



Ministry of the Interior and
Kingdom Relations

The Environmental Activities Decree of the Netherlands

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Decree of 3 July 2018, concerning rules about activities in the physical living environment (Environmental Activities Decree)

Chapter 1 General provisions

Section 1.1 General

Article 1.1

(terms and definitions)

Annex I to this Decree contains terms and definitions applicable to this Decree.

Article 1.1a

(principle)

1. This Decree is based on Articles 1.5(2), 1.7a(2), 2.24(1), 4.3, 4.4(1), 4.12, 5.1(1 and 2), 5.18(1), and 20.6(1) of the Act.
2. This Decree is also based on:
 - a. articles 6(1), 7(1), 16 and 20 of the Working Conditions Act;
 - b. articles 31(4), 48(6) and 49(1) of the Security Regions Act; and
 - c. article 19.3(1) of the Environmental Management Act.

Section 1.2 Scope

Article 1.2

(exclusive economic zone)

This Decree also applies in the exclusive economic zone.

Section 1.3 Obligations under international law

Article 1.3

(mutual recognition)

A recognition, certificate, inspection or standard as intended in this Decree will be deemed equivalent to a recognition, certificate, inspection or standard issued, performed or approved by a duly competent, independent body in another Member State of the European Union or a State that is not a Member State of the European Union that is a party to a Treaty that is binding upon the Netherlands, with a level of protection that is at least equivalent to the target level under national requirements.

Chapter 2 Environmentally harmful activities and discharge activities: general

Section 2.1 Scope

Article 2.1

(activities)

Chapters 2 through to 5 cover environmentally harmful activities designated in Chapter 3 and discharge activities into a body of surface water or a water treatment plant performed as part of those activities.

Article 2.2

(objectives)

1. The rules in Chapters 2 through to 5 on environmentally harmful activities are drawn up with a view to:
 - a. guaranteeing safety;
 - b. protecting health; and
 - c. protecting the environment, in as much as relating to:
 01. protection against environmental pollution;
 02. protecting and improving air and soil quality and chemical and ecological quality of water systems;
 03. the efficient use of energy and resources;
 04. the efficient management of waste;
 05. preventing and minimising noise nuisance, vibration nuisance, light nuisance and odour nuisance;
 06. minimising the risk of and preventing unusual occurrences and their adverse impact as intended in Article 19.1(1) of the Act;
 07. protecting the efficient operation of facilities for the management of wastewater;
 08. preventing and minimising flooding, water nuisance and water shortages; or
 09. fulfilling the societal functions of water systems.
2. The rules in Chapters 2 through to 5 about discharge activities into a body of surface water or discharge activities into a water treatment plant are drawn up with a view to:
 - a. preventing and minimising flooding, water nuisance and water shortages;
 - b. protecting and improving the chemical and ecological quality of water systems;
 - c. fulfilling the societal functions of water systems; and
 - d. protecting the efficient operation of water treatment plants.

Section 2.2 Competent authority

Article 2.3

(competent authority: municipality)

Unless indicated otherwise in Article 2.5 through to 2.9, the municipal council of the municipality in which all or most of the environmentally harmful activity is undertaken will be the competent authority:

- a. to which a notification is submitted;
- b. that may issue a customised instruction; or
- c. that will decide on a request for permission to take an equivalent measure.

Article 2.4

(competent authority: water authority)

For a discharge activity into a body of surface water managed by a water authority and a discharge activity into a water treatment plant managed by the executive board of the water authority in which all or most of the activities are performed, will be the competent authority:

- a. to which a notification is submitted;
- b. that may issue a customised instruction; or
- c. that will decide on a request for permission to take an equivalent measure.

Article 2.5**(competent authority: province)**

For the construction and use of an open geothermal system as intended in subsection 3.2.6, the executive council of the province in which all or most of the activity is performed will be the competent authority:

- a. to which a notification is submitted;
- b. that may issue a customised instruction; or
- c. that will decide on a request for permission to take an equivalent measure.

Article 2.6**(competent authority: Our Minister of Infrastructure and Water Management)**

1. For a discharge activity into a body of surface water managed by the State and the operation of a pipeline with hazardous substances as intended in subsection 3.4.3, Our Minister of Infrastructure and Water Management will be the competent authority:
 - a. to which a notification is submitted;
 - b. that may issue a customised instruction; or
 - c. that will decide on a request for permission to take an equivalent measure.
2. Our Minister of Infrastructure and Water Management is also the competent authority for an environmentally harmful activity all or most of which is performed:
 - a. in the territorial sea located outside a municipality or province;
 - b. in the exclusive economic zone;
 - c. at a location as intended in Article 5.28.b of the Environmental Quality Decree; or
 - d. at a military site or a site with a military purpose as intended in Article 5.150(1) of the Environmental Quality Decree.

Article 2.7**(competent authority: Our Minister of Economic Affairs and Climate Policy)**

For the construction and the operation of a mine as intended in subsection 3.10.1, Our Minister of Economic Affairs and Climate Policy is the competent authority:

- a. to which a notification is submitted;
- b. that may issue a customised instruction; or
- c. that will decide on a request for permission to take an equivalent measure.

Article 2.8**(competent authority: Our Minister of Agriculture, Nature and Food Quality)**

[Reserved]

Article 2.9**(competent authority: general rules in combination with an environmental permit)**

For an environmentally harmful activity, the administrative body authorised to decide on application for an environmental permit for said environmentally harmful activity as intended in Article 4.6 through to 4.17 of the Environment Decree, shall also be the competent authority:

- a. to which a notification is submitted;
- b. that may issue a customised instruction; or
- c. that will decide on a request for permission to take an equivalent measure.

Section 2.3 Parties subject to the regulations

Article 2.10

(parties subject to the regulations)

The party performing the activity shall satisfy Sections 2.6 and 2.7 and Chapters 3 through to 5. That party will ensure compliance with the rules governing the activity.

Section 2.4 Special duty of care

Article 2.11

(special duty of care)

1. The party performing an environmentally harmful activity or a discharge activity into a body of surface water or a water treatment plant that is aware or may reasonably suspect that said activity may have an adverse impact on the interests as intended in Article 2.2 will be required to:
 - a. take all reasonable measures which may be requested of them to prevent that impact;
 - b. in as much as said impact cannot be avoided: as far as possible to minimise or reverse that impact; and
 - c. if it is not possible to adequately minimise the impact: to refrain from said activity in as much as this can reasonably be requested of said party;
2. Under all circumstances, for environmentally harmful activities, this obligation entails that:
 - a. all appropriate preventive measures are taken against environmental pollution;
 - b. all appropriate preventive measures are taken to protect health;
 - c. the best available techniques are employed;
 - d. no significant environmental pollution is caused;
 - e. all appropriate measures are taken to prevent unusual occurrences and their adverse impact as intended in Article 19.1(1) of the Act;
 - f. efficient sampling of wastewater that is discharged, and the channelled emission of substances into the air is made possible;
 - g. measurements are representative, and samples are not diluted;
 - h. measurement results are recorded, processed and presented in an appropriate manner;
 - i. in as much as soil contamination occurs: recovery of the soil remains reasonably possible; and
 - j. waste substances are removed following termination of the activity as intended in Chapter 3.
3. Under all circumstances, for discharge activities into a body of surface water and discharge activities into a water treatment plant, this obligation entails that:
 - a. all appropriate preventive measures are taken against environmental pollution;
 - b. the best available techniques are employed;
 - c. no significant environmental pollution is caused;
 - d. all appropriate measures are taken to prevent unusual occurrences and their adverse impact as intended in Article 19.1(1) of the Act;
 - e. efficient sampling of discharges into a body of surface water or a water treatment plant is possible;
 - f. measurements are representative, and samples will not be diluted; and
 - g. measurement results are recorded, processed and presented in an appropriate manner;

Section 2.5

Customised approach and other decentralised scope for consideration

Article 2.12

(customised rules)

1. A customised rule may be issued on Article 2.11, Section 2.7 and Chapters 3 through to 5, with the exception of provisions designating activities as environmentally harmful activities or discharge activities into a body of surface water or a water treatment plant.
2. A customised rule may deviate from Section 2.7 and Chapters 3 through to 5, unless otherwise specified.
3. A customised rule may be imposed with a view to the interests as intended in Article 2.2.
4. A customised rule will be laid down in the environment plan or in the environment regulation for environmentally harmful activities or for discharge activities, and in the water authority regulation for discharge activities into a body of surface water or a water treatment plant.

Article 2.13

(customised instructions)

1. A customised instruction may be drawn up, or a permit instruction as intended in Article 4.5 of the Act may be applied to an environmental permit as intended in Chapter 3, in respect of Article 2.11, Section 2.7 and Chapters 3 through to 5, with the exception of provisions:
 - a. in which activities are designated as environmentally harmful activities, discharge activities into a body of surface water or a water treatment plant; and
 - b. in respect of notifications.
2. A customised instruction or permit instruction may deviate from Section 2.7 and Chapters 3 through to 5, unless otherwise specified.
3. Subject to a customised instruction or a permit instruction, for a period of not more than nine months, it is also possible to deviate from Article 2.11(2)(a, b, c) and (3)(a, b) for the testing and use of a new technology which, if it were to be commercially developed:
 - a. may result in a higher or at least equivalent level of protection for the environment; and
 - b. may generate greater cost savings than the best available techniques for that activity.
4. A customised instruction will not be issued if an instruction can be imposed on an environmental permit as intended in Chapter 3, on that topic.
5. The drawing up of a customised instruction on an environmentally harmful activity will be subject, accordingly, to the assessment rules and provisions on permit instructions in Article 8.9 through to 8.25a, 8.26(2 to 4), 8.27, 8.28, 8.30, 8.31, 8.33 and 8.98 through to 8.100 of the Environmental Quality Decree and Section 8.3 of the Environment Decree.
6. The drawing up of a customised instruction on a discharge activity into a body of surface water and a water treatment plant will be subject, accordingly, to the assessment rules and provisions on permit instructions in Article 8.26(2 to 4), 8.27, 8.28, 8.30, 8.31, 8.33, 8.84, 8.88, 8.92 and 8.98 through to 8.100 of the Environmental Quality Decree and Section 8.3 of the Environment Decree.

Article 2.14

(demarcation of customised option rules on notifications)

A customised rule that deviates from a provision on a notification from Chapter 4 may only contain an additional prohibition on performing an activity without prior notification of the competent authority and may be drawn up due to:

- a. the performance of tasks in the area of the management of water systems and water chain management as intended in Article 2.16(1)(a) of the Act, and a balanced allocation of functions to locations as intended in Article 4.2(1) of the Act;

- b. the performance of tasks in the area of the management of water systems and water chain management as intended in Article 2.17(1)(a) of the Act; or
- c. the performance of tasks in the field of preventing or minimising noise nuisance, protecting the quality of the groundwater, the management of water systems and the management of bathing water as intended in Article 2.18(1)(b, c and d) of the Act.

Article 2.15**(deviation from designation of cases requiring a permit: additional permit requirements)**

1. Contrary to the provisions of Chapter 3 in which cases of environmentally harmful activities, discharge activities into a body of surface water or a water treatment plant for which a permit is required are designated, an additional prohibition may be imposed on performing an activity without an environmental permit.
2. Said additional prohibition may be contained in:
 - a. the environment plan, due to the performance of tasks in the area of the management of water systems and water chain management as intended in Article 2.16(1)(a) of the Act, and a balanced allocation of functions to locations as intended in Article 4.2(1) of the Act;
 - b. the water authority regulation, due to the performance of tasks in the area of the management of water systems and water chain management as intended in Article 2.17(1)(a) of the Act; or
 - c. the environment regulation, due to the performance of tasks in the field of preventing or minimising noise nuisance, protecting the quality of the groundwater, the management of water systems and the management of bathing water as intended in Article 2.18(1)(b, c and d) of the Act, or protection for a closed landfill site as intended in Article 8.49 of the Environmental Management Act.

Article 2.16**(deviation from designation of cases requiring a permit: (permit-exempt geothermal systems)**

Contrary to Article 2.15(1), the environment regulation may specify that no environmental permit as intended in Article 3.19(1) is required:

- a. with a view to efficient use of geothermal energy or efficient water management; and
- b. if the volume of groundwater extracted does not exceed 10 m³/h.

Section 2.6**Notifications and submission of data and documents****Article 2.17****(general details in a notification)**

A notification must be signed and at least include:

- a. the indication of the activity as intended in Chapter 4;
- b. the name and address of the party performing the activity as intended in Chapter 3;
- c. the address at which the activity as intended in Chapter 3 will be performed; and
- d. the date.

Article 2.18**(general details for submission of data and documents)**

If data and documents are submitted to a competent authority as intended in Section 2.2, they must be signed and must include:

- a. the indication of the activity as intended in Chapter 3;
- b. In the case of an activity as intended in Chapter 4: the designation of that activity;
- c. the name and address of the party performing the activity as intended in Chapter 3;
- d. the address at which the activity as intended in Chapter 3 will be performed; and
- e. the date.

Article 2.19**(data for change of name, address or parties subject to the regulations)**

1. Before the name or the address as intended in Article 2.17 and 2.18 is changed, the data to be changed will be submitted to the competent authority as intended in Section 2.2).
2. At least four weeks before the activity as intended in Chapter 3 is to be performed by another party, the changed data will be submitted to the competent authority as intended in Section 2.2.

Article 2.20**(data and documents at the request of the competent authority)**

1. At the request of the competent authority as intended in Section 2.2, the data and documents needed to determine whether the general rules and customised instructions are adequate for the activity in the light of the developments in technical capabilities for environmental protection and developments relating to environmental quality, will be submitted.
2. Data and documents will be issued in as much as the party performing the activity is reasonably able to obtain said data and documents.

Section 2.7**Unusual occurrences****Article 2.21****(notification of an unusual occurrence)**

The competent authority as intended in Section 2.2 will be notified of an unusual occurrence, without delay.

Article 2.22**(data and documents in the event of an unusual occurrence)**

As soon as the following data and documents become available, they will be submitted to the competent authority as intended in Section 2.2:

- a. information about the causes of the unusual occurrence and the circumstances in which the unusual occurrence arose;
- b. information about the substances released and their properties;
- c. other data needed to estimate the nature and seriousness of the impact on the physical environment; and
- d. information about the measures taken or being considered for minimising the adverse impact of the unusual occurrence as intended in Article 19.1(1) of the Act.

Article 2.23**(demarcation of customised option)**

A customised rule or customised instruction will not result in relaxation of Article 2.21 and 2.22.

Chapter 3 Environmentally harmful activities and discharge activities: indicative designation

Section 3.1 General

Article 3.1

(designation of discharge activities)

1. The discharge of substances, water or heat originating from an environmentally harmful activity as intended in this Chapter into a body of surface water is a discharge activity into a body of surface water as intended in Article 2.1.
2. The discharge of substances, water or heat originating from an environmentally harmful activity as intended in this Chapter into a water treatment plant is a discharge activity into a water treatment plant as intended in Article 2.1.

Article 3.2

(general rules on discharge into a water treatment plant)

1. To the extent that Chapter 4 stipulates that the wastewater to be discharged shall or may be discharged into a sewer, it may also be discharged into a water treatment plant.
2. The provisions in Chapter 4 on wastewater that is or may be discharged into a sewer apply accordingly to discharge into a water treatment plant.

Article 3.3

(designation of cases requiring a permit: discharge into a water treatment plant)

The prohibition as intended in Article 5.1(2) of the Act, concerning performance of a discharge activity into a water treatment plant without an environmental permit, applies to the discharge of wastewater originating from an environmentally harmful activity as intended in this Chapter into a water treatment plant, in as much as the environmental activity is subject to the prohibition as intended in Article 5.1(2) of the Act on performing an environmentally harmful activity without an environmental permit.

Section 3.2 Multi-sector activities

§ 3.2.1

Combustion plants

Article 3.4

(designation of environmentally harmful activities)

1. The operation of a combustion plant with a rated thermal input in excess of 100 KW will be designated an environmentally harmful activity as intended in Article 2.1.
2. This designation shall not include:
 - a. the incineration of industrial waste and hazardous waste;
 - b. the incineration of animal manure;
 - c. the operation of a domestic combustion plant; and
 - d. the operation of a combustion plant subject to rules on the basis of Regulation (EU) 2016/1628 of the European Parliament and the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type approval for internal combustion engines for non-road-mobile machinery, amending Regulations (EU) no. 1024/2012 and (EU) no. 167/2013, and amending and repealing Directive 97/68/EC (OJEU 2016, L 252).

Article 3.5**(designation of cases requiring a permit)**

1. The prohibition as intended in Article 5.1(2) of the Act, on performing a discharge activity without an environmental permit, applies to the environmentally harmful activity as intended in Article 3.4 in as much as relating to the operation of a combustion plant with a rated thermal input in excess of 100 kW, in which another substance is fired than:
 - a. natural gas;
 - b. propane gas;
 - c. butane gas;
 - d. fermentation gas;
 - e. biodiesel satisfying NEN-EN 14214;
 - f. light oil;
 - g. medium oil;
 - h. gas oil; and
 - i. IED biomass and pellets produced from IED biomass, in as much as fired in a combustion plant with a rated thermal input of less than 15 MW.
2. The prohibition as intended in Article 5.1(2) of the Act, on performing a discharge activity into a body of surface water without an environmental permit applies to the discharge of cooling water with a heat load in excess of 50 MW, originating from an environmentally harmful activity as intended in Article 3.4.

Article 3.6**(general rules)**

3. 1. The performance of the activity as intended in Article 3.4, and a discharge activity into a body of surface water performed as part thereof, will satisfy the rules:
 - a. a. on a large combustion plant as intended in subsection 4.3;
 - b. b. on a small and medium-sized combustion plant for standard fuels as intended in subsection 4.126; and
 - c. c. on a medium-sized combustion plant for non-standard fuels as intended in subsection 4.127.
4. 2. The following rules will also be satisfied:
 - a. a. on the cost-benefit analysis energy efficiency as intended in subsection 5.2.3;
 - b. b. on the substances of very high concern as intended in subsection 5.4.3, in as much as the activity is designated as requiring a permit in Article 3.5; and
 - c. c. on emissions into the air as intended in subsection 5.4.4, in as much as the activity is designated as requiring a permit in Article 3.5.

§ 3.2.2**Wet cooling towers****Article 3.7****(designation of environmentally harmful activities)**

The operation of wet cooling towers is designated as an environmentally harmful activity as intended in Article 2.1.

Article 3.8**(general rules)**

1. For performance of the activity as intended in Article 3.7, and a discharge activity into a body of surface water performed as part thereof, the rules on wet cooling towers as intended in subsection 4.46 will be satisfied.
2. The rules on the discharge of cooling water as intended in subsection 4.110, will also be satisfied, if the activities are designated as not requiring a permit in this chapter.

§ 3.2.3**Radio masts****Article 3.9****(designation of environmentally harmful activities)**

The conversion of electrical power into electromagnetic radiation, with an electrical output of greater than 4 KW is designated as an environmentally harmful activity as intended in Article 2.1.

Article 3.10	<p>(designation of cases requiring a permit) The prohibition as intended in Article 5.1(2) of the Act on performing an environmentally harmful activity without an environmental permit applies to the environmentally harmful activity as intended in Article 3.9.</p>
§ 3.2.4	<p>Wind turbines</p>
Article 3.11	<p>(designation of environmentally harmful activities)</p> <ol style="list-style-type: none"> 1. The generation of electricity with a wind turbine with a rotor diameter of more than 2 m is designated as an environmentally harmful activity as intended in Article 2.1. 2. The generation of electricity with a wind turbine that forms part of a wind farm in the North Sea as intended in subsection 7.2.3 shall not be subject to the designation.
Article 3.13	<p>(designation of cases requiring a permit) The prohibition as intended in Article 5.1(2) of the Act on performing an environmentally harmful activity without an environmental permit applies to the environmentally harmful activity as intended in Article 3.11, in as much as relating to a wind farm with 3 or more wind turbines.</p>
Article 3.1	<p>(general rules) Performance of the activity as intended in Article 3.11 will satisfy the rules on a wind turbine as intended in subsection 4.30.</p>
[...]	Paragraphs 3.2.5 through 3.2.27 are not available in English.
Section 3.3	<p>Complex operations</p>
§ 3.3.0	<p>General</p>
Article 3.49	<p>(exclusion of general rules and data and documents for complex operations) The provisions on the designation of general rules and the submission of data and documents on environmentally harmful activities in Sections 3.4 through to 3.11 shall not apply to activities designated in this Section.</p>
§ 3.3.1	<p>Seveso establishments</p>
Article 3.50	<p>(designation of environmentally harmful activities)</p> <ol style="list-style-type: none"> 1. The operation of a Seveso establishment is designated as an environmentally harmful activity as intended in Article 2.1. 2. The designation does not include: <ol style="list-style-type: none"> a. environmentally harmful activities by the Dutch or allied armed forces on military sites or sites with a military purpose as intended in Article 5.150(1) of the Environmental Quality Decree; b. the storage of hazardous substances as intended in Article 3(10) of the Seveso Directive outside a Seveso establishment for the transport of substances or goods, for a short period of time while awaiting connecting transport to a predefined recipient; c. operation of a pipeline for hazardous substances as intended in Article 3(10) of the Seveso Directive, outside a Seveso establishment, with the corresponding facilities; d. the exploration and production of minerals; e. the underground storage of natural gas in the North Sea; and

- f. the dumping of industrial waste or hazardous waste at a landfill site, including the underground storage of waste, with the exception of:
 - 01. chemical and thermal processing activities and associated storage, involving hazardous substances as intended in Article 3(10) of the Seveso Directive; and
 - 02. operational facilities for the disposal of residues containing hazardous substances as intended in Article 3(10) of the Seveso Directive.

Article 3.51**(designation of cases requiring a permit)**

1. The prohibition as intended in Article 5.1(2) of the Act on performing an environmentally harmful activity without an environmental permit applies to the environmentally harmful activity as intended in Article 3.50.
2. The prohibition as intended in Article 5.1(2) of the Act on performing a discharge activity into a body of surface water without an environmental permit applies to the discharge of wastewater originating from the environmentally harmful activity as intended in paragraph one, into a body of surface water.

Article 3.52**(general rules)**

Performance of the activity as intended in Article 3.50 will satisfy the rules on:

- a. a Seveso establishment as intended in subsection 4.2; and
- b. a petrol terminal as intended in subsection 4.105.

Article 3.53**(amendment to the Seveso Directive)**

By way of supplement to Article 23.2 of the Act, an amendment is applied to Annex I to the Seveso Directive for application of this subsection as from the day on which this amendment must be implemented, unless another time is specified in a ministerial order published in the Netherlands Government Gazette.

§ 3.3.2***Large-scale energy generation*****Article 3.54****(designation of environmentally harmful activities)**

1. The operation of an IPPC installation for combustion as intended in category 1.1 of Annex I to the Industrial Emissions Directive, is designated as an environmentally harmful activity as intended in Article 2.1.
2. The designation also includes other environmentally harmful activities performed at the same location that provide functional support to this operation.

Article 3.55**(designation of cases requiring a permit)**

1. The prohibition as intended in Article 5.1(2) of the Act on performing an environmentally harmful activity without an environmental permit applies to the environmentally harmful activity as intended in Article 3.54.
2. The prohibition as intended in Article 5.1(2) of the Act on performing a discharge activity into a body of surface water without an environmental permit applies to the discharge of wastewater originating from the environmentally harmful activity as intended in paragraph one, into a body of surface water.

Article 3.56**(general rules)**

Performance of the activity as intended in Article 3.54 will satisfy the rules on:

- a. The PRTR report as intended in subsection 5.3.1;
- b. substances of very high concern as intended in subsection 5.4.3; and
- c. emissions into the air as intended in subsection 5.4.4.

[...]

Paragraphs 3.3.3 through 3.11.6 are not available in English.

Chapter 4 Environmentally harmful activities and discharge activities: substantive rules

§ 4.1

Scope

Article 4.1

(scope: activities)

A subsection under this chapter shall only apply in as much as specified in Chapter 3.

§ 4.2

Seveso establishment

Article 4.2

(scope)

1. This subsection applies to the operation of a Seveso establishment.
2. In this subsection, the term hazardous substance will be taken to mean: a hazardous substance as intended in Article 3(10) of the Seveso Directive.

Article 4.3

(amendment to the Seveso Directive)

1. By way of supplement to Article 23.2 of the Act, an amendment is applied to Annexes I through to IV to the Seveso Directive for the application of this subsection, as from the day on which the amendment must be implemented, unless another time is specified by a ministerial order published in the Netherlands Government Gazette.
2. Wherever a reference is made in this subsection to an Annex to the Seveso Directive, for the application of that Annex, the definitions as intended in Article 3 of that Directive will apply.

Article 4.4

(rules on working conditions)

1. The rules in this subsection drawn up with the aim of protecting the safety and health of the employees at work in the Seveso establishment, apply accordingly to:
 - a. the employer;
 - b. the employer performing work in the Seveso establishment and the self-employed person; and
 - c. the party operating the Seveso establishment.
2. To guarantee compliance with those rules, the persons referred to in the first paragraph will cooperate with the party performing the activity.

Article 4.5

(data and documents: if this subsection applies)

1. Within one year after this subsection becomes applicable to a Seveso establishment, the following data and documents will be submitted to the competent authority as intended in Section 2.2:
 - a. the name and position of the manager of the Seveso establishment if not the same as the party performing the activity;
 - b. the data needed to identify the hazardous substances and the category of hazardous substances which are or may be present in the Seveso establishment;
 - c. a list of the quantities, nature and physical forms of the hazardous substances that are or may be present in the Seveso establishment;
 - d. the activities performed in the Seveso establishment;
 - e. information about the immediate environment of the Seveso establishment and the factor which may cause a serious accident or increase its impact, including details of establishments as intended in Article 9(1) of the Seveso Directive, environmentally harmful activities not subject to this subsection and areas and developments which may be the source of or which may increase the risk or impact of a serious accident; and

- f. the details as intended in Article 4.16(1)(a and b), if the Seveso establishment is a high-threshold establishment.
- 2. Paragraph one will not apply if the data and documents were previously submitted with an application for an environmental permit for an environmentally harmful activity, and have not changed.
- 3. The list as intended in paragraph one (c) may be consulted by all parties.
- 4. For the nature and physical forms of the hazardous substances on the list as intended in paragraph one (c), the hazard category and the chemical name and CAS number may be indicated, respectively, if:
 - a. the physical-chemical properties and hazard properties are identifiable from those data; and
 - b. the hazardous substance or hazardous substance category as intended in Appendix I to the Seveso Directive can be determined.

Article 4.6

(data and documents: prior to changes)

1. Well before a change as intended in subparagraphs a to f occurs, the data and documents as intended in Section 2.2 will be submitted to the competent authority, about:
 - a. a significant change to the quantity, nature or physical form of a hazardous substance that is or may be present in the Seveso establishment;
 - b. a significant change to a process that uses a hazardous substance;
 - c. the closure or dismantling of the Seveso establishment;
 - d. a change that may have significant consequences for the hazards of serious accidents;
 - e. a change to the name, trade name or address of the party performing the activity; or
 - f. a change to the name or position of the manager of the Seveso establishment if not the same as the party performing the activity;
2. Paragraph one will not apply if the data and documents were previously submitted with an application for an environmental permit for an environmentally harmful activity, and have not changed.

Article 4.7

(data and documents: following a serious accident)

1. If a serious accident has occurred, then the supervisory authority as intended in Article 1(3)(d) of the Dutch Working Conditions Act, will be provided, as quickly as possible, with data and documents concerning:
 - a. the date, time, place and circumstances of the serious accident;
 - b. the hazardous substances and quantity involved;
 - c. the consequences for the employees that may appear over the short and long term;
 - d. the number of injured employees hospitalised for at least 24 hours, and the number of employees killed;
 - e. the employee protection measures taken or being taken to prevent recurrence; and
 - f. material damage in the Seveso establishment.
2. Data and documents from further investigations that deviate from data and documents submitted previously are submitted to the supervisory authority as intended in paragraph one.

Article 4.8

(demarcation of customised option)

A customised rule or customised instruction on this subsection may only contain supplementary measures.

Article 4.9**(general obligations)**

1. All necessary measures are taken to prevent serious accidents and to minimise their impact on health and the environment.
2. Compliance with paragraph one is demonstrable at all times.
3. The operation or running of a Seveso establishment or part of a Seveso establishment is prohibited if the measures as intended in paragraph one, have not been taken or have clearly not been adequately implemented.

Article 4.10**(prevention policy for serious accidents)**

1. With a view to preventing serious accidents and minimising their impact, a prevention policy has been drawn up that guarantees a high level of protection of health and the environment, and that is proportionate to the risks of serious accidents.
2. The prevention policy contains:
 - a. the general objectives of and principles for actions by the party performing the activity;
 - b. the role and responsibility of the management of the Seveso establishment; and
 - c. the obligation to continuously improve the control of the hazards of serious accidents and to guarantee high levels of protection.
3. Under all circumstances, paragraph two (a) means that the following is described:
 - a. the nature and scope of the risks of serious accidents, in general terms;
 - b. the principles underlying the safety management system and their relation with that system;
 - c. the criteria applied in determining the risks of serious accidents; and
 - d. the principles underlying the measures taken to prevent serious accidents and to minimise their consequences, and the relationship between those measures and the risks of serious accidents.

Article 4.11**(safety management system)**

1. With a view to preventing serious accidents and minimising their impact, the prevention policy will be implemented by all suitable means and structures, and a safety management system that satisfies all points outlined in Annex III to the Seveso Directive.
2. The suitable means and structures and the safety management system are proportionate to the hazards of serious accidents, the complexity of the organisation and the activities performed in the Seveso establishment.
3. Under all circumstances, the procedures for the systematic identification of the hazards of serious accidents as intended in Annex III (b)(ii) to the Seveso Directive, relate to:
 - a. conducting systematic investigations into the risks of serious accidents at a Seveso installation during the design, construction, use, maintenance and modification of that installation;
 - b. the criteria for determining the method of systematic investigation, tailored to the stages as intended in subsection a; and
 - c. the method for assessing the risks of serious accidents, that is suitable for determining the measures to be taken to prevent serious accidents and to minimise their impact.

Article 4.12**(updating the prevention policy and safety management system)**

1. Under all circumstances, with a view to preventing serious accidents and minimising their impact, the prevention policy and safety management system will be updated following changes as intended in Article 4.6 (1)(a, b, c or d).
2. The prevention policy will be assessed and if necessary updated at least once every five years.

Article 4.13**(domino effects)**

1. With a view to preventing serious accidents and minimising their impact, for Seveso establishments designated - on the basis of Article 8.38 of the Environmental Quality Decree in the environmental permit or by Our Minister for Social Affairs and Employment - as establishments as intended in Article 9(1) of the Seveso Directive, the data required to take into account the nature and scope of the risk of a serious accident in the prevention policy, the safety management system, safety report and company emergency plan is exchanged.
2. Parties operating Seveso establishments as intended in paragraph one shall cooperate in providing:
 - a. instruction to the public and neighbouring companies that do not fall under the scope of this subsection; and
 - b. information for drawing up a disaster response plan as intended in Article 6.1.1 of the Safety Regions Decree.

Article 4.14**(safety report: general)**

1. With a view to preventing serious accidents and minimising their impact, a safety report with current data on safety will be drawn up for a high-threshold establishment.
2. The safety report shall contain the names of the organisations involved in drawing up the safety report and under all circumstances shall include the data and documents as intended in Annex II to the Seveso Directive, demonstrating that:
 - a. a prevention policy as intended in Article 4.10 and a safety management system as intended in Article 4.11 have been implemented;
 - b. the hazards of serious accidents and potential serious accident scenarios have been identified, and the necessary measures taken to prevent those serious accidents and to minimise their impact on health and the environment; and
 - c. the design, construction, operation and maintenance of the Seveso installations associated with these serious accident hazards within the Seveso establishment are adequately safe and reliable.
3. The safety report also contains:
 - a. an estimate of the risk of and scale of the impact of a serious accident caused by a Seveso establishment as intended in Article 4.13(1);
 - b. an estimate of the risk of and scale of the impact of an earthquake, flood or other natural cause as intended in Annex II(4)(iii), to the Seveso Directive; and
 - c. a description of the measures taken to minimise the impact as intended in a and b.
4. The description of the installation as intended in Annex II(3) to the Seveso Directive shall include a description of the processes occurring in the Seveso establishment, their flow and the quantities, properties and behaviours of the hazardous substances present in the Seveso establishment, under the circumstances applicable in the Seveso establishment, and in the event of a foreseeable accident.

