-proof industrial drainage system, version 3.0, adopted on 23 March 2023 with amendment sheet 1-01 on BRL SIKB 7700 version 3.0, of 6 December 2024.

Protocol 7703 - Construction or repair of liquid-proof floors and surfaces made of bituminous material and/or a liquid-proof industrial drainage system, version 3.0, adopted on 23 March 2023 with amendment sheet 1-01 to BRL SIKB 7700, version 3.0, of 6 December 2024.

Protocol 7704 - Construction or repair of liquid-proof floors or surfaces with resin bound protective layer; version 3.0, adopted on 23 March 2023 with amendment sheet 1-01 to BRL SIKB 7700, version 3.0, of 6 December 2024.

Protocol 7711 - Construction or repair of liquid tight joint seals or seams in liquid-proof floors or surfaces, version 3.0, adopted on 23 March 2023 with amendment sheet 1-01 on BRL SIKB 7700 version 3.0, of 6 December 2024.'

3. In category 2, in the column 'Standards documents Certification and accreditation guidelines'

*'BRL 9335 Soil, version of 2 November 2021 and the related SIKB Protocols 9335-1, 9335-2 and 9335-4, version of 2 November 2021. Until 1 April 2025 it shall remain permitted to apply BRL 9335 Soil, version of 22 June 2017, with amendment sheet of 2 November 2021, and the SIKB Protocols 9335-1, 9335-2 and 9335-4, versions of 22 June 2017, with amendment sheet of 2 November 2021.'*

**The essential ILT oversight requirements from BRL 9335, SIKB Protocol 9335-1, SIKB Protocol 9335-2 and SIKB Protocol 9335-4, respectively, as indicated in the document "Essential ILT oversight requirements; Essential requirements for public oversight of the soil management recognition system by the**

**Living Environment and Transport Inspectorate (Inspectie voor Leefomgeving en Transport (ILT))”, version of 2 November 2021.**’ shall be replaced by:

*‘BRL 9335 Soil, version of 10 October 2024 and the related SIKB Protocols 9335-1, 9335-2, 9335-4 and 9335-10, versions of 10 October 2024.*

*Until 1 April 2027, it shall remain permitted to apply BRL 9335 Soil, version of 2 November 2021, and the related SIKB Protocols 9335-1, 9335-2 and 9335-4, versions of 2 November 2021.*

**The essential ILT oversight requirements from BRL 9335, SIKB Protocol 9335-1, SIKB Protocol 9335-2 and SIKB Protocol 9335-4, respectively, as indicated in the document “Essential ILT oversight requirements; Essential requirements for public oversight of the soil management recognition system by the Living Environment and Transport Inspectorate (Inspectie voor Leefomgeving en Transport (ILT))”, version of 2 November 2021 apply to the versions of 2 November 2021.**’

4. In Category 5, the text in the column ‘Normative documents, Certification and Accreditation Guidelines’ shall be amended to read:

*‘BRL SIKB 7500, Assessment Guideline for Treatment of contaminated soil and dredged materials, version 6.0, adopted on 10 October 2024.*

*The following activity areas are distinguished in BRL SIKB 7500, Protocol 7510:*

- *Thermal treatment;*
- *Extractive cleaning/processing; – Simple process-based separation of sand from (sandy) dredgings;*
- *Biological purification/ treatment (including land farming);*
- *Cold immobilisation;*
- *Physical separation (wet and dry screening).*

*BRL SIKB 7500, Assessment Directive on the processing of contaminated soil and dredged materials, version 5.1, adopted on 2 November 2021 may still be applied until 1 April 2027.*

**The essential ILT oversight requirements from BRL SIKB 7500, as indicated in the document Essential ILT oversight requirements; Essential requirements for public oversight of the soil management recognition system by the Living Environment and Transport Inspectorate (Inspectie voor Leefomgeving en Transport (ILT)), version of 2 November 2021 apply to the versions of 2 November 2021.**’

