



Ministry of the Interior and  
Kingdom Relations

# The Environment Decree of the Netherlands

Consolidated version December 2020

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**Decree of 3 July 2018, concerning procedural rules and rules about general topics on protecting and using the physical environment (Environment Decree)**

# Chapter 1 General provisions

## 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), 2.7, 2.20(1), 2.21a(2), 2.24(1), 5.7(2 and 3), 5.9, 5.10(1 and 3), 5.11(1), 5.12(2 and 3), 5.13(1), 5.16(2), 5.36(4), 5.40(2), 5.44b(2), 5.47(2 and 5), 5.52(2 and 3), 8.1(3 and 5), 12.1(1, 4 and 5), 12.5(3), 12.6(4), 12.8(2), 12.9(2), 13.3a(1), 13.3d, 13.4a(5), 13.4b(4), 13.5(1, 2 and 3), 13.11(1), 15.15(3), 13.17(2), 13.20(6), 13.22(1), 15.7(4), 15.8(4), 15.53(1), 16.1, 16.7(2), 16.15(1), 16.16(1), 16.17(1), 16.20(2), 16.24, 16.24a, 16.36(6), 16.39(2), 16.42, 16.42a, 16.43(1 and 4), 16.44(4), 16.45(3), 16.46(3), 16.47(2), 16.52(1), 16.53a, 16.55(1), 16.65(1), 16.139(1 and 2), 17.3, 17.5(3), 17.6, 18.2(4 and 6), 18.3(1 and 2), 18.15a(1 and 3), 18.19(1), 18.22, 18.25(2 and 3), 19.12(4), 20.6(1), 20.8(1), 20.13(1), 20.14(4 and 5), 20.21(3), 20.22(1), 20.24(1), 20.25(1) and 20.26(1) of the Act.

2. This Decree is also based on:

- a. Articles 6(1 and 3), 7(1), 27(5), 28a(1 and 7), 28b, 33(2 and 3) and 34(4, 5, 6, 7 and 9) of the Working Conditions Act (*Arbidsomstandighedenwet*);
- b. Article 19.3(1) of the Environmental Management Act (*Wet milieubeheer*); and
- c. Articles 61(2) and 64(6) of the Safety Regions Act (*Wet veiligheidsregio's*).

## Article 1.2

### (exclusive economic zone)

This Decree also applies in the exclusive economic zone.

## Article 1.3

### (designation of prohibited activities with significant adverse consequences)

1. The prohibition as intended in Article 1.7a(1) of the Act on performing or omitting an activity if the performance or omission of that activity results or threatens to result in significant adverse consequences for the physical environment applies to the following activities and adverse consequences:

- a. directly or indirectly releasing substances, vibrations, heat or noise into water, air or soil, resulting or threatening to result in significant damage to the quality of water, soil or air or to landscapes, nature or cultural heritage;
- b. with a view to the use of the soil, introducing in or on the soil substances or activities resulting in erosion, compaction or salinisation, if this gives rise to deterioration or threatened deterioration of the soil; and
- c. neglecting a protected landscape, protected nature or protected cultural heritage, if this has or threatens to have significant adverse consequences for the protected values.

2. For the purposes of paragraph one (opening words and c), the term protected is taken to mean: protected by a statutory regulation or decision on the basis of the Act or another act.

## Chapter 2 Environment plan, water authority regulation and environment regulation

### Article 2.1

#### **(mandatory and prohibited inclusion of rules in an environment plan)**

1. Without prejudice to paragraph two, in any event rules on activities changing components of the physical environment as intended in Article 1.2(3)(a) of the Act will only be included in the environment plan.
2. In any event, rules as intended in the following provisions of the Municipalities Act (*Gemeentewet*) will not be included in the environment plan:
  - a. Articles 151a(1), 151b(1), 151c(1), 151d(1) and 154a(1);
  - b. Articles 154(1) and 154b(1);
  - c. Articles 172(2) and 174(3); and
  - d. Article 216.

### Article 2.1a

#### **(transitional provisions: environmental permit and municipal regulations)**

- Until the date to be determined by royal decree as intended in Article 22.4 of the Act, for the purposes of Article 22.8 of the Act:
- a. rules in a municipal regulation that come under Article 2.1(1) are only considered rules as intended in Article 2.7(1) of the Act in as much as they are rules on an activity as intended in Article 2.2 of the General Provisions for Environmental Law Act (*Wet algemene bepalingen omgevingsrecht*), as applicable until the moment that this Decree comes into effect; and
  - b. rules in a municipal regulation that do not come under Article 2.1(1) are also considered rules as intended in Article 2.7(1) of the Act in as much as they are rules on an activity as intended in Article 2.2 of the General Provisions for Environmental Law Act, as applicable until the moment that this Decree comes into effect.

### Article 2.2

#### **(mandatory and prohibited inclusion of rules in a water authority regulation)**

1. Without prejudice to paragraph two, in any event rules on activities changing components of the physical environment as intended in Article 1.2(3)(a) of the Act will only be included in the water authority regulation.
2. In any event, rules as intended in the following provisions of the Water Authorities Act (*Waterschapswet*) will not be included in the water authority regulation:
  - a. Article 78(2);
  - b. Article 81; and
  - c. Article 110.

### Article 2.3

#### **(mandatory and prohibited inclusion of rules in an environment regulation)**

1. Without prejudice to paragraph two, in any event rules on activities changing components of the physical environment as intended in Article 1.2(3)(a) of the Act will only be included in the environment regulation.
2. In any event, rules as intended in the following provisions of the Provinces Act (*Provinciewet*) will not be included in the environment regulation:
  - a. Article 150; and
  - b. Article 220.

## Chapter 3 Designation of locations for state tasks

### Section 3.1 Designation of national waters

#### Article 3.1

#### (designation of national waters)

1. National waters are the water systems or their components as intended in Annex II.
2. The management of the national waters designated on the basis of paragraph one will also include the management of the supporting artificial structures located in such waters.

### Section 3.2 Designation and demarcation of restricted areas

#### Article 3.2

#### (scope)

Articles 3.3 through to 3.6 only apply as long as a restricted area has not been designated and geometrically demarcated by ministerial order.

#### Article 3.3

#### (restricted area for roads)

The restricted area relating to a road managed by the State consists of the road and the surrounding area, demarcated by a line located at a distance of:

- a. for a road at ground level: 10 m, measured from the side of the paved surface;
- b. for a road adjacent to a waterway that collects the water from the road: 1 m from the approach of the waterway, measured from the approach that is the furthest from the road;
- c. for a road in a cutting: 5 m, measured from the approach of the ground-level reduction;
- d. for a road on an embankment: 10 m, measured from the side of the paved surface, plus five times the difference in height between the paved surface and the approach of the ground-level increase;
- e. for a road in a tunnel or underneath an aqueduct: 10 m, measured from the edge of the artificial structure, plus four times the difference in height between the paved surface and the ground level; or
- f. for a road on a bridge or on a viaduct: 10 m, measured from the edge of the artificial structure, plus five times the difference in height between the paved surface and the ground level.

#### Article 3.4

#### (restricted area for water management structures)

The restricted area relating to a water management structure managed by the State is identical to the water management structure.

#### Article 3.5

#### (restricted area for the main line railway infrastructure)

1. The restricted area relating to the main line railway infrastructure consists of the main line railway and the surrounding area, demarcated by a line located at a distance of:
  - a. for a main line railway at ground level: 11 m, measured from the centre of the outer rail, being an imaginary line in the longitudinal direction of the track midway between the two rails;
  - b. for a main line railway in a cutting: 6 m, measured from the top of the cutting;
  - c. for a main line railway on an embankment: 6 m, measured from the foot of the embankment;
  - d. for a main line railway in a tunnel: 30 m, measured from the outer wall of the tunnel; or



- e. for a main line railway on a bridge or on a viaduct: 30 m, measured from the outer wall of the structure.
- 2. If part of the main line railway is only intended for goods transport for local access to port and industrial areas, contrary to paragraph one the restricted area consists of that part of the main line railway and the surrounding area, demarcated by a line located at a distance of 3 m at ground level, measured from the centre of the outer rail.

**Article 3.6**

**(restricted area for installations in a water management structure, other than mining installations)**

The restricted area relating to installations in a body of surface water other than mining installations consists of the installation and the surrounding area, demarcated by a line located at a distance of 500 m from any part of the installation.

**Article 3.7**

**(restricted area for a mining installation in a water management structure)**

The restricted area relating to a mining installation in a body of surface water consists of the mining installation and the surrounding area, demarcated by a line located at a distance of 500 m from any part of the mining installation.

## Chapter 4 Competent authority for environmental permits and involvement of other administrative bodies

### Section 4.1 Competent authority for environmental permits

#### § 4.1.1

##### Article 4.1

#### General

##### (scope)

1. This Section regulates which administrative body, other than the municipal executive on the basis of Article 5.8 or 5.12(2) of the Act, will decide on a single or multiple application for an environmental permit:
  - a. for water activities: subsection 4.1.2; and
  - b. for other activities: subsection 4.1.3.
2. Subsection 4.1.4 applies to both water activities and other activities.

#### § 4.1.2

##### Article 4.2

#### Application for an environmental permit for water activities

##### (competent authority of the water authority for single and multiple applications; decentralised unless)

1. The executive board of the water authority will decide on a single or multiple application for an environmental permit if the application solely relates to one or more of the following water activities:
  - a. a discharge activity into a body of surface water that is part of a water system as intended in Article 2.17(1)(a)(1°) of the Act;
  - b. a discharge activity into a water treatment plant; or
  - c. an activity for which the water authority regulation provides that performing the activity without an environmental permit is prohibited.
2. The executive board of the water authority will also decide on a multiple application for an environmental permit if the application relates to one or more water activities as intended in paragraph one and one or more other water activities.

##### Article 4.3

##### (competent authority of the province for single and multiple applications; magnet activities)

1. The provincial executive will decide on a single or multiple application for an environmental permit if the application solely relates to one or more of the following water activities:
  - a. a water extraction activity as intended in Article 16.4 of the Environmental Activities Decree (*Besluit activiteiten leefomgeving*); or
  - b. a water activity for which the environment regulation provides that performing the activity without an environmental permit is prohibited.
2. The provincial executive will also decide on a multiple application for an environmental permit if the application relates to one or more water extraction activities as intended in paragraph one (a) and one or more other water activities.

##### Article 4.4

##### (competent authority: Minister of Infrastructure and Water Management for single and multiple applications; magnet activities)

1. Our Minister of Infrastructure and Water Management will decide on a single or multiple application for an environmental permit if the application solely relates to one or more of the following water activities:
  - a. a water activity that relates to a water system or any of its components as intended in Article 3.1; or

- b. a dumping activity at sea from a vessel or aircraft registered in the Netherlands that is located outside the Netherlands and the exclusive economic zone.
- 2. Our Minister of Infrastructure and Water Management will also decide on a multiple application for an environmental permit if the application relates to one or more water activities as intended in paragraph one (a), in as much as they involve:
  - a. a discharge activity into a body of surface water if this involves the discharge of wastewater originating from an environmentally harmful activity relating to an IPPC installation or a Seveso establishment; or
  - b. a restricted area activity relating to a water management structure that is performed in the framework of the construction or modification of a water management structure by or on behalf of Our Minister of Infrastructure and Water Management; and one or more other water activities.

**Article 4.4a****(additional designation of competent authority for a multiple application without magnet activities)**

1. This Article only applies if no competent authority has been designated on the basis of Articles 4.2, 4.3 and 4.4.
2. Our Minister of Infrastructure and Water Management will decide on a multiple application for an environmental permit if the application relates to a combination of activities consisting of:
  - a. one or more activities as intended in Article 4.4(1); and
  - b. one or more activities as intended in Article 4.3(1).

**Article 4.5****(priority rule on the competent authority for a multiple application upon concurrent designations of the competent authority)**

1. If the executive board of the water authority and the provincial executive have been designated as the competent authorities on the basis of Article 4.2(2) and Article 4.3(2), respectively, the provincial executive will decide on the application.
2. If the executive board of the water authority and Our Minister of Infrastructure and Water Management have been designated as the competent authorities on the basis of Article 4.2(2) and Article 4.4(2), respectively, Our Minister of Infrastructure and Water Management will decide on the application.
3. If the provincial executive and Our Minister of Infrastructure and Water Management and, where appropriate, the executive board of the water authority have been designated as the competent authorities on the basis of Article 4.3(2), Article 4.4(2) and Article 4.2(2), respectively, Our Minister of Infrastructure and Water Management will decide on the application.

**§ 4.1.3*****Application for an environmental permit for activities other than water activities*****Article 4.6****(competent authority of the province for single and multiple applications; magnet activities)**

1. The provincial executive will decide on a single or multiple application for an environmental permit if the application solely relates to one or more of the following activities:
  - a. an environmental planning activity of provincial interest;
  - b. an earth removal activity in the winter bed of a river belonging to the national waters or outside national waters;
  - c. an environmentally harmful activity as intended in Article 3.19(1), 3.48, in as much as it is an activity as intended in Article 3.47(a), 3.51(1), 3.55(1), 3.58(1), 3.61(1), 3.64(1), 3.67(1), 3.70(1), 3.73(1), 3.76(1), 3.79(1), 3.82(1), 3.85(1), 3.88(1) or 3.91(1) of the Environmental Activities Decree;

- d. a restricted area activity relating to a civil airport of regional significance or a local railway that is not located in an area that has been designated on the basis of Article 20(3) of the Passenger Transport Act 2000 (*Wet personenvervoer 2000*);
  - e. a Natura 2000 activity or a flora and fauna activity that has not been designated in Article 4.12(2 and 3); or
  - f. an activity for which the environment regulation provides that performing the activity without an environmental permit is prohibited.
2. The provincial executive will also decide on a multiple application for an environmental permit if the application relates to one or more activities as intended in:
- a. paragraph one (a);
  - b. paragraph one (b), in as much as it is an earth removal activity involving the in-situ excavation of 100,000 m<sup>3</sup> or more; or
  - c. paragraph one (c), with the exception of an environmentally harmful activity as intended in Article 3.19(1) or 3.48 of the Environmental Activities Decree; and one or more other activities.