Article 4.15**(safety report: potential serious accident scenarios)**

1. The description of the potential serious accident scenarios as intended in Annex II(4) (a) of the Seveso Directive shall at least consider the components of the Seveso installations that represent the greatest risks of a serious accident. The selection of these Seveso installations will be made according to a method described in the safety report.
2. The description as intended in paragraph one will include those occurrences which scenarios may set in motion, including corrosion, erosion, external load, impact, overpressure or underpressure, high or low temperatures, vibrations and human errors during use, modification or maintenance.
3. For each scenario, a qualitative indication or indication with risk calculations is given for the likelihood and impact, and the measures to be taken to prevent that scenario

occurring as well as providing coherent information for each scenario on:

- a. the residual likelihood of a serious accident occurring;
 - b. the severity of the impact of a serious accident; and
 - c. the measures that are technically possible, for reducing the risk of and the impact of a serious accident to a designated level.
4. These scenarios will demonstrate that the risks of serious accidents are controlled according to the technical and organisational measures taken.

Article 4.16

(safety report: risks to the environment)

1. The safety report contains:
 - a. the calculated distance in metres up to which the location-specific risk is no more than 1 in 100,000 and 1 in 1,000,000 per year;
 - b. the calculated distance in metres for the fire attention area, explosion attention area and toxic gas attention area as intended in Article 5.12 of the Environmental Quality Decree;
 - c. an estimate of the likelihood that a serious accident will have serious undesirable impact for the quality of a body of surface water or sewer and an estimate of the scope of that impact;
 - d. a description of the measures taken to minimise the impact as intended in subparagraph c.
 - e. a description of the zones susceptible to impact from a serious accident, if relevant to safety for the surrounding environment; and
 - f. the maximum number of persons outside the Seveso establishment exposed to the risk of a serious accident.
2. The calculation of the distances for the location-specific risk and fire attention area, explosion attention area and toxic gas attention area are subject to the rules set by ministerial order.

Article 4.17

(safety report: disaster response and company fire brigade)

The safety report shall contain a description of:

- a. the scenarios for a potentially serious accident that are decisive in:
 01. the disaster response plan as intended in Article 6.1.1 of the Safety Regions Decree; and
 02. the size and equipment of the company fire brigade as intended in Article 7.2(1)(d) of the Safety Regions Decree;
- b. the organisation of the company fire brigade that is needed, including the number of staff and amount of equipment;
- c. the zones susceptible to serious accidents, if they are relevant in preparing the disaster response; and
- d. other data needed with a view to preparing for the disaster response, drafting a disaster response plan as intended in Article 6.1.1 of the Safety Regions Decree and designating a location where one or more environmentally harmful activities are performed as an establishment requiring a company fire brigade as intended in Article 31 of the Safety Regions Act.

Article 4.18

(safety report: employee health and safety)

The safety report shall contain a description of:

- a. the maximum number of persons present in the Seveso establishment, the number of persons in the Seveso establishment exposed to the risk of a serious accident and an indication of the distribution of the number of persons across the Seveso establishment;
- b. the zones susceptible to serious accidents if they are relevant for employee health and safety;
- c. the scenarios for each Seveso installation for a potentially serious accident, that are decisive in the company emergency plan; and

- d. the impact of the description of the means of protection and intervention on the company emergency plan.

Article 4.19**(updating the safety report)**

The safety report will be reviewed and, if necessary, updated:

- a. at least once every five years;
- b. following a serious accident at the Seveso establishment;
- c. with a view to taking account of new facts or new technical knowledge on safety; or
- d. in the event of changes as intended in Article 4.6(1)(a, b, c or d).

Article 4.20**(data and documents: safety report)**

Following drafting or updating, a safety report or part of the report must be submitted to the competent authority, without delay as intended in Section 2.2.

Article 4.21**(merging of documents)**

The prevention policy, the safety report and the safety document and health document as intended in Article 2.42(2) of the Working Conditions Decree may be merged to form a single document.

Article 4.22**(company emergency plan)**

1. With a view to minimising the impact of serious accidents, a company emergency plan has been drawn up and introduced for a high-threshold establishment in order to:
 - a. curb and control serious accidents and as far as possible minimise their impact;
 - b. implement the measures necessary to counter the impact of serious accidents; and
 - c. to submit relevant data and documents to all parties.
2. The company emergency plan contains the data and documents as intended in Appendix IV to the Seveso Directive.
3. The company emergency plan is assessed and reviewed and, if necessary, updated at least once every three years.
4. The updating of the company emergency plan takes account of the working methods and production methods employed by the Seveso establishment, the changes of a technical and organisational nature in government emergency services organisations and changes in the understanding of safety aspects that can have major consequences for the risks of a serious accident.

Article 4.23**(employee consultation and access to information)**

1. In the absence of a works council or employee representation, stakeholder employees working in the Seveso establishment will be consulted:
 - a. before the safety report or a revised part of the report is submitted to the competent authority as intended in Section 2.2; and
 - b. during the drafting of the company emergency plan or a revised part of that plan.
2. The employees of other employers working the Seveso establishment on the basis of a long-term work contract will also be consulted on the company emergency plan or a revised part of that plan.
3. On request, the safety report and the company emergency plan will be provided for inspection to:
 - a. the employees;
 - b. the company emergency response team members as intended in Article 15(1) of the Dutch Working Conditions Act;
 - c. the external emergency services organisations as intended in Article 3(1)(e) of the Dutch Working Conditions Act;
 - d. expert employees and other experts as intended in Article 13(2) of the Dutch Working Conditions Act;

- e. the expert persons as intended in Article 14(1) of the Dutch Working Conditions Act or an occupational health and safety service as intended in Article 14a(1) of that Act; and
 - f. any self-employed person or the employer performing work at the Seveso establishment.
4. Paragraph one (preamble and a), and paragraph three, apply only to parts 1, 2(b and d), 3, 4 and 5 of the Annex II to the Seveso Directive pertaining to the protection of the health and safety of employees at work in the Seveso establishment.

Article 4.24

(current list of hazardous substances)

1. With a view to the prevention of serious accidents and minimising their impact, an up-to-date list will be maintained of all hazardous substances present and substances which on the basis of their nature or quantity pose a threat, for high-threshold establishments.
2. This list will contain data on the nature, physical form and quantity of the substances as intended in paragraph one.
3. The following data will be supplied to the government emergency services without delay, for each substance as intended in paragraph one:
 - a. the chemical substance name or trade name;
 - b. the maximum quantity present;
 - c. the CAS number or safety information sheet;
 - d. the UN number; and
 - e. the hazard identification number.
4. If the data as intended in paragraph three (c, d or e) are not present, in addition to the data as intended in paragraph three (a and b), data will be available about the risk of explosion, fire and toxic gas cloud.

Article 4.25

(publication of data)

1. The following are designated as data as intended in Article 19.3(1), final sentence, of the Dutch Environmental Management Act.
 - a. the list as intended in Article 4.5(1)(c);
 - b. the list as intended in Article 4.24(1), and
 - c. the safety report as intended in Article 4.14(1).
2. With respect to the safety report, if Article 19.3(1) first sentence of the Dutch Environmental Management Act is applicable, an updated safety report will be submitted, containing at least general data and documents concerning the risks of serious accidents and the potential impact on health and the environment in the event of a serious accident.
3. If an updated safety report is submitted that omits the description of specific substances, those substances will not be included in the list as intended in Article 4.5(1)(c).

Article 4.26

(transitional provisions: prevention policy)

The prevention policy as intended in Article 4.10 will be drawn up within one year after Article 4.10 becomes applicable for the Seveso establishment, unless:

- a. this article became applicable because the Seveso establishment was commissioned or because of a change to the quantity of hazardous substances present; or
- b. before this decree came into effect, the Seveso establishment was an establishment as intended in the Serious Accidents Risk Decree (BRZO) 2015.

Article 4.27

(transitional provisions: safety report)

The safety report as intended in Article 4.14(1), will be drawn up within two years after Article 4.14 became applicable to the Seveso establishment; unless:

- a. this article became applicable because the Seveso establishment was commissioned or because of a change to the quantity of hazardous substances present; or
- b. before this decree came into effect, the Seveso establishment was a high-threshold establishment as intended in the Serious Accidents Risk Decree (BRZO) 2015.

Article 4.28**(transitional provisions: company emergency plan)**

The company emergency plan as intended in Article 4.22(1), will be drawn up and introduced within two years after Article 4.22 became applicable to the Seveso establishment; unless:

- a. this article became applicable because the Seveso establishment was commissioned or because of a change to the quantity of hazardous substances present; or
- b. before this decree came into effect, the Seveso establishment was a high-threshold establishment as intended in the Serious Accidents Risk Decree (BRZO) 2015.

§ 4.3**Large combustion plants****Article 4.29****(scope)**

1. This subsection applies to the operation of combustion plants with a total rated thermal input of 50 MW or more, with the exception of:
 - a. a combustion plant for the drying or treatment of material by direct contact with combustion gas;
 - b. technical facilities for the purification of waste gases by combustion, that are not operated as an autonomous combustion plant;
 - c. the regeneration of catalysts for the catalytic cracking process;
 - d. the conversion of hydrogen sulphite into sulphur;
 - e. reactors used in the chemical industry;
 - f. coking ovens;
 - g. hot blast stoves for blast furnaces;
 - h. technical facilities used to propel a vehicle, ship or aircraft;
 - i. gas turbines and gas engines used on offshore platforms; and
 - j. waste incineration plants or waste co-incineration plants as intended in subsection 4.4.
2. For application of this subsection, two or more combustion plants with a rated thermal input of at least 15 MW will be designated as a single combustion plant and the rated thermal input will be added together if:
 - a. the waste gases from the combustion plants are discharged via a stack; or
 - b. the waste gases can be discharged via a flue in a technically and economically acceptable manner.
3. In this subsection, the following terms are defined as shown:
 - a. *large combustion plant*: combustion plant as intended in paragraph one, irrespective of the type of fuel used; and
 - b. *existing large combustion plant*: a large combustion plant that was in operation on 30 October 1999, in accordance with the regulations applicable at that time or for which a permit had been granted and which was commissioned by no later than 30 October 2000.

Article 4.30**(designation of modules: final soil study)**

Performance of the activity as intended in Article 4.29 will satisfy the rules on the final soil study, as intended in subsection 5.2.1.

Article 4.31**(demarcation of customised option)**

A customised rule or customised instruction will not relax the rules set out in this subsection, with the exception of Article 4.34, 4.36, 4.45, 4.55 and 4.57.

Article 4.32**(air: application of emission limit values)**

1. With a view to restricting air pollution, the emission limit values in Articles 4.34, 4.36, 4.38 and 4.39 apply to emissions into the air originating from all shared stacks in relation to the total rated thermal input of the entire large combustion plant.
2. In the case of expansion of an existing large combustion plant, the emission limit values for large combustion plants apply to the emissions originating from the extended part of the existing large combustion plant affected by the change. The emission limit values will be set on the basis of the total rated thermal input of the entire large combustion plant.
3. In the case of a change to an existing large combustion plant that may impact on the environment, and which relates to a part of an existing large combustion plant with a rated thermal input of 50 MW or more, the emission limit values for large combustion plants apply to the emissions originating from the part of the existing large combustion plant that has changed in relation to the total rated thermal input of the entire large combustion plant.
4. All emission limit values refer to an oxygen content, by volume, of:
 - a. 6% in waste gas, in cases of a large combustion plant for solid fuel;
 - b. 15% in waste gas, in cases of a gas turbine or a gas engine; and
 - c. 3% in waste gas, in cases of another large combustion plant.

Article 4.33**(air: discharge of waste gases)**

With a view to the protection of health and the environment, waste gases will be discharged in a controlled manner through the stack, the height of which will be based on calculations.

Article 4.34**(air: sulphur dioxide emission)**

For emissions into the air, the emission limit values for sulphur dioxide will be the values as intended in table 4.34, measured by continuous or periodic measurement.

Table 4.34 Sulphur dioxide emission limit values

Fuel type	Emission limit value in mg/Nm ³
Solid or liquid fuels with a total rated thermal input of 50-300 MW	200
Solid or liquid fuels with a total rated thermal input of more than 300 MW	150
Gaseous fuels: liquefied gas	5
Gaseous fuels: coking oven gas	400
Gaseous fuels: blast furnace gas	150
Gaseous fuels: other gaseous fuels	35

Article 4.35**(air: demarcation of customised option for sulphur dioxide)**

A customised rule or customised instruction that increases the emission limit value for sulphur dioxide as intended in Article 4.34 will contain an emission limit value of no more than 500 mg/Nm³, if:

- a. a permit had been granted or a complete permit application had been submitted for the combustion plant before 27 November 2002;
- b. the combustion plant was in operation by no later than 27 November 2003, in accordance with the regulations applicable at that time; and

- c. the combustion plant is fired with gases with a low calorific value, obtained by gasification of refinery residues.

Article 4.36

(air: nitrogen oxide emission)

For emissions into the air, the emission limit values for nitrogen oxides will be the values as intended in table 4.36, measured by continuous or periodic measurement.

Table 4.36 Nitrogen oxide emission limit values

Fuel type	Emission limit value in mg/Nm ³
Solid fuels	100
Liquid fuels: gas turbine including a CCGT	50
Liquid fuels: existing large combustion plant if fired with liquid production residues as a non-commercial fuel originating from the same plant	150
Liquid fuels with a total rated thermal input of 50-300 MW	120
Liquid Fuels with a total rated thermal input of more than 300 MW	100
Gaseous fuels: gas turbine including a CCGT	50
Gaseous fuels: gas engine	33
Gaseous fuels: existing large combustion plant in cases of gas turbines, including a CCGT, fired with natural gas: <ul style="list-style-type: none"> a. used in a combined heat and power system with an efficiency in excess of 75% b. used in a combined heat and power system with an average annual total electrical efficiency in excess of 55%; or c. used as a mechanical drive where the gas turbine efficiency is determined under ISO basic load conditions 	75
Gaseous fuels: existing large combustion plant in cases of gas turbines, including a CCGT, fired with other gases:	75
Gaseous fuels: existing large combustion plant if fired with blast furnace gas, coking oven gas, gases with low calorific value obtained by gasification of refinery residues or other gases, except for gas turbine and gas engine	150
Gaseous fuels: other large combustion plant if fired with blast furnace gas, coking oven gas, gases with low calorific value obtained by gasification of refinery residues or other gases	100
Gaseous fuels: other large combustion plant if fired with natural gas	70

Article 4.37

(air: demarcation of customised option for nitrogen oxides)

A customised rule or customised instruction that increases the emission limit value as intended in Article 4.36 for an existing large combustion plant fired with natural gas that cannot meet the emission limit value as intended in Article 4.36 will contain an emission limit value of no more than 100 mg/Nm³, unless it is a gas turbine or gas engine.

Article 4.38

(air: carbon monoxide emissions)

For emissions into the air, the emission limit values for carbon monoxide will be the values as intended in table 4.38, measured by continuous or periodic measurement.

Table 4.38 carbon monoxide emission limit values

Fuel type	Emission limit value in mg/Nm ³
Gaseous fuels	100
Liquid fuels: gas turbine including a CCGT	100

Article 4.39**(air: total dust emissions)**

For emissions into the air, the emission limit values for total dust will be the values as intended in table 4.39, measured by continuous or periodic measurement.

Table 4.39 total dust emission limit values

Fuel type	Emission limit value in mg/Nm ³
Solid or liquid fuels: existing large combustion plant if fired with liquid production residues as a non-commercial fuel originating from the same plant	20
Solid or liquid fuels: another large combustion plant	5
Gaseous fuels: blast furnace gas	10
Gaseous fuels: gas produced by the iron or steel industries and used elsewhere	20
Gaseous fuels: other gaseous fuels	5

Article 4.40**(air: measurement methods)**

1. NEN-EN 15259 will apply to emission measurements.
2. The following will apply for periodic measurement and parallel measurement:
 - a. for total dust: NEN-EN 13284-1;
 - b. for nitrogen oxides: NEN-EN 14792;
 - c. for carbon monoxide: NEN-EN 15058;
 - d. for mercury: NEN-EN 13211;
 - e. for sulphur dioxide: NEN-EN 14791;
 - f. for oxygen: NEN-EN 14789;
 - g. for water vapour: NEN-EN 14790; and
 - h. for flow rate: NEN-EN-ISO 16911-1.
3. The following applies for continuous measurement:
 - a. for total dust: NEN-EN 13284-2;
 - b. for flow rate: NEN-EN-ISO 16911-2; and
 - c. for quality assurance: NEN-EN 14181.

Article 4.41**(air: measurement obligation for continuous or periodic measurement)**

1. The emission concentration of sulphur dioxide, nitrogen oxide and total dust from a large combustion plant with a total rated thermal input of 100 MW or more is measured continuously.
2. The emission concentration of carbon monoxide from a large combustion plant fired with gaseous fuels with a total rated thermal input of 100 MW or more is measured continuously.
3. The emission concentration of sulphur dioxide, nitrogen oxide and total dust from a large combustion plant and the emission concentration of carbon monoxide from a large combustion plant fired with gas is measured periodically, at least once every six months, unless continuous measurement is prescribed on the basis of paragraph one or two.
4. If a large combustion plant is fired with natural gas, the emission concentration of total dust will be measured at least once every six months.
5. The measurement of sulphur dioxide is not obligatory, and its emission concentration will be determined on the basis of the content in the fuel used, if:
 - a. a large combustion plant is fired with natural gas;
 - b. a large combustion plant is fired with oil, and is not equipped for the desulphurisation of waste gas; or
 - c. a large combustion plant is fired with IED biomass and it can be demonstrated that the emission never exceeds the applicable emission limit value.
6. For plants fired with coal or lignite, the total emission of mercury will be periodically measured, at least annually.

Article 4.42**(air: continuous measurement)**

A continuous measurement as intended in Article 4.41 also includes the measurement of:

- a. the oxygen content;
- b. the temperature;
- c. the pressure; and
- d. the water vapour content of the waste gas, with the exception of the waste gas that is used as a sample, if this is dried prior to analysis of the emissions into the air.

Article 4.43**(air: determining the oxygen content)**

The results of the measurements taken will be converted into a mass concentration for the standardised oxygen content as intended in 4.32(4) according to the formula:

$$E_s = \frac{(21 - O_s)}{(21 - O_m)} \cdot E_m$$

where:

Es: the calculated emission concentration at the standardised oxygen content;

Em: the measured emission concentration;

Os: the standardised oxygen content;

Om: the measured oxygen content.

Article 4.44 (air: calculation of emission limit value compliance)

1. Under all circumstances, subject to continuous measurement, the emission limit value will be met if in a calendar year:
 - a. no validated monthly average exceeds the emission limit value;
 - b. no validated daily average is 110% higher than the emission limit value; and
 - c. 95% of all validated hourly averages for a year do not exceed 200% of the emission limit value.
2. For application of paragraph one, the following shall not be counted:
 - a. measurement results obtained during periods in which a large combustion plant is permitted to operate on the basis of Articles 4.57 and 4.60;
 - b. measurement results obtained during disruptions to the equipment that bring about emission reduction; and
 - c. measurement results obtained during start-up and shutdown periods.
3. The start-up and shutdown periods will be determined in compliance of the Commission Implementing Decision of 7 May 2012 concerning the determination of start-up and shutdown periods for the purposes of the Industrial Emissions Directive (OJEU 2012, L123).
4. Under all circumstances, subject to periodic measurement, the emission limit value will be met if no single validated measurement result exceeds the emission limit value.

Article 4.45**(air: use of a large combustion plant during a waste gas purification equipment failure)**

1. With a view to minimising air pollution, a large combustion plant will be fully or partially shut down or kept in operation with a low-emission fuel if:
 - a. the waste gas purification equipment has failed; and
 - b. this equipment is not functioning normally once again within 24 hours.
2. As a result of the malfunctions as intended in paragraph one, a large combustion plant may be allowed to continue operating for up to 120 hours, in a year, without the waste gas purification equipment functioning.

Article 4.46**(air: demarcation of customised option in the case of waste gas purification equipment failure)**

A customised rule or customised instruction relaxing Article 4.45 will contain an extension of the period as intended in Article 4.45, if:

- a. it is absolutely essential in order to maintain the power supply; or
- b. the large combustion plant would otherwise be replaced during this period by a combustion plant that would cause higher emissions, overall.

Article 4.47**(notification: waste gas purification equipment failure)**

The competent authority as intended in Section 2.2 must be informed at the latest within 48 hours following the failure of the waste gas purification equipment and failure to return this equipment to normal operation within 24 hours, in which case the combustion plant must be fully or partially shut down, or kept in operation using a low-emission fuel, as intended in Article 4.45.

Article 4.48**(air: continuous and periodic measurement)**

1. A periodic measurement consists of at least three half-hour part measurements. If it is not technically possible to conduct the part measurement in this amount of time, the part measurement may take up to two hours.
2. The result of the continuous measurement or periodic measurement will represent the validated measurement results. These are the measurement results of the hourly averages or part measurements less the demonstrated measurement uncertainty which will not exceed the percentage of the emission limit value, as intended in table 4.48.
3. The measurement uncertainty is determined on the basis of the 95% confidence interval for individual measurements.
4. The measurement will be conducted by a laboratory accredited in accordance with the NEN-EN-ISO/IEC 17025 standard for the standard applicable to the substance being measured, in accordance with Article 4.40.

Table 4.48 Measurement uncertainty

Substance	Measurement uncertainty percentage
Carbon monoxide	10
Sulphur dioxide	20
Nitrogen oxide	20
Total dust	30

Article 4.49**(notification: periodic measurement)**

1. At least two weeks before a periodic measurement is carried out, the competent authority as intended in Section 2.2 will be notified of the date and time of the measurement.
2. The competent authority will be informed of any cancellation of the periodic measurement, at the latest on the scheduled date.

Article 4.50**(air: parallel measurement)**

1. Automated measurement systems will be checked at least once a year, by parallel measurement.
2. A parallel measurement that is carried out to verify the measurement equipment for continuous measurements will last at least half an hour.
3. The measurement will be conducted by a laboratory accredited in accordance with the NEN-EN-ISO/IEC 17025 standard for the standard applicable to the substance being measured, in accordance with Article 4.40.

Article 4.51**(notification: parallel measurement)**

1. The competent authority as intended in Section 2.2 will be informed of the results of the check, as intended in Article 4.50(1).
2. At least two weeks before the parallel measurement is carried out, the competent authority will be informed of the date and time of that measurement.
3. The competent authority will be informed of the cancellation of the parallel measurement, at the latest on the scheduled date.

Article 4.52**(air: invalid measurements)**

1. The measurements for a day will be deemed invalid if more than three hourly averages in a day are invalid, due to a fault in or maintenance on the continuously functioning measuring system.
2. If the measurements from more than ten days are invalid in any year, appropriate measures will be taken to improve the reliability of the continuously operating measuring system.

Article 4.53**(air and water: quality assurance)**

1. The competency of a laboratory is subject to NEN-EN-ISO/IEC 17025 standard.
2. Guidelines for Predictive Emission Monitoring Systems are subject to NTA 7379.
3. The Fuel Air Pollution Order will apply accordingly to determination of the sulphur content of a fuel.

Article 4.54**(air: exemption from emission limit values)**

1. The emission limit values as intended in Articles 4.34, 4.36, 4.38 and 4.39 will not apply to gas turbines, gas engines or diesel engines that:
 - a. are intended for emergency situations in accordance with the environmental permit relevant to an environmentally harmful activity; and
 - b. are in operation and cause emissions into the air for less than 500 hours a year, with the exception of the time required for start-up and shutdown.
2. The number of hours that the installations are in operation will be logged.

Article 4.55**(air: concurrent use of different fuel types)**

1. With a view to minimising air pollution, in cases of concurrent use of different fuel types in a large combustion plant, the emission limit values for sulphur dioxide, nitrogen oxides and total dust will be the weighted averages of the emission limit values that apply for each of the fuel types separately.
2. A weighted average will be calculated for each unit of time, proportionally to the share of each fuel type in the energy content of the fuels supplied.

Article 4.56**(air: demarcation of customised options for sulphur dioxide)**

A customised rule or customised instruction that raises the emission limit value for sulphur dioxide, as intended in Article 4.55(1), for an existing large combustion plant will include an emission limit value of not more than 500 mg/Nm³, if:

- a. the combustion plant is part of a refinery; and
- b. the combustion plant itself consumes distillation residues or conversion residues originating from the refining of crude petroleum, alone or in combination with other fuels.

Article 4.57**(air: exemption for combustion plant not using low-sulphur fuel)**

With a view to minimising air pollution, a large combustion plant normally fired with low-sulphur fuel may remain in operation for 240 hours if it is unable to meet the emission limit value as intended in Article 4.34 due to an interruption in the supply of low sulphur fuels as a result of a severe shortage of those fuels.

- Article 4.58** (notification: exemption when not using low-sulphur fuel)
The competent authority as intended in Section 2.2 will be informed without delay of any interruption to the supply of low-sulphur fuel as intended in Article 4.57, that results in the inability to meet the emission limit values as intended in Article 4.34.
- Article 4.59** (air: demarcation of customised option when not using low-sulphur fuel)
A customised rule or customised instruction that relaxes Article 4.57 will contain an extension of no more than six months, if the circumstance as intended in Article 4.57 persists and as a consequence emission limit values cannot be taken into account.
- Article 4.60** (air: exemption for combustion plants when not using gaseous fuel)
With a view to minimising air pollution in unforeseen circumstances, the emission limit values as intended in Articles 4.34, 4.36, 4.38 and 4.39 may be waived for not more than 240 hours per incident, if a large combustion plant normally fired with gaseous fuel is fired with a different fuel when gas delivery is not possible due to weather conditions or disruptions in the gas supply.
- Article 4.61** (notification: exemption for not using gaseous fuel)
The competent authority as intended in Section 2.2 will be informed without delay of the use of a fuel other than a gaseous fuel if gas delivery is not possible due to weather conditions or disruptions in the gas supply, as intended in Article 4.60.
- Article 4.62** (energy: net electrical efficiency)
1. With a view to the efficient use of energy and resources, the net electrical efficiency of a large combustion plant fired with coal or a combination of coal and another fuel must be at least 40%.
 2. The net electrical efficiency will be determined over the last five years of use of the combustion plant or, if in use for less than five years, over the period that the combustion plant delivers energy to the national high-voltage grid as intended in Article 1(1)(j) of the Dutch Electricity Act 1998, whereby this period will be at least one year.
 3. The net electrical efficiency is determined by dividing the electricity delivered to the national high-voltage grid by the energy content of the fuel used.
 4. In the event of supply to a heat network:
 - a. the energy content of the fuels used will be corrected for the energy content of the supplementary fuels used in connection with the heat supply; and
 - b. the electricity supply to the national high-voltage grid will be increased by the electricity lost due to the heat supply.

[...] Paragraphs 4.4 through 4.127 are not available in English.

Chapter 5 Environmentally harmful activities: modules

Section 5.1 Scope

Article 5.1

(scope: activities)

This chapter only applies if indicated in chapter 3, 4, 6 or 7.

Section 5.2 Studies

§ 5.2.1

Final soil investigation

Article 5.2

(data and documents: location for use of substances hazardous to the soil)

1. At the latest four weeks before the start of an activity as intended in Chapter 3 or 4, a site plan of the location, indicating where substances hazardous to the soil will be used, produced or emitted, will be submitted to the competent authority as intended in Section 2.2.
2. At the latest within four weeks following a change to this location, the site plan indicating the changed location will be submitted to the competent authority as intended in Section 2.2.
3. This article does not apply in as much as relating to the operation of an IPPC installation designated as requiring a permit in Chapter 3.

Article 5.3

(final soil investigation)

1. Upon termination of the activity as intended in Chapter 3 or 4, a soil study will be carried out to determine the quality of the soil.
2. The soil investigation relates to substances hazardous to the soil that were used, produced or emitted on that part of the site where the activity was performed.
3. The soil investigation will meet the requirements of the NEN 5725 and NEN 5740 standards and the field work will be performed by a person or enterprise with a soil quality recognition for BRL SIKB 2000 or a certification body or inspection body with a soil quality recognition for AS SIKB 2000.

Article 5.4

(final soil investigation report)

The report of the soil investigation will include:

- a. the name and address of the party that carried out the investigation;
- b. the way in which the investigation was carried out;
- c. the nature and extent of the identified polluting substances and their origin;
- d. information about the current and past use of the site;
- e. existing information on soil measurements and groundwater measurements indicating the condition of the soil and groundwater at the moment of drafting of the report, or otherwise new soil measurements and groundwater measurements for identifying any contamination of the soil with substances hazardous to the soil that were used, produced or released during the activity; and
- f. if the quality of the soil is to be recovered: the way in which and the extent to which this will be carried out.

Article 5.5**(data and documents: termination of activity)**

At the latest within six months following the termination of the activity, a report of the soil investigation will be submitted to the competent authority as intended in Section 2.2.

Article 5.6**(recovery of soil quality)**

1. If the soil has been contaminated, at the latest within six months following submission of the soil investigation report upon termination of the activity, the soil quality will be recovered to:
 - a. the soil quality and groundwater quality specified in a report in accordance with the NEN 5740 standard, drawn up before the start of the activity;
 - b. the soil quality of the site where the activity was performed, as specified on a soil quality map as intended in Article 47(a) or 57(2) of the Soil Quality Decree; or
 - c. the background values determined on the basis of Article 1 of the Soil Quality Decree.
2. Recovery will be performed by a business with a soil quality recognition for BRL SIKB 7000.

Article 5.7**(notification: recovery work)**

1. At the latest five days before the start of the recovery work, the competent authority as intended in Section 2.2 will be informed of the start date.
2. At the latest five days following termination of the recovery work, the competent authority as intended in Section 2.2 will be informed of the end date.

§ 5.2.2***Prior soil investigation***

[Reserved]

§ 5.2.3***Cost-benefit analysis energy efficiency*****Article 5.7g****(cost-benefit analysis at combustion plants)**

1. With a view to the efficient use of energy, a cost-benefit analysis will be conducted if a combustion plant with a total rated thermal input of more than 20 MW:
 - a. is established, to calculate the costs and benefits of the operation of that combustion plant as a high-efficiency co-generation plant as intended in Article 2(34) of the Energy Efficiency Directive; or
 - b. is extensively renovated as intended in Article 2(44) of the Energy Efficiency Directive, in order to calculate the costs and benefits of the conversion of that combustion plant into a high-efficiency co-generation plant as intended in Article 2(34) of the Energy Efficiency Directive.
2. If the combustion plant as intended in paragraph one generates residual heat at a usable temperature, the costs and benefits will also be calculated of:
 - a. the use of the residual heat to satisfy an economically demonstrable demand for heat as intended in Article 2(31) of the Energy Efficiency Directive; and
 - b. connection of the combustion plant to a heat network or cold network.

Article 5.7h**(cost-benefit analysis in the case of a heat network or cold network)**

With a view to the efficient use of energy, a cost-benefit analysis will be carried out to calculate the costs and benefits of the use of residual heat from combustion plants in the vicinity of a heat network or a cold network, if:

- a. a heat network or cold network is equipped or extensively renovated as intended in Article 2(44) of the Energy Efficiency Directive; or
- b. a combustion plant with a total rated thermal input of more than 20 MW in a heat network or a cold network is established or extensively renovated as intended in Article 2(44) of the Energy Efficiency Directive.

Article 5.7i**(content of the cost-benefit analysis)**

1. The cost-benefit analysis will be carried out according to the principles as intended in Section 2 of Annex IX to the Energy Efficiency Directive.
2. The calculation of the costs and benefits are subject to the rules laid down by ministerial order.

Article 5.7j**(exceptions from the cost-benefit analysis)**

1. Articles 5.7g(2) and 5.7h shall not apply if:
 - a. the distance between the combustion plant and the heat network or cold network is between 1 and 3 km and the available quantity of useful heat or heat demand is less than 2,500 GJ per year; or
 - b. the distance between the combustion plant and the heat network or cold network is more than 3 km and the available quantity of useful heat or heat demand is less than 25,000 GJ per year; or
2. Article 5.7g and 5.7h shall not apply to:
 - a. a production installation as intended in Article 1(1)(ah) of the Dutch Electricity Act 1998, in as much as this plant:
 01. acts as an emergency facility to meet peak demand; and
 02. according to the plans, operates for less than 1,500 operating hours per year, as a rolling average over a period of five years; or
 - b. is a combustion plant located close to a CO₂ storage complex as intended in Article 1(s) of the Dutch Mining Act for which a storage permit has been granted on the basis of Chapter 3 of that Act.