5. In category 5, the text in the ‘Parts’ column shall be amended to read:

*'Protocol 7510, Procedural ex situ cleaning/processing and (cold) immobilisation of soil and dredged material, version 6.0-c11, adopted on 10 October 2024.*

*Protocol 7510, Process ex situ cleaning/processing and immobilisation of soil and dredging species, version 5.1, adopted on 2 November 2021 may still be applied until 1 April 2027.*

**The essential ILT oversight requirements from Protocol 7510, as indicated in the document Essential ILT oversight requirements; Essential requirements for public oversight of the soil management recognition system by the Living Environment and Transport Inspectorate (Inspectie voor Leefomgeving en Transport (ILT), version of 2 November 2021 apply to the versions of 2 November 2021.'**

6. In category 17, the text in the 'Parts' column shall be amended to read:

*'Protocol 6902, Verification of the condition of the IBC object, version 2.1, adopted on 25 February 2021.'*

7. In Category 18, the text in the column 'Normative documents, Certification and Accreditation Guidelines' reads:

*'BRL 9335 Soil, version of 10 October 2024 and the related SIKB Protocols 9335-1, 9335-2, 9335-4 and 9335-10, versions of 10 October 2024.*

*Until 1 April 2027, it is allowed to apply BRL 9335 Soil, version of 2 November 2021, and the related SIKB Protocols 9335-1, 9335-2 and 9335-4, versions of 2 November 2021.*

**The essential ILT oversight requirements from BRL 9335, SIKB Protocol 9335-1, SIKB Protocol 9335-2 and SIKB Protocol 9335-4, respectively, as indicated in the document Essential ILT oversight requirements; Essential requirements for public oversight of the soil management recognition system by the Living Environment and Transport Inspectorate (Inspectie voor Leefomgeving en Transport (ILT), version of 2 November 2021 apply to the versions of 2 November 2021.**

Or

*BRL SIKB 7500, Assessment Guideline for Treatment of contaminated soil and dredged materials, version 6.0, adopted on 10 October 2024.*

*BRL SIKB 7500, Assessment Directive on the processing of contaminated soil and dredged materials, version 5.1, adopted on 2 November 2021 may still be applied until 1 April 2027.*

**The Essential ILT oversight requirements from BRL SIKB 7500, as indicated in the document Essential ILT oversight requirements; Essential requirements for public oversight of the soil management recognition system by the Living Environment and Transport**

**Inspectorate (Inspectie voor Leefomgeving en Transport (ILT), version of 2 November 2021 apply to the versions of 2 November 2021.'**

8. In category 18, the text in the column 'Parts' is amended to read:

*'SIKB Protocol 9335-1, version of 10 October 2024. SIKB Protocol 9335-1, version of 2 November 2021 may still be applied until 1 April 2027.  
SIKB Protocol 9335-2, version of 10 October 2024. SIKB Protocol 9335-2, version of 2 November 2021 may still be applied until 1 April 2027.  
SIKB Protocol 9335-4, version of 10 October 2024. SIKB Protocol 9335-4, version of 2 November 2021 may still be applied until 1 April 2027.  
SIKB Protocol 9335-10, version of 10 October 2024.'*

Or

*Protocol 7510, Procedural ex situ cleaning/processing and (cold) immobilisation of soil and dredged material, version 6.0-c11, adopted on 10 October 2024*

*Protocol 7510, Process ex situ cleaning/processing and immobilisation of soil and dredging species, version 5.1, adopted on 2 November 2021 may still be applied until 1 April 2027.*

*SIKB- Protocol 7511 Dewatering and maturing of dredging material, version 5.1 of 2 November 2021 may still be applied until 1 January 2026.*

**The Essential ILT oversight requirements from BRL SIKB 7500, as indicated in the document Essential ILT oversight requirements; Essential requirements for public oversight of the soil management recognition system by the Living Environment and Transport Inspectorate (Inspectie voor Leefomgeving en Transport (ILT), version of 2 November 2021 apply to the versions of 2 November 2021.'**

G

Annex D is amended to read:

1. In the list the following is deleted, '• *NEN 5104*: NEN 5104, Geotechnics – Classification of unpaved soil samples, 1 September 1989';

2. After '• *NPR 6417*: NPR 6417, Atomic absorption spectrometry – Graphite furnace technology – General directives, July 1997', followed by a blank line, a new bullet point is inserted in the list, reading as follows:

'• *NEN 6693*: NEN 6693:2025 nl Soil, silt and groundwater – Observation and description of (water) soil and groundwater', followed by a blank line.