**Article 4.7****(competent authority of the transport region for single and multiple applications)**

If an area has been designated on the basis of Article 20(3) of the Passenger Transport Act 2000, the executive board of the public body as intended in that paragraph will decide on a single or multiple application for an environmental permit if the application solely relates to one or more restricted area activities relating to a local railway in that area.

**Article 4.8****(competent authority: Minister of the Interior and Kingdom Relations for single and multiple applications; magnet activities)**

1. Our Minister of the Interior and Kingdom Relations will decide on a single or multiple application for an environmental permit if the application solely relates to one or more environmental planning activities of national interest.
2. Our Minister of the Interior and Kingdom Relations will also decide on a multiple application for an environmental permit if the application relates to one or more environmental planning activities of national interest and one or more other activities.

**Article 4.9****(competent authority: Minister of Defence for single and multiple applications)**

Our Minister of Defence will decide on a single or multiple application for an environmental permit if the application solely relates to one or more restricted area activities relating to a military airfield.

**Article 4.10****(competent authority: Minister of Economic Affairs and Climate Policy for single and multiple applications; magnet activities)**

1. Our Minister of Economic Affairs and Climate Policy will decide on a single or multiple application for an environmental permit if the application solely relates to one or more of the following activities:
  - a. an environmentally harmful activity as intended in Article 3.321(1) of the Environmental Activities Decree;
  - b. a mining activity; or
  - c. a restricted area activity relating to a mining installation in a water management structure.
2. Our Minister of Economic Affairs and Climate Policy will also decide on a multiple application for an environmental permit if the application relates to one or more activities as intended in:
  - a. paragraph one (a), unless it involves the construction or operation of a mine for the exploration or extraction of geothermal heat;
  - b. paragraph one (b); or
  - c. paragraph one (c);
 and one or more other activities.

**Article 4.11****(competent authority: Minister of Infrastructure and Water Management for single and multiple applications; magnet activities)**

1. Our Minister of Infrastructure and Water Management will decide on a single or multiple application for an environmental permit if the application solely relates to one or more of the following activities:

- a. an earth removal activity in a national water other than in the winter bed of a river;
- b. an environmentally harmful activity involving national security interests as intended in:
  1. Article 3.247 of the Environmental Activities Decree;
  2. Article 3.324(1), 3.327, 3.332 or 3.335(1) of the Environmental Activities Decree; or
  3. any other provision of Chapter 3 of the Environmental Activities Decree designating an environmentally harmful activity requiring a permit, if all or most of that activity is performed at:
    - i. a location as intended in Article 5.28(b) of the Environmental Quality Decree (*Besluit kwaliteit le efomgeving*); or
    - ii. a military site or a site with military property as intended in Article 5.150(1) of the Environmental Quality Decree;
- c. a restricted area activity relating to a road managed by the State, Schiphol Airport, another civil airport of national significance, a main line railway or a special railway; or
- d. an activity other than as intended in a through to c or in Article 4.10(1), 4.12 or 4.13, which is fully or mostly performed in:
  1. the territorial sea in as much as it is located outside the provincial and municipal classified area; or
  2. the exclusive economic zone.

2. Our Minister of Infrastructure and Water Management will also decide on a multiple application for an environmental permit if the application relates to one or more activities as intended in:

- a. paragraph one (a), in as much as it is an earth removal activity involving the in-situ excavation of 100,000 m<sup>3</sup> or more; or
  - b. paragraph one (b);
- and one or more other activities.

**Article 4.12****(competent authority: Minister of Agriculture, Nature and Food Quality for single and multiple applications)**

1. Our Minister of Agriculture, Nature and Food Quality will decide on a single or multiple application for an environmental permit if the application solely relates to one or more of the following activities:

- a. a Natura 2000 activity of national interest;
- b. a flora and fauna activity of national interest; or
- c. an environmentally harmful activity as intended in Article 3.48b of the Environmental Activities Decree.

2. The following Natura 2000 activities and the following flora and fauna activities as intended in Articles 11.37, 11.39, 11.40, 11.46, 11.47(opening words and b), 11.48, 11.54, 11.60 and 11.61 of the Environmental Activities Decree are designated as activities of national interest:

- a. an activity for constructing, expanding, laying out, changing, using, managing or maintaining:
  1. a motor traffic road, motorway, waterway, main line railway or special railway, in as much as it is managed by the State and in as much as the activity directly relates to transport via this road or its integration into the physical environment;
  2. a primary flood defence managed by the State and passageways in these flood defences, in as much as the activity directly relates to water safety or its integration into the physical environment;

3. a military site and a site with military property as intended in Article 5.146(1) of the Environmental Quality Decree, in as much as the activity directly relates to military purposes or its integration into the physical environment;
  4. a military airfield;
  5. Schiphol Airport or another civil airport of national significance as intended in Article 8.1(2) of the Aviation Act (*Wet luchtvaart*), in as much as the activity directly relates to transport via this airport or to its integration into the physical environment;
  6. the gas transmission network as intended in Article 1(1)(n) of the Gas Act (*Gaswet*) and the associated gas pressure regulation stations and gas pressure measurement stations, in as much as the activity directly relates to gas transmission; and
  7. a high-voltage power line with a voltage of at least 220 kV and the associated switching and transformer stations and other instruments, in as much as the activity directly relates to the electricity supply;
- b. an activity that directly relates to:
1. preventing or combatting the landward displacement of the coastline as intended in Article 2.19(2)(b) of the Act;
  2. land reclamation in the territorial sea; or
  3. the exploration, extraction or storage of:
    - i. minerals as intended in Article 1(a) of the Mining Act (*Mijnbouwwet*) that are located at a depth of more than 100 m below the surface of the earth; or
    - ii. geothermal heat as intended in Article 1(b) of the Mining Act that is located at a depth of more than 500 m below the surface of the earth;
- c. an activity of the State required for the development, functioning and protection of the main waters as intended in Annex II(1)(A);
- d. a military activity performed by the Dutch or allied armed forces outside the sites as intended in a(3<sup>o</sup>) and outside the military airfields as intended in a(4<sup>o</sup>);
- e. a flight with search or rescue helicopters outside the regular routes;
- f. the exercise of any of the following types of commercial fisheries or fisheries performed for reasons of research:
1. non-manual crustacean and shellfish fisheries, including the collection of shellfish seed and shellfish cultures and the release of shellfish; or
  2. trawling in salt waters;
- g. a discharge activity entailing the transfer of wastewater to the Wadden Sea;
- h. an activity performed by or on behalf of a foreign power;
- i. an activity that directly implements the Treaty between the Kingdom of the Netherlands and the Kingdom of Belgium concerning the separation of the respective territories, concluded in London on 19 April 1839 (Treaty Series 1966, no. 161);
- j. an activity of or on behalf of a member of the Royal House or on sites where the Wearer of the Crown is entitled to hunt; and
- k. an activity that is entirely or largely performed in:
1. the border area as intended in Article 1 of the Supplementary Agreement to the Ems-Dollard Treaty, formed in Bennekom on 14 May 1962 (Treaty Series 1962, no. 54);
  2. a non-provincial classified area; or
  3. the exclusive economic zone.
3. The following are also designated as flora and fauna activities of national interest:
- a. an activity as intended in Article 11.38(1) of the Environmental Activities Decree;
  - b. an activity as intended in Article 11.47(1, opening words and a) of the Environmental Activities Decree;
  - c. an activity as intended in Article 11.39 or 11.47(1, opening words and b) of the Environmental Activities Decree, if it involves:
    1. catching or keeping sick or injured animals for transport in a motor vehicle that is equipped and intended to be used to transport sick or injured animals;

2. appropriating and keeping a dead animal originating from the wild, which animal has died through no fault or beyond the knowledge of the person that appropriates the animal with a view to preparing it;
  3. keeping a prepared animal originating from the wild; or
  4. keeping animals or plants transported into the territory of the Netherlands from another country;
- d. an activity as intended in Article 11.40 of the Environmental Activities Decree that uses motor-boats on the open sea as intended in Annex IV(b), second hyphen, second sentence, to the Birds Directive;
- e. an activity as intended in Article 11.46(1), 11.47(1, opening words and b) or 11.54(1) of the Environmental Activities Decree, if it involves catching and keeping harbour porpoises, short-beaked common dolphins, harbour seals, grey seals, common bottlenose dolphins, Atlantic white-sided dolphins or white-beaked dolphins for the purpose of:
1. receiving and taking care of sick or injured animals of these species in a shelter; or
  2. conducting scientific research; and
- f. activities as intended in Article 11.61(1) of the Environmental Activities Decree, if they involve:
1. the reintroduction of species;
  2. the release of animals to control diseases, pests or weeds;
  3. the release of animals together with the animals as intended in 2°, as prey for those animals; or
  4. the release of animals or the setting out of animal eggs outside the natural range of distribution of the species.
4. Our Minister of Agriculture, Nature and Food Quality will decide on an application for an environmental permit for a falconry activity.

**Article 4.13****(competent authority: Minister of Education, Culture and Science for single and multiple applications)**

Our Minister of Education, Culture and Science will decide on a single or multiple application for an environmental permit if the application solely relates to one or more national monument activities affecting an archaeological monument.

**Article 4.14****(additional designation of competent authority for a multiple application without magnet activities)**

1. This Article only applies if:
  - a. the municipal executive is not one of the administrative bodies involved in the application as intended in Article 5.12(1) of the Act; and
  - b. no competent authority has been designated on the basis of Articles 4.6, 4.7, 4.9, 4.10, 4.11, 4.12 and 4.13.
2. The provincial executive will decide on a multiple application for an environmental permit if the application solely relates to a combination of activities consisting of:
  - a. one or more activities as intended in Article 4.6(1); and
  - b. one or more activities as intended in Article 4.7.
3. Our Minister of Defence will decide on a multiple application for an environmental permit if the application solely relates to a combination of activities consisting of:
  - a. one or more activities as intended in Article 4.9; and
  - b. one or more activities as intended in Article 4.6(1) or 4.7.
4. Our Minister of Economic Affairs and Climate Policy will decide on a multiple application for an environmental permit if the application solely relates to a combination of activities consisting of:
  - a. one or more activities as intended in Article 4.10(1); and
  - b. one or more activities as intended in Article 4.6(1) or 4.7.

5. Our Minister of Infrastructure and Water Management will decide on a multiple application for an environmental permit if the application solely relates to a combination of activities consisting of:

- a. one or more activities as intended in Article 4.11(1); and
- b. one or more activities as intended in Article 4.6(1) or 4.7.

6. Our Minister of Agriculture, Nature and Food Quality will decide on a multiple application for an environmental permit if the application solely relates to a combination of activities consisting of:

- a. one or more activities as intended in Article 4.12; and
- b. one or more activities as intended in Article 4.6(1) or 4.7.

7. In as much as no competent authority has been designated on the basis of paragraphs two through to six, Our Minister of the Interior and Kingdom Relations will decide on a multiple application for an environmental permit if the application relates to a combination of activities consisting of:

- a. one or more activities as intended in Article 4.9, 4.10(1), 4.11(1), 4.12 or 4.13; and
- b. where appropriate, one or more activities as intended in Article 4.6(1) or 4.7.

#### Article 4.15

##### **(priority rule on the competent authority for a multiple application upon concurrent designations of the competent authority)**

1. If the provincial executive and Our Minister of the Interior and Kingdom Relations have been designated as the competent authorities on the basis of Article 4.6(2) and Article 4.8(2), respectively, Our Minister of the Interior and Kingdom Relations will decide on the application.
2. If the provincial executive and Our Minister of Economic Affairs and Climate Policy have been designated as the competent authorities on the basis of Article 4.6(2) and Article 4.10(2), respectively, Our Minister of Economic Affairs and Climate Policy will decide on the application.
3. If the provincial executive and Our Minister of Infrastructure and Water Management have been designated as the competent authorities on the basis of Article 4.6(2) and Article 4.11(2), respectively, Our Minister of Infrastructure and Water Management will decide on the application.
4. If more than one of Our Ministers referred to above and, where appropriate, the provincial executive have been designated as the competent authorities on the basis of Article 4.8(2), 4.10(2) or 4.11(2) and Article 4.6(2), respectively, Our Minister of the Interior and Kingdom Relations will decide on the application.