Article 5.7k**(data and documents: cost-benefit analysis)**

At least 4 weeks before the start of an activity as intended in subsection 3.2.1, 3.3.13 or 3.4.3, the cost-benefit analysis as intended in Article 5.7g and 5.7h will be submitted to the competent authority as intended in Section 2.2.

Article 5.7l**(demarcation of customised options)**

A customised rule or customised instruction will not relax the conditions of Articles 5.7g, 5.7h, 5.7i and 5.7k

Section 5.3**Reports****§ 5.3.1****PRTR****Article 5.8****(prohibition)**

Contravention of Article 5 of the PRTR Regulation is prohibited.

Article 5.9**(reporting obligation)**

1. If the party performing the activity is subject to a reporting obligation, the PRTR report must be submitted to the competent authority as intended in Section 2.2 by no later than 31 March of the calendar year following the calendar year for which the PRTR report must be prepared.
2. If the capacity threshold for the transfer of non-hazardous waste or the capacity threshold for the transfer of hazardous waste as intended in Article 5(1)(b) of the PRTR Regulation is exceeded, then the reporting obligation will apply both to the transfer of non-hazardous waste and the transfer of hazardous waste.
3. Paragraph two does not apply to the operation of a IPPC installation for keeping poultry or pigs, or intensive aquaculture as intended in Annex I(7) to the PRTR Regulation.

Article 5.10**(content and quality of PRTR report)**

1. PRTR reports must contain the data as intended in Article 5(1 and 2) of the PRTR Regulation.
2. The PRTR report also contains data relating to the substances as intended in Annex V, if one or more of the emission limit values referred to in that Annex are exceeded. Articles 5(2 to 5) and 9 (1 and 2) of the PRTR Regulation apply accordingly.
3. Paragraph two does not apply to the operation of a IPPC installation for keeping poultry or pigs, or intensive aquaculture as intended in Annex I(7) to the PRTR Regulation.

Article 5.11**(confidentiality)**

1. A request may be submitted to the competent authority as intended in Section 2.2, 6.1 or 7.1, to not inform Our Minister of Infrastructure and Water Management of certain details contained in the PRTR report, for inclusion in the PRTR.
2. Article 10 of the Dutch Government Information (Public Access) Act (*Wet Openbaarheid van Bestuur*) will apply accordingly.
3. The request will be submitted together with the PRTR report.
4. A request for confidentiality must include the name of the group of polluting substances as intended in Appendix VI to which the contaminating substance to be kept confidential belongs.

Article 5.12**(measuring and logging system)**

1. A measuring and logging system must be present, which:
 - a. supplies complete, consistent and credible data;
 - b. is able to collect the information necessary for determining which emissions and which transfers of polluting substances fall under the reporting obligation, at appropriate intervals;
 - c. is able to obtain information on all of the emissions and transfers of polluting substances from all deliberate, accidental, routine and non-routine activities; and
 - d. is able to provide the best available information.
2. The term measuring and logging system will be taken to mean: the method used to collect data.

Article 5.13**(particulate matter emission measuring)**

1. The measuring of PM₁₀ is subject to NTA 8029.
2. The sentence starting with <<Companies may>> (*Bedrijven mogen*) and ending with <<better results>> (*resultaat leiden*) in chapter 1 Object and scope of NTA 8029 will not apply.

Article 5.14**(demarcation of customised option)**

A customised rule or customised instruction will not deviate from Articles 5.8 through to 5.13.

Section 5.4**Other modules****§ 5.4.1****Energy saving****Article 5.15****(energy savings)**

1. All energy-saving measures will be taken with a payback period of not more than five years.
2. Paragraph one will not apply:
 - a. if energy consumption of the environmentally harmful activity in the preceding year is less than 50,000 kWh of electricity and 25,000 m³ of natural gas equivalents in fuel;

- b. if Article 15.51 or 16.5 of the Dutch Environmental Management Act is applicable; or
 - c. to energy saving measures in a building or part of a building as intended in Article 3.84 of the Environment Structures Decree (*Besluit bouwwerken leefomgeving*).
3. Under all circumstances, paragraph one will be satisfied if the energy-saving measures determined by ministerial order are taken.

Article 5.16**(demarcation of customised option)**

A customised rule or customised instruction in respect of Article 5.15 may only entail:

- a. permission for phased implementation of the measures, as intended in Article 5.15(1); or
- b. an obligation to undertake investigation into possible energy-saving measures as intended in Article 5.15(1) if the energy consumption of the environmentally harmful activity in the previous year is greater than 200,000 kWh of electricity or greater than 75,000 m³ of natural gas equivalents in fuel.

Article 5.17**(transitional provisions: energy-saving measures)**

Article 5.15 and 5.16 will not apply to an activity that was carried out prior to this Decree coming into effect, on the basis of a permit as intended in Article 2.1(1), preamble and (e) of the General Provisions for Environmental Law Act as intended in Article (*Wet algemene bepalingen omgevingsrecht*), if:

- a. that activity or part of the activity as intended in Article is not subject to a prohibition as intended in Article 5.1(2), preamble and b) of that Act; and
- b. in terms of nature and scope, the activity is the same as the activity as carried out prior to this Decree coming into effect.

§ 5.4.2**Soil protection facilities****Article 5.17a****(scope)**

This subsection applies only in as much as it is specified in Chapter 4, that a soil protection facility must be employed with a view to preventing soil contamination.

Article 5.18**(soil: drip tray)**

1. With a view to preventing contamination of the soil, a drip tray over which or on which liquid substances hazardous to the soil are stored in packaging or in a storage tank shall have a collection capacity of at least 110% of the contents of the largest packaging unit or storage tank and at least 10% of the contents of all substances stored.
2. Water will be prevented from remaining in a drip tray.

Article 5.18a**(water: no sewer connection)**

With a view to the effective performance of wastewater management facilities, a drip tray will not be connected to the sewer.

Article 5.19**(soil: assessment of non-permeable soil facility)**

1. A non-permeable soil facility and the non-permeable part of the sewer will be assessed and approved as quickly as possible following installation and subsequently at least once every six years by an inspection body with a soil quality recognition for AS SIKB 6700.
2. If a non-permeable soil facility and the non-permeable part of the sewer are installed by a person or enterprise with a soil quality recognition for BRL SIKB 7700, these will be assessed and approved within six years following installation and subsequently at least once every six years.
3. If assessment of the sewer in accordance with AS SIKB 6700 is not reasonably possible, contrary to paragraphs one and two, the underground non-permeable part

of the sewer that was installed before this Decree came into effect may be assessed according to the CUR report 2001-3 Industrial sewer soil protection management (*Beheer bedrijfsriolering bodembescherming*).

4. A non-permeable soil facility and the non-permeable part of the sewer will be inspected annually, in accordance with Annex 6 to AS SIKB 6700.
5. If a non-permeable soil facility or the non-permeable part of the sewer has been repaired, following the repair, the repaired part will be assessed and approved again by a body as intended in paragraph one, unless the repair was performed by a person or enterprise with a soil quality recognition for BRL SIKB 7700, issued by a certifying body with an accreditation in accordance with the NEN-EN-ISO/IEC 17065 standard for that BRL.

Article 5.20

(soil: soil protection facility log)

A log will be kept, in which details are recorded for soil protection facilities concerning inspections, assessments, maintenance and repairs.

Article 5.22

(transitional provisions: assessment of non-permeable sewers)

Up to three years following this decree coming into effect, Article 5.19(1 and 2) will not apply to the non-permeable part of a sewer that was installed before this decree came into effect.

§ 5.4.3

Substances of very high concern

Article 5.23

(notification: emission of substance of very high concern)

The competent authority as intended in Section 2.2 will be notified once every five years of:

- a. the degree to which substances of very high concern are emitted into the air or water; and
- b. the options for minimising the emissions of substances of very high concern into the air or water.

Article 5.24

(avoidance and reduction programme)

1. Avoidance and reduction programmes will be drawn up for substances of very high concern.
2. These programmes will include:
 - a. an overview of the options for minimising the use of substances of very high concern;
 - b. if use cannot be avoided, an overview of possibilities and techniques for preventing and minimising emissions into the air or water;
 - c. information about the operational reliability and costs of the techniques; and
 - d. information about cross-media effects.
3. The overview of techniques will include information on the performance and validation of those techniques.

Article 5.25

(concentration of substances of very high concern in the air)

1. With a view to protecting health and the environment, the concentration of substances of very high concern at ground level as a consequence of emission from the activity, whereby account is taken of the background values, will not exceed the emission limit values as intended in table 5.25.
2. Paragraph one will not apply within the boundary of the site where the activity is performed.
3. Paragraph one will not apply to the operation of a mine as intended in Article 3.320 in as much as relating to a mining installation.

Table 5.25 Emission limit values

Substance	Emission limit value in $\mu\text{g}/\text{m}^3$
1,2-dibromomethane	0.2
1,2-dichloroethane	48
1,2-dichloropropane	12
1,3-butadiene	3
3,3-dichlorobenzidine	0.02
Acrylonitrile	10
Benzene	5
Bromomethane	100
Cadmium and cadmium compounds	0.005
Chromium(VI)compounds	0.0025
Chromic acid	0.0025
Dibutyl phthalate	0.1
Epichlorohydrin	80
Ethylene oxide	3
Formaldehyde	10
Mercury and mercury compounds	0.05
Lead and inorganic cadmium compounds	0.5
N-methyl-2-pyrrolidon	71
Propylene oxide	90
Tetrafluoroethylene	30
Trichloroethylene	200
Vinyl chloride	3.6

Article 5.26**(measurement methods)**

Calculations are subject to the standard calculation method 3 New National Model.

§ 5.4.4**Emissions into the air****Article 5.27****(exceptions from scope)**

This subsection does not apply to emissions into the air:

- a. from an IPPC installation in as much as a document with conclusions about the best available techniques (BAT) has been drawn up in compliance with Article 13(5 and 7) of the Industrial Emissions Directive, which contains a conclusion about those emissions;
- b. in as much as emission limit values apply on the basis of Chapter 4; or
- c. from the operation of a mine as intended in Article 3.320, in as much as relating to a mining installation.

Article 5.28**(substance classes)**

Annex III contains the classification of substances into substance classes ERS, MVP₁, MVP₂, gaseous inorganic substances (gA), gaseous organic substances (gO), total dust, organic dust (sO) and inorganic dust (sA).

Article 5.29**(emission-relevant parameters)**

1. In this subsection, the term emission-relevant parameter will be taken to mean: a measurable or calculable variable with a relationship to the emissions under assessment.
2. The term category A emission-relevant parameter will be taken to mean: a parameter that provides a quantitative picture of the emission, if necessary following calibration.
3. The term category B emission-relevant parameter will be taken to mean: a parameter that provides a qualitative picture of the emission.

Article 5.30**(emission limit values)**

1. For emissions into the air, the emission limit values from all point sources for each substance class will be the values as intended in Table 5.30, measured in a one-time measurement, periodic measurement or continuous measurement.
2. Paragraph one will not apply if the emission does not exceed the lower limit, as intended in Table 5.30.

Table 5.30 Emission limit values

Substance class	Emission limit value in ng/Nm ³ or mg/Nm ³	Lower limit per point source in mg/year or kg/year
ERS	0.1 ng toxic equivalence factor/Nm ³	20 mg toxic equivalence factor/year
MVP1	0.05 mg/Nm ³	0.075 kg/year
MVP2	1 mg/Nm ³	1.25 kg/year
S/sO	5 mg/Nm ³	100 kg/year
sA.1	0.05 mg/Nm ³	0.125 kg/year
sA.2	0.5 mg Nm ³	1.25 kg/year
sA.3	5 mg/Nm ³	5 kg/year
gA.1	0.5 mg/Nm ³	1.25 kg/year
gA.2	3 mg/Nm ³	7.5 kg/year
gA.3	30 mg/Nm ³	75 kg/year
gA.4	50 mg/Nm ³	1,000 kg/year
gA.5	200 mg/Nm ³	1,000 kg/year
gO.1	20 mg/Nm ³	50 kg/year
gO.2	50 mg/Nm ³	250 kg/year
gO.3	100 mg/Nm ³	250 kg/year

Article 5.31**(measurement methods)**

1. The emission measurement of the substances classified in the substance classes as intended in Table 5.30 are subject to the NEN-EN 15259 standard.
2. One-off measurements, periodic measurements or parallel measurements will be subject to:
 - a. for nitrogen oxides: NEN-EN 14792;
 - b. for sulphur dioxide: NEN-EN 14791;
 - c. for unburned hydrocarbons: NEN-EN 12619;
 - d. for total dust: NEN-EN 13284-1;
 - e. for oxygen: NEN-EN 14789;
 - f. for chromium VI compounds: ISO 16740;
 - g. for heavy metals: NEN-EN 14385;
 - h. for hydrochloric acid: NEN-EN 1911;
 - i. for hydrogen fluoride: NEN-ISO 15713;
 - j. for ammonia: NEN 2826;

- k. for individual gaseous organic components: NPR-CEN/TS 13649;
 - l. for dioxins and furans: NEN-EN 1948-1, NEN-EN 1948-2 and NEN-EN 1948-3; and
 - m. for mercury: NEN-EN 13211.
3. The following applies for continuous measurement:
- a. for nitrogen oxides: NEN-ISO 10849;
 - b. for total dust: NEN-EN 13284-2; and
 - c. for quality assurance: NEN-EN 14181.

Article 5.32

(monitoring regime and measurement obligation)

1. The emission limit values as intended in Article 5.30(1) will be verified in accordance with the monitoring regime as intended in Table 5.32.
2. The monitoring of emissions will be based on the value of the failure factor as intended in Table 5.32.
3. The failure factor will be calculated by dividing half of the failure emissions by the lower limit, expressed in kg per year.
4. The failure emission will be the increase in emission load, expressed in grams per hour, in the event of a failure of a cleaning technique or process-integrated measure, and will be calculated as the difference between the uncleaned mass flow and the mass flow calculated by multiplying the flow rate by the applicable emission limit value.
5. Contrary to paragraph two, monitoring regime 4 will apply to substances in substance class ERS.
6. The following will be demonstrated for an emission-relevant parameter:
 - a. the emission-relevant parameters that monitor the emissions from a specific component; and
 - b. the limits within which the emission-relevant parameters meet the emission limit values.

Table 5.32 Failures

Failure factor	Monitoring regime	Monitoring types
Less than 3	0	Category B emission-relevant parameters
Equal to or more than 3, but less than 30	1	One-time measurement and category B emission-relevant parameters
Equal to or more than 30, but less than 300	2	Measurement once every 3 years and category B emission-relevant parameters
Equal to or more than 300, but less than 3,000	3	Measurement once a year and category B emission-relevant parameters
Equal to or more than 3,000	4	Continuous measurement or category A emission-relevant parameters or measurement twice a year and category B emission-relevant parameters

Article 5.33

(measuring body)

The measurement will be conducted by a laboratory accredited in accordance with the NEN-EN-ISO/IEC 17025 standard for the standard applicable to the substance being measured, in accordance with Article 5.31.

Article 5.34

(conversion into oxygen)

The emissions from combustion processes will be converted into waste gas with an oxygen content by volume of:

- a. 6% from a combustion plant with solid fuel; or
- b. 3% for a combustion plant with a gaseous or liquid fuel.

Article 5.35**(one-time measurement)**

1. A one-time measurement consists of three part measurements each of not less than fifteen minutes and not more than half an hour. This will not apply if the measurement method or sampling method results in a longer sampling time.
2. The result of the one-time measurement will be the validated measurement results. These are the measurement results of the part measurements less the demonstrated measurement uncertainty which will not exceed the percentage of the emission limit value, as intended in table 5.36.
3. The measurement uncertainty is determined on the basis of the 95% confidence interval for individual measurements.

Article 5.36**(continuous measurement)**

1. A continuous measurement will consist of:
 - a. a direct continuous measurement of the concentration in the waste gas; or
 - b. a continuous measurement of the parameters of the emission property determined for the plant.
2. The result of the continuous measurement will be the validated measurement results. These are the measurement results of the half-hourly averages or twenty-four averages, less the demonstrated measurement uncertainty which will not exceed the percentage of the emission limit value, as intended in table 5.36.
3. The measurement uncertainty is determined on the basis of the 95% confidence interval for individual measurements.

Table 5.36 Measurement uncertainty

Substance	Measurement uncertainty percentage
Sulphur dioxide	20
Nitrogen oxide	20
Total dust	30
Flow rate	20
Other	40

Article 5.37**(calculation of compliance with emission limit values)**

1. The result of the individual measurement will not exceed the emission limit value.
2. The daily average value for the emission concentration, determined on the basis of the result of continuous measurements, will not exceed the emission limit value.
3. The half-hourly average value, if the result of continuous measurements, will not exceed twice the emission limit value.

Article 5.38**(report)**

1. The results of emission measurements or monitoring of emission-relevant parameters will be recorded in a report.
2. The results of emission measurements will be:
 - a. reported for air conditions at a temperature of 273 K, 101.3 kPa and related to dry air for temperature and pressure, and in dry waste gas; and
 - b. corrected for measurement uncertainty.

Article 5.38a**(transitional provisions: emission limit values and lower limits of substances of very high concern)**

Up to one year following this Decree coming into effect, contrary to the values continued in Table 5.30, the values in the table in Annex VII will apply, for the substances contained in that table.

§ 5.4.5

Noise on industrial sites

Article 5.39

(scope)

1. This subsection applies to environmentally harmful activities as intended in Appendix IX.
2. This subsection does not apply if the activity is not an activity capable of causing a considerable noise level on the basis of Article 5.78b(2) of the Environmental Quality Decree.

Article 5.40

(not outside industrial sites with noise production ceilings)

The activity is not performed outside an industrial site for which a noise production ceiling is determined, as ambient value.

Article 5.41

(transitional provisions)

Article 5.40 will not apply to an activity performed on an industrial site present at the moment that this Decree came into effect, as intended in Article 1 of the Noise Abatement Act (*Wet geluidhinder*), until noise production ceilings are determined on the basis of Article 2.11a of the Act in the case of an environment plan as ambient values, or on the basis of Article 2.12a(1) of that Act, by Decree, noise production ceilings have been determined as ambient values, and that Decree has come into effect.

Chapter 6 Activities in or at water management structures managed by the state

Section 6.1 General

Article 6.1

(activities)

1. This Chapter applies to:
 - a. restricted area activities relating to a water management structure managed by the State;
 - b. discharge activities into a body of surface water managed by the State;
 - c. earth removal activities in a body of surface water managed by the State;
 - d. mining activities in a body of surface water managed by the State;
 - e. water extraction activities in a body of surface water managed by the State;
 - f. restricted area activities relating to a mining installation in a water management structure.
2. This Chapter does not apply to:
 - a. earth removal activities in the winter bed of a river;
 - b. activities subject to the provisions of Chapter 7;
 - c. activities subject to the provisions of Section 16.2; and
 - d. activities subject to the provisions of Chapter 17.

Article 6.2

(objectives)

1. The rules in this Chapter on restricted area activities relating to a water management structure, discharge activities into a body of surface water and water extraction activities were drawn up with a view to:
 - a. preventing and where necessary minimising flooding, water nuisance and water shortages;
 - b. protecting and improving the chemical and ecological quality of water systems;
 - c. fulfilling the societal functions of water systems.
2. The rules in this Chapter on earth removal activities were drawn up with a view to achieving the objectives of the Act.
3. The rules in this Chapter on mining activities were drawn up with a view to:
 - a. guaranteeing safety; and
 - b. ensuring the balanced allocation of tasks to locations.
4. The rules in this Chapter on restricted area activities relating to a mining installation in a water management structure were drawn up with a view to protecting the condition and the functioning of that mining installation against the adverse impact of activities on or around that installation.

Article 6.3

(competent authority: Our Minister of Infrastructure and Water Management)

For a restricted area activity relating to a water management structure, a discharge activity into a body of surface water, an earth removal activity and a water extraction activity, Our Minister of Infrastructure and Water Management will be the competent authority:

- a. to which a notification is submitted;
- b. that may issue a customised instruction; or
- c. that will decide on a request for permission to take an equivalent measure.

Article 6.4**(competent authority: Our Minister of Economic Affairs and Climate Policy)**

For a mining activity and a restricted area activity relating to a mining installation in a water management structure, Our Minister of Economic Affairs and Climate Policy will be the competent authority:

- a. to which a notification is submitted;
- b. that may issue a customised instruction; or
- c. that will decide on a request for permission to take an equivalent measure.

Article 6.5**(parties subject to the regulations)**

The party performing the activity will comply with this Chapter. That party will ensure compliance with the rules governing the activity.

Article 6.6**(special duty of care)**

1. The party performing the activity as intended in Article 6.1(1) that is aware or may reasonably suspect that said activity may have an adverse impact on the interests as intended in Article 6.2 is required to:
 - a. take all reasonable measures which may be requested of them to prevent that impact;
 - b. in as much as said impact cannot be avoided: as far as possible to minimise or reverse that impact; and
 - c. if it is not possible to adequately minimise the impact: to refrain from said activity in as much as this can reasonably be requested of said party;
2. Under all circumstances, with regard to restricted area activities relating to a water management structure, this obligation means that:
 - a. all appropriate measures are taken to prevent unusual occurrences and their adverse impact as intended in Article 19.1(1) of the Act;
 - b. any practical impediment to expansion of the discharge capacity of the body of surface water is prevented;
 - c. a water level rise or a reduction in the storage capacity of the body of surface water will be avoided or minimised as far as possible;
 - d. any residual unavoidable water level rise will be offset;
 - e. any adverse impact on the ecological status of the body of surface water will be prevented, wherever possible;
 - f. the stability of bank/shore structures will not be jeopardised;
 - g. after the end of an activity, the part of the water management structure that was in use will as far as possible be restored to its original condition;
 - h. during performance of the activity, the water management structure will remain accessible to the competent authority; and
 - i. the material and equipment used will be removed in a timely manner in the event of a risk of flooding or washing away.
3. For restricted area activities relating to a water management structure that serves as a waterway, over and above the provisions in paragraph two, under all circumstances this obligation means that:
 - a. the safe and smooth passage of shipping will not be impaired;
 - b. the lines of sight for vessels will not be obstructed;
 - c. navigation equipment will not suffer any disruptions; and
 - d. structures or parts of structures, materials and equipment will not protrude from the dam wall.
4. For discharge activities into a body of surface water, under all circumstances this obligation means that:
 - a. all appropriate preventive measures are taken against environmental pollution;
 - b. the best available techniques are employed;
 - c. no significant pollution is caused;
 - d. all appropriate measures are taken to prevent unusual occurrences and their adverse impact as intended in Article 19.1(1) of the Act;

- e. discharges into a body of surface water can be efficiently sampled;
 - f. measurements are representative; and
 - g. measurement results are recorded, processed and presented in an appropriate manner;
5. For mining activities, under all circumstances, this obligation means that:
 - a. the interests of shipping safety are guaranteed; and
 - b. the interests of performing Defence tasks and the ability to perform activities relating to national defence are safeguarded.
 6. For mining activities that involve the use of a location for the placement of a mining installation, under all circumstances, this obligation also means that the interests of the use of wind for electricity generation in a wind farm are safeguarded.
 7. For water extraction activities, under all circumstances, this obligation means that the adverse impact for the ecological status of the body of surface water or for level management are prevented or minimised, as far as possible.
 8. For restricted area activities relating to a mining installation in a water management structure, under all circumstances, this obligation means that the adverse impact on the safe and efficient use of the mining installation will be avoided.

Article 6.7

(customised instructions)

1. A customised instruction may be issued or a permit instruction as intended in Article 4.5 of the Act may be imposed on an environmental permit as intended in this Chapter, for Article 6.6, 6.12 and 6.13 and Section 6.2, with the exception of provisions:
 - a. designating restricted area activities, discharge activities, earth removal activities, water extraction activities or mining activities; and
 - b. in respect of notifications.
2. A customised instruction or permit instruction may deviate from Article 6.12 and 6.13 and Section 6.2 unless otherwise indicated.
3. Subject to a customised instruction or a permit instruction, for a discharge activity into a body of surface water, deviation from Article 6.6(4)(a and b) may also be permitted for a period of not more than nine months, for the testing or use of a new technology which, if it were to be commercially developed:
 - a. may result in a higher or at least equivalent level of protection for the environment; and
 - b. may generate greater cost savings than the best available techniques for that activity.
4. A customised instruction will not be issued if an instruction can be imposed on an environmental permit as intended in this Chapter, on that topic.
5. The following assessment rules and provisions on permit instructions apply accordingly to drawing up a customised instruction:
 - a. in respect of a restricted area activity relating to a water management structure: Article 8.84 of the Environmental Quality Decree and Section 8.3 of the Environment Decree;
 - b. in respect of a discharge activity into a body of surface water: Articles 8.26, (2 to 4), 8.27, 8.28, 8.30, 8.31, 8.33, 8.84, 8.88, 8.92 and 8.98 through to 8.100 of the Environmental Quality Decree and Section 8.3 of the Environment Decree;
 - c. in respect of a mining activity: Article 8.5 of the Environmental Quality Decree;
 - d. in respect of a water extraction activity: Articles 8.84 and 8.89 of the Environmental Quality Decree and Section 8.3 of the Environment Decree; and
 - e. if relating to a restricted area activity relating to a mining installation: Article 8.2 of the Environmental Quality Decree.
6. If drawing up a customised instruction on an earth removal activity, the grounds as intended in Article 8.76(2)(a and b) of the Environmental Quality Decree must be taken into account. The drawing up of a customised instruction is subject to the assessment rules in Article 8.76(1 and 2) of that Decree and Section 8.3 of the Environment Decree.

Article 6.8**(general details in a notification)**

A notification must be signed and at least include:

- a. the designation of the activity;
- b. the name and address of the party performing the activity;
- c. the address where the activity will be performed; and
- d. the date.

Article 6.9**(general details for submission of data and documents)**

If data and documents are submitted to a competent authority as intended in this Section, they must be signed and include:

- a. the designation of the activity;
- b. the name and address of the party performing the activity;
- c. the address where the activity will be performed; and
- d. the date.

Article 6.10**(data for change of name, address or parties subject to the regulations)**

1. Before the name or the address as intended in Article 6.8 and 6.9 is changed, the data to be changed will be submitted to the competent authority as intended in this Section.
2. At least four weeks before the activity is to be performed by another party, the changed data will be submitted to the competent authority as intended in this Section.

Article 6.11**(data and documents at the request of the competent authority)**

1. At the request of the competent authority as intended in Article 6.3, the data and documents about discharge activities as intended in Article 6.1 that are needed to determine whether the general rules and customised instructions are sufficient for the activity in the light of developments in technical capability for the protection of chemical and ecological quality of water systems and developments relating to quality will be submitted.
2. Data and documents will be issued in as much as the party performing the activity is reasonably able to obtain said data and documents.

Article 6.12**(notification of an unusual occurrence)**

The competent authority as intended in Article 6.3 or 6.4 must be notified without delay of any unusual occurrence.

Article 6.13**(data and documents in the event of an unusual occurrence)**

As soon as the following data and documents become available, they will be submitted to the competent authority as intended in Article 6.3 or 6.4:

- a. information about the causes of the unusual occurrence and the circumstances in which the unusual occurrence arose;
- b. other data needed to estimate the nature and seriousness of the impact on the physical environment; and
- c. information about the measures taken or being considered for minimising the adverse impact of the unusual occurrence as intended in Article 19.1(1) of the Act.

Article 6.14**(demarcation of customised instruction option)**

A customised instruction will not result in relaxation of Article 6.12 and 6.13.

Article 6.15**(removal of works and objects)**

1. With a view to the importance of changing a water management structure managed by the State, works that are not structures or other objects for which no environmental permit is required for a restricted area activity relating to that water management structure will be removed or relocated if they represent a hindrance to

the preparation or implementation of a change to the water management structure by or on behalf of the water authority.

2. If despite all reasonable attempts no written agreement is reached about the structure, the work that is not a structure or other object regarding the timeframe within which the structure, work or object should be moved or relocated, the competent authority will set the timeframe in a customised instruction.

Section 6.2

Substantive rules

§ 6.2.1

Structures, works and objects

Article 6.16

(scope)

1. This subsection applies to the following restricted area activities relating to a water management structure managed by the State:
 - a. the construction, maintenance or demolition of structures;
 - b. the installation, placement, maintenance, modification or removal of works that are not structures; and
 - c. the placement, maintenance or removal of other objects.
2. This subsection also applies to discharge activities into a body of surface water that comprises the transfer of substances, water or heat originating from the construction, cleaning, preservation or demolition of structures, into a body of surface water managed by the State.
3. Paragraphs one and two do not apply to:
 - a. an inlet facility as intended in Article 6.34(1);
 - b. an outlet facility as intended in Article 6.39(2) and 6.53(2);
 - c. a mining installation; and
 - d. an installation for the farming of fish for consumption, the farming or keeping of aquatic invertebrates, the cultivation of aquatic plants or mussel seed collection as intended in Article 6.49.
4. Furthermore, paragraph one does not apply to the maintenance or repair of a water management structure by or on behalf of the water authority.

Article 6.17

(designation of cases requiring a permit: restricted area activities relating to a body of surface water)

1. The prohibition as intended in Article 5.1(2) of the Act on performing a restricted area activity relating to a water management structure, without an environmental permit, applies to the activities as intended in Article 6.16(1) performed in a restricted area relating to a body of surface water managed by the State, that is not a canal, in as much as relating to:
 - a. the installation, placement, maintenance or modification of a paved surface, above ground level, that is not a structure;
 - b. the placement or maintenance of vertical wood planting, other than as described in the register, between 1 October and 1 April;
 - c. the installation, placement, maintenance or modification of a work to prevent bankside/shore erosion that protrudes above the shore/bankside;
 - d. the construction or maintenance of a jetty, platform or mooring facility and the corresponding facilities, in as much as these:
 01. are located within the waterway; or
 02. are located outside the waterway and are not only used by a household;
 - e. the permanent mooring of a houseboat or other floating structure in a body of surface water, in as much as designated by ministerial order;
 - f. the construction, laying, placement or maintenance of a cable or line in as much as:
 01. It is used for the transport of hazardous liquid substances as intended in Article 3.24;

- 02. it is located in a structure or a waterway; or
- 03. it is laid with a borehole that passes through layers with different heads; and
- g. the construction or maintenance of a structure, the installation, placement, maintenance or modification of a work that is not a structure and the placement or maintenance of another object other than intended in a through to f, in as much as:
 - 01. in the case of a structure: the surface area is more than 30 m²; or
 - 02. in the case of a work that is not a structure or another object, the surface area is more than 30 m² or if it requires a permanent foundation.
- 2. The prohibition applies to activities as intended in Article 6.16(1) performed in a restricted area relating to a canal managed by the State, in as much as relating to:
 - a. the construction or maintenance of structures;
 - b. the installation, placement, maintenance or modification of works that are not structures; and
 - c. the placement or maintenance of other objects.

Article 6.18**(designation of cases requiring a permit: restricted area activities relating to a flood defence)**

The prohibition as intended in Article 5.1(2) of the Act on performing a restricted area activity relating to a water management structure, without an environmental permit, applies to the activities as intended in Article 6.16(1) performed in a restricted area relating to a flood defence managed by the State, in as much as relating to:

- a. the construction or maintenance of structures;
- b. the installation, placement, maintenance or modification of works that are not structures; and
- c. the placement or maintenance of other objects.

Article 6.19**(notification restricted area activities)**

1. It is prohibited to perform an activity as intended in Article 6.16(1) without reporting it at least four weeks before the start of the activity.
2. A notification includes:
 - a. the maximum size of the structure, the work that is not a structure or the other object; and
 - b. a situation drawing on a scale of at least 1:10,000, indicating the activity.
3. A notification must be submitted at least four weeks before the activity is performed in a manner that deviates from the specified information
4. This Article will not apply:
 - a. if the activity is designated as requiring a permit as intended in Article 6.17 or 6.18;
 - b. to the construction and maintenance of a structure, installation, placement, maintenance or modification of works that are not structures and the placement or maintenance of other objects, smaller than 1 m³;
 - c. to the demolition of structures, the removal of works that are not structures and the removal of other objects; and
 - d. to the installation, placement or maintenance of works that are not structures for no more than one week, and for the placement or maintenance of other objects for no more than one week, with the exception of fish nets and traps in a waterway.