**Article II**

This Regulation shall enter into force on 1 January 2026.

This Regulation and the explanatory memorandum shall be published in the Official Gazette.

THE STATE SECRETARY FOR INFRASTRUCTURE AND PUBLIC WORKS- PUBLIC  
TRANSPORT AND ENVIRONMENT

A.A. (Thierry) Aartsen

## **EXPLANATORY STATEMENT**

### **1. Introduction**

The Soil Quality Regulation 2022 provides a technical interpretation to the rules of the Soil Quality Decree. The Soil Quality Regulation 2022 determines how the environmental statement on soil quality for soil, dredged materials, soil and building materials is established and what requirements it must meet. The quality requirements for soil, dredged materials, soil and building materials are also included in the Soil Quality Regulation 2022. This is the interpretation of Chapter 2a of the Soil Quality Decree.

In addition, the Soil Quality Regulation 2022 implements the rules on quality assurance in soil management, known as Kwalibo in practice. The activities carried out under the Kwalibo scheme are designated in Annex C of the Soil Quality Regulation 2022 (categories). This Annex also identifies the standards documents to be used for carrying out the work. Standards documents must be continuously adapted to the state of the art and science and to new developments, for example in the regulatory environment (versions and amendment sheets).

Certain activities may only be carried out by (legal) persons approved by the Minister of Infrastructure and Public Works.

In order to obtain the approval the companies must be certified or accredited on the basis of the relevant designated standards documents.

#### Aim of the amending regulation

With this amendment regulation, a number of new and amended standards documents have been identified in the text. These are standards documents used within the Kwalibo system (Annex C) and other standards documents used for the implementation of the Soil Quality Regulation 2022 beyond the Kwalibo system (Annex D). Due to the designation of new or amended standards documents in Annexes C and D of the Soil Quality Regulation 2022, adjustments were also required in the text of the Soil Quality Regulation 2022, to ensure that the correct standards documents are referred to.

The amending regulation also corrected a number of noted incomplete details.

### **2. Outline of this Regulation**

#### **Standards documents in the Soil Quality Regulation 2022, general**

The Soil Quality Regulation 2022 contains references to standards documents. Standards documents are drawn up and adopted by scheme managers and standard committees, in cooperation with industry and government.<sup>1</sup> If a standards document has been adopted or amended, it must be designated/redesignated in the Soil Quality Regulation 2022. This amending regulation serves that purpose.

If there appear to be predominant objections to a standards document, this may be a reason not to include a reference to that standards document in the Soil Quality Regulation 2022 for the time being.

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<sup>1</sup>For more information on the process of developing standards documents, see below under 'Opinion of the Advisory Board on Regulatory Burden (ATR)'.

### **Standards documents in Annex C of the Soil Quality Regulation 2022**

This amending Regulation amends the table in Annex C of the Soil Quality Regulation 2022, in which the standards documents have been designated within the Kwalibo system. This amending regulation addresses:

- The revised standards document BRL SIKB 7500 and revised Protocol 7510;
- The revised standards document BRL 9335, revised Protocols 9335-1, 9335-2 and 9335-4 and the new Protocol 9335-10;
- An amendment sheet to BRL SIKB 7700; and
- The revised Protocol 6902, which is part of AS SIKB 6900.

### **Standards document in Annex D to the Soil Quality Regulation 2022**

Annex D of the Soil Quality Regulation 2022 contains standards documents referred to for the implementation of the Soil Quality Regulation 2022. This amending regulation addresses:

- Designation of NEN 6693:2025 nl instead of NEN 5104.