#### Article 4.16

##### **(once the competent authority, always the competent authority)**

1. Contrary to Article 4.6, the provincial executive will decide on each single or multiple application for an environmental permit relating to one or more activities as intended in Article 5.1 or 5.4 of the Act if:
  - a. those activities are not water activities;
  - b. those activities are performed at the same location as an environmentally harmful activity as intended in Article 3.51(1), 3.55(1), 3.58(1), 3.61(1), 3.64(1), 3.67(1), 3.70(1), 3.73(1), 3.76(1), 3.79(1), 3.82(1), 3.85(1), 3.88(1) or 3.91(1) of the Environmental Activities Decree; and
  - c. an environmental permit previously granted by the provincial executive applies to the environmentally harmful activity as intended in b.
2. Paragraph one does not apply if the application solely or also relates to:
  - a. an environmental planning activity of national interest;
  - b. an environmentally harmful activity as intended in Article 3.321(1) of the Environmental Activities Decree, unless it involves the construction or operation of a mine for the exploration or extraction of geothermal heat;
  - c. a mining activity; or
  - d. a restricted area activity relating to a mining installation in a water management structure.



### § 4.1.4

### *Flexibility arrangements for the competent authority for all activities*

#### Article 4.17

#### **(flexibility arrangements for the competent authority)**

1. A transfer, in compliance with Article 5.16 of the Act, of the power to decide on an environmental permit or to apply subsection 5.1.5 of the Act for an environmental permit may only extend to more than one application for an environmental permit or more than one environmental permit that has already been granted if the applications or permits relate to:

- a. activities performed in the same business park; or
  - b. activities forming a coherent whole in another respect.
2. Simultaneously with or as soon as possible after the announcement of the delegation decision, the administrative body that transfers its power in compliance with Article 5.16 of the Act will publish that decision by giving notice of the decision in one or more daily papers, newspapers or free local papers or in another suitable manner, and by sending it to the applicant or the permit holder.
3. Paragraph two applies *mutatis mutandis* if the delegation decision is withdrawn.

## Section 4.2

## Involvement of other administrative bodies or other bodies in an application for an environmental permit or a customised instruction or in a request for consent

#### Article 4.18

#### **(general scope)**

1. This Section only applies if the administrative body on which the power to advise or consent has been conferred is not itself a competent authority.
2. Advice issued on the basis of this Section will be addressed to the competent authority and will focus on the decision it is to take on the application for an environmental permit or a customised instruction or the request for consent. Instead, the advice may also be addressed to an administrative body that is an advisor itself, in as much as this Section so provides.
3. In this Section, an application for an environmental permit or a customised instruction is also taken to mean an application for amendment to the instructions for an environmental permit or a customised instruction or for withdrawal of an environmental permit or a customised instruction.

#### Article 4.19

#### **(scope for an application for an activity extending over more than one territory)**

1. In as much as an application for an environmental permit relates to an activity performed in the territory of more than one municipality, water authority or province, the powers to advise conferred in Articles 4.20, 4.24 and 4.25 apply to the municipal executive, the executive board of the water authority and the provincial executive of each municipality, each water authority district and each province where the activity is partially performed.
2. In a case as intended in paragraph one, the powers to consent conferred in Articles 4.20, 4.24 and 4.25 only apply to the municipal executive, the executive board or the provincial executive of the municipality, the water authority district or the province where the activity is mainly performed.

#### Article 4.20

#### **(advice and consent by the municipal executive)**

1. The municipal executive will be an advisor for an application for an environmental permit in as much as the application relates to:
  - a. a construction activity;
  - b. an environmental planning activity;

- c. a national monument activity affecting a monument; or
  - d. an environmentally harmful activity.
2. The proposed decision on the application will also be subject to the consent of the municipal executive where an application is involved as intended in:
- a. paragraph one (opening words and b), in as much as it involves an environmental planning activity other than an environmental planning activity of provincial or national interest; or
  - b. paragraph one (opening words and d), in as much as it involves an environmentally harmful activity other than an environmentally harmful activity as intended in Article 4.6(1)(c), 4.10(1)(a) or 4.11(1)(b).

**Article 4.21****(advice by the municipal council)**

1. The municipal council will be an advisor for an application for an environmental permit in as much as the application relates to a case of an out-of-plan environmental planning activity it has designated and for which the municipal executive is the competent authority.
2. If the municipal executive is not the competent authority for the application for an environmental permit for a designated case as intended in paragraph one but the proposed decision on the application is subject to consent by the municipal executive, the municipal council will be an advisor for the request for consent.

**Article 4.22****(advice by the municipal advisory committee)**

1. The committee as intended in Article 17.9 of the Act will be an advisor for an application for an environmental permit for which the municipal executive is the competent authority in as much as the application relates to:
  - a. a national monument activity affecting a monument; or
  - b. another activity, if it is a case designated by the municipal council or if the municipal executive sees cause for this.
2. If the municipal executive is not the competent authority for the application for an environmental permit for an activity as intended in paragraph one, but an advisor, the committee will also be an advisor and the committee's advice will be addressed to the municipal executive rather than the competent authority.

**Article 4.23****(exception to consent by the municipal executive for an environmental planning activity and once the competent authority, always the competent authority)**

Contrary to Article 4.20(2, opening words and a), the proposed decision on the application for an environmental permit for an environmental planning activity will not be subject to the consent of the municipal executive if:

- a. it is an application for which the provincial executive is the competent authority on the basis of Article 4.16(1);
- b. the environmental planning activity is connected with an instruction that is or will be attached to an environmental permit for an environmentally harmful activity as intended in Article 4.16(1)(b).

**Article 4.24****(advice and consent by the executive board of the water authority)**

1. The executive board of the water authority will be an advisor for an application for an environmental permit in as much as the application relates to:
  - a. a discharge activity into a body of surface water that is part of a water system as intended in Article 2.17(1)(a)(1°) of the Act;
  - b. a discharge activity into a water treatment plant;
  - c. an activity for which the water authority regulation provides that performing the activity without an environmental permit is prohibited;
  - d. a water extraction activity as intended in Article 16.4 of the Environmental Activities Decree; or

- e. an environmentally harmful activity as intended in Article 3.19(1) of the Environmental Activities Decree.
2. The proposed decision on the application as intended in paragraph one (opening words and a, b or c) will also be subject to the consent of the executive board of the water authority.

#### Article 4.25

##### (advice and consent by the provincial executive)

1. The provincial executive will be an advisor for an application for an environmental permit in as much as the application relates to:
- a. a water extraction activity as intended in Article 16.4 of the Environmental Activities Decree;
  - b. an earth removal activity in the winter bed of a river belonging to the national waters or outside national waters, involving the in-situ excavation of less than 100,000 m<sup>3</sup>;
  - c. an environmentally harmful activity as intended in:
    - 1. Article 3.19(1) or 3.48(1), in as much as it involves an activity as intended in Article 3.47(a) of the Environmental Activities Decree; or
    - 2. Article 3.321(1) of the Environmental Activities Decree;
  - d. a restricted area activity relating to a civil airport of regional significance or a local railway that is not located in an area that has been designated on the basis of Article 20(3) of the Passenger Transport Act 2000;
  - e. a Natura 2000 activity or a flora and fauna activity that has not been designated in Article 4.12(2 and 3);
  - f. a water activity or another activity for which the environment regulation provides that performing the activity without an environmental permit is prohibited;
  - g. an environmental planning activity as intended in Article 16.15a(d) of the Act; or
  - h. a national monument activity as intended in Article 4.32(1)(b), if the monument to which the activity relates is located outside a built-up area established pursuant to the Road Traffic Act 1994 (*Wegenverkeerswet 1994*).
2. The provincial executive will also be an advisor for an application for an environmental permit in as much as the application relates to one or more activities as intended in Article 4.6(2) but it is not authorised to decide on that application on the basis of Article 4.15(1, 2, 3 or 4).
3. The proposed decision on the application will also be subject to the consent of the provincial executive where an application is involved as intended in paragraph one (opening words and a, b, c(1°), d, e, f or g) or two, with the exception of:
- a. an application as intended in paragraph one (opening words and f), if the activity relates to a provincial monument or a provisionally protected provincial monument; and
  - b. an application as intended in paragraph one (opening words and g), if the proposed decision:
    - 1. refuses the permit; or
    - 2. grants the permit and the activity relates to a provincial monument.

#### Article 4.26

##### (advice and consent by the executive board of the transport region)

1. If an area has been designated on the basis of Article 20(3) of the Passenger Transport Act 2000, the executive board of the public body as intended in that paragraph will be an advisor for an application for an environmental permit in as much as the application relates to a restricted area activity relating to a local railway in that area.
2. The proposed decision on the application will also be subject to the consent of the executive board of the public body.

**Article 4.27****(advice and consent by Our Minister of the Interior and Kingdom Relations)**

1. Our Minister of the Interior and Kingdom Relations will be an advisor for an application for an environmental permit in as much as the application relates to a construction activity and there is an intention to deviate from a rule in Chapter 4 of the Environment Structures Decree (*Besluit bouwwerken leefomgeving*) when deciding on the application, specifically in an instruction for the environmental permit, on the basis of Article 4.5 of that decree.
2. The proposed decision on the application will also be subject to the consent of Our Minister of the Interior and Kingdom Relations.
3. Paragraphs one and two apply mutatis mutandis to an application for a customised instruction to deviate from a rule as intended in paragraph one, if no environmental permit is required for the construction activity.
4. Paragraphs one, two and three do not apply to a deviation from Article 4.103 of the Environment Structures Decree by means of a permit instruction or a customised instruction.

**Article 4.28****(advice and consent by Our Minister of Defence)**

1. Our Minister of Defence will be an advisor for an application for an environmental permit in as much as the application relates to:
  - a. a restricted area activity relating to a military airfield; or
  - b. an environmental planning activity in a radar interference area as intended in Article 5.155(3) of the Environmental Quality Decree in terms of possible consequences for military radar images.
2. The proposed decision on the application as intended in paragraph one (opening words and a) will also be subject to the consent of Our Minister of Defence.

**Article 4.29****(advice and consent by Our Minister of Economic Affairs and Climate Policy)**

1. Our Minister of Economic Affairs and Climate Policy will be an advisor for an application for an environmental permit in as much as the application relates to an environmentally harmful activity as intended in Article 3.321(1) of the Environmental Activities Decree, in as much as it involves the construction or operation of a mine for the exploration or extraction of geothermal heat.
2. Our Minister of Economic Affairs and Climate Policy will also be an advisor for an application for an environmental permit in as much as the application relates to one or more activities as intended in Article 4.10(2) but he is not authorised to decide on that application on the basis of Article 4.15(4).
3. The proposed decision on the application as intended in paragraph one or two will also be subject to the consent of Our Minister of Economic Affairs and Climate Policy.

**Article 4.30****(advice and consent by Our Minister of Infrastructure and Water Management)**

1. Our Minister of Infrastructure and Water Management will be an advisor for an application for an environmental permit in as much as the application relates to:
  - a. a water activity that relates to a water system or any of its components as intended in Article 3.1;
  - b. an earth removal activity in:
    1. the winter bed of a river belonging to the national waters; or
    2. a national water, other than in the winter bed of a river, involving the in-situ excavation of less than 100,000 m<sup>3</sup>;
  - c. a restricted area activity relating to a road managed by the State, Schiphol Airport, another civil airport of national significance, a civil airport of regional significance, a main line railway or a special railway;

- d. an environmental planning activity in a radar interference area as intended in Article 5.155(1) of the Environmental Quality Decree in terms of possible consequences for civil radar images; or
  - e. an environmental planning activity in an area as intended in Article 5.161a(1) of the Environmental Quality Decree.
2. Our Minister of Infrastructure and Water Management will also be an advisor for an application for an environmental permit in as much as the application relates to one or more activities as intended in Article 4.11(2) but he is not authorised to decide on that application on the basis of Article 4.15(4).
3. The proposed decision on the application as intended in paragraph one (opening words and a, b or c) or two will also be subject to the consent of Our Minister of Infrastructure and Water Management, with the exception of an application as intended in paragraph one (opening words and c) that relates to a restricted area activity relating to a civil airport of regional significance, if the permit is refused in the proposed decision.

**Article 4.31****(advice and consent by Our Minister of Agriculture, Nature and Food Quality)**

1. Our Minister of Agriculture, Nature and Food Quality will be an advisor for an application for an environmental permit in as much as the application relates to:
- a. an environmentally harmful activity as intended in Article 3.48b of the Environmental Activities Decree; or
  - b. a Natura 2000 activity or flora and fauna activity of national interest as intended in Article 4.12(2 and 3).
2. The proposed decision on the application will also be subject to the consent of Our Minister of Agriculture, Nature and Food Quality.

**Article 4.32****(advice and consent by Our Minister of Education, Culture and Science)**

1. Our Minister of Education, Culture and Science will be an advisor for an application for an environmental permit in as much as the application relates to:
- a. a national monument activity affecting an archaeological monument; or
  - b. a national monument activity affecting a monument, in the following cases:
    - 1. the demolition of the monument, if the monument is pulled down completely or if it is pulled down partially if that partial pulling down significantly affects the monumental values of the monument;
    - 2. the significant alteration of the monument or a major part of the monument, if the consequences for the monumental values of the monument are similar to the consequences of the demolition of the monument as intended in 1°;
    - 3. the reconstruction of the monument or a major part of the monument, entailing that the condition of the monument is returned to a previous condition or a presumed previous condition of the monument;
    - 4. the alteration of the monument or a major part of the monument for a change of use of the monument, if this has significant consequences for the monumental values; or
    - 5. the moving of the monument or a major part of the monument.
2. The proposed decision on the application as intended in paragraph one (opening words and a) will also be subject to the consent of Our Minister of Education, Culture and Science.

**Article 4.33****(advice by the board of the safety region)**

The board of the safety region in whose territory all or most of an environmentally harmful activity is performed will be an advisor for an application for an environmental permit in as much as the application relates to an environmentally harmful activity as intended in Annex III(1).

