

Message 001

Communication from the Commission - TRIS/(2026) 1640

Directive (EU) 2015/1535

Notification: 2026/0309/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 késések - Non fa decorrere la mora - Atidėjimai 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: 20261640.EN

1. MSG 001 IND 2026 0309 NL EN 19-06-2026 NL NOTIF

2. Netherlands

3A. Ministerie van Financiën

Douane centrale dienst voor in- en uitvoer

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

4. 2026/0309/NL - B00 - CONSTRUCTION

5. Order of the State Secretary for Infrastructure and Water Management of [date], No. IENW/BSK-, amending the 2022 Soil Quality Regulation updating standards documents and regulatory maintenance of Annexes C and D

6. The designation of amendment sheet 2506-2 contains a maximum amount of plastic that recycling granulates may contain. At the moment that a different standard may apply in the future for aggregates under the Construction Products Regulation...

7.

8. The Soil Quality Regulation 2022 addresses the requirements of the Soil Quality Decree (2006/0496/NL).

The Soil Quality Regulation 2022 indicates standards documents that lay down detailed rules to ensure that work on soil research and protection is carried out with good quality and integrity (the 'Kwalibo' system). The Soil Quality Regulation 2022 also contains the environmental quality requirements with which construction materials, dredged materials and soil must comply.

Companies carrying out activities designated in the Soil Quality Regulation 2022 must be recognised by the Minister based on accreditation or certification. This is done on the basis of these standards documents.

In addition, the Soil Quality Regulation 2022 has designated standards documents that allow producers to demonstrate, by means of certification of construction materials or soil, that the building materials or soil they produce comply with the environmental quality requirements set out in the Soil Quality Regulation 2022. On that basis, the producer may be accredited by the minister and market the soil or building material with an accredited quality declaration. The recognised quality declaration is one method for proving environmental quality. Other means of proof are also possible, so the recognised quality declaration and certification on which it is based is therefore voluntary.

Standards documents are updated regularly. 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:

- The assessment guidelines for tank installations (mandatory for the design, installation, modification, (re)classification, inspection and repair of underground fuel tanks)
- The assessment guideline for product certification of the environmental properties of recycling granulate (voluntary)

In the Soil Quality Regulation 2022 (2021/0290/NL), Articles 2.1 and 2.2 refer to Annex C. This Annex C is amended to use the updated standards documents. The standards documents mentioned here contain the actual technical requirements.

A mutual recognition provision has already been included in the Soil Quality Decree (see 2006/0496/NL). This was carried out in Article 13 of that Soil Quality Decree. In order to comply with the principle of the freedom to provide services, the aforementioned article contains provisions on mutual recognition. According to this article, certificates, accreditations and recognitions issued in another EU Member State or in another country party to the Agreement on the European Economic Area are treated as certificates, accreditations and recognitions issued in the Netherlands. Mutual recognition is possible on the link of Article 13 of the Soil Quality Decree (2006/0496/NL), provided that a comparable level of protection for Dutch soil is achieved.

All standards documents referred to have been checked for possible incompatibility with the European Construction Products Regulation (REGULATION (EU) 2024/3110 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 27 November 2024 laying down harmonised conditions for the marketing of construction products and repealing Regulation (EU) No. 305/2011).

The amended standards document for product certification of recycling granulate does not introduce additional technical requirements to be followed to demonstrate that recycling granulate meets the

environmental quality requirements set out in the Soil Quality Regulation 2022. The reason is that this document is not mandatory. However, additional requirements have been included in the standards document in order to meet the quality requirements that exist in the Dutch market.

The generally applicable environmental quality requirements are included in the Soil Quality Regulation 2022 and remain unchanged. For the environmental quality requirements and establishing that they are met, there is still...

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. (PROPORTIONALITY)

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 have the rules drawn up by standard institutions. In this way, we use 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. The vast majority must be in favour of it. 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.

Two standards documents have been amended:

(- BRL SIKB 7800, Assessment guideline for tank systems (design, installation, modification, classification, reclassification, inspection and repair)

Unnecessary elements have been removed and new techniques have been made possible. A number administrative adjustments have also been implemented.)

- BRL 2506-2, Assessment guideline for recycled granulates.

The Assessment guideline, which can be used voluntarily, has been adapted to meet the needs of the market and society. If, on the basis of a statistical assessment, it is not yet sufficiently certain whether a batch of recycling granules complies with the quality requirements, the batch may not be released until the inspection results are known. This prevents an unsuitable batch from being used and having to be discarded. In addition, measures have been introduced to reduce the amount of visible plastic. This meets the needs of the market and society. It contributes to confidence in the certified recycling granulate product.

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9c. 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. (PROPORTIONALITY)

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

European Commission

Contact point Directive (EU) 2015/1535

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