### **Other amendments to the Soil Quality Regulation 2022**

This amending regulation contains updated references to the amended standards documents to be included in Annex C and Annex D.

### **3. Impact on businesses and citizens, impact on public authorities and impact on the environment**

The impact of the standards documents for which new versions or amendment sheets are designated is detailed below for each standards document.

#### **Designation of amended standards documents in Annex C of the Soil Quality Regulation 2022 and inclusion in the text of the Soil Quality Regulation 2022**

##### **BRL 9335, BRL SIKB 7500**

The documents for which the reference is changed are 'BRL SIKB 7500 Treatment of contaminated soil and dredged materials version 6.0' and 'BRL 9335 Soil version 4.2', including the related protocols.

The reference to BRL 9335 is changed to Category 2 and Category 18 of Annex C. The reference to BRL SIKB 7500 is changed to Category 5 and Category 18 of Annex C. The amendment of both standards documents and their protocols is fully interrelated.

BRL SIKB 7500, Protocol 7510 regulates the cleaning of moderately and highly contaminated soil and highly contaminated dredging material. Ground cleaners must have soil quality certification based on this BRL. Cleaned soil can be put back on the market by a company with soil quality accreditation for BRL 9335. A new protocol has been drawn up specifically for cleaned soil (9335-10) and BRL 9335 has also been revised for this purpose.

##### **Background of cleaning soil and dredged material**

Each year, approximately 2 000 000 tonnes of highly contaminated soil (and dredged material) are cleaned (process-treated). The cleaned soil is then reused as soil or it is used as a raw material for building materials.

Ground cleaning can be done with the following techniques: biological cleaning, extractive cleaning, physical cleaning, immobilisation of contamination (= capture in a building material) and thermal cleaning. The cleaning process and process control are described in Protocol 7510.

Companies that clean soil and dredged material need soil quality recognition based on BRL SIKB 7500, Protocol 7510. For land that is put back on the market as soil (for application), as a rule, a recognised quality certificate issued by a company with a soil quality approval for BRL 9335 is used; an individual batch inspection is also possible. For construction materials in which (cleaned) soil has been used as a raw material, a recognised quality declaration is also often used, for example on the basis of BRL 9322 when immobilising contamination in a building material.

There will be about 100 approvals for soil cleaning in 2025 (about 60 companies, for one or more techniques).

### **Explanatory notes on the adjustments to the assessment guidelines and protocols**

#### *Bringing assessment guidelines and protocols in line with the Soil Quality Regulation 2022*

The assessment guidelines and protocols have been further adapted to the definitions from and references to articles in the Soil Quality Regulation 2022.

#### *The structure of Protocol 7510 has been adjusted*

The structure of the requirements in the protocol has changed considerably. For each requirement, the part of the process to which it belongs, as well as the processing technique(s), are indicated. For each requirement, an explicit separation has also been made between the normative and explanatory texts. With the aforementioned change of form, the requirements become more transparent. This provides greater clarity for both implementation and supervision

#### *Responsibility for completeness of the environmental statement lies with one (legal) person*

The Soil Quality Regulation 2022 requires the qualification of cleaned soil to be carried out through a (1) batch inspection, through a (2) manufacturer's own declaration or through (3) product certification. If the criteria are met, this will then lead to an environmental declaration of soil quality.

The revised Protocol 7510 includes the obligation to have the qualification of soil by (3) product certification via a newly established protocol (product certificate BRL 9335 with new Protocol 9335-10). This protocol is only for the environmental classification of cleaned soil. It is no longer possible to qualify cleaned soil as soil via another protocol (such as 9335-2). Protocol 9335-10 may only be used by the company that also carried out the cleaning in accordance with Protocol 7510.

The fact that the responsibility will lie with a (legal) person also ensures that information about the cleaned soil and the cleaning process will be adequately transferred.

By linking Protocol 9335-10 and Protocol 7510, the responsibility for the quality of the cleaned soil placed on the market as soil is also explicitly placed with one company. In the existing situation, it was possible for the company that marketed cleaned soil with an approved quality declaration (based on Protocol 9335-2) to be

a different company from the company that carried out the soil cleaning. This gave rise to ambiguities as to the responsibility for quality. This amendment removes this ambiguity.

