

Message 001

Communication from the Commission - TRIS/(2026) 1548

Directive (EU) 2015/1535

Notification: 2026/0288/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 - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħx 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: 20261548.EN

1. MSG 001 IND 2026 0288 NL EN 10-06-2026 NL NOTIF

2. Netherlands

3A. Ministerie van Financiën

Belastingdienst/Douane centrale dienst voor in- en uitvoer
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3B. Ministerie van Binnenlandse Zaken en Koninkrijksrelaties

4. 2026/0288/NL - S00E - ENVIRONMENT

5. Regulation amending the Regulation on a key register of sub-surface data ['Basisregistratie Ondergrond'] in connection with the amendment of the catalogue relating to the registration object 'Drilling Survey – geological core sample description and core sample analysis' and certain technical amendments

6. Documents concerning certain registration objects, such as drilling surveys, must be submitted in order to include subsurface data in the key register of sub-surface data ['Basisregistratie Ondergrond'] (BRO). The catalogues refer to correct and complete delivery of the prescribed data

7.

8. To a certain extent, this draft Regulation amends the rules governing the content of the key register of sub-surface data (BRO). The Law related to the key register of sub-surface data (BRO Law) provides for the creation and setting up of a key sub-surface register, consisting of structured digital detailed information about the subsurface in the Netherlands. Data catalogues established under the Regulation on a key register of sub-surface data (BRO Regulation) describe how the information should be provided by administrative bodies.

A mutual recognition clause is included in Article 15 of the BRO Regulation.

Article I, Part A, of the present amending regulation may contain technical rules.

This section amends a catalogue. Catalogues contain technical rules because the catalogues lay down requirements for the software on the basis of which source holders and their contractors must operate.

The catalogue 'Drilling survey – geological drilling sample description and drilling sample analysis' is amended. The changes include, among other things, the revision and relaxation of the rules governing the validation of historical objects, as those rules regarding details in the layer description were not correctly formulated in the previous version of the catalogue.

9. The key register of sub-surface data is intended to improve the government's information management in order to increase decision-making quality and reduce administrative burden. The National BRO Facility maintains a unique database of key information about the subsurface. Entering information one time intended for repeated use facilitates the administrative burden reduction on individuals and businesses. The government achieves internal cost savings and efficiency increase. Because administrative bodies will use the same reliable general data for the same objects, the quality of the government's information management will also improve. This will lead to better service and environmental policy. Individuals and businesses can also use and insert the information in the key register free of charge.

Centralised collection and exchange of geo-information are only possible if relevant standards apply. Those standards include definitions and characteristics of measured groundwater levels and positions (on land or at sea), etc. In order to achieve a consistent national coverage, the content of the data to be provided by the source holders to the BRO and the standard for electronic data exchange which shall be used shall be agreed upon. This task is performed in the data catalogue that is formatted for each object type to be registered. In many cases, this also imposes requirements on the software based on which source holders and their contractors must operate.

In view of the above, the rules are non-discriminatory, as they apply to any source holder, and indirectly to all parties such as engineering firms commissioned by source holders. The measures shall also be commensurate and proportionate. In order to fulfil its function as a key register, it is necessary for the data to be provided in a uniform manner, and in accordance with uniform standards. The purpose of the technical regulations is to that end, and no alternative is conceivable.

9a. • What risk is addressed by the measure for the public interest objective (as indicated in field 9)? Provide appropriate evidence, such as empirical evidence, quantitative measurements, behavioural analyses, expert opinions, market studies, scientific studies, etc.

The key register of sub-surface data is intended to improve the government's information management in order to increase decision-making quality and reduce administrative burden. The key register of sub-surface data maintains a unique database containing essential information about the subsurface. Entering information one time intended for repeated use facilitates the administrative burden reduction on individuals and businesses. Because government agencies will use the same reliable, general data for the same objects, the quality of the government's information management will also improve. This will lead to better service and environmental policy. Individuals and businesses can also use and insert the information in the key register free of charge.

The data catalogues, which are included as annexes to the Regulation on a key register of sub-surface data, contain standards for the provision of information for the basic registration. This amending regulation amends the 'Drilling survey – geological drilling sample description and drilling sample analysis' catalogue. Without this amendment, the standards cannot be adjusted and data cannot be submitted to the key register of sub-surface data. This means that the objective of the key register is not achieved.

- How does the notified draft measure contribute to the achievement of the intended objectives? Is there any evidence or research to support this link?