**Article 4.34****(advice by the Inspector General of the Human Environment and Transport)**

The Inspector General of the Human Environment and Transport will be an advisor for an application for an environmental permit in as much as the application relates to an environmentally harmful activity as intended in Annex III(2).

**Article 4.35****(advice about indirect discharges)**

The administrative body that is in charge of managing a water treatment plant or a body of surface water to which wastewater is transferred from a facility for the collection and transport of wastewater will be an advisor for an application for an environmental permit in as much as the application relates to an environmentally harmful activity relating to the transfer of wastewater or other waste substances to such a facility.

**Article 4.36****(advice after the application of the flexibility arrangements for the competent authority)**

The administrative body that has transferred its power to decide on an application for an environmental permit in compliance with Article 5.16 of the Act will be an advisor for that application in as much as it relates to the activity or activities that were decisive for the designation of that administrative body as the competent authority.

**Article 4.37****(no consent required)**

The administrative body designated on the basis of Articles 4.20 through to 4.32 may designate cases in which no consent will be required.

**Article 4.38****(grounds for granting or withholding consent)**

1. Consent will only be granted or withheld on the same grounds as the grounds for granting or refusing the environmental permit for the activity, unless paragraph two, three or four applies. In this respect, an exemption as intended in Article 2.32 of the Act that has been granted for a proposed decision to grant an environmental permit is considered an exemption from the granting of consent.
2. If the application for an environmental permit relates to an environmental planning activity as intended in Article 4.25(1)(g), consent may only be withheld if the proposed decision on the application is contrary to a provincial interest that an administrative body of the province has indicated in a public document and the provincial administration cannot protect that interest by exercising other powers vested in it.
3. If the application for an environmental permit relates to a construction activity as intended in Article 4.27(1) or if it is an application for a customised instruction as intended in Article 4.27(3), consent may only be withheld if no special case is involved that justifies a deviation from the rule in Chapter 4 of the Environment Structures Decree.
4. If the application for an environmental permit relates to a restricted area activity relating to a civil airport of regional significance as intended in Article 4.30(1)(c), consent may only be withheld in the interest of safe use of the airspace.

## Chapter 5 Project procedure

### Section 5.1 General provisions for a project decision

#### Article 5.1

#### (flexibility arrangements for a project decision taken by the State)

1. If Our Minister whom it concerns, by agreement with Our Minister of the Interior and Kingdom Relations, transfers his power in compliance with Article 5.44b of the Act, simultaneously with or as soon as possible after the announcement of the delegation decision he will publish that decision by giving notice of the decision in one or more daily papers, newspapers or free local papers or in another suitable manner, and by sending it to the initiator.
2. Paragraph one applies mutatis mutandis if the delegation decision is withdrawn.

### Section 5.2 Intention and preference decision

#### Article 5.2

#### (contents and giving notice of an intention)

1. The intention to carry out an exploratory study of a potentially existing or future task in the physical environment will contain at least:
  - a. a description of that task;
  - b. a description of the way in which the exploratory study will be carried out;
  - c. the period within which the exploratory study will be carried out; and
  - d. a statement of the competent authority.
2. The competent authority will give notice of the intention, applying mutatis mutandis Article 3:12(1 and 2) of the General Administrative Law Act (*Algemene wet bestuursrecht*).

#### Article 5.3

#### (participation)

1. The notice of the way in which citizens, companies, civil society organisations and administrative bodies will be involved as intended in Article 5.47(4) of the Act will at least indicate:
  - a. who will be involved;
  - b. about what they will be involved;
  - c. when they will be involved;
  - d. what role the competent authority and the initiator will play in involving these parties; and
  - e. where additional information is available.
2. The notice will be given in a suitable manner to be determined by the competent authority, as a result of which the public relevant to the task to be explored in the physical environment will be reached to the maximum extent possible.
3. The competent authority will ensure that the information needed for the involvement of citizens, companies, civil society organisations and administrative bodies is easily accessible. Article 10 of the Government Information (Public Access) Act (*Wet openbaarheid van bestuur*) applies mutatis mutandis.

#### Article 5.4

#### (mandatory preference decision)

- By agreement with Our Minister of the Interior and Kingdom Relations, Our Minister of Infrastructure and Water Management will in any event take a preference decision to prepare a project decision for works of national interest if the potentially existing or future task in the physical environment included in the intention or the possible solution for that task referred to in the intention fully or partially pertains to:
- a. the construction of a motor traffic road or motorway, railway or waterway;
  - b. the extension of a road by more than two lanes, if the road section to be extended connects two junctions or connections; or

- c. the extension of a railway by more than two tracks, if the railway section to be extended connects two connections.

**Article 5.5****(contents of a preference decision)**

1. A preference decision will at least state the solution that the competent authority prefers.
2. A preference decision will indicate how citizens, companies, civil society organisations and administrative bodies were involved and what the results are of the exploratory study carried out, which will include at least a discussion of the possible solutions proposed by third parties and the advice that experts have issued in that regard.

**Section 5.3****Project decision****Article 5.5a****(publication of a draft project decision)**

1. During the preparation of a project decision of an administrative body of a water authority, a province or the State to which Section 3.4 of the General Administrative Law Act applies, notice of the draft will be given in the water authority gazette, the provincial gazette or the Netherlands Government Gazette, respectively.
2. Paragraph one does not apply if the draft project decision is made available for inspection before this Decree comes into effect.

**Article 5.6****(contents of a project decision)**

Without prejudice to Article 5.51 of the Act, a project decision will contain at least:

- a. a description of the project;
- b. the permanent or temporary measures and facilities relevant to the physical environment that are intended to carry out the project; and
- c. the measures aimed at reversing, reducing or offsetting the adverse consequences that the project or its operation or maintenance will have for the physical environment.

**Article 5.7****(designation of other decisions)**

1. A project decision may specify that the project decision is to be considered:
  - a. a decision establishing a noise production ceiling as an environmental value as intended in Article 2.12a(1), 2.13a(1) or 2.15(2) of the Act;
  - b. a customised instruction on the basis of rules as intended in Article 4.3 of the Act;
  - c. a traffic decision as intended in Article 15 of the Road Traffic Act 1994 in as much as it involves the implementation of the project decision; and
  - d. the closure of a road to public traffic as intended in Article 7(opening words and II) of the Roads Act (*Wegenwet*).
2. If the project decision is to be considered a decision establishing a noise production ceiling as an environmental value as intended in Article 2.12a(1), 2.13a(1) or 2.15(2) of the Act, Section 3.5 of the Environmental Quality Decree applies.
3. If the project decision is to be considered a customised instruction, subsection 4.3.2 of the Act applies *mutatis mutandis*.
4. If the project decision is to be considered a traffic decision, Articles 16(1) and 152 of the Road Traffic Act 1994 and Articles 12 through to 15, 18 and 21 of the Road Traffic (Administrative Provisions) Decree (*Besluit administratieve bepalingen inzake het wegverkeer*) apply.
5. If the project decision is to be considered the closure of a road to public traffic, Articles 4 through to 7 of the Roads Act apply.

**Article 5.7a****(designation of a decision establishing noise production ceilings)**

Without prejudice to Article 5.54 of the Act, Article 5.7(1)(a) will in any event be applied if a project decision:



- a. permits an activity on an industrial site for which noise production ceilings have been established as environmental values on the basis of Article 2.12a of the Act and those ceilings cannot be complied with due to the noise produced by that activity;
- b. pertains to the construction of a road or railway for which noise production ceilings are established as environmental values on the basis of Article 2.13a or 2.15(2) of the Act; or
- c. pertains to a change to a road or railway for which noise production ceilings have been established as environmental values on the basis of Article 2.13a or 2.15(2) of the Act and those ceilings cannot be complied with after that change.

**Article 5.7b****(no advice for project decisions for the main infrastructure for Natura 2000 activities)**

Article 4.31 does not apply mutatis mutandis to a draft project decision and a proposed project decision for a project as intended in Article 5.46(1, opening words and a through to e) of the Act in as much as it provides that the decision is to be considered an environmental permit for a Natura 2000 activity.

**Article 5.8****(advice and consent for other decisions)**

1. The administrative body that would be authorised to take the decisions as intended in Article 5.7(1) on the basis of the Act, the Road Traffic Act 1994 or the Roads Act will be an advisor for that part of the project decision.
2. The part of the project decision as intended in paragraph one will also be subject to the consent of the advisory administrative body, in which respect no consent will be required if:
  - a. the project decision is adopted by Our Minister whom it concerns as intended in Article 5.44 of the Act; or
  - b. the project decision is adopted by the provincial executive and the project decision is to be considered a decision for which another administrative body, with the exception of an administrative body of the State, is the advisory administrative body.
3. Consent will only be withheld on the same grounds as those on which an application for a decision may be refused.

## Chapter 6 Fauna management units and plans

### Article 6.1

#### (fauna management unit)

1. A fauna management unit will take the legal form of an association with full legal capacity or a foundation.
2. The following parties will in any event be represented on the board of a fauna management unit:
  - a. the holders of the hunting rights from the operating area of the fauna management unit; and
  - b. civil society organisations promoting the objective of sustainable management of populations of animals living in the wild in the region to which the operating area of the fauna management unit belongs.
3. At the invitation of the board, representatives of civil society organisations other than those intended in paragraph two and scientists in the area of fauna management may participate in the board meetings and advise the board.

### Article 6.2

#### (fauna management plan)

1. A fauna management plan will at least contain appropriate and effective measures to prevent and control damage caused by animals living in the wild.
2. A fauna management plan will be substantiated by trend counts of the populations of animals living in the wild in the area to which the fauna management plan applies, in order to bring about a methodical and efficient approach to fauna management.
3. A fauna management plan will not relate to the management of populations of exotic species or feral animals or to controlling exotic species or feral animals causing damage.
4. For animal species designated by ministerial order because of the size of their habitats, fauna management units with operating areas falling within a habitat will jointly establish the fauna management plan.

### Article 6.3

#### (preparation, publication and justification of a fauna management plan)

1. The fauna management unit will hear the game management units working within its operating area about the draft fauna management plan.
2. The fauna management unit will publish the fauna management plan as soon as the competent authority approves it on the basis of Article 8.1(2 or 5) of the Act.
3. The fauna management unit will annually report on the implementation of the fauna management plan to the competent authority for approval of the fauna management plan.
4. Holders of an environmental permit for a rifle hunting activity will provide the fauna management unit with data on the numbers of animals, broken down by species, they have killed within the operating area of the fauna management unit.
5. Every fauna management unit will publish an overview of the data provided by holders of an environmental permit for a rifle hunting activity and the data from the annual report relating to its operating area as a whole.

### Article 6.4

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

Our Minister of Agriculture, Nature and Food Quality will decide on the approval of a fauna management plan and will be authorised to impose further rules on fauna management units and fauna management plans as intended in Article 8.1(3) of the Act if they relate to sites where the Wearer of the Crown is entitled to hunt.

# Chapter 7 Right of first refusal and expropriation

## Section 7.1 Right of first refusal decisions

### Article 7.1

#### (contents of a right of first refusal decision)

1. A right of first refusal decision will contain at least:
  - a. the cadastral designations of the real estate property or properties on which the right of first refusal decision is established and the name of the municipality or municipalities where that real estate property or those real estate properties are located;
  - b. the cadastral size of each plot included in the decision;
  - c. if a part of a plot is included in the decision: the size of that part;
  - d. the names of the owners of and the holders of limited rights to the real estate property or properties included in the decision in accordance with the cadastral registry;
  - e. the basis for the decision;
  - f. the earliest possible expiry date of the right of first refusal;
  - g. in as much as applicable: the basis for previously establishing a right of first refusal on the real estate property or properties and the date on which that right of first refusal expired; and
  - h. a site plan showing or stating:
    1. the location of the plots or parts of plots belonging to the real estate property or properties and the cadastral numbers of those plots on a scale that is properly readable and stated on the plan;
    2. every real estate property on which a right of first refusal is established;
    3. the connection of the real estate property or properties to the surrounding area; and
    4. a north arrow and the name of the municipality or municipalities.
2. A right of first refusal decision relating to a provincial or national right of first refusal will also state:
  - a. whether another administrative body has already established a right of first refusal on the real estate property or properties; and
  - b. if another administrative body has already established a right of first refusal on the real estate property or properties:
    1. the legal consequence that the right of first refusal decision will have for the right of first refusal established previously;
    2. if an invitation to negotiate has already been extended as intended in Article 9.12(4) of the Act: the legal consequence that the right of first refusal decision will have for that invitation.

### Article 7.2

#### (decision to withdraw and notification of the expiry of a right of first refusal or the annulment of a right of first refusal decision)

1. A decision to withdraw a right of first refusal as intended in Article 9.5(1) of the Act will contain the cadastral designations of the real estate property or properties to which the withdrawal relates and the name of the municipality or municipalities where that real estate property or those real estate properties are located.
2. Paragraph one applies mutatis mutandis to a notification as intended in Article 9.5(3) of the Act.

**Article 7.3** (dispatch by registered post of notifications regarding a right of first refusal)  
Written notifications to or from the transferor on the basis of Articles 9.12(1), 9.13 and 9.16(1) of the Act will be sent by registered letter.

**Article 7.4** (copies of a request to the district court regarding a right of first refusal)  
1. The competent authority will send the transferor copies of:  
a. a request to the district court as intended in Article 9.16(1) of the Act; and  
b. a written withdrawal of a request as intended in Article 9.17(1)(b) and (2)(b) of the Act.  
2. The transferor will send the competent authority a copy of a request as intended in Article 9.18(1) of the Act.