Article 6.20**(notification discharge activity)**

1. It is prohibited to perform the activity as intended in Article 6.16(2) without reporting this at least four weeks before the start of the activity.
2. A notification includes:
 - a. for discharge originating from cleaning or preservation of a structure, the work instruction as intended in Article 6.23; or

- b. if relating to discharge originating from the construction or demolition of a structure: the work instruction as intended in Article 6.24.
- 3. A notification must be submitted at least four weeks before the activity is performed in a manner that deviates from the specified information
- 4. This Article will not apply to cleaning activities carried out periodically and that only remove dirt deposits.

Article 6.21

(data and documents)

1. At least four weeks before the start of an activity as intended in Article 6.16, data and documents must be submitted to the competent authority as intended in Article 6.3, about:
 - a. the expected start date of the activity;
 - b. the expected duration of the activity; and
 - c. if relating to an activity as intended in Article 6.16(2): the boundaries of the site where the activity will be performed.
2. This Article will not apply:
 - a. if the activity is designated as requiring a permit as intended in Article 6.17 or 6.18;
 - b. to the construction and maintenance of a structure, installation, placement, maintenance or modification of works that are not structures and the placement or maintenance of other objects, smaller than 1 m²;
 - c. to the demolition of structure, the removal of works that are not structures and the removal of other objects;
 - d. to the installation, placement or maintenance of works that are not structures for no more than one week, and for the placement or maintenance of other objects for no more than one week, with the exception of fish nets and traps in a waterway; and
 - e. to cleaning activities that are carried out periodically and that only remove dirt deposits.

Article 6.22

(water: no wastewater discharge from cleaning and preservation)

The wastewater originating from cleaning or preservation of structures will not be discharged, unless relating to:

- a. wastewater originating from washing down with water; or
- b. wastewater originating from pressure cleaning with water at a pressure of not more than 200 bar.

Article 6.23

(water: work instruction for cleaning and preservation)

1. With a view to preventing or minimising contamination of a body of surface water during the cleaning or preservation of structures:
 - a. work instruction has been drawn up; and
 - b. for the part of the structure located above the waterline, an auxiliary structure will be used to collect substances, appropriate to the technique employed, the substances used and the substances that may be released.
2. The work instruction will at least describe:
 - a. the techniques to be employed;
 - b. the substances to be used; and
 - c. the substances that may be released.
3. If an auxiliary structure is to be used, the work instruction will also describe:
 - a. the design of the floor, side walls and top of the auxiliary structure;
 - b. the size of the structure to be cleaned or preserved and the size of the auxiliary structure;
 - c. whether the auxiliary structure will feature an extraction system with permanent vacuum;
 - d. if wet techniques are used: the way in which wastewater will be collected; and
 - e. the additional measures to be taken if working at wind speeds in excess of 8 m/s.

Article 6.24**(water: work instruction for construction and demolition)**

With a view to preventing or minimising contamination of a body of surface water during the construction, renovation or demolition of structures, a work instruction must be drawn up at least describing:

- a. the method to be employed for building, renovation or demolition; and
- b. the measures to be taken to prevent the substances to be used or that may be released being discharged into the body of surface water.

Article 6.25**(water: minimising dust in the body of surface water)**

With a view to preventing or minimising contamination of a body of surface water if extracting air from an auxiliary structure, the emission limit value for the emission of dust into the air is 10 mg/Nm³, measured in a one-time measurement.

Article 6.26**(water: measurement method)**

The measuring of dust during the extraction of air from an auxiliary structure is subject to the NEN-EN 13284-1 standard.

§ 6.2.2**Earth moving****Article 6.27****(scope)**

1. This subsection applies to the following restricted area activities relating to a water management structure managed by the State:
 - a. the excavation or movement of earth or dredge spoils; and
 - b. the application of earth or dredge spoils.
2. This subsection also applies to earth removal activities consisting of the removal of earth in a body of surface water managed by the State.
3. Paragraph one does not apply to the maintenance or repair of a water management structure by or on behalf of the water authority.

Article 6.28**(designation of permit-exempt cases: earth removal activities)**

The prohibition as intended in Article 5.1(1) of the Act on performing an earth removal activity without an environmental permit will not apply to the activity as intended in Article 6.27(2) in as much as relating to:

- a. the removal of earth for the construction, maintenance or demolition of structures and the installation, maintenance, modification or removal of roads and water management structures other than drainage canals and navigation channels;
- b. the installation, maintenance, modification or removal of drainage canals and navigation channels by or on behalf of the water authority;
- c. the removal of earth for the installation, maintenance, modification or removal of pipes, cables, piles and other equivalent works;
- d. performing an excavation as intended in Article 1.1 of the Dutch Heritage Act (*Erfgoedwet*);
- e. the excavation of sedimentation ditches to promote accretion; and
- f. the removal of earth for the testing of equipment and for exploratory studies into extractable quantities of solid materials other than shells, if:
 01. earth removal is performed at distance of at least 500 m from a training and shooting area designated in a ministerial order, pipelines, cables, banks, other permanent works or objects or known or expected archaeological monuments;
 02. no more than five trips will be undertaken; and
 03. the quantity of solid material removed does not exceed 5,000 m³, in the Eems, the Dollard, the IJsselmeer, the Markermeer including the Oostvaardersdiep, the Ketelmeer, the Keteldiep, the Haringvliet, the Hollandsch Diep, the Grevelingenmeer, the Krammer, the Volkerak, the Zoommeer, the

Oosterschelde and the Westerschelde, or 2,500 m³ in another body of surface water managed by the State.

Article 6.29

(designation of cases requiring a permit: restricted area activities relating to a body of surface water)

The prohibition as intended in Article 5.1(2) of the Act, on performing a restricted area activity relating to a water management structure without an environmental permit, applies to the activities as intended in Article 6.27(1) performed in a restricted area relating to a body of surface water managed by the State, in as much as relating to the installation or maintenance of an embankment with a volume of more than 50 m³ for each land registry plot.

Article 6.30

(designation of cases requiring a permit: restricted area activities relating to a flood defence)

The prohibition as intended in Article 5.1(2) of the Act on performing a restricted area activity relating to a water management structure, without an environmental permit, applies to the activities as intended in Article 6.27(1) performed in a restricted area relating to a flood defence managed by the State.

Article 6.31

(notification restricted area activities)

1. It is prohibited to perform an activity as intended in Article 6.27(1) without reporting it at least four weeks before the start of the activity.
2. A notification includes:
 - a. the maximum surface area and the maximum volume of the activity;
 - b. a situation drawing on a scale of at least 1:10,000, indicating the activity.
3. A notification must be submitted at least four weeks before the activity is performed in a manner that deviates from the specified information
4. This Article will not apply:
 - a. if the activity is designated as requiring a permit as intended in Article 6.29 or 6.30;
 - b. to the excavation, transfer or application of not more than least 5 m³ of soil or dredge spoils.

Article 6.32

(data and documents for restricted area activities)

1. At least four weeks before the start of the activity as intended in Article 6.27(1) the following data and documents must be submitted to the competent authority as intended in Article 6.3:
 - a. the expected start date of the activity;
 - b. the expected duration of the activity.
2. This Article will not apply:
 - a. if the activity is designated as requiring a permit as intended in Article 6.29 or 6.30;
 - b. to the excavation, transfer or application of not more than least 5 m³ of soil or dredge spoils.

Article 6.33

(data and documents for earth removal for the testing of equipment and for exploratory investigation)

At least four weeks before the start of the activity as intended in Article 6.28(1)(f), the following data and documents must also be submitted to the competent authority as intended in Article 6.3:

- a. the name, type and registration details of the vessels of floating equipment to be used;
- b. a map on a scale of at least 1:5,000 showing the location of the earth removal, the locations of pipelines, cables, banks, permanent works or known or expected archaeological monuments, and their coordinates;

- c. data on the basis of which it is concluded that there are no known or expected archaeological monuments with a 500 m radius around the earth removal site;
- d. the method of earth removal, the maximum surface area and maximum depth of the earth removal; and
- e. the expected quantity and types of substances to be extracted by earth removal and the intended use of those substances.

§ 6.2.3

Water extraction

Article 6.34

(scope)

1. This subsection applies to:
 - a. the extraction of water from a body of surface water managed by the State;
 - b. the extraction of groundwater using a facility intended for that purpose from a body of surface water managed by the State; and
 - c. transfer into the soil of water to supplement the groundwater, in connection with the extraction of groundwater by a facility intended for that purpose, from a body of surface water managed by the State.
2. This subsection also applies to the construction or maintenance of an inlet facility for the activity, as intended in paragraph one(a) in a restricted area relating to a water management structure managed by the State.

Article 6.35

(designation of cases requiring a permit: inlet facility)

The prohibition as intended in Article 5.1(2) of the Act on performing a restricted area activity relating to a water management structure without an environmental permit, applies to the activity as intended in Article 6.34(2).

Article 6.36

(designation of cases requiring a permit: surface water extraction)

1. The prohibition as intended in Article 5.1(2) of the Act on performing a water extraction activity without an environmental permit applies to the activity as intended in Article 6.34(1)(a) if:
 - a. the intake flow exceeds 1,800 m³/u, the intake speed exceeds 0.15 m/s and the activity is performed in the Wadden Sea, the Eems, the Dollard, the Westerschelde, the Oosterschelde, the Grevelingenmeer, the Nieuwe Waterweg, the Calandkanaal, the Breediep, the Nieuwe Maas west of the A16 motorway, the Buitenhaven of IJmuiden, the Slijkgat or the Veerse Meer;
 - b. the intake flow exceeds 100m³/h and the activity is performed in another body of surface water than those referred to in subsection a;
 - c. the intake speed exceeds 0.30 m/s; or
 - d. the water is extracted in connection with a discharge activity into a body of surface water designated as requiring a permit in Chapter 3 or subsection 6.2.7.
2. The prohibition does not apply to dredging activities.

Article 6.37

(designation of cases requiring a permit: groundwater extraction)

1. The prohibition as intended in Article 5.1(2) of the Act on performing a water extraction activity without an environmental permit applies to the activities as intended in Article 6.34(1)(b and c).
2. The prohibition does not apply to:
 - a. a well point or test well, if the volume of groundwater to be extracted is less than 100 m³/h and does not exceed a total of 100,000 m³;
 - b. spray irrigation, surface irrigation or livestock drinking water, if the volume of groundwater to be extracted is less than 60 m³/h; and
 - c. in other cases, if the volume of groundwater to be extracted is less than 10 m³/h.

Article 6.37a**(obligatory measuring for the extraction of groundwater and the infiltration of water)**

1. In performance of the activity as intended in Article 6.34(1)(b and c), the volume of groundwater extracted or transferred into the soil in each quarter will be measured to an accuracy of at least 95%.
2. In performance of the activity as intended in Article 6.34(1)(c), the quality of the water to be transferred into the soil must be measured and analysed according to the parameters laid down in Table 6.37a, in accordance with the frequency indicated in that table.
3. The analysis of the samples must take place in accordance with Annex 4 of the Drinking Water Regulation.

Table 6.37a Parameters and measuring frequency

Parameter	Abbreviation	Frequency
Bacteria from the coli group		Every four weeks
Colour		Every four weeks
Suspended matter	SS	Every four weeks
Electrical conductivity		Every four weeks
Temperature	T	Every four weeks
Acidity	pH	Every four weeks
Dissolved oxygen	O ₂	Every four weeks
Total organic carbon	TOC	Every four weeks
Bicarbonate	HCO ₃	Every four weeks
Nitrite	NO ₂	Every four weeks
Nitrate	NO ₃	Every four weeks
Ammonia	NH ₄	Every four weeks
Total phosphate	Total P	Every four weeks
Fluoride	F	Quarterly
Chloride	Cl	Every four weeks
Sulphate	SO ₄	Quarterly
Sodium	Na	Quarterly
Iron	Fe	Quarterly
Manganese	Mn	Quarterly
Chromium	Cr	Quarterly
Lead	Pb	Quarterly
Copper	Cu	Quarterly
Zinc	Zn	Quarterly
Cadmium	Ca	Quarterly
Arsenic	As	Quarterly
Cyanide	CN	Quarterly
Mineral oil		Every four weeks
Adsorbable organic halogen	AOX	Every four weeks
Volatile organic chlorine compound	VOC	Every four weeks
Volatile aromatics		Every four weeks
Polycyclic aromatics	PAK	Quarterly
Phenol		Quarterly

Article 6.37b**(annual submission of data and documents)**

At the latest on 31 January of each year or, if the activity as intended in Article 6.34(1)(b and c) has been terminated, within one month following the moment of termination, the following data must be submitted to the competent authority as intended in Article 6.3:

- a. the volumes of groundwater extracted and water transferred into the soil in the previous calendar year; and
- b. the quality of the water transferred into the soil.

Article 6.38**(water: no extraction)**

1. A water shortage and threatened water shortage are special circumstances as intended in Article 19.0 of the Act.
2. The competent authority as intended in Article 6.3 may determine that a special circumstance has arisen for activities as intended in Article 6.34(1)(a) by a decision as intended in Article 19.0 of the Act.
3. That decision can under all circumstances mean that activities as intended in paragraph two may be restricted or halted.

§ 6.2.4**Discharge of domestic wastewater****Article 6.39****(scope)**

1. This subsection applies to discharge activities into a body of surface water comprising the discharge of domestic wastewater into a body of surface water managed by the State, and in that connection the discharge of wastewater originating from food preparation with institutional kitchen equipment.
2. This subsection also applies to restricted area activities relating to a water management structure managed by the State comprising the construction or maintenance of an outlet facility for the activity, as intended in paragraph one.
3. Paragraph one does not apply to the production and processing of foodstuffs or feed subject to subsection 4.28.

Article 6.40**(designation of cases requiring a permit)**

The prohibition as intended in Article 5.1(2) of the Act on performing a restricted area activity relating to a water management structure without an environmental permit, applies to the activity as intended in Article 6.39(2).

Article 6.41**(notification of discharge activity)**

1. It is prohibited to perform the activity as intended in Article 6.39(1) without reporting this at least four weeks before the start of the activity.
2. A notification includes:
 - a. the number of inhabitant equivalents that will be discharged; and
 - b. the treatment facility used.
3. A notification must be submitted at least four weeks before the activity is performed in a manner that deviates from the specified information

Article 6.42**(data and documents on discharge activity)**

At least four weeks before the start of the activity as intended in Article 6.39(1), data and documents about the expected start date of the activity must be submitted to the competent authority as intended in Article 6.3:

Article 6.43**(water: emission limit values for discharge into a body of surface water)**

1. With a view to preventing contamination of a body of surface water, the wastewater as intended in Article 6.39(1) discharged into a body of surface water is passed via a treatment facility.
2. For that wastewater, the emission limit values for biochemical oxygen demand are 60mg/l and for chemical oxygen demand 300 mg/l, measured in a random sample.

3. If the wastewater comprises less than six inhabitant equivalents, contrary to paragraph two, for mixing with other wastewater, it may pass through a septic tank:
 - a. with a nominal capacity of 6 m³ or more, in accordance with the NEN-EN 12566-1 standard, and with a hydraulic efficiency not exceeding 10 g, in accordance with Annex B of the NEN-EN 12566-1 standard; or
 - b. that was installed before 1 January 2009 and dimensioned for the volume of wastewater to be discharged.
4. If wastewater from food preparation is also discharged in combination with domestic wastewater, the treatment facility must be dimensioned accordingly.

Article 6.44**(water: measurement methods)**

1. The sampling of wastewater is subject to the NEN 6600-1 standard. Samples must be not be filtered.
2. Sample preservation is subject to the NEN-EN-ISO 5667-3 standard.
3. The analysis of the sample will include undissolved substances and the following applies to the analysis:
 - a. for biochemical oxygen demand: ISO 5815-1/2 or NEN-EN 1899-1/2; and
 - b. for chemical oxygen demand: NEN 6633 or NEN-ISO 15705.

§ 6.2.5**Mining activities****Article 6.45****(scope)**

This subsection applies to the following mining activities in a body of surface water managed by the State:

- a. the use of a location for a mining installation including the restricted area applicable for that installation; and
- b. the use of a location for an exploratory investigation using artificially generated vibrations, with the exception of the use of explosive substances in that investigation.

Article 6.46**(designation of cases requiring a permit)**

The prohibition as intended in Article 51(2) of the Act on undertaking mining activities without an environmental permit applies to:

- a. the activity as intended in Article 6.45 (preamble and a) in as much as the mining installation protrudes fully or partially above the waterline, and the activity is performed in a training or shooting area designated by ministerial order; and
- b. the activity as intended in Article 6.45 (preamble and b) in as much as that activity is performed in a training and shooting area designated by ministerial order.

Article 6.47**(notification of placement of a mining installation below the surface of the water)**

1. It is prohibited to perform the activity as intended in Article 6.45 (preamble and a) if the mining installation does not protrude fully or partially above the surface of the water, without reporting this at least four weeks before the start of the activity.
2. A notification contains the coordinates of the installation.
3. A notification must be submitted at least four weeks before the activity is performed in a manner that deviates from the specified information

Article 6.47a**(data and documents in the case of an exploratory investigation)**

1. At least 48 hours before the start of the activity as intended in Article 6.45 (preamble and b), data and documents must be submitted to the Inspector General of Mines on:
 - a. data about the way in which the exploratory investigation is to be conducted;
 - b. the location where and the navigation lines along which the exploratory investigation is to be conducted, indicated on a map;
 - c. the dates on which the exploratory investigation is to be conducted;

- d. the names, nationality and registration marks of the vessels;
 - e. the competence and experience of the persons responsible for maintaining contact with other shipping in and around the investigation location; and
 - f. the radar equipment, navigation equipment and telecommunication equipment on the vessel manned by the persons as intended in e.
2. The amended data and documents must be issued to the Inspector General of Mines at least 48 hours before the activity is performed in a manner that deviates from the specified data and documents.

Article 6.48**(safety: exploratory vessel escort)**

1. With a view to shipping safety, one person will be present on board the exploratory vessel who is responsible for maintaining contact with other vessels in and around the investigation area.
2. An exploratory vessel will be escorted by another vessel to support this person in the guidance of other shipping.

Article 6.48a**(nature: sound volume of artificially generated vibrations)**

With a view to preventing disrupting sound effects for marine mammals, when using artificially generated vibrations for an exploratory investigation, the investigation will start with a low noise volume that will be gradually amplified.

Article 6.48b (transport for supervision of exploratory investigation)

For supervision of the activity as intended in Article 6.45 (preamble and b), transport will be provided for the supervisory authorities as intended in Article 130 (preamble and a) of the Mining Act.

§ 6.2.6***Cultivation or production of crops in a body of surface water*****Article 6.49****(scope)**

1. This subsection applies to the following restricted area activities relating to a water management structure managed by the State:
 - a. the farming of fish for consumption;
 - b. the farming or keeping of aquatic invertebrates;
 - c. the cultivation of aquatic plants; and
 - d. mussel seed collection.
2. This subsection also applies to discharge activities into a body of surface water that comprises the transfer of substances, water or heat into a body of surface water managed by the State, originating from:
 - a. the farming of fish for consumption;
 - b. the farming or keeping of aquatic invertebrates; or
 - c. the cultivation of aquatic plants.

Article 6.50**(designation of cases requiring a permit)**

The prohibition as intended in Article 5.1(2) of the Act on performing a restricted area activity relating to a water management structure without an environmental permit, applies to the activities as intended in Article 6.49(1).

Article 6.51**(water: preventing contamination)**

With a view to preventing the contamination of a body of surface water, during the farming of fish for consumption, the farming or keeping of aquatic invertebrates or the cultivation of aquatic plants, no substances may be added to the body of surface water.

Article 6.52**(PRTR report)**

Performance of the activity as intended in Article 6.49(2) is subject to subsection 5.3.1 on the PRTR report accordingly, in respect of the operation of a PRTR installation for

intensive aquaculture, with a production capacity of 1,000 tonnes or more of fish or shellfish per year.

§ 6.2.7

Other discharges

§ 6.2.7.1

Scope of discharge activities and restricted area activities and designation of cases requiring a permit

Article 6.53

(scope)

1. 1. This subsection applies to discharge activities into a body of surface water that comprises the discharge of substances, water or heat into a body of surface water managed by the State, other than intended in subsections 6.2.1, 6.2.4 and 6.2.6.
2. 2. This subsection also applies to restricted area activities relating to a water management structure managed by the State comprising the construction or maintenance of an outlet facility for the discharge activity as intended in paragraph one.

Article 6.54

(designation of cases requiring a permit: outlet facility)

The prohibition as intended in Article 5.1(2) of the Act on performing a restricted area activity relating to a water management structure without an environmental permit, applies to the activity as intended in Article 6.53(2).

Article 6.55

(designation of cases requiring a permit: discharge activities)

1. The prohibition as intended in Article 5.1(2) of the Act on performing discharge activities into a body of surface water without an environmental permit applies to the discharge activity as intended in Article 6.53(1) in as much as relating to:
 - a. the discharge of substances or water originating from the maintenance, repair, cleaning or treatment of the hull of vessels or floating equipment;
 - b. the discharge of more than 5,000 m³ of water per hour; and
 - c. the discharge of water by an outlet facility, with the exception of the discharge of:
 01. wastewater originating from a municipal facility for the collection and transport of wastewater;
 02. rainwater run-off and other wastewater originating from a paved surface;
 03. wastewater originating from the cleaning of drinking water pipes;
 04. wastewater originating from dewatering;
 05. . water originating from a body of surface water to which no substances or heat have been added, into that same body of surface water;
 06. wastewater originating from a emergency response exercise; and
 07. . wastewater originating from excavation or remediation work.
2. The prohibition as intended in paragraph one (preamble and a) does not apply to the discharge of substances or water originating from the maintenance, repair or cleaning of vessels or floating equipment and the treatment of the hull of vessels or floating equipment, as intended in Article 3.145.
3. The prohibition as intended in paragraph one (preamble and b) does not apply to dredging activities or the application of dredge spoils.
4. The prohibition as intended in paragraph one (preamble and c) does not apply to the discharge of substances, water or heat into a body of surface water, originating from an environmentally harmful activity as intended in Article 3.1.

§ 6.2.7.2

Discharges from emergency response exercises**Article 6.56****(data and documents on emergency response exercises)**

1. At least 48 hours before the discharge of wastewater originating from an emergency response exercise, the following data and documents must be issued to the competent authority as intended in Article 6.3:
 - a. data indicating whether extinguishing foam will be used during the exercise; and
 - b. if extinguishing foam is to be used, which substances that extinguishing foam contains.
2. This article does not apply to the discharge of wastewater originating from a permanent facility for training firefighting techniques, as intended in Article 3.259.

§ 6.2.7.3

Discharges from the storage of goods**Article 6.56a****(notification of the storage of goods)**

1. It is prohibited to perform the activity as intended in Article 6.56(b) without reporting this at least four weeks before the start of the activity.
2. A notification includes:
 - a. a designation of the type of goods; and
 - b. the maximum quantity to be stored.
3. A notification must be submitted at least four weeks before the activity is performed in a manner that deviates from the specified information

Article 6.56b**(water: discharge from the storage of leaching goods)**

Contrary to Article 4.1058 (1), the wastewater to be discharged originating from the storage of leaching goods, classified in Annex IVA, part B, may also be discharged into a body of surface water if the distance to a sewer or water treatment plant is more than 40 m, calculated from the land registry boundary of the plot where the wastewater is released.

Article 6.56c**(water: emission limit values for discharge into a body of surface water)**

The emission limit values for the wastewater as intended in Article 6.56b, discharged into a body of surface water, are the values as intended in Table 6.56c, measured in a random sample.

Table 6.56c Emission limit values

Substance	Emission limit value in µg/l or mg/l
Sum of the metals arsenic, chromium, copper, lead, nickel and zinc	1 mg/l
Mineral oil	10 mg/l
Polycyclic aromatic hydrocarbons	50 µg/l
Undissolved substances	100 mg/l
Sum of nitrogen compounds	10 mg/l
Sum of phosphorous compounds	2 mg/l
Chemical oxygen demand	200 mg/l

Article 6.56d**(water: measurement methods)**

1. The sampling of wastewater is subject to the NEN 6600-1 standard. Samples must be not be filtered.
2. Sample preservation is subject to the NEN-EN-ISO 5667-3 standard.
3. The analysis of the sample will include undissolved substances and the following applies to the analysis:

- a. for undissolved substances: NEN-EN 872;
- b. for chemical oxygen demand: NEN 6633 or NEN-ISO 15705;
- c. for oil: NEN-EN-ISO 9377-2;
- d. for arsenic, chromium, copper, lead, nickel and zinc: NEN 6966 or NEN-EN-ISO 17294-2 or NEN-EN-ISO 11885, whereby the elements are digested in accordance with NEN-EN-ISO 15587-1 or NEN-EN-ISO 15587-2;
- e. for polycyclic aromatic hydrocarbons: NEN-EN-ISO 17993;
- f. for nitrite nitrogen or nitrate nitrogen: NEN-EN-ISO 13395 or NEN-ISO 15923-1;
- g. for organic nitrogen: NEN-ISO 5663 or NEN 6646;
- h. for ammonia nitrogen: NEN 6646, NEN-EN-ISO 11732 or NEN-ISO 15923-1; and
- i. for the sum of phosphorous compounds: NEN-EN-ISO 15681-1, NEN-EN-ISO 15681-2, NEN-EN-ISO 6878, NEN-EN-ISO 11885 or NEN-EN-ISO 17294-2.

§ 6.2.7.4

Discharges from cultivation or breeding of crops in a building

Article 6.56e

(notification of cultivation or breeding of crops in a building)

1. It is prohibited to perform the activity as intended in Article 6.56f, without reporting this at least four weeks before the start of the activity.
2. The notification includes the maximum area under cultivation.
3. A notification must be submitted at least four weeks before the activity is performed in a manner that deviates from the specified information

Article 6.56f

(water: discharge from cultivation or breeding of crops in a building)

Contrary to Article 4.795 (1), the wastewater to be discharged originating from the cultivation or breeding of crops in a building, other than a greenhouse, may also be discharged into a body of surface water if the distance to a sewer or water treatment plant is more than 40 m, calculated from the land registry boundary of the plot where the wastewater is released.

Article 6.56g

(water: emission limit values for discharge into a body of surface water)

The emission limit values for the wastewater as intended in Article 6.56f, discharged into a body of surface water, are the values as intended in Table 6.56g, measured in a random sample.

Table 6.56g Emission limit values

Substance	Emission limit value in µg/l or mg/l
Undissolved substances	100 mg/l
Biochemical oxygen demand	60 mg/l
Chemical oxygen demand	300 mg/l

Article 6.56h

(water: measurement methods)

1. The sampling of wastewater is subject to the NEN 6600-1 standard. Samples must be not be filtered.
2. Sample preservation is subject to the NEN-EN-ISO 5667-3 standard.
3. The analysis of the sample will include undissolved substances and the following applies to the analysis:
 - a. for undissolved substances: NEN-EN 872;
 - b. for biochemical oxygen demand: ISO 5815-1/2 or NEN-EN 1899-1/2; and
 - c. for chemical oxygen demand: NEN 6633 or NEN-ISO 15705.

§ 6.2.7.5***Discharges from excavation and remediation***

[Reserved]

§ 6.2.7a***Restricted area activities at mining installations*****Article 6.56i****(scope)**

This subsection applies to the following restricted area activities relating to a mining installation in a water management structure managed by the State.

Article 6.56j**(designation of cases requiring a permit: restricted area activity in mining installation relating to a water management structure)**

1. The prohibition as intended in Article 5.1(2) of the Act on performing a restricted area activity relating to an installation, without an environmental permit, applies to the activities as intended in Article 6.56i performed in the restricted area relating to that installation in as much as relating to:
 - a. presence in that restricted area; and
 - b. the presence of an object other than for performing an environmentally harmful activity relating to a mine as intended in Article 3.320.
2. The prohibition as intended in paragraph one does not apply to a vessel or floating equipment operating in the restricted area:
 - a. in connection with the installation, inspection, testing, repair, maintenance, modification or removal of undersea cables or pipelines;
 - b. to provide services for the installation or to transport persons or goods from or to the installation;
 - c. to inspect the installation;
 - d. to save lives or rescue property;
 - e. as forced by weather conditions;
 - f. if in an emergency situation;
 - g. for a task relating to the enforcement of administrative law or criminal law; or
 - h. if it has permission from the party operating the installation.

§ 6.2.8***Other restricted area activities in or adjacent to national waters*****Article 6.57****(scope)**

1. This subsection applies to restricted area activities relating to a water management structure managed by the State, other than intended in subsections 6.2.1 to 6.2.7, that consist of:
 - a. the performance of work;
 - b. the placement, leaving of equipment, materials or solid substances; and
 - c. other activities.
2. Paragraph one does not apply to the maintenance or repair of a water management structure by or on behalf of the water authority.

Article 6.58**(designation of cases requiring a permit: restricted area activities relating to a body of surface water)**

The prohibition as intended in Article 5.1(2) of the Act on performing a restricted area activity relating to a water management structure, without an environmental permit, applies to the activities as intended in Article 6.57(b) in a restricted area relating to a body of surface water managed by the State between 1 October and 1 April.

Article 6.59**(designation of cases requiring a permit: restricted area activity relating to a flood defence)**

The prohibition as intended in Article 5.1(2) of the Act on performing a restricted area activity relating to a water management structure, without an environmental permit, applies to the activities as intended in Article 6.57(a and b) in a restricted area relating to a flood defence managed by the State.

Article 6.60**(notification)**

1. It is prohibited to perform an activity as intended in Article 6.57(a and b) in a restricted area relating to a body of surface water managed by the State without reporting it at least four weeks before the start of the activity.
2. A notification includes:
 - a. the maximum surface area of the activity; and
 - b. a situation drawing on a scale of at least 1:10,000, indicating the activity.
3. A notification must be submitted at least four weeks before the activity is performed in a manner that deviates from the specified information
4. This Article will not apply:
 - a. if the activity is designated as requiring a permit as intended in Article 6.58; and
 - b. to the placement or leaving of equipment or materials for not more than one week.

Article 6.61**(data and documents)**

1. At least four weeks before the start of an activity as intended in Article 6.57(a and b) in a restricted area relating to a body of surface water managed by the State, data and documents must be submitted to the competent authority as intended in Article 6.3, about:
 - a. the expected start date of the activity;
 - b. the expected duration of the activity.
2. This Article will not apply:
 - a. if the activity is designated as requiring a permit as intended in Article 6.58; and
 - b. to the placement or leaving of equipment or materials for not more than one week.

[...]

Sections 7.1 through 10.2 are not available in English.

Chapter 11 Nature activities

Section 11.1 Activities with possible consequences for NATURA 2000 areas or special national nature conservation areas

§ 11.1.1

General

Article 11.1

(activities)

1. This Section applies to activities that can have a negative or significant disruptive impact for a Natura 2000 area or special national nature conservation area.
2. This Section does not apply to activities that are the subject of the Common Fisheries Policy as intended in Article 38 of the Treaty on the Functioning of the European Union, in as much as performed in the exclusive economic zone.

Article 11.2

(objectives)

The rules in this Subsection 11.1.2 are drawn up with a view to nature conservation.

Article 11.3

(competent authority: provincial executive)

Unless otherwise specified in Article 11.4, the executive council of the province in which all or most of the activity is performed will be the competent authority:

- a. that may issue a customised instruction; or
- b. that will decide on a request for permission to take an equivalent measure.

Article 11.4

(competent authority: Our Minister of Agriculture, Nature and Food Quality)

1. For a Natura 2000 activity of national importance as intended in Article 4.12 of the Environment Decree and for an activity designated in paragraph two of that Article that can have negative or significant disruptive impact for a Natura 2000 area, Our Minister of Agriculture, Nature and Food Quality is the competent authority:
 - a. that may issue a customised instruction; or
 - b. that will decide on a request for permission to take an equivalent measure.
2. Our Minister of Agriculture, Nature and Food Quality is also the competent authority able to impose a customised instruction or to decide on a request for permission to take an equivalent measure for an activity that may have a negative or significant disruptive impact for a special national nature conservation area.

Article 11.5

(parties subject to the regulations)

The party performing the activity will comply with this Section. That party will ensure compliance with the rules governing the activity.