In practice, the (2) manufacturer self-declaration is not used for soil from a cleaning process. Individual batch inspections (1) in order to determine the quality of cleaned soil will remain possible.

#### *Ensuring the cleaning process and traceability*

BRL 7500 and Protocol 7510 specify exactly which 'waste materials suitable for processing into soil' may be processed under Protocol 7510. This is a limited number of categories of waste (such as RKGV waste, drilling cuttings, bentonite and oversized sieved sand). These were laid down in the LAP-3<sup>2</sup> but were previously not explicitly referred to in Protocol 7510. More explicit references to 'waste to be processed into soil' provide clarity as to which input streams may or may not be processed.

The criteria for accepting soil c.a. (cum annexis, with foreign soil components present) have been further clarified and tightened in certain areas. It is also possible for a soil cleaner to use substantiated and, with the consent of the competent authority, deviating criteria that are more in line with its process. The criteria are necessary to determine which technique is suitable and to determine, after cleaning, whether the cleaning has achieved sufficient results.

An obligation has been introduced to actually clean batches of soil that have been accepted for cleaning. With this obligation, once accepted, parties cannot leave 'the chain', meaning that the soil cannot be used in any other way (uncleaned) or dumped unnecessarily.

An obligation to work with static depots has been introduced: every depot where batches of unprocessed soil are brought in must be closed at a certain point in time. At that point, cleaning will commence and no further batches may be added.

Dynamic depots that can in principle be 'filled and emptied' indefinitely are no longer to be used. Existing (dynamic) depots are subject to the obligation to close within one year after the entry into force of the assessment guideline and to only 'empty' from that time. This provides greater clarity about which batches are present in a depot and which (process- and batch-specific) parameters are relevant for cleaning and qualification.

#### *Other amendments*

In addition to the improved alignment with the Soil Quality Regulation 2022 and the new Protocol 9335-10, some other minor adjustments have been made in BRL 9335. The (standard) research packages for soil and waterbeds included in Appendix J of the Soil Quality Regulation 2022 are no longer included in BRL 9335. The research package that must at least be used for soil or dredging materials of unknown origin or without sufficient prior information (package D) remains included in BRL 9335 because it is not included in the Soil Quality Regulation 2022. This package has been extended to include the analysis on PFAS. The requirements for taking smaller batches of soil without sufficient preliminary information and combining them into larger batches at a soil bank (BRL 9335) are classified and drafted differently.

## **Preparation**

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<sup>2</sup> National Waste Management Plan 3 <https://lap3.nl/lap/>

The process for revising BRL SIKB 7500, BRL 9335 and related protocols started in 2021. For this purpose, a guidance committee was established in which both industrial parties (including soil cleaners and certification bodies) and the government (client, supervisor, legislator) were represented. The draft standards documents were released by the Board of Experts on Soil Management of SIKB in the autumn of 2023 for a public consultation period. The responses were incorporated in 2024, or reasons were given as to why they were not incorporated. The documents were released in October 2024 by the Board of Experts on Soil Management for review on the basis of Article 25 of the Soil Quality Decree and inclusion in the Soil Quality Regulation 2022. The Ministry of Infrastructure and Public Works has reviewed the documents on the basis of Article 25 of the Soil Quality Decree. Prior to the review, a HUF test (enforceability, feasibility and fraud-proofness assessment) was also carried out by the Living Environment and Transport Inspectorate (Inspectie voor Leefomgeving en Transport (ILT)). Based on these reviews, it has been assessed that a draft amending regulation for the Soil Quality Regulation 2022 can be drawn up with the aim of designating the amended and new standards documents.

#### **Impact, burden and regulatory burden**

The exact financial impact, burden and regulatory burden for the individual certificate holders cannot be quantified. This is because the impact depends on the cleaning processes used by the certificate holders (including how capital intensive this is, or how their installation and process are now set up). In any case, quality systems will have to be adjusted. Where applicable, a certification process for Protocol 9335-10 must also be carried out. The business community concerned was involved in the Decree-making process and is aware that these costs are incurred as a result of the options chosen.