## Section 7.2 Expropriation decisions

**Article 7.5** (contents of an expropriation decision)  
An expropriation decision will contain at least:  
a. the cadastral designations of the real estate property or properties to be expropriated and the name of the municipality or municipalities where that real estate property or those real estate properties are located;  
b. the cadastral size of each plot included in the decision;  
c. if a part of a plot is included in the decision: the size of that part;  
d. the names of the owners of and the holders of limited rights to the real estate property or properties to be expropriated in accordance with the cadastral registry;  
e. a description of the intended form of development, use or management of the physical environment for which the expropriation is necessary; and  
f. the name of the expropriator.

**Article 7.6** (making the draft expropriation decision available for inspection)  
The draft expropriation decision will be made available for inspection along with:  
a. a site plan showing or stating:  
1. the location of the plots or parts of plots belonging to the real estate property or properties to be expropriated and the cadastral numbers of those plots on a scale that is properly readable and stated on the plan;  
2. every real estate property to be expropriated;  
3. the connection of the real estate property or properties to be expropriated to the surrounding area; and  
4. a north arrow and the name of the municipality or municipalities; and  
b. the draft environment plan or draft project decision made available for inspection, the environment plan or project decision as adopted, the application for an environmental permit for an out-of-plan environmental planning activity or the environmental permit for an out-of-plan environmental planning activity as granted, which enables the intended form of development, use or management of the physical environment, including a projection of the site plan as intended in a.

## Chapter 8 Financial provisions

### Section 8.1 Compensation and recovery of costs

#### Article 8.1 (designation of cases for recovery of costs in the event of contamination of the physical environment)

The cases of contamination, deterioration, disruption or damage as intended in Article 13.3a(1) of the Act, in which the costs to be borne by the legal entities as intended there can be recovered, are the following:

- a. contamination or deterioration of the soil; or
- b. contamination or deterioration of the soil or bank of a body of surface water.

#### Article 8.1a (recovery of compensation by decision)

Cases as intended in Article 13.3d of the Act are the cases in which compensation has been paid as a result of a decision or a rule as intended in Article 15.1(1)(a, d, h or j) of the Act, in as much as that decision or rule relates to water management.

### Section 8.2 Charges

#### Article 8.2 (elaboration of the earth removal charge)

1. If less than 10,000 m<sup>3</sup> of solid material is excavated in situ, no charge as intended in Article 13.4a(1) of the Act will be due.
2. If the amount of the earth removal charge is less than €250, the charge will not be refunded.
3. The earth removal charge will be charged by way of an assessment.

#### Article 8.3 (exemption from the groundwater extraction charge)

Exempt from the charge as intended in Article 13.4b(1) of the Act are extractions of groundwater:

- a. by the municipal administration, the water authority administration, the provincial administration or Our Minister of Infrastructure and Water Management for the performance of tasks in the area of the management of water systems on the basis of the Act;
- b. for the use of an open geothermal system as intended in Article 4.1146 of the Environmental Activities Decree;
- c. for the remediation of contamination of the soil or groundwater;
- d. for ice rinks on land;
- e. for dewatering or draining land; and
- f. by bank groundwater extraction.

#### Article 8.4 (costs of investigations under the groundwater policy)

1. The investigations as intended in Article 13.4b(1)(b) of the Act, the costs of which may be covered from the groundwater extraction charge, are the investigations for the groundwater policy of the province that are necessary for adopting and implementing a regional water programme as intended in Article 3.8(2) of the Act.
2. The costs of the investigations as intended in Article 13.4b(4) of the Act that may be covered from the groundwater extraction charge are the costs of:
  - a. monitoring and collecting data on the hydrogeological condition of the soil of the province;
  - b. a contribution to a research programme directly connected with the drafting and implementation of the groundwater policy;
  - c. collecting, assessing and calculating data for the groundwater policy;
  - d. staff conducting or overseeing the investigations; and
  - e. making the results of the investigations available to the public.

## Section 8.3 Financial guarantee

### Article 8.5

#### (cases in which a financial guarantee may be provided)

The cases as intended in Article 13.5(1) of the Act, for which an instruction may be attached to an environmental permit that the party performing the activity will provide a financial guarantee, are:

- a. the operation of a Seveso establishment as intended in Article 3.50 of the Environmental Activities Decree;
- b. the operation of an IPPC installation as intended in Article 3.72 of the Environmental Activities Decree;
- c. a water activity; and
- d. an earth removal activity.

### Article 8.6

#### (cases in which a financial guarantee must be provided)

The cases as intended in Article 13.5(1) of the Act, for which an instruction is attached to an environmental permit that the party performing the activity will provide a financial guarantee, are:

- a. the dumping of waste at a landfill site as intended in Article 3.84(1)(a or b) of the Environmental Activities Decree, with the exception of a landfill site where only dredge spoils are dumped, in as much as this is in compliance with instructions attached to an environmental permit regarding the top seal as intended in Article 8.48(4) of the Environmental Quality Decree;
- b. the dumping of dredge spoils at a landfill site where only dredge spoils are dumped as intended in Article 3.84(1)(a or b) of the Environmental Activities Decree, in as much as this is in compliance with the instructions attached to an environmental permit regarding the application, if necessary, of a hydrogeological insulation system or a covering layer on the dumped dredge spoils following the termination of the dumping activities;
- c. the dumping or collection of extractive waste at an extractive waste facility as intended in Article 3.84(1)(c) of the Environmental Activities Decree, in as much as this:
  1. is in compliance with the instructions attached to the environmental permit on the basis of subsection 8.5.2.6 of the Environmental Quality Decree; and
  2. is in compliance with rules as intended in subsection 8.2 of the Environmental Management Act; and
- d. the storage, repackaging or processing of fireworks or theatrical pyrotechnic articles as intended in Article 3.31(1)(c and d) of the Environmental Activities Decree.

### Article 8.7

#### (obligation for a public body)

1. If the party performing an activity is a public body, an instruction about the provision of a financial guarantee will be attached to the environmental permit only in the cases as intended in Article 8.6(a, b or c).
2. In the cases as intended in Article 8.6(a or b), taking an equivalent measure is ruled out for any party other than a public body.

### Article 8.8

#### (setting consideration criteria and changing the financial guarantee)

When attaching an instruction to the environmental permit about the provision of a financial guarantee and when amending such an instruction, in a case as intended in Article 8.5 the competent authority will consider at least:

- a. the financial strength of the party performing the activity;
- b. the presence and nature of the substances that may have adverse consequences for the physical environment;
- c. the maximum damage expected to arise from the adverse consequences for the physical environment caused by the activity;
- d. the technical and organisational security measures taken to prevent and limit damage as intended in c;

- e. the relationship between the risk of damage as intended in c of a certain size and the associated costs of providing a financial guarantee;
- f. compliance with the instructions attached to the environmental permit; and
- g. the relationship between the criteria as intended in a through to f.

#### **Article 8.9**

##### **(form of the financial guarantee)**

1. In the permit instruction about a financial guarantee, the competent authority will establish the form in which the financial guarantee will be provided.
2. When establishing the form in which the financial guarantee will be provided, the competent authority will consider at least:
  - a. the preference that the party performing the activity may have for a specific form of financial guarantee, if that form offers sufficient security; and
  - b. the question whether the party performing the activity is a public body.

#### **Article 8.10**

##### **(amount of the financial guarantee)**

1. In the permit instruction about a financial guarantee, the competent authority will establish the amount of the guarantee.
2. The amount will be:
  - a. for a case as intended in Article 8.5, no more than the costs deemed necessary to fulfil obligations applicable on the basis of the environmental permit or to cover liability for damage to the physical environment resulting from that activity;
  - b. for a case as intended in Article 8.6(a), no more than €2.27 per tonne of dumped waste;
  - c. for a case as intended in Article 8.6(b), no more than €1 per tonne of dry matter dumped waste; and
  - d. for a case as intended in Article 8.6(d), at least €5,000,000 per activity requiring a permit.
3. For a case as intended in Article 8.6(c), the calculation will be based on the criteria included in Commission Decision No 2009/335/EC of 20 April 2009 on technical guidelines for the establishment of the financial guarantee in accordance with Directive 2006/21/EC of the European Parliament and of the Council concerning the management of waste from extractive industries (OJEC 2009, L 101).

#### **Article 8.11**

##### **(period for maintaining the financial guarantee)**

1. In the permit instruction about a financial guarantee, the competent authority will establish how long the financial guarantee will be maintained.
2. The financial guarantee for the dumping of waste at a landfill site, with the exception of a landfill site where only dredge spoils are dumped, will be maintained until the landfill site has been inspected as intended in Article 8.59(b) of the Environmental Quality Decree.
3. The financial guarantee for the dumping of dredge spoils at a landfill site where only dredge spoils are dumped will be maintained until a hydrogeological insulation system or a covering layer has been applied on the dumped dredge spoils, if necessary.
4. The financial guarantee for the dumping or collection of extractive waste at an extractive waste facility will be maintained until:
  - a. the permit no longer applies, in as much as the financial guarantee pertains to compliance with the instructions attached to the environmental permit on the basis of subsection 8.5.2.6 of the Environmental Quality Decree; and
  - b. the measures as intended in Articles 8.49 and 8.50 of the Environmental Management Act have been implemented.

**Article 8.12****(furnishing proof of the financial guarantee)**

In the permit instruction about a financial guarantee, the competent authority will stipulate that proof of the provision of the financial guarantee is to be furnished within a reasonable period, to be determined by the competent authority, after that instruction was attached to the permit.

**Section 8.4****Cost recovery****Article 8.13****(activities subject to cost recovery)**

Construction activities of which costs are recovered as intended in Article 13.11(1, opening words) of the Act are:

- a. the construction of one or more buildings with a residential function;
- b. the construction of one or more main buildings other than buildings with a residential function;
- c. the extension of a building by a gross floor area of at least 1,000 m<sup>2</sup> or by one or more buildings with a residential function;
- d. the construction of a building that is not a main building as intended in b, with a gross floor area of at least 1,000 m<sup>2</sup>;
- e. the conversion of one or more contiguous buildings with functional uses other than a residential function into buildings with a residential function, provided that they comprise at least ten residential units; or
- f. the conversion of one or more contiguous buildings with functional uses other than an office function, a shop function or a meeting function for the provision of food and drinks to be consumed on site into buildings with one or more of these functional uses, provided that the cumulative gross floor area of the new functional units is at least 1,500 m<sup>2</sup>.

**Article 8.14****(waiver of cost recovery)**

The competent authority may decide not to recover costs if:

- a. the total of all amounts due that can be recovered on the basis of Article 13.18 of the Act is less than €10,000;
- b. there are no recoverable costs as intended in parts A5 through to A9 of Annex IV; or
- c. the recoverable costs only relate to the connection of a location to the public space or the connection to utilities.

**Article 8.15****(recoverable cost categories)**

The cost categories as intended in Article 13.11(1, opening words) of the Act are:

- a. for cost recovery areas for which no timeframe as intended in Article 13.15(1) of the Act is included: the cost categories indicated in Table A of Annex IV; and
- b. for cost recovery areas for which a timeframe as intended in Article 13.15(1) of the Act is included: the cost categories indicated in Tables A and B of Annex IV.

**Article 8.16****(estimate of proceeds from land)**

The estimate of the proceeds as intended in Article 13.17 of the Act will be based on the proceeds from the land on a date in the year in which the decision as intended in Article 13.18(1) of the Act will be issued.

**Article 8.17****(estimate of the investment value of land)**

1. The estimate of the investment value as intended in Article 13.17 of the Act will be established:

- a. by applying Articles 15.21 through to 15.24 of the Act mutatis mutandis, on the understanding that the investment value will be equal to the compensation on the basis of subsection 15.3.1 of the Act for land that has been expropriated or for which



an expropriation decision has been issued or that has been or is acquired on the basis of expropriation; or

- b. in accordance with the value established by decision on the basis of Article 22(1) of the Valuation of Immovable Property Act (*Wet waardering onroerende zaken*) for the calendar year in which the estimate is established.

2. The investment value includes:

- a. the value of the land and the buildings to be demolished, in the condition prior to the adoption of the environment plan or the project decision or the granting of the environmental permit for an out-of-plan environmental planning activity; and
- b. the costs referred to in B2, B3 and B4 of Annex IV, including the costs incurred prior to the adoption of the environment plan or the project decision or the granting of the environmental permit for an out-of-plan environmental planning activity and directly connected with the construction activities to be performed.

#### Article 8.18

##### **(estimate of the increase in value)**

1. The estimate of the increase in value as intended in Article 13.17 of the Act will be established by deducting the estimated investment value of the location where the activity is performed from the estimated proceeds from that location.

2. Articles 8.16 and 8.17 apply mutatis mutandis to the estimates of the proceeds and the investment value.

#### Article 8.19

##### **(final settlement on request)**

A final settlement on request as intended in Article 13.20(4) of the Act will take place on the basis of:

- a. the costs incurred; and
- b. the estimated costs not yet incurred, at the time of the request for the final settlement.