The draft measure includes an updated data catalogue as an annex to the regulation. The data catalogues are updated in response to new technical standards or changes in understanding. As previously indicated, data catalogues contain standards for the provision of data. If that data is not provided, or is provided incorrectly, it will make the key register less reliable and effective.

- Is the general interest objective pursued in a coherent and systematic manner? In what way?

The key register of sub-surface data is intended to improve the government's information management in order to increase decision-making quality and reduce administrative burden. Data shall be collected and recorded once, so that it can then be used multiple times. Standards for the provision of data have been included through the data catalogues. Those data catalogues shall be regularly updated. In this way, the reliability of the key register is ensured in a coherent and systematic manner.

- 9b. • To what extent does the notified draft measure restrict the internal market? How does the measure affect cross-border trade in goods and services?

In Article I(A), a catalogue is amended in the amending regulation. The catalogues are included in the annexes to the Regulation on a key register of sub-surface data. These catalogues contain technical rules because the catalogues lay down requirements for the software on the basis of which source holders and their contractors must operate. Such technical regulations may have an impact on the internal market.

- Why are the existing rules of a specific or general nature (such as product and safety legislation and consumer law) insufficient to protect the public interest objective(s) in question? Is the notified draft measure the least restrictive measure, or are there measures available that would restrict the internal market to a lesser extent?

The Regulation on a key register of sub-surface data contains data catalogues with standards for the

submission of data to the key register. Centralised collection and exchange of geo-information in a key register are only possible if relevant standards apply. In order to achieve a consistent national coverage, the content of the data to be provided by the source holders to the BRO and the standard for electronic data exchange which shall be used shall be agreed upon. This task is performed in the data catalogue that is formatted for each object type to be registered. In many cases, this also imposes requirements on the software based on which source holders and their contractors must operate.

In order to fulfil its function as a key register, it is necessary for the data to be provided in a uniform manner, and in accordance with uniform standards. That is what the technical rules are designed to achieve. There is no conceivable alternative to this, and therefore no less restrictive measure either.

Article 15 of the Regulation on a key register of sub-surface data contains a mutual recognition clause. This will prevent the creation of a barrier to trade.

- What less restrictive alternatives have been considered?

No other alternatives have been considered because there are no other alternatives. However, the BRO Regulation does contain a mutual recognition clause.

- Why were these alternatives rejected?

There are no alternatives and therefore no alternatives have been rejected.

- Why is the chosen measure the least restrictive means of achieving the objective?

Because there are no other alternatives and because Article 15 of the Regulation seeks to prevent barriers to trade.

9c. • Are the restrictions proportionate to the importance of the public interest objective pursued or, where appropriate, to the seriousness of the risk and the likelihood of its occurrence?

Centralised collection and exchange of geo-information are only possible if relevant standards apply. In order to achieve a consistent national coverage, the content of the data to be provided by the source holders to the BRO and the standard for electronic data exchange which shall be used shall be agreed upon. This task is performed in the data catalogue that is formatted for each object type to be registered. In many cases, this also imposes requirements on the software based on which source holders and their contractors must operate. These requirements are proportionate to the aim of centralised collection and exchange of geo-information in order to achieve a consistent picture. In this respect, reference is made to Article 15 of the BRO Regulation on mutual recognition.

- Has a balance been made between the protection of the general interest pursued by the measure and the extent to which the measure hinders the functioning of the internal market? Why have the authorities concluded that the protection of the public interest outweighs the barrier created to the internal market?

Centralised collection and exchange of geo-information are only possible if relevant standards apply. In order to achieve a consistent national coverage, the content of the data to be provided by the source holders to the

BRO and the standard for electronic data exchange which shall be used shall be agreed upon for each type of object to be registered. In many cases, this also imposes requirements on the software based on which source holders and their contractors must operate. These requirements are proportionate to the aim of centralised collection and exchange of geo-information in order to achieve a consistent picture.

- How harmful is the failure to achieve the public interest objective compared to the potential harm caused by the restriction?

Without the relevant standards, it is not possible to provide information to the key register in a standardised manner. This means that collected information cannot be recorded or that there is no unambiguous picture. This means that the information in question cannot be reused by members of the public and businesses, or is less reliable. This means that individuals and businesses will face higher costs. It also means that the services provided by the government will be of less high quality and that environmental policy will be less effective.

10. Numbers or titles of the basic texts: 2017/0387/NL

The basic texts were submitted with a previous notification:
2017/0387/NL

11. No

12.

13. No

14. No

15. No

16.

TBT aspects: No

SPS aspects: No

European Commission

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