However, the financial impact, burden and regulatory pressure are expected to be outweighed by clear positive impacts that are greater in scale. This translates into increased confidence in the product and lower failure costs (greater certainty that processing can take place, better tools for users to reject materials). On a national scale, the new and amended standards documents support the correct application of adequately cleaned soil.

#### **Consequences for citizens**

There is no direct or quantifiable impact for citizens.

#### **BRL SIKB 7700**

The document for which the reference in category 1 of Annex C to the Soil Quality Regulation 2022 is amended is 'BRL SIKB 7700 Construction or repair of liquid-proof facilities, version 3.0', namely the addition of 'amendment sheet 1-01 adopted on 6 December 2024'

#### **Impact on other regulations**

This standards document sets out the technical requirements to be met by liquid-proof floors and surfaces (such as the street surface in a petrol station) that are constructed by a company certified for this standards document. The laws and regulations do not lay down any specific technical requirements that a liquid-proof facility must meet.

A technical requirement has been added for liquid-proof floors and surfaces at a location where the environmentally harmful activity 'Large-scale refuelling', as referred to in Section 4.40 of the Environmental Activity Decree (Besluit activiteiten leefomgeving), will take place, namely within the dimensions of the liquid-proof floor. The document here also has a function as a best available techniques document.

This technical requirement was first included in the Environmental Management Decree for Petrol Stations (Besluit tankstations milieubeheer, 1994) and subsequently in the Environmental Management Activities Regulation (Activiteitenregeling milieubeheer) (Article 3.25). The requirement was not adopted in the Environmental Activity Decree, but replaced by the general duty of care. It has been observed that in practice, this still leads to new liquid-proof facilities being constructed with a smaller size than is actually required to ensure proper soil protection. With this amendment, the scope for discretionary interpretation will be removed.

Section 4.40 of the Environmental Activity Decree (specifically Section 4.509) states that the liquid-proof floor or surface in this activity must be constructed by a company with a soil quality accreditation for BRL SIKB 7700. This now ensures that the facilities to be constructed are also compliant.

Because all technical requirements for these liquid-proof facilities are currently included in the standards document and the corresponding protocols for the construction of this facility, the scheme manager SIKB has chosen to include this requirement in the standards document as well.

#### **Impact, burden and regulatory burden**

The requirement was included in legislation and regulations between 1994 and 2024 and is not new. The inclusion of the technical specification in the standards document for construction ensures that new facilities are also compliant, thereby fulfilling the duty of care. If smaller dimensions are chosen, there is an increased risk of soil contamination; the party carrying out the environmentally harmful activity will then have to bear the costs of remediating the soil.

In addition to the generally applicable duty of care, the Environmental Activity Decree itself does not contain any specific technical requirements for liquid-tight floors and surfaces. The specific requirements are now regulated by the mandatory use of a company with soil quality accreditation for BRL SIKB 7700, which means it is important that the standards document is complete.

#### **Consequences for citizens**

There is no direct or quantifiable impact for citizens.

#### **AS 6900**

The document referred to in category 17 of Annex C of the Soil Quality Regulation 2022 is amended to read: 'AS 6900 Inspection of Works with IBC Building Materials, Protocol 6902 Inspection of the Condition of IBC Works, version 2.1' IBC building materials are materials that, due to the level of emissions of environmentally hazardous substances from these materials, may only be used in works (IBC works) with insulation, management and inspection measures in place. This often concerns AVI slag (slag from waste combustion plants). Since the

Environment Act came into force, the construction of works involving IBC building materials are no longer permitted.

The regulations for the construction, inspection, inspection and maintenance of IBC works have not been transferred to the Environment Act and associated ministerial decrees. The requirements as included in the Soil Quality Regulation, as applicable prior to the entry into force of the Environment Act, remain applicable to these IBC works. This is included in Article XVI of the Environment Act (Soil) Supplementary Decree (Aanvullingsbesluit bodem Omgevingswet) (Bulletin of Acts and Decrees 2021, 98).