#### Article 8.20

[Repealed]

## Section 8.5

## Financial contributions for area developments

#### Article 8.20

##### **(activities for which financial contributions may be agreed)**

The activities for which provisions on financial contributions may be included in an agreement as intended in Article 13.22(1) of the Act are:

- a. the activities as intended in Article 8.13;
- b. the construction of a structure, not being a building, for:
  1. agriculture or horticulture, in as much as its surface area is at least 100 m<sup>2</sup>;
  2. generation or extraction, conversion or transport of energy or gases, liquids or solids as energy carriers;
  3. infrastructure, in as much as this involves roads, waterways, railways or telecommunications infrastructure;
  4. trade advertising; or
  5. recreation; and
- c. other activities with a view to use on the basis of a newly assigned function, in as much as they involve the use of:
  1. one or more existing buildings, not being leisure homes, provided that the gross floor area of the newly permitted use is at least 1,500 m<sup>2</sup>;
  2. land, provided that the surface area of the newly permitted use is at least 1,000 m<sup>2</sup>; or
  3. one or more existing leisure homes for permanent occupation.

## Chapter 9 Damage

### Article 9.1

#### **(cases of normal social risk)**

Environmental planning activities relating to structures as intended in Article 2.15f(a through to r) of the Environment Structures Decree are designated as cases in which damage is deemed not to exceed the normal social risk as intended in Article 15.7(4) of the Act.

### Article 9.2

#### **(flexibility arrangements for the competent authority: compensation for loss)**

1. Simultaneously with or as soon as possible after the announcement of the delegation decision, the administrative body that transfers its power in compliance with Article 15.8(3) of the Act will publish that decision by giving notice of the decision in one or more daily papers, newspapers or free local papers or in another suitable manner, and by sending it to the applicant.
2. Paragraph one applies mutatis mutandis if the delegation decision is withdrawn.

### Article 9.3

#### **(designation of animal species for compensation for damage)**

The provincial executive will grant compensation for damage as intended in Article 15.53(1) of the Act for the damage caused by animals of the following species:

- a. species as intended in Article 1 of the Birds Directive;
- b. species referred to in Annex IV(a) to the Habitats Directive, Appendix II to the Bern Convention or Appendix I to the Bonn Convention; and
- c. species referred to in Annex IX(A) to the Environmental Activities Decree.

## Chapter 10 Procedures

### Section 10.0 Ministerial order

#### Article 10.0

##### **(publication of a draft order)**

1. Upon the public participation as intended in Article 23.4(1) of the Act, notice of the draft ministerial order on the basis of the Act will also be given in the form of complete publication in the Netherlands Government Gazette.
2. Paragraph one does not apply if the draft ministerial order is made available for public participation before this Decree comes into effect.

### Section 10.1 Environment plan, water authority regulation and environment regulation

#### Article 10.1

##### **(consultation by the administrative body prior to a preparatory decision)**

The competent administrative body will consult with the municipal executive or the municipal council prior to taking a preparatory decision on the basis of Article 4.16(1 or 2) of the Act.

#### Article 10.2

##### **(obligation to justify early public participation for an environment plan)**

1. It will be indicated in the notice of the intention to adopt an environment plan as intended in Article 16.29 of the Act how citizens, companies, civil society organisations and administrative bodies will be involved in the preparation.
2. When an environment plan is adopted, it will be indicated how citizens, companies, civil society organisations and administrative bodies were involved in the preparation and what the results of this involvement are. This will include an indication of the way in which the applicable decentralised participation policy was implemented.

#### Article 10.3

##### **(dispatch and consultation upon special involvement of the province)**

1. The municipal council or the municipal executive will immediately send a decision adopting an environment plan to the provincial executive in a case as intended in Article 16.21(1)(a or b) of the Act.
2. The provincial executive will consult with the municipal executive or the municipal council prior to taking a decision as intended in Article 16.21 of the Act.

#### Article 10.3a

##### **(obligation to justify early public participation for a water authority regulation)**

When a water authority regulation is adopted, it will be indicated how citizens, companies, civil society organisations and administrative bodies were involved in the preparation and what the results of this involvement are. This will include an indication of the way in which the applicable decentralised participation policy was implemented.

#### Article 10.3b

##### **(obligation to justify early public participation for an environment regulation)**

When an environment regulation is adopted, it will be indicated how citizens, companies, civil society organisations and administrative bodies were involved in the preparation and what the results of this involvement are. This will include an indication of the way in which the applicable decentralised participation policy was implemented.

- Article 10.3c** (publication of a draft environment plan, water authority regulation and environment regulation)
1. During the preparation of an environment plan, a water authority regulation and an environment regulation to which Section 3.4 of the General Administrative Law Act applies, notice of the draft will be given in the municipal gazette, the water authority gazette or the provincial gazette, respectively.
  2. Paragraph one does not apply if the draft environment plan, water authority regulation or environment regulation is made available for inspection before this Decree comes into effect.

## Section 10.2 Tasks and instructions

- Article 10.4** (updates of the bathing water profile)
- A bathing water profile as intended in Article 3.6 of the Environmental Quality Decree will be regularly reviewed and updated in compliance with Annex III to the Bathing Water Directive.
- Article 10.5** (consultation upon the designation of bathing sites)
- If the designation of bathing sites as intended in Article 3.2 of the Environmental Quality Decree relates to border or transboundary waters, the provincial executive will consult with the German or Belgian authorities competent for those waters.
- Article 10.6** (consultation by the administrative body prior to an instruction)
- Prior to issuing an instruction on the basis of Article 2.33, 2.34 or 19.16(1 and 4) of the Act, the competent administrative body will consult with the administrative body to which the instruction will be issued.
- Article 10.6a** (publication of an instruction)
- Notice of an instruction of an administrative body of a province or the State on the basis of Article 2.33 or 2.34 of the Act will be given in the provincial gazette or the Netherlands Government Gazette, respectively, simultaneously with or as soon as possible after its announcement.
- Article 10.6b** (announcement of the quantification of nature conservation objectives and red lists)
- Our Minister of Agriculture, Nature and Food Quality will be responsible for announcing the following in the Netherlands Government Gazette:
- a. a quantification of conservation objectives as intended in Article 2.19(4)(a)(2°) of the Act; and
  - b. red lists of animal and plant species that are in danger of extinction or particularly endangered as intended in Article 2.19(4)(a)(3°) of the Act.
- Article 10.6c** (updates of decisions designating Natura 2000 areas and special national nature conservation areas)
1. Our Minister of Agriculture, Nature and Food Quality will ensure that the decisions designating Natura 2000 areas as intended in Article 2.44(1) of the Act and the decisions designating special national nature conservation areas as intended in Article 2.44(2) of the Act are updated.
  2. The insight ensuing from the monitoring as intended in Article 11.67 of the Environmental Quality Decree will be taken into account during the updates.

**Article 10.6d****(view of the European Commission on imperative reasons of overriding public interest in Natura 2000 areas)**

At the request of the competent authority for an environmental permit for a Natura 2000 activity or for the adoption of a plan as intended in Article 6(3) of the Habitats Directive, Our Minister of Agriculture, Nature and Food Quality will ask the view of the European Commission as intended in Article 6(4) of the Habitats Directive on raising imperative reasons of overriding public interest other than considerations relating to human health, public safety or beneficial consequences of primary importance for the environment, if a Natura 2000 area hosts a priority natural habitat type or a priority species.

**Section 10.2a****Noise production ceilings as environmental values****Article 10.6e****(preparation procedure for a decision establishing a noise production ceiling as an environmental value)**

Section 3.4 of the General Administrative Law Act applies to the preparation of a decision establishing a noise production ceiling as an environmental value as intended in Articles 2.12a(1), 2.13a(1) and 2.15(2) of the Act, unless Article 3.41, 3.42, 3.43 or 3.46(2) of the Environmental Quality Decree is applied to that establishment.

**Section 10.3****Environmental strategies****Article 10.7****(obligation to justify early public participation for an environmental strategy)**

1. When an environmental strategy is adopted, it will be indicated how citizens, companies, civil society organisations and administrative bodies were involved in the preparation and what the results of this involvement are.
2. If an environmental strategy is adopted by the municipal council or the provincial council, this will include an indication of the way in which the applicable decentralised participation policy was implemented.

**Article 10.7a****(publication of a draft environmental strategy and making the consolidated environmental strategy available)**

1. During the preparation of a municipal, provincial or national environmental strategy to which Section 3.4 of the General Administrative Law Act applies, notice of the draft will be given in the municipal gazette, the provincial gazette or the Netherlands Government Gazette, respectively.
2. Article 140 of the Municipalities Act, Article 137 of the Provinces Act and Article 10a of the Publication Act (*Bekendmakingswet*) apply mutatis mutandis to a municipal, provincial or national environmental strategy, respectively.

**Section 10.4****Programmes****§ 10.4.1****General****Article 10.8****(obligation to justify early public participation for a programme)**

1. When a programme is adopted, it will be indicated how citizens, companies, civil society organisations and administrative bodies were involved in the preparation and what the results of this involvement are.
2. If a programme is adopted by the municipal executive, the governing board of the water authority or the provincial executive, this will include an indication of the way in which the applicable decentralised participation policy was implemented.

**Article 10.9****(disclosure obligation for municipalities, water authorities, provinces)**

The municipal executive or the municipal council, the executive board or the governing board of a water authority and the provincial executive or the provincial council will provide Our Minister whom it concerns with the data required about:

- a. a programme as intended in Article 3.10(1) of the Act, in as much as it is aimed at complying with an environmental value for the quality of the outside air;
- b. a river basin management plan as intended in Article 3.9(2)(a) of the Act;
- c. a flood risk management plan as intended in Article 3.9(2)(b) of the Act;
- d. a programme of measures for the marine strategy as intended in Article 3.9(2)(c) of the Act;
- e. a maritime spatial plan as intended in Article 3.9(2)(d) of the Act; or
- f. a noise action plan as intended in Articles 3.6(1), 3.8(1) and 3.9(1) of the Act.

**§ 10.4.2*****Programmes for the outside air quality*****Article 10.10****(consultation for the outside air quality)**

When developing a programme as intended in Article 3.10(1) of the Act, in as much as it is aimed at complying with an environmental value for the quality of the outside air, the municipal executive or the administrative body designated on the basis of Article 4.1 of the Environmental Quality Decree will consult with the competent authorities of other States if the non-compliance with that environmental value is caused by transboundary emissions.

**Article 10.10a****(updates of the national NEC programme)**

The national NEC programme will be updated:

- a. once every four years; and
- b. within eighteen months of the submission of the national emission inventories and national emission projections as intended in Article 11.21(1) of the Environmental Quality Decree, if it turns out that the emission reduction commitments and the obligation to take measures as intended in Article 4 of that Directive are not complied with or if there is a risk of non-compliance.

**§ 10.4.3*****Water programmes*****Article 10.11****(consultation for and updates of river basin management plans and flood risk management plans)**

1. When developing river basin management plans and flood risk management plans as intended in Article 3.9(2)(a and b) of the Act for the river basin districts of the Rhine, Meuse, Scheldt and Ems, in as much as they relate to or also relate to the territory of the Netherlands, Our Minister of Infrastructure and Water Management will consult with:

- a. the competent authorities of other States in those river basin districts;
- b. the executive board of the water authority or the provincial executive if a river basin district or part of such a district is located in the territory of that water authority or that province; and
- c. representatives of municipalities.

2. A river basin management plan and a flood risk management plan will be updated once every six years.

**Article 10.12****(consultation for, updates and operational character of the programme of measures for the marine strategy)**

1. When developing a programme of measures for the marine strategy as intended in Article 3.9(2)(c) of the Act, Our Minister of Infrastructure and Water Management will consult with the competent authorities of other States of the same marine subregion.

2. The programme of measures for the marine strategy will be updated once every six years.

3. The programme of measures for the marine strategy will be operational no later than one year after the update as intended in paragraph two.

**Article 10.13** (consultation for and updates of documents to prepare the programme of measures for the marine strategy; initial assessment, determination of good environmental status and environmental targets)

1. When drafting the initial assessment, the determination of good environmental status and the environmental targets as intended in Article 3.1 of the Environmental Quality Decree, Our Minister of Infrastructure and Water Management will consult with the competent authorities of other States of the same marine subregion.
2. The initial assessment, the determination of good environmental status and the environmental targets will be updated once every six years.

**Article 10.14** (consultation for and updates of documents to prepare the programme of measures for the marine strategy; monitoring programme)

1. When developing the monitoring programme as intended in Article 11.38(3) of the Environmental Quality Decree, Our Minister of Infrastructure and Water Management will consult with the competent authorities of other States of the same marine subregion.
2. The monitoring programme will be updated once every six years.

**Article 10.15** (consultation for, updates and initial adoption of a maritime spatial plan)

1. When developing a maritime spatial plan as intended in Article 3.9(2)(d) of the Act, Our Minister of Infrastructure and Water Management will consult with the competent authorities of other States having borders on the Dutch marine waters, including about the use of the best data available and the exchange of information.
2. A maritime spatial plan will be updated once every ten years.

**Article 10.16** (consultation for, updates and operational character of measures of water programmes)

1. When developing the national water programme as intended in Article 3.9(2)(e) of the Act, Our Minister of Infrastructure and Water Management will consult with:
  - a. the competent authorities of other States;
  - b. the executive board of the water authority or the provincial executive if the national waters or part of such waters are located in the territory of that water authority or that province; and
  - c. representatives of municipalities.
2. A water management programme as intended in Article 3.7 of the Act, a regional water programme as intended in Article 3.8(2) of the Act and the national water programme will be updated once every six years.
3. Measures as intended in Article 11 of the Water Framework Directive, which are included in a water management programme, a regional water programme or the national water programme on the basis of Article 4.3(1)(a), 4.4(3)(a) or 4.10(3)(a) of the Environmental Quality Decree will be operational no later than three years after the update as intended in paragraph two.

