

Message 001

Communication from the Commission - TRIS/(2025) 2577

Directive (EU) 2015/1535

Notification: 2025/0530/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 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: 20252577.EN

1. MSG 001 IND 2025 0530 NL EN 18-09-2025 NL NOTIF

2. Netherlands

3A. Ministerie van Financiën

Belastingdienst/ Douane centrale dienst voor in- en uitvoer

3B. Ministerie van Infrastructuur en Waterstaat, Hoofddirectie Bestuurlijke en Juridische Zaken, Afdeling Water, Infrastructuur en Omgevingsrecht.

4. 2025/0530/NL - S00E - ENVIRONMENT

5. Regulation of the State Secretary for Infrastructure and Public Works, of....., No IENW/BSK-2025/618051, amending the Soil Quality Regulation 2022 in light of updates to standards documents about soil

6. Cleaning of soil and dredgings up to the environmental quality requirements in the Soil Quality Regulation (Rbk) 2022, (2021/0290/NL)

Certification of soil according to Rbk2022

Installation of liquid-tight floors, required in the Living Environment (Activities) Decree (2017/0342/NL)

7.

8. The amending Regulation identifies designates updated standards documents in the Soil Quality Regulation 2022. The Soil Quality Regulation 2022 addresses the requirements of the Soil Quality Decree (2006/0496/NL). The standards documents lay down detailed rules to ensure that work on soil research and protection is carried out with good quality and integrity (the 'Kwalibo' system). Companies carrying out work must be approved by the Minister, on the basis of accreditation or certification. Standards documents are regularly updated. The designation in the Soil Quality Regulation 2022 takes place on the basis of the Soil Quality Decree.

The standards documents have now been modified:

- to be able to take advantage of state-of-the-art technology,
- to adequately protect the soil

Articles 2.1 and 2.2 of the Soil Quality Regulation 2022 (2021/0290/NL) refer to Annex C. This Annex C is amended to monitor compliance with the requirements in the updated standards documents. The standards documents mentioned therein contain the actual technical requirements.

Mutual recognition of technical regulations from other Member States is possible via Article 13 of the Soil Quality Decree (2006/0496/NL), provided that a comparable level of protection for Dutch soil is thereby achieved. The legislation also provides other opportunities to offer land from other member states in the Dutch market.

The Technical Requirements as set out in the amended standards documents to be designated for products (soil, as referred to in the Soil Quality Decree) relate only to the manner in which it is ensured and determined that these comply with the environmental quality requirements necessary to protect soil and surface water.

These environmental quality requirements are set out in the Soil Quality Regulation 2022, and remain unchanged. There is no harmonised European legislation for these environmental quality requirements.

Standards document BRL SIKB 7500, Protocol 7510 (amended)

The standards document describes the process requirements for the cleaning of cleanable, highly contaminated soil and not as such applicable, but cleanable dredging spoil in the Netherlands. The requirements are intended to ensure the quality of the cleaning process and the traceability of cleaned materials. This is necessary to ensure that contamination is sufficiently removed and the material can be reused after cleaning without unacceptable environmental risks. The standards document has been updated. The cleaning of soil and dredgings in the Netherlands may only be carried out by companies with a soil quality recognition (certification) on the basis of the relevant standards document.

Standards document BRL 9335 (amended)

The standards document describes the possibility of certifying soil. Namely soil from soil banks, soil from projects, composite soil products (such as topsoil) and soil from cleaning systems. The voluntary certification can be used to demonstrate that land meets the quality requirements of the Soil Quality Regulation 2022. The requirements for certification and the quality requirements for soil do not change.

Standards document BRL SIKB 7700 (amended)

The standards document describes the process and technical requirements for the construction of impermeable floors. Installation of a liquid-proof floor and sewer on a site where more than 25m³ is refuelled annually must be carried out by a company with a soil quality recognition (certification) on the basis of BRL SIKB 7700. The amendment consists in adding a technical requirement regarding the minimum dimension of a liquid-tight floor. This is necessary to adequately protect the soil during refuelling.

The other amendments and adjustments to incorrect references do not affect the content of the laws and regulations (AS 6900, Protocol 6902, NEN 6693)

9. The standards documents are intended to protect the environment. APPROPRIATELY NECESSARY AND NON-DISCRIMINATORY

They are appropriate and necessary for this purpose: it is important to prescribe a high state of the art when carrying out work that, if not properly carried out, may have adverse effects on the environment. Without complying with the technical requirements set out in the relevant standards documents, the activities designated therein may not be carried out. As a result, it is ensured that work is carried out with integrity and quality in order to protect the environment. There are no other, less burdensome measures to achieve this objective and the requirement does not go beyond what is necessary (PROPORTIONATE). Standards documents are private documents drawn up by the scheme managers and, in that sense, are linked to the self-regulatory capacity of society. We let the rules be drafted by standard institutions and scheme managers. In this manner, we make use of the knowledge that is available in businesses, including about developments in their field. The government does not have that specialist knowledge, because different knowledge is important per activity. A procedure is followed in which all companies are able to respond and there are requirements for a minimum level of support among companies. There is sufficient support only if the overwhelming majority of stakeholders agree to an amendment. The government then examines whether it considers that appropriate standards documents provide a sufficient level of environmental protection. All this leads to a balanced balance of interests between companies and between business interests and environmental interests.

On the basis of the foregoing, the technical requirements are SUITABLE to protect the interest of 'protection of the environment' and, as to their form and suitability, also PROPORTIONATE and constituting the least restrictive means.

The amendment of the following standards documents has an impact on the implementation of the regulations (see under 8).

BRL SIKB 7500, Protocol 7510: Processing of contaminated soil and dredging spoil, soil cleaning

BRL 9335: Certification of soil (voluntary) to demonstrate that the soil meets the environmental quality requirements from the Soil Quality Regulation 2022

BRL SIKB 7700: Installation of liquid-proof facilities.

10. Numbers or titles of the basic texts: The basic texts were submitted with a previous notification:

2021/0290/NL

2006/0496/NL

11. No

12.

13. No

14. No

15. No

16.

TBT aspects: No

SPS aspects: No

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