Since 2014, the construction, inspection and monitoring of IBC works during construction and maintenance has been covered by Kwalibo (Official Gazette 2013, 31950). This requires the use of an accredited institution (company) recognised by the Minister. The obligation to have the inspection carried out by an accredited and recognised institution was introduced at that time for all IBC works constructed under the Soil Quality Decree (since 2008).

For works constructed earlier, the requirements that applied at the time of construction (including the IPO interim policy and subsequently the implementing regulation for the Building Materials Decree (Bouwstoffenbesluit), and various applicable documentation) continue to apply.

The request from contractors and owners of IBC structures constructed before 2008 is to also allow inspections by an accredited institution (company) for this purpose, in accordance with a uniform working method. Accreditation is also possible in this case. This was already possible in Protocol 6902 for works constructed from 1997 onwards (IPO interim policy and subsequently the Building Materials Decree implementation regulation). The protocol is now being expanded to include a working method that can be used for works constructed before 1997. The sections in the protocol are organised in such a way that a distinction can be made between the inspection of works constructed in different periods. Sections 6 and 7 (and Annexes 3 and 9) of the amended protocol relate to IBC works constructed before 2008. The amended protocol is designated in Annex C of the Soil Quality Regulation 2022 by means of this amending regulation. Sections 6 and 7 and the accompanying Annexes 3 and 9 are not designated.

In terms of content, there are no changes to the sections that are designated compared to Protocol 6902 version 2, 15 February 2018. In concrete terms, therefore, no new obligations are being introduced.

The decision has been made to designate the new protocol, even though no changes are being made to the part for which accreditation is mandatory. This prevents two versions of protocol 6902 from existing simultaneously.

#### **Impact, burden and regulatory burden**

There is no impact.

#### **Consequences for citizens**

There is no direct or quantifiable impact for citizens.

**Designation of amended standards documents in Annex D of the Soil Quality Regulation 2022 and inclusion in the text of the Soil Quality Regulation 2022**  
**NEN 6693**

In Article 3.11(7) and (8), NEN 5104 shall be replaced by NEN 6693. In Appendix D, the reference to NEN 5104 shall be replaced by 'NEN 6693:2025 Soil, silt and groundwater - Observation and description of (water) soil and groundwater'

The parts of the standard NEN 5104 that have already been withdrawn and that are relevant to the content of the Soil Quality Regulation 2022 have been incorporated into NEN 6693. The content of these incorporated parts has not been significantly changed.

**Reasons for drafting NEN 6693**

The reasons for drafting NEN 6693 arose from developments in a broader context than just environmental soil investigations:

- The national implementation of NEN EN ISO 25177 'Soil quality - Field soil description'. This is a broad standard in the field of environment, soil science, agriculture and food.
- The need to expand the content of NEN 5706 'Guidance on the description of sensory perceptions for environmental soil investigation'.
- The withdrawal of NEN 5104 'Geotechnics - Classification of unconsolidated soil samples'. NEN 5706 and the Soil Quality Regulation 2022 refer to NEN 5104.
- Publication of NEN EN ISO 14688-1 'Geotechnical investigation and testing - Identification and classification of soil - Part 1: Identification and description' with NEN 8990 'Dutch supplement to NEN EN ISO 14688-1'.
- The need to include a description of dredged material and sludge and sensory observations when taking water samples.

The existing standards are all about describing the soil, but differ in scope. It was therefore decided to release all these elements in one new standard for environmental soil testing: NEN 6693.

The substantive aspects of NEN 5104, to which reference is made in NEN 5706 and in legislation, are now set out in NEN 6693 with some minor adjustments. For example, 'loam' is now referred to as 'silt' and the lower limit for the soil type of gravel is 50 percent instead of 30 percent. Grain size fractions are also defined slightly differently.