**§ 10.4.4** *Noise action plans*

**Article 10.17** (consultation for and updates of noise action plans)

1. When developing an action plan as intended in Articles 3.6(1), 3.8(1) and 3.9(1) of the Act, the competent authority will consult with the competent authorities of the neighbouring States in as much as the action plan also relates to a border region.
2. An action plan will be updated once every five years.

**§ 10.4.5*****Management plans for Natura 2000 areas*****Article 10.18****(updates and initial adoption of a Natura 2000 management plan)**

1. A management plan for a Natura 2000 area as intended in Articles 3.8(3) and 3.9(3) of the Act will be updated once every six years.
2. The first Natura 2000 management plan will be adopted no later than three years after the date of the decision designating an area as a Natura 2000 area as intended in Article 2.44(1) of the Act.

**§ 10.4.6*****Nitrogen reduction and nature improvement programme*****Article 10.19****(updates of programme-based nitrogen reduction and nature improvement)**

[Reserved]

**Section 10.5****Notifications and customised instructions****Article 10.20****(giving notice of a notification and a customised instruction)**

1. The competent authority will give notice of the following in one or more daily papers, newspapers or free local papers or in another suitable manner:
  - a. notifications as intended in Chapters 2 through to 5 of the Environmental Activities Decree; and
  - b. notifications as intended in Article 7.33 of the Environment Structures Decree.
2. The competent authority will give notice of customised instructions as intended in Chapters 2 through to 5 of the Environmental Activities Decree in one or more daily papers, newspapers or free local papers or in another suitable manner.

**Section 10.6****Environmental permits****§ 10.6.1*****Application for and effect of an environmental permit*****Article 10.21****(individual applications for water activities)**

For all water activities, the environmental permit will be applied for separately from the environmental permit for other activities as intended in Articles 5.1 and 5.4 of the Act.

**Article 10.21a****(individual applications for an environmental permit for a rifle hunting activity and falconry activity)**

An environmental permit for a rifle hunting activity or for a falconry activity will be applied for separately from the environmental permit for other activities.

**Article 10.21b****(further rules on the application for and issue of an environmental permit for a rifle hunting activity)**

1. **\*\*>**The applicant will submit an application for an environmental permit for a rifle hunting activity in person, together with a valid identity document.**<\*\***
2. Paragraph one and Article 16.78a(1) of the Act do not apply to an applicant who submits an application for an environmental permit for a rifle hunting activity as intended in Article 10.23(5).

**Article 10.21c****(further rules on the application for an environmental permit for a falconry activity)**

The electronic form that Our Minister of Agriculture, Nature and Food Quality has made available at [mijn.rvo.nl](http://mijn.rvo.nl) will be used for the electronic submission of an application for an environmental permit for a falconry activity.



**Article 10.22****(information about an environmental permit for an environmentally harmful activity)**

1. The competent authority will provide a competent authority of another State with a copy of the application for an environmental permit for an environmentally harmful activity with the corresponding data if:
  - a. that activity may have significant adverse consequences for the environment in that State; or
  - b. that State so requests because of possible significant adverse consequences for the environment.
2. The copy and the corresponding data will be provided when, on the basis of:
  - a. Article 16.63 of the Act, notice is given of the application; or
  - b. Article 3:11(1) of the General Administrative Law Act, the draft decision and the corresponding documents are made available for inspection.
3. If the application for an environmental permit relates to a category A extractive waste facility as intended in Annex I to the Environmental Quality Decree, which may have significant adverse consequences for the environment in another State, and the decision to be taken on that application is subject to consultation with administrative bodies in that other State, this consultation will be stated in the notice as intended in Article 3:12 of the General Administrative Law Act.
4. After the decision has been adopted, the competent authority will provide the competent authority, the public involved and the competent bodies of that other State with the decision.

**Article 10.22a****(information about an environmental permit for cultural heritage)**

1. Within one week from the day on which an environmental permit for a national monument activity was granted, the competent authority will provide the municipal executive and Our Minister of Education, Culture and Science with a copy of the permit.
2. Within one week from the day on which an environmental permit for an environmental planning activity in a State-protected urban or village conservation area as intended in Article 2.34(4) of the Act was granted that affects the character of that urban or village conservation area, the competent authority will provide Our Minister of Education, Culture and Science with a copy of the permit.

**Article 10.23****(time limits in environmental permits)**

1. An environmental permit for a construction activity relating to a temporary structure will provide that, within a period of no more than fifteen years set in the environmental permit, the permit holder is required to restore the condition existing before the environmental permit was granted.
2. If the period provided in the environmental permit for a construction activity is shorter than fifteen years, it may be extended to no more than fifteen years.
3. An environmental permit for a rifle hunting activity will provide that it applies:
  - a. for a period of no more than one year set in the environmental permit, within a period running from 1 April to 1 April of the subsequent year; or
  - b. if earlier, until the date on which a legal judgement becomes enforceable, in which the authority to use a rifle in implementation of the Act is withdrawn.
4. An environmental permit for a falconry activity will provide that it applies:
  - a. for a period of no more than five years set in the environmental permit, within a period running from 1 April to 1 April of the fifth subsequent year; or
  - b. if earlier, until the date on which a legal judgement becomes enforceable, in which the authority to use a bird of prey in implementation of the Act is withdrawn.
5. If Article 8.74u or 8.74x of the Environmental Quality Decree is applied and an environmental permit is granted to persons not residing in the Netherlands, the environmental permit for a rifle hunting activity and the environmental permit for a falconry activity will provide that it applies for a period set in it of no more than six subsequent days stated in the permit.

## § 10.6.2

## Application of Sections 3.4 and 3.5 of the General Administrative Law Act

### Article 10.24

#### (preparation procedure for an environmental permit)

1. Section 3.4 of the General Administrative Law Act applies to the preparation of a decision on an application for, amendment to or withdrawal of an environmental permit if the application, amendment or withdrawal fully or partially relates to the following activities:

- a. a national monument activity if it is a national monument activity as intended in Article 4.32(1)(a or b);
- b. an environmentally harmful activity in as much as it involves the operation of an IPPC installation as intended in Chapter 3 of the Environmental Activities Decree;
- c. an environmentally harmful activity in as much as it involves the operation of a Seveso establishment as intended in Article 3.50 of the Environmental Activities Decree;
- d. an environmentally harmful activity in as much as it involves the operation of another environmentally harmful installation for the gasification and liquefaction of coal or other fuels as intended in Article 3.63(b) of the Environmental Activities Decree;
- e. an environmentally harmful activity in as much as it involves the dumping or collection of extractive waste at an extractive waste facility as intended in Article 3.84(c) of the Environmental Activities Decree;
- f. a discharge activity into a body of surface water or a water treatment plant for the discharge of wastewater originating from an IPPC installation as intended in Chapter 3 of the Environmental Activities Decree;
- g. a discharge activity into a body of surface water or a water treatment plant for the discharge of wastewater originating from a Seveso establishment as intended in Article 3.50 of the Environmental Activities Decree;
- h. a discharge activity as intended in Article 3.16(2), 3.42(2), 3.108, 3.141, 3.149, 3.286(3), 3.301(2), 6.55(1)(c) or 7.60(1)(c) of the Environmental Activities Decree;
- i. a dumping activity as intended in Article 7.62 of the Environmental Activities Decree; or
- j. a Natura 2000 activity, if an appropriate assessment is made during the preparation of the environmental permit on the basis of Article 16.53c of the Act.

2. This Article does not apply to an activity as intended in paragraph one (a) if that activity is only performed for a preliminary archaeological survey in as much as it consists of a drilling survey, a test pit survey, a test trench survey or, for underwater cultural heritage, taking material samples or carrying off an archaeological find as intended in the Heritage Act (*Erfgoedwet*).

3. This Article does not apply to an activity as intended in paragraph one (d) if that activity is only or primarily performed for research, development and testing new methods or products for a period of less than two years, unless the activity is likely to have significant adverse consequences for health or the environment.

4. This Article does not apply to an amendment to an environmental permit as intended in paragraph one (b through to f) if, in the judgement of the competent authority, that amendment does not have any significant adverse consequences for health or the environment.

### Article 10.25

#### (application of the coordination scheme under the General Administrative Law Act)

1. In a case as intended in Article 16.7(1)(a) of the Act, the coordinating administrative body as intended in Article 3:21(1) of the General Administrative Law Act will be the administrative body authorised to decide on the application for an environmental permit or an amendment to the instructions for an environmental permit for the activity or activities other than water activities.

2. In the cases as intended in Article 16.7(1)(b) of the Act, the coordinating administrative body as intended in Article 3:21(1) of the General Administrative Law Act will be the administrative body authorised to decide on the application for an environmental permit

or an amendment to the instructions for an environmental permit for the environmentally harmful activity, or the administrative body authorised to amend those instructions ex officio.

## Section 10.7 Decision on the obligation to tolerate

### Article 10.26

#### (withdrawal of a decision on the obligation to tolerate)

Section 3.4 of the General Administrative Law Act does not apply to the preparation of a decision for the full or partial withdrawal of a decision on the obligation to tolerate.

## Section 10.7a Designation as a certification body

### Article 10.26a

#### (application of subsection\*\* 4.1.3.3 of the General Administrative Law Act)

In compliance with Article 28(1), final phrase, of the Services Act (*Dienstenwet*), subsection 4.1.3.3 of the General Administrative Law Act does not apply to the decision on an application for a designation as a certification body and the decision on a request for a designation of a certification table as intended in Article 3.36(1) and Article 3.37(1) of the Environmental Quality Decree.

## Section 10.8 Provision of data and making data available

### § 10.8.1

#### External safety

### Article 10.27

#### (provision of data on external safety risks)

1. The administrative bodies as intended in Article 11.1 of the Environmental Quality Decree will provide Our Minister of Infrastructure and Water Management with the data on external safety as intended in Articles 11.2, 11.3, 11.4, 11.6 and 11.7 of that Decree, within the following time limit:

- a. if it involves an activity with external safety risks as intended in Articles 5.23, 5.26 and 5.31 of that Decree or Annex VII(A, B, D(1) and E) to that Decree, or for which a permit has been granted on the basis of Article 15(opening words and b) of the Nuclear Energy Act (*Kernenergiewet*), within two weeks of:
    1. a decision granting, amending or withdrawing an environmental permit or a permit as intended in Article 15(opening words and b) of the Nuclear Energy Act coming into effect;
    2. receipt of a notification on the basis of the Environmental Activities Decree;
    3. receipt of the information entailing that the distance provided for the activity in the Environmental Activities Decree is not complied with within the boundary of the site where that activity is performed; or
    4. a judgement of the Administrative Jurisdiction Division of the Council of State or a judgement of the Chair of that Division on a decision as intended in 1° or a notification as intended in 2°; and
  - b. for locations of limited vulnerable, vulnerable and very vulnerable buildings and limited vulnerable and vulnerable locations as intended in Annex VI to the Environmental Quality Decree, within two weeks of:
    1. a decision adopting an environment plan coming into effect;
    2. a decision granting, amending or withdrawing an environmental permit coming into effect; or
    3. a judgement of the Administrative Jurisdiction Division of the Council of State or a judgement of the Chair of that Division on a decision as intended in 1° or 2°.
2. The data will be updated once every five years.

- Article 10.27a** **(transitional provisions on the provision of data on external safety risks)**  
If an activity is already lawfully performed when Article 10.27(1) comes into effect, that provision will apply with effect from 1 January 2024.
- Article 10.28** **(provision of data on domino effects for a Seveso establishment)**  
If the competent authority has data as intended in Article 4.5(1)(e) of the Environmental Activities Decree that have not been provided by the party operating the Seveso establishment, the data will be made available to the party operating the Seveso establishment in as much as this is necessary to apply Article 4.13 of that Decree.
- § 10.8.1a** **Water safety**
- Article 10.28a** **(provision of data on the safety of primary flood defences)**  
For every primary flood defence that the executive board of the water authority manages, it will provide Our Minister of Infrastructure and Water Management with a report on the general hydrological status as intended in Article 11.15 of the Environmental Quality Decree.
- § 10.8.2** **Outside air quality**
- Article 10.29** **(provision and publication of data on air quality)**  
1. The municipal executive of a municipality whose territory is located in a focus area designated in Article 5.51(2 or 3) of the Environmental Quality Decree and the provincial executive of the province whose territory is located in that area will provide Our Minister of Infrastructure and Water Management with the data as intended in Article 11.22(1 and 2) of that Decree once every year no later than 30 April.  
2. Our Minister of Infrastructure and Water Management will make the data as intended in Article 11.22(3) of the Environmental Quality Decree electronically available once every year no later than 31 March.  
3. Our Minister of Infrastructure and Water Management will make a report of the results of the monitoring of the environmental values for the quality of the outside air, as intended in Articles 2.3 through to 2.8a of the Environmental Quality Decree, electronically available once every year no later than 31 December.
- Article 10.30** **(making information about emissions available)**  
Our Minister of Infrastructure and Water Management will make the national emission inventories and national emission projections as intended in Article 11.21(1) of the Environmental Quality Decree electronically available.
- Article 10.31** **(announcement of temporary rules for air pollution)**  
The King's commissioner will announce a decision containing rules on the use of installations or fuels and on other polluting activities as intended in Article 19.12(1 or 3) of the Act through the media and by electronic means.
- § 10.8.3** **Water quality**
- Article 10.32** **(making a monitoring programme available)**  
A monitoring programme as intended in Article 11.28 of the Environmental Quality Decree will be made available electronically.