Article 11.6

(special duty of care)

1. The party performing the activity as intended in Article 11.1(1) that is aware or may reasonably suspect that said activity may have an adverse impact on the interest as intended in Article 11.2 is required to:
 - a. take all measures which may be reasonably requested of them to prevent that impact;
 - b. in as much as said impact cannot be avoided: as far as possible to minimise or reverse that impact; and
 - c. if it is not possible to adequately minimise the impact: to refrain from said activity in as much as this can reasonably be requested of said party;

2. The obligation as intended in paragraph one, means at least that:
 - a. before performing activities in or in the immediate vicinity of a Natura 2000 area or a special national nature conservation area, note is taken of the information in the designation decision for the area on the habitats for bird species, natural habitats and habitats of species for which the area is designated and the applicable conservation goals;
 - b. a determination is made in advance, on the basis of objective data whether negative or significant disruptive impact can be excluded;
 - c. if such impact cannot be excluded: a determination is made of what impact the activity can have on the habitats, natural habitats and habitats of species, given the conservation goals;
 - d. all appropriate preventive measures are taken to prevent negative or significant disruptive impact, given the conservation goals, for the area in question; and
 - e. during and following performance of the activity, a determination is made whether the measures taken have the intended effect; and
 - f. the performance of the activity is halted or, if halting the activity is no longer reasonably possible, appropriate recovery measures are taken if, despite the measures taken, negative or significant disruptive impact occurs for the habitats, natural habitats or habitats of species for which the area is designated.

Article 11.7**(customised rules)**

1. A customised rule may be imposed in the environment regulation, for Articles 11.6, 11.12, 11.13 and 11.14.
2. A customised rule may deviate from Articles 11.13 and 11.14.
3. A customised rule may be imposed with a view to nature conservation.

Article 11.8**(demarcation of customised option rules)**

A customised rule will not be imposed on an activity for which Our Minister of Agriculture, Nature and Food Quality has authority as intended in Article 11.4.

Article 11.9**(customised instructions)**

1. A customised instruction may be issued or a permit instruction as intended in Article 4.5 of the Act may be imposed on an environmental permit as intended in this Section, for Articles 11.6, 11.12, 11.13 and 11.14.
2. A customised instruction or permit instruction may deviate from Articles 11.13 and 11.14.
3. A customised instruction will not be issued if an instruction can be imposed on an environmental permit as intended in this Section, on that topic.
4. The drawing up of a customised instruction on a Natura 2000 activity will be subject, accordingly, to the assessment rules and provisions on permit instructions in Subsection 8.6.1 of the Environmental Quality Decree.

Article 11.10**(general details for submission of data and documents)**

If data and documents are submitted to a competent authority as intended in Article 11.3 or 11.4, they must be signed and must include:

- a. the designation of the activity;
- b. the name and address of the party performing the activity;
- c. the address at which or an indication of the location where the activity is performed; and
- d. the date.

Article 11.11**(data for change of name, address or parties subject to the regulations)**

1. Before the name or the address as intended in Article 11.10 is changed, the data changed as a consequence will be issued to the competent authority as intended in Article 11.3 or 11.4.

2. At least four weeks before the activity is to be performed by another party, the changed data as a consequence will be submitted to the competent authority as intended in Article 11.3 or 11.4.

Article 11.12**(data and documents at the request of the competent authority)**

1. At the request of the competent authority, as intended in Article 11.3 or 11.4, for an activity performed or planned and which can have negative or significant disruptive impact for a Natura 2000 area or a special national nature conservation area, the data and documents will be issued that are needed to determine whether the general rules, customised rules and customised instructions are adequate for the activity in the light of the conservation goals.
2. Data and documents will be issued in as much as the party performing the activity is reasonably able to obtain said data and documents.

Article 11.13**(notification of an unusual occurrence)**

The competent authority as intended in Article 11.3 or 11.4 must be notified without delay of any unusual occurrence.

Article 11.14**(data and documents in the event of an unusual occurrence)**

As soon as the following data and documents become available, they will be submitted to the competent authority as intended in Article 11.3 or 11.4:

- a. information about the causes of the unusual occurrence and the circumstances in which the unusual occurrence arose;
- b. other data needed to estimate the nature and seriousness of the impact on the physical environment; and
- c. information about the measures taken or being considered for minimising the adverse impact of the unusual occurrence as intended in Article 19.1(1) of the Act.

Article 11.15**(demarcation of customised option)**

A customised rule or customised instruction will not result in relaxation of Article 11.13 and 11.14.

§ 11.1.2***Natura 2000 activities*****Article 11.16****(designation of permit-exempt cases: Natura 2000 assessment in the framework of another decree and fishery in the exclusive economic zone)**

The prohibition as intended in Article 5.1(1)(preamble and e) of the Act on performing a Natura 2000 activity without an environmental permit does not apply if:

- a. performance of the activity is permitted on the basis of another Act and Article 6(3) or Article 6(4) of the Habitats Directive apply; or
- b. the activity is the object of the Common Fisheries Policy as intended in Article 38 of the Treaty on the Functioning of the European Union, and takes place in the exclusive economic zone.

Article 11.17**(designation of permit-exempt cases: nitrogen deposition from temporary activities)**

[Reserved]

Article 11.18**(designation of permit-exempt cases in a programme)**

1. The prohibition as intended in Article 5.1(1)(preamble and e) of the Act on performing a Natura 2000 activity without an environmental permit does not apply to a Natura 2000 activity in cases designated in a programme.
2. The programme:
 - a. relates fully or also to the layout, management or use of a Natura 2000 area and contains measures aimed at achieving the conservation goals for that area; or

- b. is intended, also with a view to balanced and sustainable economic development, for:
 - 01. reducing the burden of nature values of Natura 2000 areas by specific harmful factors, and achieving the conservation goals; or
 - 02. the management, protection, conservation or recovery of species of animals or plants living naturally in the wild in the Netherlands or the natural habitats or habitats of species occurring in the Netherlands, or improving the conservation status of those species; and
- c. is adopted by or together with the administrative body which, if paragraph one is not applied, is competent to decide on applications for environmental permit for the Natura 2000 activities in question.

Article 11.19**(designation of permit-exempt cases and cases of restricted scope of the permit obligation in an environment regulation)**

1. The prohibition as intended in Article 5.1(1)(preamble and e) of the Act on performing a Natura 2000 activity without an environmental permit does not apply to a Natura 2000 activity in cases designated in an environment regulation.
2. The prohibition as intended in Article 5.1(1)(preamble and e) of the Act on performing a Natura 2000 activity without an environmental permit does not apply in cases designated in an environment regulation in as much as relating to the consequences arising from a factor specified in the environment regulation, which does not exceed a limit value specified in that regulation.

Article 11.20**(designation of permit-exempt cases and cases of restricted scope of the permit obligation in a ministerial order)**

1. The prohibition as intended in Article 5.1(1)(preamble and e) of the Act on performing a Natura 2000 activity without an environmental permit does not apply to a Natura 2000 activity of national importance as intended in Article 4.12 of the Environment Decree or if in the public interest, in cases designated by ministerial order.
2. The prohibition as intended in Article 5.1(1)(preamble and e) of the Act on performing a Natura 2000 activity without an environmental permit does not apply to a Natura 2000 activity of national importance as intended in Article 4.12 of the Environment Decree or if in the public interest, in cases designated by ministerial order, in as much as relating to the consequences arising from a determining factor in the ministerial order that does not exceed a limit value specified in that order.

Article 11.21**(limitation of designation of permit-exempt cases)**

1. A Natura 2000 activity is only designated as a permit-exempt case in a programme, an environment regulation or a ministerial order on the basis of Article 11.18, 11.19 or 11.20 if:
 - a. it can be excluded in advance on the basis of objective data, with certainty, that that activity individually or in combination with other plans or projects can have significant impact for a Natura 2000 area;
 - b. an appropriate assessment as intended in Article 8.74b if the Environmental Quality Decree has been undertaken, that provides the certainty that the activity will not harm the natural characteristics of the Natura 2000 area; or
 - c. in as much as relating to a designation in an environment regulation or ministerial order: taking account of Article 8.74b(2 and 3) of the Environmental Quality Decree, the activity can be justified on the basis of compelling grounds of great public interest, the absence of alternative solutions and the taking of compensation measures that guarantee that the overall context of Natura 2000 is preserved.
2. Article 11.19(2) or Article 11.20(2) will only be applied if:
 - a. it can be excluded in advance on the basis of objective data, with certainty, that the Natura 2000 activity individually or in combination with other plans or projects can have significant impact for a Natura 2000 area as a consequence of

- the factor in question; or
- b. an appropriate assessment as intended in Article 8.74b has been undertaken, that provides the certainty that the Natura 2000 activity will not harm the natural characteristics of the Natura 2000 area as a consequence of the factor in question.

Section 11.2

§ 11.2.1

Article 11.22

Article 11.23

Activities relating to animals or plants in the wild

General

(activities)

1. This Section applies to:
 - a. flora and fauna activities, in respect of which rules are imposed in Articles 11.27 and 11.28 and Subsections 11.2.2 through to 11.2.5;
 - b. actions according to a fauna management plan on which rules are drawn up in Subsection 11.2.6;
 - c. hunting activities on which rules are drawn up in Subsection 11.2.7;
 - d. The use and possession of resources or installations and the employment of methods to capture and kill animals, including the undertaking of a rifle hunting activity and a falconry activity, and the trade in and transport into or outside the territory of the Netherlands of equipment or installations for capturing and killing animals, on which rules are drawn up in Subsection 11.2.8;
 - e. The trade in and the possession for reasons other than sale and the transport into or outside the territory of the Netherlands of animals, plants or animal or plant products, on which rules are drawn up in Subsection 11.2.9;
 - f. activities that result in or could result in the introduction or spreading of invasive exotic species, on which rules are drawn up in Subsection 11.2.10; and
 - g. the capture, killing and processing of whales, on which rules are drawn up in Subsection 11.2.11.
2. Subsections 11.2.2 through to 11.2.4 and 11.2.8 do not apply to activities that are the subject of the Common Fisheries Policy as intended in Article 38 of the Treaty on the Functioning of the European Union, in as much as performed in the exclusive economic zone.

(objectives)

1. The rules in Subsections 11.2.2 through to 11.2.5 on flora and fauna activities are drawn up with a view to nature conservation.
2. The rules in Subsections 11.2.6 and 11.2.7 on acting according to a fauna management plan and hunting activities are drawn up with a view to:
 - a. nature conservation;
 - b. good hunting practice;
 - c. the prevention and control of damage by animals; and
 - d. guaranteeing safety.
3. The rules in Subsection 11.2.8 on the use, possession and trade in and transport into or outside the territory of the Netherlands on equipment or installations and the employment of methods to capture or kill animals are drawn up with a view to:
 - a. nature conservation;
 - b. guaranteeing safety.
 - c. protecting health; and
 - d. protecting the environment.
4. The rules in Subsection 11.2.9 on the trade in and the possession for reasons other than sale and the transport into or outside the territory of the Netherlands of animals, plants or animal or plant products, are drawn up with a view to nature conservation.
5. The rules in Subsection 11.2.10 on activities that result in or could result in the introduction or spreading of invasive exotic species are drawn up with a view to:

- a. nature conservation;
 - b. protecting health; and
 - c. protecting the environment.
6. The rules in Subsection 11.2.11 on the capture, killing and processing of whales are drawn up with a view to preventing possible adverse impact on the conservation status of whale stocks.

Article 11.24**(competent authority: provincial executive)**

Unless otherwise specified in Article 11.25, the executive council of the province in which all or most of the activity is performed will be the competent authority:

- a. that may issue a customised instruction; or
- b. that will decide on a request for permission to take an equivalent measure.

Article 11.25**(competent authority: Our Minister of Agriculture, Nature and Food Quality)**

1. For a flora and fauna activity of national importance as intended in Article 4.12 of the Environment Decree, Our Minister of Agriculture, Nature and Food Quality is the competent authority:
 - a. that may issue a customised instruction; or
 - b. that will decide on a request for permission to take an equivalent measure.
2. Our Minister of Agriculture, Nature and Food Quality is also the competent authority able to impose a customised instruction or to decide on a request for permission to take an equivalent measure for:
 - a. a falconry activity;
 - b. the trade in and the possession for reasons other than sale and the transport into or outside the territory of the Netherlands of animals, plants or animal or plant products, in as much as not relating to a flora and fauna activity as intended in Article 11.38, 11.39 or 11.47; and
 - c. activities that result in or could result in the introduction or spreading of invasive exotic species.

Article 11.26**(parties subject to the regulations)**

The party performing the activity will comply with this Section. That party will ensure compliance with the rules governing the activity.

Article 11.27**(special duty of care)**

1. The party performing the flora and fauna activity as intended in Article 11.22(1)(b to g) that is aware or may reasonably suspect that said activity may have an adverse impact on the interests as intended in Article 11.23 is required to:
 - a. take all measures which may be reasonably requested of them to prevent that impact;
 - b. in as much as said impact cannot be avoided: as far as possible to minimise or reverse that impact; and
 - c. if it is not possible to adequately minimise the impact: to refrain from said activity in as much as this can reasonably be requested of said party;
2. Under all circumstances, with regard to flora and fauna activities, this obligation means that:
 - a. before performance of the activity, a determination is made of whether there are indications at the location where the activity is to be performed or in the immediate vicinity of that location, of the presence of:
 01. birds living naturally in the wild in the Netherlands of species as referred to in Annex I to the Birds Directive, and migratory bird species regularly occurring in the Netherlands not referred to in that Annex, as intended in Article 4(2) of that Directive;
 02. animals or plant living naturally in the wild in the Netherlands, of species

- referred to in Annexes II, IV and V of the Habitats Directive;
03. animals or plants of species, referred to in Annex IX or in the red lists as intended in Article 2.19(2)(a)(4[°]) of the Act; and
 04. important habitats or natural habitats for those species;
- b. if there are such indications, it is determined in advance on the basis of objective data that adverse impact can be excluded for animals of those species, their nests, their breeding grounds or their resting places and their eggs, or for plants of those species;
 - c. if such impact cannot be excluded, a determination is made of what impact the activity may have for animals of those species, their nests, their breeding grounds or their resting places and their eggs, or for plants of those species;
 - d. all appropriate preventive measures are taken to prevent that adverse impact;
 - e. during and following performance of the activity, a determination is made whether the measures taken have the intended effect; and
 - f. the performance of the activity is halted if the adverse impact is not prevented or, if halting the activity is no longer reasonably possible, appropriate recovery measures are taken.
3. For hunting activities for the management of populations of animals living in the wild, or to control damage by animals, under all circumstances this obligation means that any party killing or capturing animals living in the wild prevents unnecessary suffering by that animal.

Article 11.28**(preventing unnecessary animal suffering)**

Any party killing or capturing animals living in the wild will prevent unnecessary suffering by that animal.

Article 11.29**(customised rules)**

1. A customised rule may be imposed in the environment regulation on Articles 11.27, 11.34 and 11.35 and Subsections 11.2.6 and 11.2.8 and 11.2.9.
2. A customised rule may deviate from Articles 11.34, 11.35 and 11.68 and Subsections 11.2.6, 11.2.8 and 11.2.9, unless indicated otherwise.
3. A customised rule may be imposed with a view to the interests as intended in Article 11.23.

Article 11.30**(demarcation of customised option rules)**

A customised rule will not be imposed on an activity for which Our Minister of Agriculture, Nature and Food Quality has authority as intended in Article 11.25.

Article 11.31**(customised instructions)**

1. A customised instruction may be issued or a permit instruction as intended in Article 4.5 of the Act may be imposed on an environmental permit as intended in this Section, for Articles 11.27, 11.34 and 11.35 and Subsections 11.2.6 and 11.2.8 through to 11.2.10.
2. A customised instruction or a permit instruction may deviate from Articles 11.34 and 11.35 and Subsections 11.2.6 and 11.2.8 through to 11.2.10, unless otherwise indicated.
3. A customised instruction will not be issued if an instruction can be imposed on an environmental permit as intended in this Section, on that topic.
4. The drawing up of a customised instruction on a flora and fauna activity will be subject, accordingly, to the assessment rules and provisions on permit instructions in Subsection 8.6.2 of the Environmental Quality Decree.

Article 11.32**(general details for submission of data and documents)**

If data and documents are submitted to a competent authority as intended in Article 11.24 or 11.25, they must be signed and must include:

- a. the designation of the activity;

- b. the name and address of the party performing the activity;
- c. the address at which or an indication of the location where the activity is performed; and
- d. the date.

Article 11.33**(data for change of name, address or parties subject to the regulations)**

1. Before the name or the address as intended in Article 11.32 is changed, the data changed as a consequence will be issued to the competent authority as intended in Article 11.24 or 11.25.
2. At least four weeks before the activity is to be performed by another party, the data changed as a consequence will be submitted to the competent authority as intended in Article 11.24 or 11.25.

Article 11.34**(notification of an unusual occurrence)**

The competent authority as intended in Article 11.24 or 11.25 must be notified without delay of any unusual occurrence.

Article 11.35**(data and documents in the event of an unusual occurrence)**

As soon as the following data and documents become available, they will be submitted to the competent authority as intended in Article 11.24 or 11.25:

- a. information about the causes of the unusual occurrence and the circumstances in which the unusual occurrence arose;
- b. other data needed to estimate the nature and seriousness of the impact on the physical environment; and
- c. information about the measures taken or being considered for minimising the adverse impact of the unusual occurrence as intended in Article 19.1(1) of the Act.

Article 11.36**(demarcation of customised option)**

A customised rule or customised instruction will not result in relaxation of Article 11.34 and 11.35.

§ 11.2.2***Flora and fauna activities: environmental permits species Birds Directive*****Article 11.37****(designation of cases requiring a permit species Birds Directive: useful activities)**

1. The prohibition as intended in Article 5.1(2)(preamble and g) of the Act on performing a flora and fauna activity without an environmental permit applies to:
 - a. the deliberate killing or deliberate capture of birds living naturally in the wild in the Netherlands of species as intended in Article 1 of the Birds Directive;
 - b. the deliberate destruction or deliberate damaging of nests, resting places and eggs of birds as intended in Subsection a, or the deliberate removal of the nests of those birds;
 - c. the collection or possession of eggs of birds as intended in Subsection a; or
 - d. the deliberate disruption of birds as intended in Subsection a.
2. The prohibition does not apply if:
 - a. performance of the activity is permitted on the basis of another Act and Articles 9(1 and 2) and 13 of the Birds Directive have been complied with; or
 - b. the activity is in performance of:
 01. a conservation measure as intended in Articles 3(1) and (2)(b, c and d) and 4 (1) (first sentence) and (2) of the Birds Directive or Article 6(1) of the Habitats Directive; or
 02. is an appropriate measure as intended in Article 6(2) of the Habitats Directive.
3. The prohibition on the deliberate disruption of birds as intended in paragraph 1(d) does not apply if the disruption is not of fundamental impact on the conservation status of the bird species.

Article 11.38**(designation of cases requiring a permit species Birds Directive: commercial possession)**

1. The prohibition as intended in Article 5.1(2)(preamble and g) of the Act on performing a flora and fauna activity without an environmental permit applies to the sale, transport for sale, possession for sale, offering for sale of dead of live birds of species as intended in Article 1 of the Birds Directive, easily recognisable parts of those birds or products obtained from those birds.
2. The prohibition does not apply to birds of species referred to in Annex III, part A to the Birds Directive, that were demonstrably killed, captured or obtained in compliance with the rules of this Chapter and to parts or products of those birds.

Article 11.39**(designation of cases requiring a permit species Birds Directive: non-commercial possession)**

1. The prohibition as intended in Article 5.1(2)(preamble and g) of the Act on performing a flora and fauna activity without an environmental permit applies to the possession for reasons other than sale, and the transport of dead of live birds of species as intended in Article 1 of the Birds Directive, easily recognisable parts of those birds or products obtained from those birds.
2. The prohibition does not apply if:
 - a. the birds, parts or products were demonstrably killed, captured or obtained in compliance with the rules of this Chapter;
 - b. performance of the activity is permitted on the basis of another Act and Articles 9(1 and 2) and 13 of the Birds Directive have been complied with; or
 - c. the activity is part of:
 01. a conservation measure as intended in Articles 3(1) and (2)(b, c and d) and 4 (1) (first sentence) and (2) of the Birds Directive or Article 6(1) of the Habitats Directive; or
 02. is an appropriate measure as intended in Article 6(2) of the Habitats Directive.

Article 11.40**(designation of cases requiring a permit species Birds Directive: method of capture or killing)**

1. The prohibition as intended in Article 5.1(2)(preamble and g) of the Act on performing a flora and fauna activity without an environmental permit applies to:
 - a. the capture or killing of birds living naturally in the wild in the Netherlands of species as intended in Article 1 of the Birds Directive with:
 01. means referred to in Annex IV(a) to the Directive;
 02. means, installations or methods for the mass or non-selective capture or killing of birds; or
 03. means, installations or methods that can cause a species to locally disappear; and
 - b. the chasing of birds of these species using means of transport referred to in Annex IV(b) of the Birds Directive, in the manner described in that Annex.
2. The means, installations or methods as intended in Paragraph one(a)(2° and 3°) will under all circumstances include:
 - a. duck decoys used other than for hunting activities;
 - b. bal-chatri;
 - c. the killing by means permitted or exempt pursuant to the Plant Protection Products and Biocides Act (*Wet gewasbeschermingsmiddelen en biociden*);
 - d. the capture or killing by a means that employs electronically amplified decoy sounds; and
 - e. the capture or killing with a rifle equipped with a silencer.

Article 11.41**(designation of permit-exempt cases species Birds Directive in a programme)**

1. The prohibition as intended in Article 5.1(2)(preamble and g) of the Act on performing a flora and fauna activity without an environmental permit does not apply to a flora and fauna activity as intended in Article 11.37 or 11.39 in cases designated in a programme.
2. The programme:
 - a. relates fully or also to the layout, management or use of a Natura 2000 area and contains measures aimed at achieving the conservation goals for that area; or
 - b. is intended, also with a view to balanced and sustainable economic development, for:
 01. reducing the burden of nature values of Natura 2000 areas by specific harmful factors, and achieving the conservation goals; or
 02. the management, protection, conservation or recovery of species of animals or plants living naturally in the wild in the Netherlands or the natural habitats or habitats of species occurring in the Netherlands, or improving the conservation status of those species; and
 - c. is adopted by or together with the administrative body which, if paragraph one is not applied, is competent to decide on applications for environmental permit for the flora and fauna activities in question.

Article 11.42**(designation of permit-exempt cases species Birds Directive in an environment regulation)**

The prohibition as intended in Article 5.1(2)(preamble and g) of the Act on performing a flora and fauna activity without an environmental permit does not apply to cases designated in an environment regulation for:

- a. a flora and fauna activity as intended in Articles 11.37(1) and 11.39(1) relating to birds of the species designated in the environment regulation, or their nests, resting places or eggs; or
- b. a flora and fauna activity as intended in Article 11.40 relating to in means, installations, methods or means of transport designated in the environment regulation.

Article 11.43**(designation of permit-exempt cases species Birds Directive in a ministerial order)**

1. Permit-exempt cases as intended in Article 11.42 are designated in a ministerial order, if:
 - a. Our Minister of Agriculture, Nature and Food Quality is the competent authority as intended in Article 11.25(1); or
 - b. the flora and fauna activity is undertaken by a land user to control damage-causing birds of the following species:
 01. Canada goose (*Branta Canadensis* and *Branta hutchinsii hutchinsii*);
 02. wood pigeon (*Columba palumbus*);
 03. jackdaw (*Corvus monedula*); or
 04. carrion crow (*Corvus corone corone*).
2. The prohibition as intended in Article 5.1(2)(preamble and g) of the Act on performing a flora and fauna activity without an environmental permit does not apply in cases designated by ministerial order for a flora and fauna activity as intended in Article 11.38(1) relating to:
 - a. dead or living birds of species designated in that order;
 - b. easily recognisable parts of these birds; or
 - c. products obtained from these birds.

Article 11.44**(limitation of designation of permit-exempt cases species Birds Directive)**

1. A flora and fauna activity in a programme, an environment regulation or a ministerial order on the basis of Article 11.41, 11.42 or 11.43 is only designated as a permit exempt

- case if the activity complies with article 8.74j(1) of the Environmental Quality Decree.
2. Control by the land user of damage-causing birds is only designated as a permit-exempt case in an environment regulation or a ministerial order on the basis of Article 11.42 or 11.43 and only if:
 - a. the control complies with Article 8.74j(1)(a and c) of the Environmental Quality Decree;
 - b. the control takes place on land used by the land user, or in or on buildings used by him, to prevent damage which is at risk of occurring in the current or subsequent year on that land in or on those buildings or in the surrounding area;
 - c. this damage is caused by birds of the species referred to in the environment regulation or ministerial order, and can be characterised as:
 01. serious damage to crops, livestock, woodland, fishery or waters; or
 02. damage to flora or fauna; and
 - d. in as much as relating to Article 11.42, the bird species referred to in the environment regulation:
 01. are not threatened in their continued existence and do not run the risk of being threatened in their continued existence;
 02. cause damage in the province; and
 03. do not match the species referred to in Article 11.43(1)(b).
 3. Control by municipalities of nuisance-causing birds is only designated as permit exempt in an environment regulation on the basis of Article 11.42 and only if the control activity:
 - a. complies with Article 8.74j(1)(a and c) of the Environmental Quality Decree;
 - b. is carried out within a restricted building contour in the environment plan or environment regulation;
 - c. is carried out in the interests of public health, public safety or aviation safety; and
 - d. relates to bird species referred to in the environment regulation which:
 01. are not threatened in their continued existence and do not run the risk of being threatened in their continued existence; and
 02. cause nuisance in the province.
 4. In a programme, an environment regulation or a ministerial order in which permit-exempt cases are designated relating to the capture or killing of birds, the following is under all circumstances specified:
 - a. which of the means, installations or methods as intended in Articles 8.74p and 8.74q of the Environmental Quality Decree are permitted for the capture or killing, whereby only means, installations and methods are permitted which prevent or, if that is that not possible, minimise as far as possible the adverse impact on the welfare of animals, whereby the killing of animals must be avoided as far as possible;
 - b. for which time and place the designation applies;
 - c. for which species of birds or for the nests, resting places or eggs of which species of birds the designation applies; and
 - d. how the risk for the conservation of the bird stock is limited.
 5. A designation of permit-exempt cases as intended in paragraph two also applies for the control of damage-causing animals by the person or game management unit in possession of written signed permission issued for that control by the land user;
 6. The restriction of the size of populations of animals living in the wild is not designated as permit exempt.

Article 11.45

(designation of permit-exempt cases species Birds Directive on the basis of a designated code of conduct)

1. The prohibition as intended in Article 5.1(2)(preamble and g) of the Act on performing a flora and fauna activity without an environmental permit does not apply in cases designated by ministerial order for flora and fauna activities as intended in Article 11.37(1) or 11.39(1) that are described in a code of conduct designated in that order and

which:

- a. are demonstrably performed in compliance with the code of conduct; and
- b. take place in the framework of:
 01. the permanent management or maintenance of navigation channels, waterways, flood defences, water management structures, banks, airports, roads, railways or verges, or in the framework of nature management;
 02. permanent management or maintenance in agriculture or forestry;
 03. permanent use; or
 04. spatial development or layout.
2. A code of conduct is only designated by ministerial order if:
 - a. the activities described in that order comply with Article 8.74j(1)(b) of the Environmental Quality Decree; and
 - b. they describe a method of performing activities which, in the judgement of Our Minister of Agriculture, Nature and Food Quality, sufficiently guarantees that:
 01. no useful or economic gain is made from birds living naturally in the wild in the Netherlands of species as intended in Article 1 of the Birds Directive; and
 02. the activities relating to those birds are performed with due care.
3. Under all circumstances, activities are performed with due care if:
 - a. they cause no fundamental influence on the species to which the birds belong; and
 - b. all reasonable actions are taken or refrained from to prevent or as far as possible to restrict:
 01. the killing of birds;
 02. the destruction, damage or removal of birds' nests or the destruction of bird resting places; and
 03. the destruction of birds' eggs.

§ 11.2.3

Article 11.46

Flora and fauna activities: environmental permits species Habitats Directive **(designation of cases requiring a permit species Habitats Directive: harmful activities)**

1. The prohibition as intended in Article 5.1(2)(preamble and g) of the Act on performing a flora and fauna activity without an environmental permit applies to:
 - a. the deliberate killing or deliberate capture of animals living naturally in the wild in their natural range of distribution of species referred to in Annex IV(a) to the Habitats Directive, Annex II to the Bern Convention or Annex I to the Bonn Convention;
 - b. the deliberate disruption of animals as intended in Subsection a;
 - c. the deliberate destruction or collection in nature of eggs of animals as intended in Subsection a;
 - d. the damage or destruction of the breeding grounds or resting places of animals as intended in Subsection a; and
 - e. the deliberate picking and collecting, cutting, unrooting or destruction of plants of species referred to in Annex IV(b) to the Habitats Directive or Annex I to the Bern Convention, in their natural range of distribution.
2. The prohibition does not apply if:
 - a. performance of the activity is permitted on the basis of another Act and Article 16(1) of the Habitats Directive has been complied with; or
 - b. the activity is in performance of:
 01. a conservation measure as intended in Articles 3(1) and (2)(b, c and d) and 4 (1) (first sentence) and (2) of the Birds Directive or Article 6(1) of the Habitats Directive; or
 02. is an appropriate measure as intended in Article 6(2) of the Habitats Directive.
3. Species as intended in paragraph one(1) do not include the species as intended in Article 1 of the Birds Directive;

Article 11.47**(designation of cases requiring a permit species Habitats Directive: possession)**

1. The prohibition as intended in Article 5.1(2)(preamble and g) of the Act on performing a flora and fauna activity without an environmental permit applies to:
 - a. the sale, transport for sale, trade in, exchange or offering for sale or exchange of animals or plants of species as referred to in Annex IV to the Habitats Directive, Annex I or II to the Bern Convention or Annex I to the Bonn Convention, with the exception of the species as intended in Article 1 of the Birds Directive; and
 - b. the possession or transport for any other reason than sale of animals and plants as intended in Subsection a.
2. The prohibition does not apply if:
 - a. the animals and plants were demonstrably bred or cultivated;
 - b. performance of the activity is permitted on the basis of another Act and Article 16(1) of the Habitats Directive has been complied with;
 - c. the activity is part of:
 01. a conservation measure as intended in Articles 3(1) and (2)(b, c and d) and 4 (1) (first sentence) and (2) of the Birds Directive or Article 6(1) of the Habitats Directive; or
 02. . is an appropriate measure as intended in Article 6(2) of the Habitats Directive; or
 - d. the animals or plants were removed from nature at the latest on 10 June 1994, demonstrably in compliance with the regulations applicable at that moment.

Article 11.48**(designation of cases requiring a permit species Habitats Directive: method of capture or killing)**

The prohibition as intended in Article 5.1(2)(preamble and g) of the Act on performing a flora and fauna activity without an environmental permit applies to the capture or killing of animals as referred to in Annex IV(a) to the Habitats Directive or Annex II to the Bern Convention, and to the removal from nature of animals of species as intended in Annex V(a) to the Habitats Directive, or Annex III to the Bern Convention, through the use of non-selective means that can result in the local disappearance or serious disruption of the peace of populations of species which under all circumstances include:

- a. the means as referred to in Annex VI(a) to the Habitats Directive; or
- b. the means of transport as referred to in Annex VI(b) of the Habitats Directive.

Article 11.49**(designation of permit-exempt cases species Habitats Directive in a programme)**

1. The prohibition as intended in Article 5.1(2)(preamble and g) of the Act on performing a flora and fauna activity without an environmental permit does not apply to a flora and fauna activity as intended in Articles 11.46(1) and 11.47(1) in cases designated in a programme.
2. The programme:
 - a. relates fully or also to the layout, management or use of a Natura 2000 area and contains measures aimed at achieving the conservation goals for that area; or
 - b. is intended, also with a view to balanced and sustainable economic development, for:
 01. reducing the burden of nature values of Natura 2000 areas by specific harmful factors, and achieving the conservation goals; or
 02. the management, protection, conservation or recovery of species of animals or plants living naturally in the wild in the Netherlands or the natural habitats or habitats of species occurring in the Netherlands, or improving the conservation status of those species; and
 - c. is adopted by or together with the administrative body which, if paragraph one is not applied, is authorised to decide on applications for environmental permits for the flora and fauna activities in question.

Article 11.50**(designation of permit-exempt cases species Habitats Directive in an environment regulation)**

The prohibition as intended in Article 5.1(2)(preamble and g) of the Act on performing a flora and fauna activity without an environmental permit does not apply to a flora and fauna activity in cases designated in an environment regulation:

- a. as intended in Article 11.46(1) and 11.47(1)(preamble and b) for animals or plants of species designated in the environment regulation, or relating to breeding grounds, resting places or eggs of animals of species designated in the environment regulation; and
- b. as intended in Article 11.48 relating to the means designated in the environment regulation.