These amendments ensure that NEN 6693 is in line with NEN EN ISO 14688 and the Dutch supplement NEN 8990 on those points. This means that the new NEN 6693 meets the objectives of the articles of the Soil Quality Regulation 2022 where this standards document is included.

**4. Feasibility and enforceability**

The Living Environment and Transport Inspectorate (ILT) tested the standards documents to be designated in Annex C for enforceability, feasibility and fraud-proofness (HUF test). The tasks of the ILT consist of monitoring and enforcing the use of the standards documents within the Kwalibo system and monitoring of the Soil Quality Regulation 2022.

The results of the HUF tests were provided during the drafting process of this amending Regulation.

**BRL 9335 and Protocols 9335-1, 9335-2, 9335-4 and 9335-10, BRL SIKB 7500 and Protocol 7510, BRL SIKB 7700**

The assessment guidelines and underlying protocols have sufficient feasibility, enforceability and fraud-proofness.

**AS 6900, Protocol 6902**

This protocol also contains regulations that are not subject to the approval requirement. Amendments have been made to this protocol, but only to regulations that are not subject to the approval requirement. There is therefore a new version, but there are no substantive changes within the scope of Kwalibo.

**5. Consultation and participation**

**Online consultation (to follow)**

The amending regulation was submitted **TBC** via the website [www.internetconsultatie.nl](http://www.internetconsultatie.nl) for consultation in order to offer everyone the opportunity to respond to the proposed amendments. A total of **TBC** responses were received.

**Opinion of the Advisory Board on Regulatory Burden (to follow)**

At the same time as the consultation, an opinion was requested from the Advisory Board on Regulatory Burden (ATR).

**Consultation on content of standards documents**

The new and amended standards documents referred to in Annex C and Annex D of the Soil Quality Regulation 2022 were not themselves part of the online consultation: only the designation of those documents was part of the consultation.

**Explanation of the public consultation procedure for scheme managers**

In general, the procedures are as follows:

Representatives of the activity covered by the standards document, e.g. construction of soil protection facilities, sit on a group of subject-matter experts in which amendments are prepared. An amended or new standards document is then submitted in draft to a (Central) Board of Experts, Accreditation Board or Standards Committee in which all interested parties are represented. If the Board or Committee agrees with the proposed amendment, this is generally followed by a public consultation. The draft standards documents are publicised via the website of the relevant scheme manager and comments can be made on them for a specified period. In addition, special stakeholders (such as sector organisations for small to medium-sized enterprises and certification bodies) are expressly notified of the planned amendments to the normative documents. After the end of the consultation, the feedback is incorporated. In some cases, this leads to adaptation of the draft. In a single case, in the event of a minor change to the existing standards document, a public consultation session is waived. The final document is submitted for approval to the (Central) Board of Experts, the Accreditation Board or the Standards Committee.

**6. Review of standards documents by the Ministry of Infrastructure and Public Works (Annex C)**

### **Backgrounds**

All standards documents were submitted by the scheme managers to the Ministry of Infrastructure and Public Works for designation in the Soil Quality Regulation 2022.

Standards documents, specifically in Annex C of the Soil Quality Regulation 2022, may be designated by the Minister for Infrastructure and Public Works if Article 25 of the Soil Quality Decree is complied with.

The review conducted for this purpose will result in an official opinion.

### **Conclusion of review**

The conclusion is that there are no obstacles to design the amended standards documents.

### **Standards documents in Annex D**

For other standards documents included in Appendix D, an assessment will be made as to whether the inclusion of the standards document fulfils the objectives of the articles of the Soil Quality Regulation 2022 in which this standards document is included.

### **7. Notification**

The draft Regulation was submitted to the European Commission on **TBC** pursuant to Article 5(1) of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241/1) (notification number 2024/0211/NL).

### **8. Entry into force**

This Regulation shall enter into force on 1 January 2026. This aligns with the Government's policy on fixed moments of regulatory change.

THE STATE SECRETARY FOR INFRASTRUCTURE AND PUBLIC WORKS- PUBLIC  
TRANSPORT AND ENVIRONMENT

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