

Message 001

Communication from the Commission - TRIS/(2025) 1944

Directive (EU) 2015/1535

Notification: 2025/0395/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 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: 20251944.EN

1. MSG 001 IND 2025 0395 NL EN 22-07-2025 NL NOTIF

2. Netherlands

3A. Ministerie van Financiën, Dienst Douane Noord, CDIU.

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

4. 2025/0395/NL - S00E - ENVIRONMENT

5. Amendment of the Water Regulation in connection with the adjustment of the charging formula for the pollution charge

6. An analytical method (TOC) is prescribed for the analysis of samples from water discharged to surface water. Reference is made to NEN-EN-ISO 20236:2024.

7.

8. In order to determine the correct levy for discharges into national waters, reference is made to the oxygen consumption of the discharged substances. In order to determine the oxygen consumption, the water is analysed. Article 7.15 of the Water Regulation determines how the analysis of a sample is to be carried out. In Article I(G) of this amending regulation, Table B of Article 7.15 is supplemented with a reference to NEN-EN-ISO 20236:2024. This legislation may contain technical regulations. These are the following technical requirements:

Reagents

- Use reagents of a pro analysis quality

Materials to be used

- Device for homogenising and reducing particle size. (it must be ensured that the resulting particle size is less than the sample injection device used)
- High temperature combustion system with:
 - o Sample injection device
 - o A system for homogenising samples for injection.
 - o Reactor vessel for the combustion of TOC or DOC to at least 680 °C and TNb or DNb to at least 720 °C.
 - o IR detector for the determination of TOC or DOC.
 - o Chemiluminescence detector for the determination of TNB or DNB.
- A recording device (e.g. a PC with software for data acquisition and evaluation).

Sampling and sample preparation

- Sampling box, sample collection vessel, sampling equipment (ensures representative sample)
- Use clean polyethylene or glass bottles for sampling.
- For the determination of DOC or DNb, filter the sample through a 0.45 µm membrane.

In addition, in Table B of Article 7.15, the reference to the NEN standard associated with the BZV method has also been updated (NEN-EN 1899-1 has been replaced with NEN-EN-ISO 5815-1:2019).

For the predecessor to the Water Regulation (the Implementation regulation on pollution of national waters [Uitvoeringsregeling verontreiniging rijkswateren]) the notification procedure was previously followed: 97/0677/NL. Due to the extension of the scope of the Water Regulation, a renewed notification took place in 2000: 2000/0467/NL.

A mutual recognition provision has been included. On the basis of Article 7.16(6) and (7) of this amending regulation, it is stated that the person liable to pay the levy may submit an application to the tax official if the person liable to pay the levy wishes to derogate from the rules laid down in this regulation. These will be requirements prescribed in NEN-EN-ISO 20236:2024 (TOC) for the use of equipment. Equipment that does not meet the requirements of this regulation, but with which a comparable result is achieved, is therefore permitted. This applies to both domestic and foreign equipment. This ensures compliance with the principle of mutual recognition.

9. To the extent that the draft contains quantitative import restrictions or measures of equivalent effect, these measures are justified in order to protect the interest of a correct imposition of the pollution levy on national waters.

This amending regulation includes a reference to NEN-EN-ISO 20236:2024. This prescribes an analytical method. The regulation applies to all companies in the Netherlands that discharge waste water into national waters. The regulation is therefore imposed without distinction and is therefore non-discriminatory. The regulation is also necessary. The requirement to apply NEN-EN-ISO 20236:2024 in this regulation ensures that all parties measure on the same basis. This ensures that a correct levy is imposed. The scheme is proportionate because a different way of measuring no longer requires the use of substances that are harmful to people and the environment. In other countries, the TOC method is already widely used. There are no additional technical requirements in addition to EN-EN-ISO 20236:2024.

Background to this amendment:

The amount of this levy depends on the oxygen consumption of the discharged substances. A formula is used to determine the oxygen consumption. Due to a legislative amendment, this formula has been changed (the TOC formula instead of the COD formula). The reason for the change in the law is that the COD measurement has been under pressure for a long time, since environmentally harmful chemicals (in particular potassium dichromate, mercury, chromium VI, smoking sulphuric acid and silver) are used in the laboratory analyses. There are also health and safety-related concerns with these analyses due to a health hazard arising from the substances mentioned. The public interest served here is therefore the protection of people and the environment. In addition, the use of these substances has essentially been banned already. It is now permitted only based on a exemption included in the REACH Regulation. It is also uncertain how long this exemption will continue to exist.

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

European Commission

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