Article 11.51**(designation of permit-exempt cases species Habitats Directive in a ministerial order)**

1. Permit-exempt cases as intended in Article 11.50 are designated in a ministerial order, if Our Minister of Agriculture, Nature and Food Quality is the competent authority as intended in Article 11.25(1).
2. The prohibition as intended in Article 5.1(2)(preamble and g) of the Act on performing a flora and fauna activity without an environmental permit does not apply to a flora and fauna activity designated in a ministerial order as intended in Article 11.47(1) (preamble and a) in respect of animals or plants of the species designated in the ministerial order or in respect of breeding grounds, resting places or eggs of animals of species designated in the ministerial order.

Article 11.52**(limitation of designation of permit-exempt cases species Habitats Directive)**

1. A flora and fauna activity is only designated as a permit-exempt case in a programme, an environment regulation or a ministerial order on the basis of Article 11.49, 11.50 or 11.51 if the activity complies with article 8.74k(1) of the Environmental Quality Decree.
2. Control by the land user of damage-causing animals is only designated as a permit-exempt case in an environment regulation on the basis of Article 11.50 and only if:
 - a. the control complies with Article 8.74k(1)(a and c) of the Environmental Quality Decree;
 - b. the control takes place on land used by the land user, or in or on buildings used by him, to prevent damage which is at risk of occurring in the current or subsequent year on that land in or on those buildings or in the surrounding area;
 - c. this damage is caused by animals of the species referred to in the environment regulation or ministerial order, and can be characterised as:
 01. serious damage to the wild flora or fauna or natural habitats; or
 02. serious damage in particular to crops, livestock farms, woodland, fishing grounds or waters or other forms of property; and
 - d. the animal species referred to in the environment regulation or ministerial order:
 01. are not threatened in their continued existence and do not run the risk of being threatened in their continued existence; and
 02. cause damage in the province.
3. Control by municipalities of nuisance-causing animals is only designated as permit exempt in an environment regulation on the basis of Article 11.50 and only if the control activity:
 - a. complies with Article 8.74k(1)(a and c) of the Environmental Quality Decree;
 - b. is carried out within a restricted building contour in the environment plan or environment regulation;
 - c. is carried out in the interests of public health, public safety or other compelling grounds of considerable public interest; and
 - d. relates to animal species referred to in the environment regulation which:

- 01. are not threatened in their continued existence and do not run the risk of being threatened in their continued existence; and
 - 02. cause nuisance in the province.
4. In a programme, an environment regulation or a ministerial order in which permit-exempt cases are designated relating to the capture or killing of animals, under all circumstances, which means are permitted for the capture or killing of animals are specified, and only means are permitted which prevent or if that is not possible minimise as far as possible the adverse impact on the welfare of animals, whereby the killing of animals must be avoided as far as possible.
 5. A designation of permit-exempt cases as intended in paragraph two also applies for the control of damage-causing animals by the person or game management unit in possession of written signed permission issued for that control by the land user;
 6. The restriction of the size of populations of animals living in the wild is not designated as permit exempt.

Article 11.53

(permit-exempt cases species Habitats Directive on the basis of a designated code of conduct)

1. The prohibition as intended in Article 5.1(2)(preamble and g) of the Act on performing a flora and fauna activity without an environmental permit does not apply in cases designated by ministerial order for flora and fauna activities as intended in Article 11.46(1) or 11.47(1)(preamble and b) that are described in a code of conduct designated in that order and which:
 - a. are demonstrably performed in compliance with that code of conduct; and
 - b. take place in the framework of:
 01. the permanent management or maintenance of navigation channels, waterways, flood defences, water management structures, banks, airports, roads, railways or verges, or in the framework of nature management;
 02. permanent management or maintenance in agriculture or forestry;
 03. permanent use; or
 04. spatial development or layout.
2. A code of conduct is only designated by ministerial order if:
 - a. the activities described in that order comply with Article 8.74k(1)(b) of the Environmental Quality Decree; and
 - b. they describe a method of performing activities which, in the judgement of Our Minister of Agriculture, Nature and Food Quality, sufficiently guarantees that:
 01. no useful or economic gain is made from animals of species as referred to in Annex IV(a) to the Habitats Directive, Annex II to the Bern Convention or Annex I to the Bonn Convention, with the exception of the species as intended in Article 1 of the Birds Directive, and of plants and species as intended in Annex IV(b) to the Habitats Directive or Annex I to the Bern Convention; and
 02. the activities relating to those animals and plants are performed with due care.
3. Under all circumstances, activities are performed with due care if:
 - a. they have no fundamental influence on the species to which the animals or plants belong; and
 - b. all reasonable actions are taken or refrained from to prevent or as far as possible to restrict:
 01. the killing of animals;
 02. the destruction or damage of breeding grounds or resting places of animals;
 03. the destruction of animal eggs; and
 04. the picking, cutting, unrooting or destruction of plants.

§ 11.2.4

Flora and fauna activities: environmental permits other species**Article 11.54****(designation of cases requiring a permit other species: harmful activities)**

1. The prohibition as intended in Article 5.1(2)(preamble and g) of the Act on performing a flora and fauna activity without an environmental permit applies to:
 - a. the deliberate killing or deliberate capture of mammals, amphibians, reptiles, fish, butterflies, dragonflies and beetles of species as referred to in Annex IX(a);
 - b. the deliberate damage or destruction of the regular breeding grounds or resting places of animals as intended in Subsection a; and
 - c. the deliberate picking and collecting, cutting, unrooting or destruction in their natural range of distribution of vascular plants of the species as referred to in Annex IV(B).
2. The prohibition does not apply if:
 - a. relating to the killing or capture of the wood mouse, greater white-toothed shrew and the field mouse or the damage or destruction of their regular breeding grounds or resting places, in as much as these animals are present in or on buildings or accompanying land or properties;
 - b. performance of the activity is permitted on the basis of another Act and Article 8.74l of the Environmental Quality Decree has been complied with; or
 - c. the activity is part of:
 01. a conservation measure as intended in Articles 3(1) and (2)(b, c and d) and 4 (1) (first sentence) and (2) of the Birds Directive or Article 6(1) of the Habitats Directive; or
 02. is an appropriate measure as intended in Article 6(2) of the Habitats Directive.

Article 11.55**(designation of permit-exempt cases other species in a programme)**

1. The prohibition as intended in Article 5.1(2)(preamble and g) of the Act on performing a flora and fauna activity without an environmental permit does not apply to a flora and fauna activity as intended in Article 11.54 in cases designated in a programme.
2. The programme:
 - a. relates fully or also to the layout, management or use of a Natura 2000 area and contains measures aimed at achieving the conservation goals for that area; or
 - b. is intended, also with a view to balanced and sustainable economic development, for:
 01. reducing the burden of nature values of Natura 2000 areas by specific harmful factors, and achieving the conservation goals; or
 02. the management, protection, conservation or recovery of species of animals or plants living naturally in the wild in the Netherlands or the natural habitats or habitats of species occurring in the Netherlands, or improving the conservation status of those species; and
 - c. is adopted by or together with the administrative body which, if paragraph one is not applied, is authorised to decide on applications for environmental permits for the flora and fauna activities in question.

Article 11.56**(designation of permit-exempt cases other species in an environment regulation)**

The prohibition as intended in Article 5.1(2)(preamble and g) of the Act on performing a flora and fauna activity without an environmental permit does not apply to a flora and fauna activity designated in an environment regulation as intended in Article 11.54 in respect of animals or plants of the species designated in the environment regulation or in respect of breeding grounds or resting places of animals of species designated in the environment regulation.

Article 11.57**(designation of permit-exempt cases other species in a ministerial order)**

Permit-exempt cases as intended in Article 11.56 are designated in a ministerial order, if:

- a. Our Minister of Agriculture, Nature and Food Quality is the competent authority as intended in Article 11.25(1); or
- b. the flora and fauna activity is undertaken by a land user to control damage-causing animals of the following species:
 01. the rabbit (*Oryctolagus cuniculus*); or
 02. the fox (*Vulpes vulpes*).

Article 11.58**(limitation of designation of permit-exempt flora and fauna activities other species)**

1. A flora and fauna activity in a programme, an environment regulation or a ministerial order on the basis of Articles 11.55, 11.56 or 11.57 is only designated as a permit exempt case if the activity complies with article 8.74l(1)(a, b and c) of the Environmental Quality Decree.
2. Control by the land user of damage-causing animals is only designated as a permit-exempt case in an environment regulation or a ministerial order on the basis of Article 11.56 or 11.57 and only if:
 - a. the control complies with Article 8.74l(1)(a and c) of the Environmental Quality Decree;
 - b. the control takes place on land used by the land user, or in or on buildings used by him, to prevent damage which is at risk of occurring in the current or subsequent year on that land in or on these buildings or in the surrounding area;
 - c. this damage is caused by animals of the species referred to in the environment regulation or ministerial order, and can be categorised in the damage category described in the environment regulation or ministerial order; and
 - d. in as much as relating to Article 11.56, the animal species referred to in the environment regulation:
 01. are not threatened in their continued existence and do not run the risk of being threatened in their continued existence;
 02. cause damage in the province; and
 03. do not match the species referred to in Article 11.57(b).
3. Control by municipalities of nuisance-causing animals is only designated as permit exempt in an environment regulation on the basis of Article 11.56 and only if the control activity:
 - a. complies with Article 8.74l(1)(a and c) of the Environmental Quality Decree;
 - b. is carried out within a restricted building contour in the environment plan or environment regulation;
 - c. is carried out in the interests of public health, public safety or some other public interest described in the environment regulation or ministerial order; and
 - d. relates to animal species referred to in the environment regulation which:
 01. are not threatened in their continued existence and do not run the risk of being threatened in their continued existence; and
 02. cause nuisance in the province.
4. In a programme, an environment regulation or a ministerial order in which permit-exempt cases are designated relating to the capture or killing of animals, under all circumstances, which means are permitted for that purpose are specified, and only means are permitted which prevent or if that is not possible minimise as far as possible the adverse impact on the welfare of animals, whereby the killing of animals must be avoided as far as possible.
5. In a programme, an environment regulation or a ministerial order in which permit-exempt cases are designated relating to the killing or capture of wild boar, roe deer, fallow deer or red deer, the following is specified:
 - a. that this may not be performed by means of beating; and
 - b. whether and subject to which conditions a method is permitted, whereby one

person deliberately disrupts wild boar with the aim of driving these animals into the field of fire of one rifle bearer, such that the rifle bearer can kill the animals, and whereby no dog is deployed.

6. A designation as intended in paragraph two also applies for the control of damage-causing animals by the person or game management unit in possession of written signed permission issued for that control by the land user;
7. The restriction of the size of populations of animals living in the wild is not designated as permit exempt.

Article 11.59

(permit-exempt cases other species on the basis of a designated code of conduct)

1. The prohibition as intended in Article 11.54 does not apply in cases designated by ministerial order for activities that are described in a code of conduct designated in that order and which:
 - a. are demonstrably performed in compliance with that code of conduct; and
 - b. take place in the framework of:
 01. the permanent management or maintenance of navigation channels, waterways, flood defences, water management structures, banks, airports, roads, railways or verges, or in the framework of nature management;
 02. permanent management or maintenance in agriculture or forestry;
 03. permanent use; or
 04. spatial development or layout.
2. A code of conduct is only designated by ministerial order if:
 - a. the activities described in that order comply with Article 8.74(1)(b) of the Environmental Quality Decree; and
 - b. they describe a method of performing activities which, in the judgement of Our Minister of Agriculture, Nature and Food Quality, sufficiently guarantees that:
 01. no useful or economic gain is made from animals and plants of the species referred to in Annex IX that are present in their natural range of distribution; and
 02. the activities relating to those animals and plants are performed with due care.
3. Under all circumstances, activities are performed with due care if:
 - a. they have no fundamental influence on the species referred to in Annex IX, that are present in their natural range of distribution, to which the animals or plants belong; and
 - b. all reasonable actions are taken or refrained from to prevent or as far as possible to restrict:
 01. the killing of animals;
 02. the destruction or damage of breeding grounds or resting places of animals;
 03. the destruction of animal eggs; or
 04. the picking, cutting, unrooting or destruction of plants.

§ 11.2.5

Flora and fauna activities: other provisions for environmental permits

Article 11.60

(designation of activities requiring a permit: supplementary feeding of specific species)

The prohibition as intended in Article 5.1(2)(preamble and g) of the Act on performing a flora and fauna activity without an environmental permit applies to the supplementary feeding of red deer, fallow deer, roe deer, wild boar, pheasants, wild ducks, wood pigeons, hares or rabbits living in the wild.

Article 11.61**(designation of activities requiring a permit and permit-exempt cases: release of animals or setting out of animal eggs)**

1. The prohibition as intended in Article 5.1(2)(preamble and g) of the Act on performing a flora and fauna activity without an environmental permit applies to the release of animals and the setting out of animal eggs.
2. The prohibition does not apply to the release of fish as intended in Article 1(2) of the Fisheries Act 1963 or the setting out of the eggs of these fish.
3. The prohibition does not apply in cases designated in an environment regulation for animals or animal eggs of the species designated in that regulation.
4. Permit-exempt cases as intended in paragraph three are designated in a ministerial order:
 - a. if our Minister of Agriculture, Nature and Food Quality is the competent authority as intended in Article 11.25(1); or
 - b. if relating to the reintroduction of species.
5. A flora and fauna activity is only designated as a permit-free case on the basis of paragraph three or four if Article 8.74n(1) of the Environmental Quality Decree has been complied with, in as much as relating to the release of animals or the setting out of animal eggs, and Article 8.74n(2) of the Environmental Quality Decree, in as much as relating to the reintroduction of species.

Article 11.62**(designation of permit-exempt cases: hunting)**

The prohibitions as intended in Articles 11.37(1)(a and d), 11.46(1)(a and b) and 11.54(1) do not apply to the capture, killing or disturbance and the tracking by eye of game in the performance of a hunting activity, in the hunting ground of a holder of the hunting rights, in compliance with Article 11.64(1).

§ 11.2.6***Operating according to a fauna management plan*****Article 11.63****(Operating according to a fauna management plan)**

1. Limiting the size of populations of animals living in the wild, the control of damage-causing animals by land users and hunting activities are performed according to the fauna management plan adopted for the area in question by the fauna management unit.
2. Paragraph one does not apply to:
 - a. limiting the size of populations of exotic species or feral animals; and
 - b. the control of damage-causing exotic species or feral animals.
3. A customised rule or customised instruction will only be deviate from paragraph one if:
 - a. an environmental permit is issued for a flora and fauna activity to the fauna management unit, a game management unit or others for limiting the size of a population of animals; and
 - b. due to the specific characteristics of the animal species in question or the nature and scope of the activities to be undertaken, there is no necessity for a fauna management plan for that activity, or if the provincial executive has issued an order to reduce the size of the population.

§ 11.2.7***Hunting activities*****Article 11.64****(hunting activities by the holder of the hunting rights or others)**

1. The prohibition as intended in Articles 11.37(1)(a and d), 11.46(1) and 11.54(1) do not apply to hunting activities by:
 - a. the holder of the hunting rights;
 - b. parties in the company of the holder of the hunting rights;
 - c. the gamekeeper of the holder of the hunting rights who:
 01. is in possession of written permission signed by the holder of the hunting rights;

- 02. is responsible for protecting the hunting interests of the holder of the hunting rights; and
- 03. as special investigating officer is responsible for investigating acts deemed criminal according to Article 1a of the Economic Offences Act relating to the provisions of the Environment and Planning Act referred to in that Act and other acts designated as criminal in the deed or instruction as intended in Article 142(2) of the Dutch Criminal Code;
- d. another party who is in possession of written permission issued and signed by the holder of the hunting rights for that purpose, in the event that the holder of the hunting rights:
 - 01. is a natural person to whom an environmental permit has been issued for a rifle hunting activity or a falconry activity that is valid at the moment of signing of the permission;
 - 02. an organisation of cooperating holders of hunting rights with a legal personality; or
 - 03. and organisation with a legal personality as designated by ministerial order, which in the judgement of Our Minister of Agriculture, Nature and Food Quality, given its aim and given the knowledge and skills which that organisation possesses sufficiently guarantees sustainable management of populations of animals living in the wild.
- 2. The written permission issued and signed by the holder of the hunting rights as intended in paragraph one(c and d):
 - a. bears an annotation of the chief constable demonstrating that the hunting ground on which the hunting activities are carried out satisfies Article 11.76 in as much as use is made of a rifle for the hunting activity;
 - b. bears the name, first names and dates of birth of the parties to whom permission has been given; and
 - c. has a period of validity ending at the latest on 31 March following the date of the signing of the permission.
- 3. A permission issued to a gamekeeper as intended in paragraph one(c) is not subject to the requirement that it bears an annotation from the chief constable.
- 4. Permission issued to anyone other than the gamekeeper as intended in paragraph one(d) is not required to state the personal details of that party if:
 - a. that other party is hunting in the company of the party to whom the holder of the hunting rights has issued permission;
 - b. the holder of the hunting rights has expressly permitted hunting activities by third parties in that permission; and
 - c. the other party has been issued with an environmental permit for a rifle hunting activity or a falconry activity which at the time of the hunting activity is valid.

Article 11.65**(reasonable game population)**

The holder of the hunting rights takes all actions expected of a good holder of hunting rights to maintain a reasonable population of the game present in his hunting grounds, as intended in Article 8.3(4) of the Act or, in its absence, to achieve a reasonable game population, and to prevent damage by game.

Article 11.66**(no hunting in certain cases)**

1. Hunting activities will not be performed:
 - a. before sunrise and after sunset;
 - b. on Sundays, New Year's Day, Easter Monday, Ascension Day, Whit Monday and Christmas Day or Boxing Day;
 - c. in cemeteries;
 - d. from on or inside a vehicle;
 - e. from on or inside a vessel;
 - f. from inside an aircraft; or

- g. if the ground is covered is snow.
- 2. Hunting activities for game will not be performed:
 - a. if as a result of high water levels, the game is concentrated in high-lying areas of the land;
 - b. in as much as present is in or close to naturally occurring or manmade holes in the ice;
 - c. in as much as it is incapable of flight due to insufficient plumage;
 - d. which is in a state of exhaustion due to weather conditions; or
 - e. is within a radius of 200 metres around locations where feed or bait are laid out to attract game.

Article 11.67**(exceptions)**

1. Contrary to Article 11.66(1)(preamble and a), hunting activities may also be performed for wild duck half an hour before sunrise and half an hour after sunset.
2. Contrary to Article 11.66(1)(preamble and e), hunting activities may also be performed from on or inside a vessel sailing at a speed of not more than 5 km/h.
3. Contrary to Article 11.66(1)(preamble and g), hunting activities may also be performed if the ground is covered with snow, for:
 - a. wild ducks or wood pigeons; or
 - b. rabbits, hares or pheasants, if these animals are hunted other than by foot.
4. Contrary to Article 11.66(2)(preamble and e), hunting activities may also be performed within a radius of 200 metres around locations where feed or bait are laid out to attract game, if use is made of a duck decoy.

Article 11.68**(opening of the hunt)**

Hunting for species of game may only be performed if hunting for that species of game is opened by ministerial order.

Article 11.69**(demarcation of customised option: opening of the hunt)**

The hunt for species of game may only be closed by a customised rule in the entire province or part of a province for as long as special weather conditions make such closing of the hunt necessary.

Article 11.70**(end of the term of a lease agreement or date of registration of a deed of exchange)**

Upon entering into a lease agreement as intended in Article 8.3(1)(d) of the Act, the requirement may be imposed that if a real estate property to which the agreement relates is included in a deed of land reallocation as intended in Article 16.136(1) of the Act, and this deed is entered in the public registers before the end of the term of the agreement, the lease agreement, in as much as relating to that property, shall end as from the date on which this deed is registered.

Article 11.71**(hunting resources)**

1. In performing hunting activities, no other resources will be used than:
 - a. rifles;
 - b. dogs, but not tall dogs;
 - c. demonstrably bred northern goshawk (*Accipiter gentilis*) or peregrine falcons (*Falco peregrinus*);
 - d. duck decoys;
 - e. decoy ducks or decoy pigeons, that are not blind or crippled;
 - f. ferrets;
 - g. purse nets; or
 - h. screens.
2. Hunting activities will not be performed if other resources suitable for the capture or killing of animals are present in the field than those resources referred to in paragraph one.

3. The party present in the field with the resources permitted for hunting or with other resources suitable for hunting, is considered as being present during the hunting activity in the field, unless the contrary is demonstrated.
4. Hunting activities will not be performed with a rifle within the building contour for hunting designated in the environment plan, as intended in Article 5.165a of the Environmental Quality Decree, or on sites immediately adjacent to the building contour.

§ 11.2.8

The use and possession of resources or installations and the employment of methods to capture and kill animals, including the undertaking of a rifle hunting activity and falconry activity, and the trade in and transport into or outside the territory of the Netherlands of equipment or installations for capturing and killing animals

Article 11.72

(prohibitions on locations for resources for the capture or killing of animals)

1. It is forbidden/prohibited to be present outside buildings with one or more of the following resources or with materials with which those resources can be immediately made, if it must be assumed that those resources or materials will be used for the killing or capture of animals:
 - a. shotgun cartridges containing metallic lead;
 - b. jaw traps, with the exception of jaw traps which:
 01. are only suitable or intended for the capture and killing of moles, black rats, brown rats or house mice; or
 02. are used in preventing damage to water management structures, caused by muskrats or coypus, by persons employed by or acting on the instructions of the water authority and who demonstrably have the necessary knowledge and skills to effectively perform this task;
 - c. traps, with the exception of cage traps;
 - d. snares;
 - e. cage traps, with the exception of cage traps suitable and intended for feral cats and feral pigeons within built-up areas;
 - f. glue;
 - g. nets, suitable and intended to be used for the capture of birds; or
 - h. rodenators.
2. It is forbidden for a person to be present in the field with an animal belonging to that person or under his supervision, and which is tracking, killing, injuring, capturing or overpowering animals, until in relation to:
 - a. performance of hunting with animals as intended in Article 11.71(1); or
 - b. the capture or killing of animals in accordance with an environmental permit for a flora and fauna activity or in accordance with the environment regulation or ministerial order whereby permit-exempt cases are designated on the basis of this Chapter.
3. If a customised instruction or customised rule deviates from paragraph one, account is taken of preventing unnecessary suffering of animals to be killed or captured.

Article 11.73

(forbidden trade in mist nets)

It is forbidden? to transport, to sell, to offer for sale, to purchase or to be in possession of nets in strips, in sections or in a specific shape, manufactured from yarns of synthetic or artificial fibres with a total thickness of less than 150 denier (16.2 mg/m), the mesh size of which, measured across the yarn, from knot to knot, is less than 35 mm.

Article 11.74**(demarcation of customised option: trade in mist nets)**

A customised rule or customised instruction may only deviate from Article 11.73 if in compliance with the rules imposed by or pursuant to the Benelux agreement on hunting and bird protection (Treaty 1970, 155).

Article 11.75**(permitted rifle activities)**

1. A rifle may only be used in implementation of the Act for:
 - a. hunting activities;
 - b. performing a flora and fauna activity relating to the killing of animals in accordance with the duly issued environmental permit or in compliance with the environment regulation or ministerial order whereby permit-exempt cases are designated on the basis of this Chapter.
 - c. controlling exotic species or feral animals if undertaken on behalf of Our Minister of Agriculture, Nature and Food Quality or the provincial executive, or if the animal species in question are designated by ministerial order;
 - d. control of the black rat, brown rat or house mouse;
 - e. the shooting of clay pigeons; or
 - f. hunting dog trials.
2. The prohibition as intended in Article 5.1(1)(f) of the Act on performing a rifle hunting activity without an environmental permit does not apply in cases designated by environment regulations. In that designation, account is taken of the interests of nature conservation, safety, health and the environment. Permit-exempt cases are designated by ministerial order if Our Minister of Agriculture, Nature and Food Quality is the competent authority as intended in Article 11.25(1).

Article 11.76**(requirements on field size for rifle use)**

1. A rifle may only be used in the implementation of the Act on a hunting ground with:
 - a. an uninterrupted area of at least 40 ha, by a holder of the hunting rights who in his capacity as holder of the hunting rights is entitled to hunt in that hunting ground; and
 - b. dimensions within which a circle with a radius of at least 150 m can be described.
2. If other persons than the holder of the hunting rights or the gamekeeper as intended in Article 11.64(1)(d) are permitted to hunt in the hunting ground, the uninterrupted area of the hunting ground is increased by 40 ha per other person who is permitted to hunt in that hunting ground.
3. In calculating the area of the hunting ground, the following will not be taken into account:
 - a. land located at a distance of more than 350 m from the centre point of a circle with a radius of 150 m that can be described closest to the land in the hunting ground;
 - b. other land than that referred to in Subsection a, which can only be reached in a straight line from the centre point as intended in Subsection a, across land which belongs to another hunting ground;
 - c. public, metalled highways, with the exception of gravel tracks;
 - d. cemeteries; and
 - e. the building contour for hunting as designated in an environment plan, as intended in Article 5.165a of the Environmental Quality Decree, and plots located immediately adjacent to that building contour.
4. Even if adjacent to land on which the same person or persons is or are permitted to hunt, the following will be considered as separate hunting grounds:
 - a. land as intended in paragraph 3(a or b);
 - b. sections of land whereby the connection between these sections is narrower than 50 m at any point; and
 - c. sections of land separated from one another by a motorway as intended in Article 1(c) of the Road Traffic and Traffic Signals Regulations 1990 (*Reglement verkeersregels*

en verkeerstekens 1990) or by a body of water wider than 10 m, if the holder of the hunting rights is not entitled to hunt on that water.

Article 11.77

(demarcation of customised option: size of field for hunt)

A customised rule or customised instruction may not deviate from Article 11.76 if a rifle is used in the hunting activity.

Article 11.78

(insurance for rifle hunting activities)

1. A rifle may only be used for implementation of the Act if the civil-law liability for the damage which can result from the use of the rifle is covered by an insurance policy, taken out with a financial enterprise permitted to undertake the business of limited risk non-life insurance in accordance with Article 2.48 of the Financial Supervision Act in the Netherlands.
2. The insurance provides cover from 1 April to 1 April of the subsequent year, and applies for the whole of the Netherlands.
3. The insurance covers liability for an amount of at least €1,000,000 per occurrence.
4. The policy as intended in Article 932 of Book 7 of the Dutch Civil Code for the insurance at least contains the following details:
 - a. the name and address of the insurer;
 - b. the name and address of the policy holder;
 - c. the policy number;
 - d. the date and year of the start and end of the cover;
 - e. the designation of the persons notified as policy holders;
 - f. the area in which the insurance is applicable; and
 - g. the insured amount.
5. The holder of an environmental permit for a rifle hunting activity will immediately inform the chief constable of any change to the details of the policy.

Article 11.79

(specifications of rifles and ammunition)

1. A rifle and ammunition may only be used in implementation of the Act if the requirements as intended in this Article and in Articles 11.80 and 11.81 have been complied with.
2. A rifle has a smooth barrel with a calibre of not less than 24 and not more than 12 or a rifled barrel with a nominal calibre of at least .22 inch or 5.58 mm.
3. A single-barrelled shotgun has a magazine that can hold not more than two cartridges.
4. A ball gun has a magazine that can hold not more than two cartridges, unless fitted with a locking device whereby the weapon is loaded manually, shot by shot.
5. A rifle is not fitted with a silencer, an artificial light source, a provision for illuminating the prey, a sight with image converter, an electronic image intensifier or any other instrument for shooting at night.
6. The ammunition used in a rifle consists of pellets with a cross section of 3.5 mm or less or ball cartridges, on condition that:
 - a. the pellets contain no metallic lead; and
 - b. the ball cartridges are not military ball cartridges, including phosphorous or tracer cartridges, full jacket cartridges or cartridges which do not deform upon impact.

Article 11.80

(specifications of rifles and ammunition for particular animal species)

1. For animals of the following species, the rifles and ammunition to be used also comply with the following requirements:
 - a. roe deer: rifles with at least a rifled barrel and ball cartridges for a rifled barrel, the energy on impact of which is at least 980 J at a distance of 100 m from the muzzle; and
 - b. red deer, fallow deer and wild boar: rifles with at least a rifled barrel and ball cartridges with a calibre of at least 6.5 mm for a rifled barrel, the energy on impact

- of which is at least 2,200 J at a distance of 100 m from the muzzle.
2. Ball cartridges to be used for rabbits and wood pigeons have a calibre of .22 inch or 5.58 mm.
 3. Only shot cartridges may be used for hares, pheasants and wild ducks.

Article 11.81**(deviation for control of muskrats and coypus)**

Contrary to Article 11.79 and 11.80, for the control of damage to water management structures, the control of muskrats and coypus may be undertaken with the use of an air rifle by persons employed by or acting on the instructions of the water authority and who demonstrably have the necessary knowledge and skills to effectively perform this task.

Article 11.82**(demarcation of customised option: ammunition specifications)**

If a customised rule or customised instruction deviates from the rules on the ammunition to be used in Article 11.80(6) or 11.81, account must be taken of the interests of nature conservation, safety, health and the environment.

Article 11.83**(prohibitions on times and locations for use of the rifle)**

1. The rifle may not be used:
 - a. before sunrise and after sunset;
 - b. within the building contour for hunting designated in the environment plan, as intended in Article 5.165a of the Environmental Quality Decree, or on sites immediately adjacent to that building contour;
 - c. within the demarcation circle of a duck decoy as intended in Article 11.86(4);
 - d. from on or inside a moving vehicle; or
 - e. from inside an aircraft.
2. Contrary to paragraph one (preamble and a), in hunting wild duck, the rifle may also be used for a period of half an hour before sunrise and half an hour after sunset.

Article 11.84**(forbidden locations for carrying a rifle)**

1. A rifle or part of a rifle may not be carried in the field if the carrier is not a holder of an environmental permit for a flora and fauna activity, unless the carrier is entitled to make use of the rifle in that location, for some other reason.
2. The holder of an environmental permit for a flora and fauna activity will not carry a rifle on land on which he does not have the right to use a rifle.

Article 11.85**(falconry activities)**

Birds may only be used for the capture or killing of animals in implementation of the Act for:

- a. hunting in compliance with the rules imposed on the hunting;
- b. the performance of a flora and fauna activity relating to the killing of animals in accordance with the duly issued environmental permit or in compliance with the environment regulation or ministerial order whereby permit-exempt cases are designated on the basis of this Chapter.
- c. the control of feral animals or exotic species if undertaken on behalf of Our Minister of Agriculture, Nature and Food Quality or the provincial executive, or if the animal species in question are designated by ministerial order; or
- d. the control of the black rat, brown rat or house mouse, in as much as carried out with demonstrably bred goshawks or peregrine falcons.

Article 11.86**(duck decoys)**

1. Duck decoys may only be used if an examination approved by Our Minister of Agriculture, Nature and Food Quality has been successfully completed.
2. A duck decoy complies with the following conditions:
 - a. a body of open water is present of at least 200 m², in which a circle with a radius of at least 7.50 m can be described;

- b. the water is at least 50 cm deep;
 - c. there is a margin of woodland or thicket surrounding the water; and
 - d. at least one decoy pipe is openly connected to the water that can be immediately used as a means of capture.
3. Animals captured in a duck decoy are immediately released or killed following capture.
 4. The owner of a duck decoy uses posts for demarcating the duck decoy bearing the wording 'Duck decoy property of x, with right to demarcation at y m, calculated from the centre of the decoy', whereby the following is recorded for:
 - a. x: the name of the owner of the duck decoy;
 - b. y: the number of metres to which the demarcation right relates.
 5. Paragraph one does not apply if due to the successful passing of a hunting examination recognised pursuant to the Hunting Act (Jachtwet):
 - a. in the period between 1 January 1977 and 31 March 2002, a game licence has been awarded as intended in the Hunting Act; or
 - b. in the period 1 April 2002 to 30 September 2004, a game licence has been awarded as intended in the Flora and Fauna Act.

Article 11.87

(requirements for recognition of examinations for rifle hunting activities)

1. An examination for rifle hunting activities is only eligible for recognition as intended in Article 3.71 of the Environmental Quality Decree if it comprises a theory component and a practical component which satisfy the requirements in paragraphs two and three.
2. The theory component of the examination for a rifle hunting activity includes a test of knowledge of:
 - a. game and animals of other species that can cause damage to crops, livestock, woodland, professional fishery and waters and equivalent animal species;
 - b. the habitat of game and other animal species, as intended in this paragraph;
 - c. game management;
 - d. management of the red deer, roe deer, fallow deer and wild boar;
 - e. the most important legal regulations relating to hunting and nature conservation;
 - f. the most important legal regulations relating to the possession of rifles and ammunition;
 - g. agricultural, horticultural and forestry crops that are sensitive to damage caused by game and other animal species as intended in this paragraph, and the periods of the year during which this damage can occur;
 - h. the measures that can be taken to prevent damage to agricultural, horticultural and forestry crops caused by game and other animals as intended in this paragraph;
 - i. the rifle, the ammunition used in that rifle and use of the rifle;
 - j. the means as intended in Articles 11.44(4), 11.52(4), 11.58 (4) and 11.71(1)(b to h) of this decree and Articles 8.74p, 8.74q and 8.74r of the Environmental Quality Decree, and the use of these means;
 - k. knowledge of hunting methods and care for animals intended for human consumption; and
 - l. knowledge of what makes a good huntsman.
3. The practical component of the examination for rifle hunting activities includes a test of shooting skills and competence in handling firearms, whereby a distinction may be made depending on the nature and use of the ammunition.

Article 11.88

(requirements for recognition of examinations for falconry activities)

An examination for falconry activities is only eligible for recognition as intended in Article 3.71 of the Environmental Quality Decree, if it:

- a. comprises a theory component including testing of knowledge as intended in Article 11.87(2)(a through to c)(e)(g)(h) and (j through to l); and

- b. a practical component, including testing of competency in handling birds of prey.

Article 11.89**(requirements for recognition of examinations for the use of duck decoys)**

An examination for the use of duck decoys is only eligible for recognition as intended in Article 3.71 of the Environmental Quality Decree if it contains a theory component including testing of knowledge as intended in Article 11.87(2)(a through to c)(e)(j)(k)(l).

Article 11.90**(requirements for recognition of examinations imposed by ministerial order)**

An examination for rifle hunting activities, an examination for falconry activities and an examination for the use of duck decoys are only eligible for recognition as intended in Article 3.71 of the Environmental Quality Decree if they comply with the further rules imposed by ministerial order on:

- a. the method of testing, knowledge, skills and competence; and
- b. the method of assessing the examination results.

Article 11.91**(recognition of organisations holding examinations)**

1. An examination for rifle hunting activities, an examination for falconry activities and an examination for the use of duck decoys are only eligible for recognition as intended in Article 3.72 of the Environmental Quality Decree if held by an organisation recognised by Our Minister of Agriculture, Nature and Food Quality that complies with the following requirements:
 - a. the organisation has a legal personality;
 - b. the members of the board proportionally represent hunting and nature conservation-agriculture;
 - c. the organisation has an item bank with at least five hundred multiple choice questions relating to the examinations, the relative composition of which complies with the requirements imposed on the examination;
 - d. the organisation has an image bank with at least two images of each animal of a species of the game that can be hunted, and at least one image of the animals of other species for the capture or killing of which an environmental permit for a flora and fauna activity is required, except in cases on the basis of Article 5.2(1 or 2) of the Act; and
 - e. the organisation has:
 01. a quality assurance system;
 02. regulations specifying the requirements which must be satisfied in order to take an examination, when examinations are held, the way in which the result of the examination is assessed and who is entitled to attend the examination; and
 03. a dispute settlement scheme.
2. The board of an organisation holding an examination will on request issue to persons tasked with supervision by Our Minister of Agriculture, Nature and Food Quality information about the content and method of holding examinations, and on request will permit those persons to attend the holding of examinations.

Article 11.92**(surrendering an environmental permit for rifle hunting activity or falconry activity)**

1. An environmental permit for a rifle hunting activity must be surrendered to the chief constable or the party issuing the environmental permit on behalf of the chief constable, within five days after a decision to withdraw the permit has been announced, and within five days after a legal judgement has become enforceable, in which the authority to use a rifle is withdrawn.
2. An environmental permit for a falconry activity must be surrendered to the Our Minister of Agriculture, Nature and Food Quality or the party issuing the environmental permit on behalf of Our Minister, within five days after a decision to

withdraw the permit has been announced, and within five days after a legal judgement has become enforceable, in which the authority to use the bird of prey is withdrawn.

§ 11.2.9

The trade in and the possession for reasons other than sale and the transport into or outside the territory of the Netherlands of animals, plants or animal or plant products

Article 11.93

(prohibition on trading in contravention of the cites basic regulation)

1. It is forbidden to trade in contravention of Article 4(1)(first sentence), (2)(first sentence)(3 and 4), Article 5(1 and 4)(first sentence), Article 6(3), Article 8(1 in combination with 5) and Article 9(1)(4)(5) of the cites basic regulation.
2. It is forbidden to trade in contravention of the conditions and requirements as intended in Article 11(3) of the cites basic regulation.

Article 11.94

(designation of customs offices)

Animals, plants, products, nests or eggs or animals or products of plants of species as intended in Article 1 of the Birds Directive, or referred to in Annex IV to the Habitats Directive, Annex II to the Bern Convention, Annex I to the Bonn Convention or Annex A, B, C or D to the cites basic regulation may only be transported into or outside the territory of the Netherlands via customs offices designated by ministerial order.

Article 11.95

(phytosanitary certificates)

In place of an export permit as intended in Article 5(1) of the cites basic regulation, a phytosanitary certificate will be accepted issued by Our Minister of Agriculture, Nature and Food Quality or an authorised administrative body of another Member State of the European Union and that satisfies Article 17(2) of the cites implementing regulation.

Article 11.96

(additional prohibition on possession of and trade in animals and plants)

1. Bred birds of the species as intended in Article 1 of the Birds Directive, not referred to in Annex A, B, C or D to the cites basic regulation, or products or eggs of those birds may not be kept or traded.
2. Animals or plants of the species referred to in Annex A, B, C or D to the cites basic regulation, products or eggs of these animals or products of these plants may not be kept.
3. Animals or plants of the species referred to in Annex A, B, C or D to the cites basic regulation, products or eggs of these animals or products of these plants may not be traded.
4. Paragraphs two and three do not apply to:
 - a. animals and plants originating from the wild, referred to in Annex IV to the Habitats Directive that were demonstrably obtained from nature after 10 June 1994, in accordance with the regulations applicable at that moment;
 - b. animals and plants originating from the wild, referred to in Annex I or II to the Bern Convention or Annex I to the Bonn Convention, not being species as intended in Article 1 of the Birds Directive, that were demonstrably obtained from nature after 10 June 1994, in accordance with the regulations applicable at that moment;
 - c. birds originating from the wild of species as intended in Article 1 of the Birds Directive.

Article 11.97

(exception to the prohibition on possession and trade in bred birds)

1. Article 11.96(1, 2 and 3) do not apply to:
 - a. the possession or trading of a demonstrably bred bird of a species as intended in Article 1 of the Birds Directive, not referred to in Annex A, B, C or D to the cites basic regulation, or products or eggs of those birds;

- b. the possession of a demonstrably bred bird of a species referred to in Annex A, B, C or D to the CITES basic regulation; and
 - c. the trading of a demonstrably bred bird of a species referred to in Annex C or D to the CITES basic regulation, or products or eggs of those birds.
2. For a demonstrably bred bird that belongs to or also belongs to a species as intended in Article 1 of the Birds Directive, the paragraph one only applies if:
- a. the bird is fitted with:
 - 01. a closed leg ring that complies with the requirements imposed by ministerial order;
 - 02. a closed leg ring, or some other mark that was demonstrably legally issued by a competent body of another State than the Netherlands, or an organisation recognised by a competent body of another State than the Netherlands, in compliance with the statutory requirements of that State, or if it is the product or egg originating from such a bird; or
 - 03. a microchip transponder in compliance with Article 66(2) of the CITES implementing regulation, for a bird that belongs to a species, referred to in Annex A, B, C or D to the CITES basic regulation, unless Our Minister of Agriculture, Nature and Food Quality has issued a statement that a microchip transponder can demonstrably not safely be applied due to the physical properties of the animals in question;
 - b. for a living bird that belongs to a species referred to in Annex A to the CITES basic regulation, if Article 11.103 is complied with; and
 - c. for a bird that belongs to a species referred to in Annex A, B, C or D to the CITES basic regulation, if the bird was demonstrably transported into or obtained within the territory of the Netherlands, taking account of the CITES basic regulation and the CITES implementing regulation.
3. For a bird that belongs to a species, referred to in Annex A, B, C or D to the CITES basic regulation, and that is not a species as intended in Article 1 of the Birds Directive, paragraph one applies:
- a. to a live bred bird that belongs to a species referred to in Annex A to the CITES basic regulation, only if:
 - 01. paragraph two(a)(1°, 2° and 3°) is complied with, or if the product or egg originates from such a bird;
 - 02. . Article 11.103 is complied with; and
 - 03. the bird was demonstrably transported into or obtained in the Netherlands, taking account of the CITES basic regulation and the CITES implementing regulation;
 - b. for a dead bird, a product or an egg from a bird that belongs to a species referred to in Annex A, B, C or D to the CITES basic regulation, only if that bird or that product or egg was demonstrably transported into or obtained in the Netherlands, taking account of the CITES basic regulation and the CITES implementing regulation; or
 - c. for a bird that belongs to a species referred to in Annex B, C or D, to the CITES basic regulation, only if:
 - 01. the bird was demonstrably bred or the product or the egg demonstrably originates from such a bird, or the bird, the product or the egg was demonstrably transported into or obtained within the territory of the Netherlands, taking account of the CITES basic regulation and the CITES implementing regulation; and
 - 02. the bird belongs to a species as referred to in Annex B to the CITES basic regulation, and Article 11.103 has been complied with.
4. Paragraphs one, two and three do not apply to:
- a. possession in the field of a live bird of a species as intended in Article 1 of the Birds Directive:
 - 01. of the genus *Cygnus*; or

- 02. of the order birds of prey or owls, unless the person in possession of the bird is permitted to use the bird for the capture or killing of animals on the basis of the provisions in or pursuant to the law; and
- b. for the possession of a live goshawk.

Article 11.98**(demarcation of customised option: bred goshawk)**

1. A customised rule may not deviate from Article 11.96 for the possession of a live goshawk.
2. A customised instruction may only deviate from Article 11.96 for the possession or trading in a live goshawk if that customised instruction means that DNA fingerprints are presented both of the parent birds and the young bird as evidence that the goshawk was bred in captivity.

Article 11.99**(exception to prohibition on possession for other animals than bred birds and for plants)**

1. Article 11.96(2) does not apply to the possession of:
 - a. a dead vertebrate animal, an invertebrate animal or a plant belonging to a species referred to in Annex A to the cites basic regulation, or products or eggs thereof;
 - b. a live, demonstrably bred vertebrate animal that is not a bird as intended in Article 11.97(1)(a or b) of a species referred to in Annex A to the cites basic regulation, or products or eggs thereof; or
 - c. an animal that is not a bird as intended in Article 1 of the Birds Directive, or a plant of a species referred to in Annex B, C or D to the cites basic regulation, or products or eggs of those birds.
2. Paragraph one only applies:
 - a. if the animal or the plant:
 01. was demonstrably transported into or obtained in the Netherlands, taking account of the cites basic regulation and the cites implementing regulation in the case of an eel (*anguilla anguilla*), if the provisions in or pursuant to the Fisheries Act 1963 have been complied with; or
 02. was demonstrably bred or farmed in the Netherlands and the animal is invertebrate, or if it is a live, bred, vertebrate animal of a species referred to in Annex A to the cites basic regulation, is fitted with a microchip transponder in compliance with Article 66(3) of the cites implementing regulation, unless Our Minister of Agriculture, Nature and Food Quality has issued a statement that a microchip transponder can demonstrably not safely be applied due to the physical properties of the animals in question;
 - b. Article 11.103 has been complied with, and on request, access is granted to the administrative records to the officers responsible for supervision of compliance with the Act; and
 - c. in the case of a live animal originating from the wild of a species referred to in Annex B to the cites regulation, for which animal administrative records have been kept.
3. Paragraph one (preamble and a) does not apply to bones or products manufactured from or with bones of the tiger (*Panthera tigris*) and horns and products manufactured from or with horns of the species of the rhinoceros family (*Rhinocerotidea*).
4. Paragraph one (preamble and b) does not apply to animals of species belonging to the order of primates (*Primates*) or the family of felines (*Felidae*).
5. Paragraph one (preamble and c) does not apply to live animals of the species:
 - a. Bengal cat (*Prionailurus bengalensis*);
 - b. Canadian lynx (*Lynx canadensis*);
 - c. caracal (*Caracal caracal*);
 - d. puma (*Puma concolor*);
 - e. rusty-spotted cat (*Prionailurus rubiginosus*);

- f. red lynx (*Lynx rufus*);
- g. jaguarundi otter cat (*Herpailurus yaguarondi*);
- h. lion (*Panthera leo*);
- i. fossa (*Cryptoprocta ferax*); and
- j. species belonging to the order of primates (Primates).

Article 11.100**(exception to prohibition on trading in other animals than bred birds and for plants)**

1. Article 11.96(3) does not apply to the trade in animals with the exception of birds as intended in Article 1 of the Birds Directive, or plants of a species referred to in Annex C or D to the CITES basic regulation, or products or eggs thereof.
2. Paragraph one only applies if the animal or the plant was demonstrably:
 - a. transported into or obtained in the territory of the Netherlands taking account of the CITES basic regulation and the CITES implementing regulation; or
 - b. bred or cultivated in the Netherlands.

Article 11.101**(prohibition on possession and trade in game, not belonging to CITES species)**

1. Animals originating from the wild of the following species may not be possessed or traded:
 - a. pine marten (*Martes martes*);
 - b. European polecat (*Mustela putorius*);
 - c. fallow deer (*Dama dama*);
 - d. red deer (*Cervus elaphus*);
 - e. hare (*Lepus europaeus*);
 - f. stoat (*Mustela erminea*);
 - g. rabbit (*Oryctolagus cuniculus*);
 - h. roe deer (*Capreolus capreolus*);
 - i. stone marten (*Martes foina*);
 - j. fox (*Vulpes vulpes*);
 - k. weasel (*Mustela nivalis*); or
 - l. wild boar (*Sus scrofa*).
2. Paragraph one does not apply to the possession or trading of a dead animal or the possession of live animals if the animal:
 - a. was demonstrably obtained in the Netherlands on the basis of an environmental permit for a flora and fauna activity or in compliance with the requirements imposed on a designation of the flora and fauna activity as a permit-exempt case; or
 - b. is a dead animal that demonstrably died in the wild through no fault or beyond the knowledge of the person that has appropriated the animal.

Article 11.102**(prohibition on preparing wild birds)**

1. A bird originating from the wild as intended in Article 1 of the Birds Directive may not be prepared.
2. Paragraph one does not apply to a person who:
 - a. submits to Our Minister of Agriculture, Nature and Food Quality the details specified by ministerial order within three days following receipt, about the bird offered to him for preparation, in the manner laid down in that order; and
 - b. applies the mark issued by Our Minister of Agriculture, Nature and Food Quality to the prepared birds.

Article 11.103**(administrative obligations for the breeding of animals or the cultivation of plants)**

1. Parties in possession of a bred live animal or a cultivated live plant must maintain an administrative record of that animal or that plant that complies with the rules

imposed by ministerial order, if the animal or plant belongs to:

- a. the species referred to in Annex IV to the Habitats Directive, Annex I or II to the Bern Convention or Annex I to the Bonn Convention, with the exception of the species as intended in Article 1 of the Birds Directive; and
 - b. the species referred to in Annex A to the cites basic regulation, with the exception of the animal species and their hybrids referred to in Annex X to the cites implementing regulation;
 - c. the animal species referred to in Annex B to the cites basic regulation, with the exception of:
 01. bred birds fitted with a closed leg ring; and
 02. the species referred to in Annex X; or
 - d. artificially bred hybrids of species not provided with an annotation, referred to in Annex A to the cites basic regulation, if a phytosanitary certificate as intended in Article 17 of the cites implementing regulation has been issued for those species.
2. The party maintaining the administrative records as intended in paragraph one will on request grant access those administrative records to the supervisory authority.
 3. Paragraph one and two apply accordingly to the party in possession of a live animal originating from the wild of a species referred to in Annex B to the cites basic regulation.

Article 11.104

(leg rings for bred birds)

1. The party breeding a bird of a species as intended in Article 1 of the Birds Directive or referred to in Annex A to the cites basic regulation, must fit the bird with a closed leg ring.
2. Paragraph one will not apply to birds of the species referred to in Annex X to the cites implementing regulation.
3. The leg rings:
 - a. are issued by Our Minister of Agriculture, Nature and Food Quality or an organisation designated by that Minister; and
 - b. comply with the rules imposed by ministerial order.

Article 11.105

(prohibition on acting in contravention of the EU seal regulation)

1. It is forbidden to act in contravention of Article 3(1) of the seal basic regulation.
2. It is forbidden to transport into the Netherlands for trading purposes the products referred to in the Annex to Council Directive 83.129/EEC of 28 March 1983 concerning the importation into Member States of skins of certain seal pups and products derived therefrom (OJEC 1983, L 91).
3. Paragraph two does not apply to products originating from traditional hunting by the Inuit.

Article 11.106

(prohibition on acting in contravention of the jaw trap regulation)

It is forbidden to act in contravention of Article 3(1) of the jaw trap regulation.

Article 11.107

(demarcation of customised instruction option: requirements EU regulations)

A customised instruction may only deviate from Articles 11.93, 11.105 and 11.106 if in compliance with the rules imposed in or pursuant to the cites basic regulation, the European seal regulation and the jaw trap regulation.

§ 11.2.10

Activities that result in or could result in the introduction or spreading of invasive exotic species

Article 11.108

(prohibition on acting in contravention of the invasive exotic species basic regulation)

1. It is forbidden to act in contravention of Article 7 (preamble and a, b, c, d, e, f, g or h) of the invasive exotic species basic regulation.
2. Paragraph one does not apply to control measures as intended in Article 19 of the invasive exotic species basic regulation for activities as intended in Article 7(1)(b, d, e and f) of that regulation for animal species designated by ministerial order and subject to the conditions imposed in that order for:
 - a. fishing for the animals in Dutch inland waters and coastal waters, the storage, trade in, transport, keeping, use or destruction of the fished animals and all directly related activities; and
 - b. activities as intended in Subsection a in respect of animals which are fished up as a control measure and placed on the market in other Member States of the European Union in compliance with the legislation applicable in those Member States.
3. It is forbidden to act in contravention of emergency measures imposed by ministerial order as intended in Article 10(1) of the invasive exotic species basic regulation.
4. Paragraph one does not apply to the keeper of animals of the species fox squirrel (*Sciurus niger*), grey squirrel (*Sciurus carolinensis*) and Pallas' squirrel (*Callosciurus erythraeus*), if on 1 January 2017, the keeper demonstrably complied with Article 8a(2 and 3) of the Decree on the Exemption of Protected Animals and Plant Species.

Article 11.109

(demarcation of customised instruction option: requirements EU regulations)

A customised instruction may only deviate from Article 11.108 if in compliance with the rules imposed in or pursuant to the invasive exotic species basic regulation.

§ 11.2.11

Whaling

Article 11.110

(prohibition on whaling)

Whales may not be captured or killed from a Dutch vessel, or processed on board a Dutch vessel.

Section 11.3

Timber vegetation, timber and timber product activities

§ 11.3.1

General

Article 11.111

(activities)

1. The Section applies to the felling of timber vegetation and the replanting of land following the felling of timber vegetation or after timber vegetation has been destroyed in some other way, and the trading in and possession of timber or timber products.
2. This Section does not apply to:
 - a. timber vegetation within the building contour for timber felling, designated in the environment plan, as intended in Article 5.165b of the Environmental Quality Decree;
 - b. timber vegetation on properties or in gardens;
 - c. trees and shrubs specifically cultivated for the harvesting of fruit, nuts or fruits;
 - d. timber vegetation forming windbreaks on orchards;
 - e. conifers intended to serve as Christmas trees, if not older than 20 years;

- f. nursery plants;
- g. poplars or willows forming:
 - 01. roadside planting;
 - 02. planting alongside waterways; and
 - 03. single-row planting alongside agricultural land;
- h. the thinning of timber vegetation to encourage growth of the remaining timber vegetation;
- i. planting consisting of poplar, willow, ash or alder clearly intended for the production of wood biomass, if:
 - 01. harvested at least once every 10 years;
 - 02. consisting of at least 10,000 stools per ha per planting unit, made up of uninterrupted planting not intersected by unplanted strips wider than 2 m; and
 - 03. laid out after 1 January 2013; and
- j. timber vegetation occupying a smaller area of land than 10 a or consisting of a planting row comprising 20 or fewer trees, counted over the total number of rows.

Article 11.112**(objectives)**

1. The rules in this Subsection 11.3.2 on the felling and replanting of timber vegetation are drawn up with a view to:
 - a. nature conservation;
 - b. maintaining the area of woodland in the Netherlands; and
 - c. protecting landscape values.
2. The rules in this Subsection 11.3.2 on trading in and possession of timber or timber products are drawn up with a view to.
 - a. nature conservation;
 - b. protecting the environment;
 - c. combatting climate change; and
 - d. the management of natural resources.

Article 11.113**(competent authority: provincial executive)**

Unless otherwise specified in Article 11.114, the executive council of the province in which all or most of the activity is performed will be the competent authority:

- a. to which a notification is submitted;
- b. that may issue a customised instruction; or
- c. that will decide on a request for permission to take an equivalent measure.

Article 11.114**(competent authority: Our Minister of Agriculture, Nature and Food Quality)**

Our Minister of Agriculture, Nature and Food Quality is the competent authority to which a notification is submitted, able to impose a customised instruction or to decide on a request for permission to take an equivalent measure for:

- a. the felling of timber vegetation and replanting of the land if this activity is an activity as described in Article 4.12(2)(a to k) of the Environment Decree, forms part thereof or is performed in conjunction therewith; and
- b. the trade in and the possession for reasons other than sale and the transfer into or outside the territory of the Netherlands of timber or timber products.

Article 11.115**(parties subject to the regulations)**

The party performing the activity will comply with this Section. That party will ensure compliance with the rules governing the activity.

Article 11.116**(special duty of care)**

The party performing the activity as intended in Article 11.111(1) that is aware or may reasonably suspect that said activity may have an adverse impact on the interests as intended in Article 11.112 is required to:

- a. take all measures which may be reasonably requested of them to prevent that impact;
- b. in as much as said impact cannot be avoided: as far as possible to minimise or reverse that impact; and
- c. if it is not possible to adequately minimise the impact: to refrain from said activity in as much as this can reasonably be requested of said party;

Article 11.117**(customised rules)**

1. A customised rule may be imposed in the environment regulation, for Articles 11.116, 11.123, 11.124 and subsection 11.3.2.
2. A customised rule may deviate from Articles 11.123 11.124 and Subsection 11.3.2, unless indicated otherwise.
3. A customised rule may be imposed with a view to the interests as intended in Article 11.112.

Article 11.118**(demarcation of customised option rules)**

A customised rule will not be imposed on an activity for which Our Minister of Agriculture, Nature and Food Quality has authority as intended in Article 11.114.

Article 11.119**(customised instruction)**

1. A customised instruction may be imposed on Article 11.116 and Subsection 11.3.2.
2. A customised instruction may deviate from Articles 11.123 11.124 and Subsection 11.3.2, unless indicated otherwise.

Article 11.120**(general details in a notification)**

A notification must be signed and at least include:

- a. the designation of the activity;
- b. the name and address of the party performing the activity;
- c. the address at which or an indication of the location where the activity is performed; and
- d. the date.

Article 11.121**(general details for submission of data and documents)**

If data and documents are submitted to a competent authority as intended in Article 11.113 or 11.114, they must be signed and must include:

- a. the designation of the activity;
- b. the name and address of the party performing the activity;
- c. the address at which or an indication of the location where the activity is performed; and
- d. the date.

Article 11.122**(data for change of name, address or parties subject to the regulations)**

1. Before the name or the address as intended in Article 11.120 is changed, the data changed as a consequence will be issued to the competent authority as intended in Article 11.113 or 11.114.
2. At least four weeks before the activity is to be performed by another party, the data changed as a consequence will be submitted to the competent authority as intended in Article 11.113 or 11.114.

Article 11.123**(notification of an unusual occurrence)**

The competent authority as intended in Article 11.113 or 11.114 must be notified without delay of any unusual occurrence.

Article 11.124**(data and documents in the event of an unusual occurrence)**

As soon as the following data and documents become available, they will be submitted to the competent authority as intended in Article 11.113 or 11.114:

- a. information about the causes of the unusual occurrence and the circumstances in which the unusual occurrence arose;
- b. other data needed to estimate the nature and seriousness of the impact on the physical environment; and
- c. information about the measures taken or being considered for minimising the adverse impact of the unusual occurrence as intended in Article 19.1(1) of the Act.

Article 11.125**(demarcation of customised option)**

A customised rule or customised instruction will not result in relaxation of Article 11.123 and 11.124.

§ 11.3.2***Timber vegetation, timber and timber products*****Article 11.126****(obligation to report the felling of timber vegetation)**

1. It is prohibited to fully or partially fell timber vegetation without reporting the activity at least four weeks but not earlier than one year before the start of the activity.
2. This Article does not apply to the periodic felling of brushwood or coppice wood.

Article 11.127**(data and documents for the felling of timber vegetation)**

1. If the Minister is the competent authority to which a report is submitted for the full or partial felling of timber vegetation as intended in Article 11.126, at the latest together with the notification, the following data and documents must be submitted:
 - a. the start date of the activity;
 - b. an explanation as to why the felling of the timber vegetation is necessary;
 - c. the area of the timber vegetation to be felled in square metres;
 - d. a specification of:
 01. the number of trees to be felled;
 02. an indication of the tree species; and
 03. the age of the trees;
 - e. in the case of row planting: the planting distance between the trees in the row, in metres;
 - f. a plan on how the replanting obligation as intended in Article 11.129 will be complied with, with at least the following data:
 01. the area of the replanted timber vegetation in m²;
 02. a specification of:
 - i. the number of replanted trees;
 - ii. an indication of the species of replanted trees; and
 - iii. the quality of the replanted trees; and
 03. An explanation of the planned implementation of the replanting; and
 - g. if replanting is desired on other land than the land as intended in Article 11.129(1):
 01. a copy of a customised instruction imposed as intended in Article 11.130; or
 02. a copy of a request for a customised instruction as intended in Article 11.130.
2. At least four weeks before the data and documents as intended in paragraph one are changed, the changed data and documents will be issued to the competent authority.

Article 11.128**(demarcation of customised instruction option: tree preservation order)**

A customised instruction prohibits the felling of timber vegetation:

- a. only if necessary for the protection of special nature values or landscape values; and
- b. on each occasion for a maximum of five years.

Article 11.129**(replanting obligation)**

1. If timber vegetation is fully or partially felled, with the exception of the periodic felling of brushwood and coppiced wood, or if timber vegetation is destroyed in some other way, the same land must be replanted in a responsible manner in terms of forest management, within three years following the felling or destruction of the timber vegetation.
2. Within three years following the replanting, planting that has not taken must be replaced.
3. The party transferring ownership of land subject to a replanting obligation or who attaches or transfers a limited right to that land must inform the acquiring party of the replanting obligation, and must explicitly include that obligation in the deed of transfer.

Article 11.130**(demarcation of customised option: replanting)**

Replanting on other land than the land as intended in Article 11.129(1) is possible by means of a customised instruction:

- a. if the provincial executive is authorised: only if the replanting complies with the requirements imposed on an environment regulation; and
- b. if Our Minister of Agriculture, Nature and Food Quality is authorised, only if:
 01. the land the owner wishes to plant is located in the same area as that where the felled timber vegetation was located, whereby a connection is sought with the area designated for the application of this provision by ministerial order;
 02. the land the owner wishes to plant is not of lesser quality than the land on which the felled timber vegetation was located;
 03. the land the owner wishes to plant has at least the same surface area as that on which the felled timber vegetation was located;
 04. the felled timber vegetation was not part of a forest core; and
 05. the interests of agriculture and forestry are not harmed.

Article 11.131**(exception to the obligation to notify the felling of timber vegetation and replanting obligation)**

1. Articles 11.126 and 11.129 do not apply to:
 - a. the felling of timber vegetation in implementation of:
 01. a conservation measure as intended in Articles 3(1 and 2) and (2)(b, c and d) and 4 (1)(first sentence) and (2) of the Birds Directive or Article 6(1) of the Habitats Directive; or
 02. is an appropriate measure as intended in Article 6(2) of the Habitats Directive;
 - b. the felling of timber vegetation in implementation of:
 01. a customised instruction or a customised rule containing the obligation to take all necessary preventive or recovery measures for achieving the conservation goals for a Natura 2000 area;
 02. a customised instruction imposed on an environmental permit for a Natura 2000 activity or an environmental permit for a flora and fauna activity; or
 03. rules imposed in a ministerial order or environment regulation as intended in Articles 11.19, 11.20, 11.42, 11.43, 11.50, 11.51, 11.56 and 11.57;
 - c. the felling of timber vegetation for the construction and maintenance of fire breaks on nature sites;
 - d. the felling of timber vegetation and replanting are demonstrably performed in compliance with the manner described in a code of conduct designated by ministerial order; or

- e. the felling of timber vegetation, if:
 - 01. the felling can be viewed as an activity as intended in Article 4.12(2)(a to k) of the Environment Decree or as part of that activity;
 - 02. the timber vegetation was not planted in fulfilment of Article 11.129(1), Article 4.3(1) of the Nature Conservation Act or Article 3(1) of the Forestry Act;
 - 03. before the decision was taken to plant the timber vegetation, notice was issued to Our Minister of Agriculture, Nature and Food Quality of the time and place of the planting and Our Minister confirmed receipt of that notice; and
 - 04. according to the notice, the timber vegetation was due to be entirely felled within a period of 40 years following the date of planting stated on the form.
- 2. The code of conduct as intended paragraph one(d) guarantees that:
 - a. no harm is done to special nature values or landscape values;
 - b. the timber vegetation to be felled is not part of a forest core;
 - c. replanting will take place in a responsible manner in terms of forestry management;
 - d. the land on which replanting will take place is of at least the same quality as the land on which the felled timber vegetation was located; and
 - e. the land on which replanting will take place has at least an equivalent surface area as the land on which the felled timber vegetation was located.

Article 11.132**(prohibition on acting in contravention of EU regulations on timber)**

It is prohibited to act in contravention of:

- a. Article 4(1) of Council Regulation (EC) no. 2173/2005 of 20 December 2005 on the establishment of a FLEGT licencing scheme for imports of timber into the European Community (OJEU 2005, L 347); and
- b. Articles 4 and 5 of Regulation (EU) no. 995/2010 laying down the obligations of operators to place timber and timber products on the market (OJEU 2010, L 295).

Article 11.133**(demarcation of customised instruction option: requirements EU regulations)**

A customised instruction may only deviate from Article 11.132 if in compliance with the rules imposed in or pursuant to the regulation referred to therein (EC) no. 2173/2005 or regulation (EU) no. 995/2010.

Chapter 12 Area layout activities

Section 12.1 General

Article 12.1

(activities)

This chapter relates to area layout activities.

Article 12.2

(objectives)

The rules in this chapter are drawn up with a view to the effective implementation of an area layout programme.

Article 12.3

(competent authority provincial executive)

For an area layout activity, the provincial executive of the province within which the real estate properties in question are entirely or mainly located is the competent authority, authorised to draw up a customised instruction.

Article 12.4

(parties subject to the regulations)

The party performing the activity will comply with this Chapter. That party will ensure compliance with the rules governing the activity.

Article 12.5

(special duty of care)

1. The party performing the area layout activity that is aware or may reasonably suspect that the activity may result in adverse impact on the interest as intended in Article 12.2 is required, from the moment at which the design for the area layout programme is presented for examination:
 - a. take all reasonable measures which may be requested of them to prevent that impact;
 - b. in as much as said impact cannot be avoided: as far as possible to minimise or reverse that impact; and
 - c. if it is not possible to adequately minimise the impact: to refrain from said activity in as much as this can reasonably be requested of said party;
2. This obligation under all circumstances means that the effective implementation of an area layout programme is not seriously hindered.

Article 12.6

(customised instructions)

1. A customised instruction may be imposed on Articles 12.5 and 12.7.
2. With a customised instruction, it is possible to deviate from Article 12.7.

Section 12.2 Substantive rules

Article 12.7

(no change to the value of real estate properties in the replotting block)

The value of the real estate properties belonging to the replotting block will not be changed following the announcement of the area layout programme. This does not apply to the change of value as a consequence of an area layout activity required for normal operation.

Chapter 13 Cultural heritage activities

Section 13.1 General

Article 13.1

(activities)

This Chapter applies to:

- a. national monument activities;
- b. other activities relating to a national monument or a provisionally protected national monument; and
- c. archaeological chance finds in the exclusive economic zone, outside the contiguous zone.

Article 13.2

(objectives)

The rules in this Chapter are drawn up with a view to the preservation of cultural heritage.

Article 13.3

(competent authority: municipality)

Unless specified otherwise in Articles 13.4 or 13.5, the municipal council will be the competent authority with the power to issue a customised instruction for a national monument activity or another activity affecting a national monument or a provisionally protected national monument.

Article 13.4

(competent authority: Our Minister of Infrastructure and Water Management)

For an activity related to a national monument or another activity affecting a national monument or a provisionally protected national monument that is performed entirely or primarily in the territorial sea outside a municipality, Our Minister of Infrastructure and Water Management is the competent authority with the power to issue customised instructions.

Article 13.5

(once the competent authority, always the competent authority)

For an activity relating to a national monument or another activity affecting a national monument or a provisionally protected national monument, that is performed at the same location as an activity as intended in Section 3.3 subject to an environmental permit by the provincial executive applies, the provincial executive will be the competent authority with the power to issue customised instructions.

Article 13.6

(parties subject to the regulations)

The party performing the activity will comply with this Chapter. That party will ensure compliance with the rules governing the activity.

Article 13.7

(special duty of care)

The party performing a national monument activity or another activity relating to a national monument or a provisionally protected national monument that is aware or may reasonably suspect that said activity may result in damage to or destruction of a national monument or a provisionally protected national monument is required to take all measures that may be reasonably requested of said party to prevent this damage or destruction.

Article 13.8

(customised rules)

1. A customised rule may be imposed in the environment plan:
 - a. on Article 13.7; and
 - b. if relating to internal changes as intended in Article 13.11(1.b) in addition to Article 13.7.
2. A customised rule may be imposed with a view to the interest as intended in Article 13.2.

Article 13.9**(demarcation customised option rule)**

1. A customised rule on internal changes as intended in 13.11(1.b) may only represent a prohibition on performing the activity without the competent authority being notified at least two weeks before the start of the activity.
2. The customised rule may only specify that the notification includes;
 - a. the designation of the activity;
 - b. the designation of the monument;
 - c. the designation of the internal changes and where they are to be carried out;
 - d. the name and address of the party performing the activity;
 - e. the expected start date of the activity; and
 - f. the notification date.

Article 13.10**(customised instructions)**

A customised instruction can be imposed on another activity relating to a national monument or a provisionally protected national monument, on Article 13.7.

Article 13.11**(designation of permit-exempt cases)**

1. The prohibition as intended in Article 5.1(1) of the Act on performing a national monument activity without an environmental permit does not apply to a national monument activity relating to a monument in as much as relating to:
 - a. necessary regular work aimed at preserving the monumental values, detailing, profiling, design, type and colour of material remain unchanged;
 - b. only internal changes to part of the monument that has no value from the point of view of monument preservation; or
 - c. the inside of a monument that is used as a burial site, taking account of the monumental values:
 01. placing grave monuments, including temporary removal, and alteration of the inscription.
 02. performing burials or interment of ashes; or
 03. removal of graves from which the grave monument is not protected as a national monument.
2. The prohibition as intended in Article 5.1(1) of the Act on performing a national monument activity without an environmental permit does not apply to a national monument activity relating to an archaeological monument in as much as relating to:
 - a. a probe or drilling with a drill diameter of not more than 10 cm; or
 - b. sealing a recent disruption hole of not more than 1 m³.

Section 13.2**Substantive rules****Article 13.12****(prohibition)**

It is prohibited:

- a. to damage or destroy a national monument or provisionally protected national monument; or
- b. to withhold maintenance from national monuments in as much as they are monuments, which is necessary for their upkeep.

Article 13.13**(chance archaeological find in the North Sea outside the contiguous zone)**

In the case of a chance archaeological find as intended in Article 13.1(c), made while performing an activity as intended in Article 7.1(1), Article 5.10 of the Dutch Heritage Act will apply accordingly.

Chapter 14 World heritage activities

- Article 14.1** (activities)
This Chapter applies to activities relating to world heritage.
- Article 14.2** (objectives)
The rules in this Chapter are laid down with a view to the preservation of the outstanding universal value of world heritage.
- Article 14.3** (competent authority municipality)
Unless otherwise specified in Articles 14.4 or 14.5, for an activity relating to world heritage, the municipal council will be the competent authority with the power to issue customised instructions.
- Article 14.4** (competent authority Our Minister of Infrastructure and Water Management)
For an activity related to world heritage performed entirely or primarily in the territorial sea outside a municipality, Our Minister of Infrastructure and Water Management is the competent authority with the power to issue customised instructions
- Article 14.5** (once the competent authority, always the competent authority)
For an activity relating to world heritage that is performed at the same location as an activity as intended in Section 3.3 subject to an environmental permit issued by the provincial executive applies, the provincial executive will be the competent authority with the power to issue customised instructions.
- Article 14.6** (parties subject to the regulations)
The party performing the activity will comply with this Chapter. That party will ensure compliance with the rules governing the activity.
- Article 14.7** (special duty of care)
The party performing an activity relating to world heritage that is aware or may reasonably suspect that said activity may result in damage to or destruction of world heritage or part thereof, in as much as affecting that exceptional universal value, is required to take all measures that may be reasonably requested of said party to prevent this damage or destruction.
- Article 14.8** (customised rules)
 1. A customised rule may be imposed in the environment plan on Article 14.7.
 2. A customised rule may be imposed with a view to the interest as intended in Article 14.2.
- Article 14.9** (customised instructions)
 1. A customised instruction may be imposed on Article 14.7.
 2. A customised instruction may be imposed with a view to the interest as intended in Article 14.2.
- [...] Sections 15.1 through 18.2 are not available in English.

Appendix I to Article 1.1 of this Decree (glossary)

A. Definitions

For application of this Decree, the following definitions shall be taken to mean:

<i>contiguous soil facility:</i>	floor, paving or construction that temporarily retains substances, any interruptions or seams in which are sealed;
<i>natural gas:</i>	naturally occurring methane with a maximum 20 percent other components by volume;
<i>accreditation:</i>	statement that a laboratory, certifying body or inspection body satisfies the requirements laid down in that statement, issued by the national accreditation body as intended in Article 4(1) of the accreditation and market supervision regulations;
<i>ADR class:</i>	class in which a hazardous substance is classified in accordance with the ADR as a result of the predominant and subsidiary risk;
<i>waste gas:</i>	emission into the air of gases of contaminating substances from a waste gas flue or from post-treatment equipment;
<i>waste oil:</i>	waste oil as intended in Article 1(1)(b) of the Collection of waste substances Decree;
<i>waste co-incineration plant:</i>	waste co-incineration plant as intended in Article 3.41 of the Industrial Emissions Directive;
<i>waste incineration plant:</i>	waste incineration plant as intended in Article 3.40 of the Industrial Emissions Directive;
<i>API:</i>	standard issued by the American Petroleum Institute;
<i>asbestos:</i>	asbestos as intended in Annex I to the Environment Structures Decree;
<i>AS SIKB:</i>	accreditation scheme issued by the Stichting SIKB;
<i>assimilation lighting:</i>	artificial lighting for crops as intended to promote the growing process of crops;
<i>end-of-life vehicle:</i>	<ol style="list-style-type: none"> 1. commercial vehicle as intended in the regulation on the basis of Article 21(1) of the Road Traffic Act (Wegenverkeerswet) 1994, with a weight of not more than 3,500 that is waste material; 2. passenger car as intended in the regulation on the basis of Article 21(1) of the Road Traffic Act 1994, that is waste material; or 3. mobility vehicle as intended in the regulation on the basis of Article 21(1) of the Road Traffic Act 1994, that is a three or four-wheeled motor vehicle and that is waste material;
<i>bathing water basin:</i>	water retaining structure for retaining water as intended for swimming or bathing;
<i>battery housing:</i>	enclosed space for the accommodation of one or more farm animals, in which the animals are not able to move freely across the floor of the stall, or to different levels within the stall;

<i>industrial waste:</i>	waste substances, with the exception of hazardous waste substances and domestic waste substances not yet collected or released;
<i>petrol vapour recovery unit:</i>	vapour recovery unit as intended in Article 2(j) of the Petrol Storage and Distribution Directive;
<i>petrol loading portal:</i>	loading portal as intended in Article 2(o) of the Petrol Storage and Distribution Directive;
<i>petrol storage tank:</i>	storage installation as intended in Article 2(c) of the Petrol Storage and Distribution Directive;
<i>petrol transfer installation:</i>	installation as intended in Article 2(n) of the Petrol Storage and Distribution Directive;
<i>petrol terminal:</i>	terminal as intended in Article 2(d) of the Petrol Storage and Distribution Directive;
<i>limited sensitive building:</i>	limited sensitive building as intended in Annex I to the Environmental Quality Decree;
<i>limited sensitive location:</i>	limited sensitive location as intended in Annex I to the Environmental Quality Decree;
<i>storage location for fireworks or theatrical pyrotechnic articles:</i>	enclosed space in which fireworks or theatrical pyrotechnic articles are stored in transport packaging as intended in the ADR.
<i>biocides:</i>	biocides as intended in Article 3(1)(a) of Regulation (EU) no. 528/2012 of the European Parliament and the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJEU 2012, L 167);
<i>organically grown crops:</i>	crops produced according to the regulations laid down in or pursuant to Council Regulation (EC) no. 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) no. 2092/91 (OJEU 2007, L 189);
<i>transferring into or out of the territory of the Netherlands:</i>	any action intended for the transfer into or out of the territory of the Netherlands;
<i>soil protection facility:</i>	non-permeable soil facility, contiguous soil facility, element soil facility, drip tray, geomembrane basin filling point or spillage tray;
<i>geothermal energy system:</i>	installation making use of the underground for the supply of heat or cold for heating or cooling areas in structures;
<i>ground source capacity:</i>	greatest capacity that the ground-side component of a closed geothermal energy system can exchange with the soil, under normal use;
<i>aboveground storage tank:</i>	storage tank that is not an underground storage tank;
<i>fire compartment:</i>	fire compartment as intended in Annex I to the Environment Structures Decree;
<i>BRL:</i>	assessment guideline;
<i>BRL-K:</i>	BRL issued by Kiwa;

<i>BRL KvINL:</i>	BRL issued by the Foundation for the Quality of Installations in the Netherlands (Stichting Kwaliteit voor Installaties Nederland);
<i>BRL SIKB:</i>	BRL issued by the Foundation for Quality Assurance for the Soil Management Infrastructure (Stichting Infrastructuur Kwaliteitsborging Bodembeheer);
<i>buffer storage site for fireworks or theatrical pyrotechnic articles:</i>	enclosed space in which fireworks or theatrical pyrotechnic articles are removed from their transport packaging for the assembly of parcels or for customers and the subsequent storage of unpackaged fireworks or unpackaged theatrical pyrotechnic articles;
<i>bunker station:</i>	floating structure with permanent mooring for the storage and filling of fuel for the propulsion of vessels or floating equipment;
<i>meeting function:</i>	meeting as intended in Annex I to the Environment Structures Decree;
<i>cell function:</i>	cell function as intended in Annex I to the Environment Structures Decree;
<i>certificate:</i>	declaration from a certifying body that an enterprise, a service, a product, a design or a system satisfies the requirements specified in that declaration;
<i>CNG:</i>	compressed natural gas;
<i>coating:</i>	preparation containing organic solvents or in which organic solvents are used, for the application of a decorative, protective or other functional layer to a surface;
<i>animal accommodation:</i>	building including the paved yard for the accommodation of farm animals or another structure for the accommodation of fur animals;
<i>animal manure:</i>	animal manure as intended in Article 1(c) of the Fertilisers Act;
<i>animal place:</i>	part of an accommodation system for farm animals;
<i>diesel engine:</i>	combustion engine that operates according to the diesel cycle and uses compression ignition for fuel combustion;
<i>diffuse emission:</i>	channelled emission;
<i>digestate:</i>	stable residual product remaining following the fermentation of 50% or more of animal faeces with as sole additional component products designated on the basis of Article 5 of the Fertilisers Act Implementation Decree;
<i>thick fraction:</i>	solid residual product from the separation of slurry;
<i>dioxins and furans:</i>	dioxins and furans as intended in Article 3.43 of the Industrial Emissions Directive;
<i>drainage water:</i>	water discharged via a system of water permeable pipes placed in the soil;
<i>drain water:</i>	feed water not absorbed by the crops in hydroponic production;
<i>slurry:</i>	slurry as intended in Article 1(1)(w) of the Fertilisers Act Implementation Decree;
<i>thin fraction:</i>	liquid residual product from the separation of slurry;

<i>eggs:</i>	eggs and eggshells;
<i>element soil facility:</i>	floor, paving or construction that temporarily retains substances, any interruptions or seams in which are sealed;
<i>emission limit value:</i>	mass, related to a parameter, concentration or level of an emission not exceeded during one or more predetermined periods;
<i>recognition of soil quality:</i>	recognition as intended in Article 1 of the Soil Quality Decree;
<i>ERS:</i>	extremely hazardous substances, namely persistent, easily accumulated and very toxic substances;
<i>exotic:</i>	example of an exotic species;
<i>phase II petrol vapour recovery system:</i>	system as intended in Article 2(6) of the Petrol Vapour Recovery Directive;
<i>gA:</i>	gaseous inorganic substances;
<i>gas motor:</i>	combustion motor that operates according to the otto cycle and uses spark ignition or, in dual-fuel motors, compression ignition for fuel combustion;
<i>gas turbine:</i>	rotating machine that converts thermal energy into work, comprising mainly a compressor, a thermal device in which fuel is oxidised and a turbine;
<i>building:</i>	building as intended in Annex I to the Environment Structures Decree;
<i>genetically modified organism:</i>	genetically modified organism as intended in Article 1.1(1) of the Genetically Modified Organisms Environmental Management Decree 2013;
<i>noise-sensitive building:</i>	noise-sensitive building as intended in Annex I to the Environmental Quality Decree;
<i>noise-sensitive space:</i>	noise-sensitive space as intended in Annex I to the Environmental Quality Decree;
<i>geomembrane basin system:</i>	underground system of plastic foil laid in a basin construction so that substances cannot enter the soil;
<i>closed soil energy system:</i>	soil energy system with a closed circuit of pipes;
<i>plant protection product:</i>	plant protection product as intended in Article 2(1) of Regulation (EC) no. 1107/2009 of the European Parliament and the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJEU 2009, L 309);
<i>healthcare function:</i>	healthcare function as intended in Annex I to the Environment Structures Decree;
<i>gmo area:</i>	gmo area as intended in Article 1.5(1) of the Genetically Modified Organisms Decree 2013;
<i>gO:</i>	gaseous organic substances;
<i>high-threshold establishment:</i>	Seveso establishment in which hazardous substances are present in a quantity at least equal to the threshold value as intended in Annex I, Part 1, Column 3 or Part 2, Column 3 of the Seveso Directive, taking account of the annotations in the Annex;

<i>domestic wastewater:</i>	wastewater primarily originating from human digestion and domestic activities;
<i>domestic waste substances:</i>	domestic waste substances as intended in Article 1.1 of the Environmental Management Act;
<i>accommodation system:</i>	system for keeping farm animals from a single animal category in animal accommodation or part thereof;
<i>invasive exotic:</i>	example of an invasive exotic species;
<i>invasive exotic species:</i>	exotic species the introduction or spread of which has been identified as representing a threat or having adverse impact on the biodiversity and related ecosystem services;
<i>inhabitant equivalent:</i>	inhabitant equivalent as intended in Article 2 of the Urban Wastewater Directive;
<i>collection of waste substances:</i>	collection as intended in Article 1.1 of the Environmental Management Act;
<i>ISO:</i>	standard issued by the International Standardization Organisation;
<i>gamekeeper:</i>	the person responsible for the protection of the hunting interests of a holder of the hunting rights and responsible as special investigating officer for investigating acts deemed criminal in or pursuant to the law and other acts designated as criminal, in the deed or instruction as intended in Article 142(2) of the Dutch Criminal Code;
<i>cooling installation:</i>	combination of components filled with cooling agent, connected together, and that together form a closed cooling agent circuit in which the cooling agent circulates with the purpose of absorbing or discharging heat;
<i>cold network:</i>	cold network as intended in Article 1(c) of the EU Energy Efficiency Directives Implementation Act;
<i>sensitive building:</i>	sensitive building as intended in Annex I to the Environmental Quality Decree;
<i>sensitive location:</i>	sensitive location as intended in Annex I to the Environmental Quality Decree;
<i>farm animal:</i>	mammal or bird for the production of meat, eggs, milk, wool, fur or feathers or a horse or pony for breeding purposes;
<i>long-term average assessment level L_{AR,LT}:</i>	long-term average assessment level L _{AR,LT} as intended in Annex I to the Environmental Quality Decree;
<i>drip tray:</i>	contiguous soil facility with upright edges;
<i>LNG:</i>	liquefied natural gas;
<i>accommodation function:</i>	accommodation function as intended in Annex I to the Environment Structures Decree;
<i>LPG:</i>	mixture of gas condensed to liquid consisting primarily of propane, propene, butane and butene;
<i>maximum noise level L_{Amax}:</i>	maximum noise level L _{Amax} as intended in Annex I to the Environmental Quality Decree;

<i>slurry stone:</i>	facility for the storage of slurry, digestate or the thin fraction of manure, with the exception of a manure cellar or a storage tank;
<i>manure cellar:</i>	underground facility for the storage of slurry, digestate or the thin fraction, with a cover that serves as a floor;
<i>fertilisers:</i>	fertilisers as intended in Article 1(1)(d) of the Fertilisers Act;
<i>slurry bag:</i>	slurry store, located fully or partially above ground level, consisting primarily of foils that together form a complete soil seal and cover;
<i>environmental pollution:</i>	environmental pollution as intended in Annex I to the Environmental Quality Decree;
<i>mobile petrol tank:</i>	mobile tank as intended in Article 2(e) of Petrol Storage and Distribution Directive;
<i>motor vehicle:</i>	motor vehicle as intended in Annex I to the Environmental Quality Decree;
<i>MP40-21:</i>	Ministerial Publication 40-21, Regulation for the storage and handling of explosive substances and objects Defence;
<i>MP40-30:</i>	Ministerial Publication 40-30, Regulation for the layout and use of shooting facilities;
<i>ammunition QRA:</i>	tool for clarifying the risks involved in the storage and handling of explosive substances and objects of ADR class 1 by the Dutch or allied armed forces;
<i>MVP:</i>	substance class subject to compulsory minimisation;
<i>wet cooling tower:</i>	facility with an open structure for the discharge of excess heat from a production process or building through the atomisation of water;
<i>NEM:</i>	nett explosive mass, expressed as the mass of an explosive substance or the mass of the explosive substance in an explosive object;
<i>NEN:</i>	standard issued by the Netherlands Standardization Institute (Stichting Nederlands Normalisatie-instituut);
<i>NEN-EN:</i>	NEN adopted by the European Committee for Standardization (CN);
<i>NEN-EN-ISO:</i>	NEN-EN adopted by the International Organisation for Standardization;
<i>NEN-EN-IEC:</i>	NEN-EN adopted by the International Electrotechnical Commission;
<i>NEN-EN-ISO/IEC:</i>	NEN-EN adopted by the International Organisation for Standardization and the International Electrotechnical Commission;
<i>NEN-ISO:</i>	NEN adopted by the International Organisation for Standardization;
<i>Nm³:</i>	volume of gas at 273.15 K and 101.3 kPa, relative to dry air;
<i>NPR:</i>	Netherlands Practical Directive (Nederlandse praktijkrichtlijn) issued by the Netherlands Standardization Institute;

<i>NPR-CEN/TS:</i>	NPR adopted as a technical specification by the European Standardization Committee;
<i>NTA:</i>	Netherlands Technical Agreement issued by the Netherlands Standardization Institute;
<i>useful application:</i>	useful application as intended in Article 1.1 of the Environmental Management Act;
<i>underground storage tank:</i>	storage tank entirely in the soil or an earth bank.
<i>educational function:</i>	educational function as intended in Annex I to the Environment Structures Decree;
<i>open geothermal system:</i>	geothermal system in which groundwater is extracted and following use transferred to the soil;
<i>solvent reuse:</i>	use of organic solvents recovered from a solvent plant, with the exception of the removal of these recovered organic solvents as waste;
<i>solvent input:</i>	quantity of organic solvents and the quantity of those solvents in mixtures used during the performance of an activity, including the reused solvents.
<i>solvents plant:</i>	plant as intended in Article 3(3) of the Industrial Emissions Directive, in as much as an activity or process is performed in that plant as intended in Part 1 of Annex VII to the Industrial Emissions Directive;
<i>storage tank:</i>	facility for the storage of gas or liquid, with the exception of a packaging, tank container or cargo tank at a bunker station;
<i>PGS:</i>	guideline from the Hazardous Substances Publication series published by the Netherlands Standardization Institute;
<i>location-specific risk:</i>	location-specific risk as intended in Appendix I to the Environmental Quality Decree;
<i>PM₁₀:</i>	PM ₁₀ as intended in Annex I to the Environmental Quality Decree;
<i>PRTR:</i>	register as intended in Article 20.11 (preamble and a) of the Act;
<i>PRTR installation:</i>	installation as intended in Article 2 of the PRTR Regulation;
<i>PRTR report:</i>	report as intended in Article 5.10(1);
<i>point source:</i>	fixed or channelled source of emissions;
<i>theatrical pyrotechnic article:</i>	article for theatrical use that contains an explosive substance or explosive mixture the purpose of which is to create heat, light, noise, gas or smoke, by means of self-sustaining exothermic chemical reactions;
<i>theatrical pyrotechnic article in category T1:</i>	theatrical pyrotechnic article classified in category T1 on the basis of Article 1A.1.3 of the Fireworks Decree;
<i>theatrical pyrotechnic article in category T2:</i>	theatrical pyrotechnic article classified in category T2 on the basis of Article 1A.1.3 of the Fireworks Decree;

<i>recycling:</i>	recycling as intended in Article 1.1 of the Environmental Management Act;
<i>IED biomass:</i>	biomass as intended in Article 1.31 of the Industrial Emissions Directive;
<i>sA:</i>	inorganic substances;
<i>Seveso establishment:</i>	location managed entirely by the party operating the Seveso establishment where hazardous substances are present in one or more Seveso installations, including: <ul style="list-style-type: none"> a. shared or associated infrastructure or activities; and b. activities related directly to the operation of the Seveso establishment, that are related technically and that can increase the risk and impact of a serious accident, which shall be taken to include: <ul style="list-style-type: none"> hazardous substances: hazardous substances as intended in Article 3(10) of the Seveso Directive; and the presence of hazardous substances: the actual or expected presence of hazardous substances or of hazardous substances that can reasonably be predicted to occur in the event of the loss of control over the processes in a quantity of at least the limit value as intended in Annex I, Part 1, column 2 or Part 2, Column 2 of the Seveso Directive, taking account of the notes in that Annex;
<i>Seveso installation:</i>	technical unit within a Seveso establishment, where a hazardous substance as intended in Article 3(10) of the Seveso Directive is manufactured, used, processed or stored, including the equipment, lines, machines, tools, private marshalling yards, loading docks, unloading docks, jetties, piers, depots or other constructions are needed, for the processing of that substance;
<i>SIKB protocol:</i>	protocol issued by the Foundation for the Infrastructure for Quality Assurance of Soil Management (Stichting Infrastructuur Kwaliteitsborging Bodembeheer);
<i>sO:</i>	organic substances;
<i>SPF:</i>	Seasonal Performance Factor;
<i>nitrogen oxide:</i>	nitrogen oxide and nitrogen dioxide, expressed as nitrogen dioxide;
<i>substance class:</i>	clustering of substances on the basis of comparable physical, chemical and toxicological properties;
<i>combustion plant:</i>	technical unit in which fuels are oxidised to make use of the heat generated;
<i>substrate material:</i>	material intended to be used for the cultivation of crops separate from the subsoil;
<i>exotic species:</i>	species, subspecies or lower taxum of animal, plant, fungus or microorganism introduced outside their natural distribution area, including all parts, gametes, seed cells, egg cells or propagules of those species and all crossings, varieties or races that can survive and which can subsequently reproduce;
<i>navigation channel:</i>	channel in the bed of a water management structure that is maintained at a specified depth for shipping;
<i>solid supplementary feed:</i>	residual plant products from agriculture and horticulture or residual plant products from food preparation and food processing;
<i>solid manure:</i>	non-pumpable animal manure;

<i>compaction of waste substances:</i>	reducing the volume of waste substances while maintaining the same mass or same weight;
<i>fermentation gas:</i>	gaseous fuel, the main components of which are methane and carbon dioxide, created through the fermentation of organic material;
<i>packaging group:</i>	group in which a material is classified in accordance with the ADR;
<i>processing of waste substances:</i>	processing as intended in Article 1.1 of the Environmental Management Act;
<i>disposal of waste substances:</i>	disposal as intended in Article 1.1 of the Environmental Management Act;
<i>non-permeable soil facility:</i>	floor, paving or construction through which substances cannot enter the soil;
<i>volatile organic substance:</i>	organic compound, including the fraction creosote, which at 293.15 K has a vapour pressure of at least 0.01 kPa or under specific conditions of use has comparable volatility;
<i>preparation for reuse of waste substances:</i>	preparation for reuse as intended in Article 1.1 of the Environmental Management Act;
<i>free chlorine:</i>	sum of dissolved hypochlorous acid, hypochlorite ion and chlorine gas;
<i>sewer:</i>	facility or structure for the collection and transport of wastewater, which is connected to a water treatment plant or a treatment facility for the treatment of urban wastewater;
<i>firework:</i>	article for entertainment that contains an explosive substance or explosive mixture the purpose of which is to create heat, light, noise, gas or smoke, by means of self-sustaining exothermic chemical reactions;
<i>category F1 firework:</i>	firework placed in category F1 on the basis of Article 1A.1.3 of the Fireworks Decree;
<i>category F2 firework:</i>	firework placed in category F2 on the basis of Article 1A.1.3 of the Fireworks Decree;
<i>category F3 firework:</i>	firework placed in category F3 on the basis of Article 1A.1.3 of the Fireworks Decree;
<i>category F4 firework:</i>	firework placed in category F4 on the basis of Article 1A.1.3 of the Fireworks Decree;
<i>heat network:</i>	heat network as intended in Article 1(c) of the Heat Act;
<i>heat load:</i>	heat load calculated in accordance with Article 4:1133;
<i>act:</i>	Environment and Planning Act;
<i>wind farm export cable:</i>	cable linking the transformer station of a wind farm to a grid as intended in Article 1(1)(i) of the 1998 Electricity Act;

<i>winter bedding:</i>	riverbed with the exception of: <ol style="list-style-type: none"> the channel, bounded on both sides by imaginary lines which, at ordinary high summer water level or ordinary high tide, follows the axis of the river and which joins the roots of the groynes present in the river, demarcated by its bank line at ordinary high summer water level or ordinary high tide, whereby the riverbank lines are extended along an imaginary line at points where water in the unembanked alluvial land represents an open connection to the channel; side channels managed by the State; and ports openly connected to the channel managed by the State;
<i>residential function:</i>	residential function as intended in Annex I to the Environment Structures Decree;
<i>end-of-life two-wheeled motor vehicle:</i>	motor vehicle on two wheels that is a moped or motorcycle as intended in the regulation on the basis of Article 21(1) of the Road Traffic Act 1994 and that is waste material;
<i>very sensitive building:</i>	very sensitive building as intended in Annex I to the Environmental Quality Decree;
<i>substance of very high concern:</i>	substance that satisfies one or more of the criteria or conditions as intended in Article 57 of Regulation (EC) no. 1907/2006 of the European Parliament and the Council of 18 December 2006 regarding the registration, evaluation and authorisation and restrictions of chemicals (OJEU 2006, L 396);
<i>swimming pool:</i>	open-air swimming water basin whereby water treatment use is mainly based on a biological treatment method;
<i>treatment facility:</i>	facility for the treatment of wastewater which is not a water treatment plant;
<i>serious accident:</i>	serious accident as intended in Article 3(13) of the Seveso Directive.

B. Regulations, directives and decrees as intended in Article 288 of the Treaty on the Functioning of the European Union, and international treaties

For application of this Decree, the following definitions shall be taken to mean:

<i>ADR:</i>	the European Agreement on the international transport of hazardous substances by road established on 30 September 1957 in Geneva (Treaty Series 1959, 171);
<i>Waste Decision:</i>	Commission Decision no. 2000/532/EG of 3 May 2000 replacing Decision 94/3/EC, establishing a list of waste in accordance with Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste in accordance with Article 1(4) of Council Directive 91/689/EEC on hazardous waste (OJEC 2000, L 226);
<i>Bio Regulation:</i>	Council Regulation (EC) no. 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) no. 2007/91 (OJEU 2007, L 189);

<i>Cites Implementing Regulation:</i>	Commission Regulation (EC) no. 865/2006 of 6 May 2006 laying down detailed rules concerning the implementation of Council Regulation (EC) no. 338/97 on the protection of species of wild fauna and flora by regulating trade therein (OJEU 2006, L 166);
<i>CLP Regulation:</i>	CLP Regulation as intended in Annex I to the Environmental Quality Decree;
<i>Biological Agents Directive:</i>	Directive 2000/54/EC of the European Parliament and the Council of 18 September 2000 on the protection of employees from risks related to exposure to biological agents at work (OJEU 2000, L 262);
<i>Energy Efficiency Directive:</i>	Directive 2012/27/EU of the European Parliament and the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJEU 2012, L 315);
<i>Petrol Storage and Distribution Directive:</i>	Directive 94/63/EC G of the European Parliament and the Council of 20 December 1994 on the control of volatile organic compound emissions (VOC) resulting from the storage of petrol and its distribution from terminals to service stations (OJEC 1994, L 365);
<i>Accreditation and Market Surveillance Regulation:</i>	Regulation (EC) no. 765/2008 of the European Parliament and the Council of 9 July 2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) no. 339/93 (OJEU 2008, L 218);
<i>Animal By-products Regulation:</i>	Regulation (EC) no. 1069/2009 of the European Parliament and the Council of 21 October 2009 laying down health rules as regards animal by-products and derived products not intended for human consumption and repealing Regulation (EC) no. 1774/2002 (Animal By-Products Regulation) (OJEU 2009, L 300);
<i>Fluorinated Greenhouse Gases Regulation:</i>	Regulation (EU) no. 517/2014 of the European Parliament and the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) no. 842/2006 (OJEU 2014, L 150);
<i>Regulation on substances that deplete the ozone layer:</i>	Regulation (EC) no. 1005/2009 of the European Parliament and the Council of 16 September 2009 on substances that deplete the ozone layer (OJEU 2009, L 286);
<i>Persistent organic pollutant Regulation:</i>	Regulation (EU) no. 2019/1021 of the European Parliament and the Council of 20 June 2019 on persistent organic pollutants (revision) (OJEU 2019 L 169).

Notice

This text is based up the following official publications in Dutch:

- Besluit activiteiten leefomgeving ([Stb. 2018, 293](#))
- Invoeringsbesluit Omgevingswet ([Stb. 2020, 400](#))
- Aanvullingsbesluit geluid Omgevingswet ([Stb. 2020, 557](#))
- Aanvullingsbesluit bodem Omgevingswet ([Stb. 2021, 98](#))
- Aanvullingsbesluit natuur Omgevingswet ([Stb. 2021, 22](#))
- Aanvullingsbesluit grondeigendom Omgevingswet ([Stb. 2020, 532](#))
- Besluit gescheiden inzameling huishoudelijke afvalstoffen ([Stb. 2020, 197](#)).¹

This document is a courtesy translation and not an official legal document. The Dutch texts contain the applicable legislation.

Contact

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¹ The following subsequent modifications (and any later modifications) have not yet been translated and added to this consolidated version:

- Besluit tot wijziging van het Bal, Bkl en het Ob in verband met de implementatie van de vaststelling van BBT-conclusies voor grote stookinstallaties en omzetting van de regels over toiletlozingen van pleziervaartuigen en de monitoring van luchtkwaliteit ([Stb. 2021, 200](#))
- Besluit tot wijziging van enkele algemene maatregelen van bestuur (stikstofreductie en natuurverbetering) ([Stb 2021, 287](#)).