- Article 10.33** **(provision of data on the drafting of river basin management plans)**  
The executive board of the water authority and the provincial executive will electronically provide Our Minister of Infrastructure and Water Management with the data they have collected and that are needed for drafting river basin management plans as intended in Article 11.35 of the Environmental Quality Decree, no later than the following dates:
- a. 22 June 2026 and 22 June 2027; and
  - b. once every six years after the dates as intended in b.
- Article 10.33a** **(provision of data on the results of analyses and assessment under the Water Framework Directive)**  
The municipal administration, the executive board of the water authority and the provincial executive will electronically provide Our Minister of Infrastructure and Water Management with the results of the analyses and assessment as intended in Article 11.36 of the Environmental Quality Decree no later than 22 June 2025 and subsequently once every six years.
- Article 10.33b** **(provision of data on the progress made with the implementation of measures)**  
The executive board of the water authority and the provincial executive will electronically provide Our Minister of Infrastructure and Water Management with the data on the progress made with the implementation of the measures as intended in Article 11.37 of the Environmental Quality Decree no later than 22 June 2024 and subsequently once every six years.
- Article 10.34** **(provision of data on protected areas under the Water Framework Directive)**  
As soon as possible after the data collection, the municipal executive, the executive board of the water authority, the provincial executive and Our Minister of Agriculture, Nature and Food Quality will provide Our Minister of Infrastructure and Water Management with the protected areas collected as data as intended in Article 11.34 of the Environmental Quality Decree.
- Article 10.35** **(provision and publication of data on the collection, transport and treatment of urban wastewater and sludge disposal)**
1. The competent authority that is responsible for a water treatment plant will provide Our Minister of Infrastructure and Water Management with the data on the status of the collection, transport and treatment of urban wastewater and the disposal of sludge as intended in Article 11.39 of the Environmental Quality Decree, four months from receipt of a request to that end.
  2. Our Minister of Infrastructure and Water Management will make the report containing the data on the status of the collection, transport and treatment of urban wastewater and the disposal of sludge as intended in Article 11.42 of the Environmental Quality Decree electronically available once every two years.
- Article 10.36** **(making reports available under the Water Framework Directive)**  
At the end of the term of a water management programme as intended in Article 3.7 of the Act, a regional water programme as intended in Article 3.8(2) of the Act and the national water programme as intended in Article 3.9(2)(e) of the Act, the executive board of the water authority, the provincial executive and Our Minister of Infrastructure and Water Management, respectively, will make the following electronically available:
- a. a report of the results of the monitoring for the environmental values for water quality as intended in Articles 2.10, 2.11, 2.13, 2.14 and 2.15 of the Environmental Quality Decree; and
  - b. a report as intended in Article 11.41 of the Environmental Quality Decree on the results of the monitoring of the other parameters as intended in Article 11.27 of that Decree.

### § 10.8.3a

#### Article 10.36a

### Nature

#### (reports under the Birds Directive and Habitats Directive)

1. The provincial executive will provide Our Minister of Agriculture, Nature and Food Quality with data on:
  - a. the decisions taken or measures implemented by the provincial executive or the provincial council in implementation of the Birds Directive and the Habitats Directive; and
  - b. the conservation status of:
    1. the bird species referred to in Annex I to the Birds Directive and the bird species regularly occurring in the Netherlands not referred to in that Annex; and
    2. the natural habitats, the habitats of species and the animal and plant species referred to in Annexes I, II, IV and V to the Habitats Directive.
2. The data will be provided for:
  - a. the application of Article 4(1) of the Birds Directive and Article 4(1) in combination with Article 11 of the Habitats Directive;
  - b. the reporting as intended in Article 9(3) of the Birds Directive and Article 16(2) of the Habitats Directive;
  - c. the reporting as intended in Article 12 of the Birds Directive and Article 17 of the Habitats Directive.
3. Our Minister of Agriculture, Nature and Food Quality will provide the European Commission with the data as intended in paragraph one and the information as intended in Articles 7(4), final sentence, and 10(2) of the Birds Directive.

#### Article 10.36b

#### (notification of compensatory measures for Natura 2000 areas to the European Commission)

1. The competent authority for an environmental permit for a Natura 2000 activity or for the adoption of a plan as intended in Article 6(3) of the Habitats Directive will notify Our Minister of Agriculture, Nature and Food Quality of data on the compensatory measures as intended in Article 8.74b(2)(c) or 10.24(2) of the Environmental Quality Decree.
2. Our Minister of Agriculture, Nature and Food Quality will provide the European Commission with the data.

#### Article 10.36c

#### (reporting on the implementation of the Basic Invasive Exotics Regulation)

1. No later than 1 June 2025 and subsequently after each period of six years, the provincial executive will provide Our Minister of Agriculture, Nature and Food Quality with data on the implementation of the measures for the prevention and management of the introduction and spread of invasive exotic species of the species referred to in Annex VC to the Environmental Quality Decree.
2. The data\*\* provided by the provincial executive will relate to:
  - a. the nature and effectiveness of the measures taken and the consequences that these measures have for non-targeted species;
  - b. the measures taken to inform the public of the presence of invasive exotic species and of any action that citizens are asked to take; and
  - c. if these data are available: the cost of the measures as intended in a and b.
3. Our Minister of Agriculture, Nature and Food Quality will provide the European Commission with the data.

#### Article 10.36d

#### (reporting to the House of Representatives and the Senate on the National Ecological Network)

1. The provincial executive will provide Our Minister of Agriculture, Nature and Food Quality with data on the progress made with the creation and maintenance of the National Ecological Network.

2. On the basis of the data from the provincial executive, Our Minister of Agriculture, Nature and Food Quality will inform the two Houses of the States General of the progress made with the creation and maintenance of the National Ecological Network.

#### **Article 10.36e**

##### **(provision of data on hunting rifle insurance)**

On request, the chief constable will provide data from the data collection as intended in Article 10.45 of the Environmental Quality Decree on compliance with taking out insurance as intended in Article 11.78 of the Environmental Activities Decree, to:

- a. Our Minister of Agriculture, Nature and Food Quality and Our Minister of Justice and Security;
- b. the persons charged with the investigation of criminal acts on account of acting in contravention of the provisions under or pursuant to the Act; and
- c. those who argue convincingly that they are involved in damage that may constitute a ground to apply Article 8.4 of the Act.

#### **§ 10.8.4**

##### **Quality of bathing sites**

#### **Article 10.37**

##### **(provision of data on bathing sites)**

Annually, no later than 31 October, the executive board or the governing board of a water authority will provide Our Minister of Infrastructure and Water Management with at least the following data on every bathing site that it manages:

- a. the report of the results of the monitoring for the environmental value for a bathing site as intended in Article 2.19 of the Environmental Quality Decree;
- b. the outcome of the assessment of the results of the monitoring for the environmental value for a bathing site as intended in Article 2.19 of the Environmental Quality Decree, conducted in compliance with the rules imposed by ministerial order; and
- c. a description of the significant management measures implemented, as intended in Articles 3.7 through to 3.9 of the Environmental Quality Decree.

#### **Article 10.38**

##### **(making the report available on the monitoring of the environmental value for the quality of a bathing site)**

Our Minister of Infrastructure and Water Management will make a report of the results of the monitoring of the environmental value for bathing sites, as intended in Article 2.19 of the Environmental Quality Decree, electronically available.

#### **Article 10.39**

##### **(making information about bathing sites available)**

1. The provincial executive will inform the public of the following during the bathing season:

- a. the classification of the bathing sites as intended in Annex II to the Bathing Water Directive, the advice against bathing introduced and the bathing prohibitions imposed;
- b. the risks to the health and safety of bathers:
  1. if excessive growth of cyanobacteria or a trend towards excessive growth of macroalgae or marine phytoplankton occurs and the provincial executive determines or suspects a health risk as intended in Article 3.7 of the Environmental Quality Decree;
  2. in the event of bathing water pollution as intended in Article 11.44(1, opening words and c) of the Environmental Quality Decree; and
  3. if there are any unexpected situations that have, or could reasonably be expected to have, adverse consequences for the quality of the bathing site and for bathers' health;
- c. the bathing water management measures taken as intended in Article 3.8 of the Environmental Quality Decree, if it considers this necessary; and
- d. the results of the investigation as intended in Article 3.5 of the Environmental Quality Decree if the results do not lead to advice against bathing or a bathing prohibition.

2. The provincial executive will give information in the vicinity of a bathing site in an appropriate manner, through the media and by electronic means, as soon as the information is available.
3. In the cases as intended in paragraph one (opening words and a through to c), the provision of information will at least consist of:
  - a. the placement of a notice in the vicinity of the bathing site in a visible and easily accessible place, stating the information as intended in Article 12(1) of the Bathing Water Directive; and
  - b. the dissemination of the information as intended in Article 12(2) of the Bathing Water Directive through the Internet, if necessary also in other languages.

## § 10.8.5

## Noise

### Article 10.39a

#### (provision of data on industrial sites)

1. At the request of the municipal council, or the provincial council if Article 2.12a(1) of the Act is applied, the party that performs an activity on an industrial site other than living will provide data on the noise produced by that activity for the establishment of a noise production ceiling as an environmental value for the industrial site and for the establishment whether that noise production ceiling is complied with.
2. Paragraph one does not apply to:
  - a. information qualified as State secret as intended in the Civil Service Information Security (Classified Information) Decree 2013 (*Besluit Voorschrift Informatiebeveiliging Rijksdienst Bijzondere Informatie 2013*; VIRBI 2013); and
  - b. information about the noise produced by an activity for which the environment plan or an environmental permit for an out-of-plan environmental planning activity guarantees that the long-term average assessment level  $L_{A,r,LT}$  of the noise at a distance of 30 m from the boundary of the location where the activity is performed will not exceed the standard values as intended in Table 5.65.1 of the Environmental Quality Decree, less 5 dB.

### Article 10.40

#### (provision and publication of data on major roads, railways and airports)

1. Once every five years, no later than 31 March, the provincial executive will provide Our Minister of Infrastructure and Water Management with the data as intended in Article 11.49(1) of the Environmental Quality Decree.
2. Once every five years, no later than 29 June, Our Minister of Infrastructure and Water Management will publish the following in the Netherlands Government Gazette:
  - a. the data provided by the provincial executive; and
  - b. the data as intended in Article 10.22(2) of the Environmental Quality Decree.

### Article 10.41

#### (provision of data by the manager of a noise source for a noise map)

1. At the request of the administrative body charged with establishing a noise map as intended in Article 20.17(1)(a) of the Act, the party managing a noise source will provide all data requested in as much as that administrative body itself does not have access to those data.
2. The data will be provided within three months of the day on which the request was received or, if the data requested are not yet available, immediately as they become available.

### Article 10.42

#### (provision of data by administrative bodies for a noise map)

If necessary for the establishment of a noise map as intended in Article 20.17(1)(a) of the Act, on request the administrative bodies will provide one another with all data requested in as much as the requesting administrative body does not have access to them.



**Article 10.42a****(provision of data for a noise register)**

1. The following administrative bodies will electronically provide Our Minister of Infrastructure and Water Management with the following data within the time limit specified:
- a. the municipal executive, the provincial executive and Our Minister of Infrastructure and Water Management will provide the data as intended in Article 11.52(1)(a)(1° and 3° through to 5°) of the Environmental Quality Decree within four weeks of the announcement of the decision establishing a noise production ceiling as an environmental value;
  - b. the municipal executive, the provincial executive and Our Minister of Infrastructure and Water Management will provide the data as intended in Article 11.52(1)(a)(2°) of the Environmental Quality Decree on the day of announcement of the decision establishing a noise production ceiling as an environmental value;
  - c. the municipal executive, the provincial executive, Our Minister of Infrastructure and Water Management and the manager as intended in Article 1(1) of the Railways Act (*Spoorwegwet*) will provide the data as intended in Article 11.52(1)(a)(6°) of the Environmental Quality Decree for a calendar year before 18 July of the subsequent year;
  - d. the municipal executive, the executive board of the water authority and the provincial executive will provide the data as intended in Article 11.52(1)(b) of the Environmental Quality Decree within four weeks:
    1. of the date to be determined by royal decree as intended in Article 11.46(3) of that Decree;
    2. of the application of Article 3.27(6) of that Decree; and
    3. of a decision to construct a road or railway as intended in Article 3.27(1)(b) of that Decree;
  - e. the provincial executive, Our Minister of Defence and Our Minister of Infrastructure and Water Management will provide the data as intended in Article 11.52(1)(c) of the Environmental Quality Decree within four weeks of announcement of the airport decree; and
  - f. the municipal executive, the provincial executive and Our Minister of Infrastructure and Water Management will provide the data as intended in Article 11.52(1)(d and e) of the Environmental Quality Decree within four weeks of receipt of the notification or announcement of the environmental permit.
2. The administrative bodies as intended in paragraph one will provide corrected data immediately after the data they previously provided prove to be incorrect.

**Article 10.42b****(provision and publication of a report on the monitoring of noise production ceilings)**

1. For industrial sites in a municipality that is not located in an agglomeration designated by ministerial order, the municipal executive will report on the results of the monitoring as intended in Article 11.45 of the Environmental Quality Decree and on the way in which the result obligation as intended in Article 3.44 of that Decree was complied with, before 18 July 2028 and subsequently once every five years. The report will also contain:
- a. an overview of the noise production ceilings established on the basis of Article 2.11a of the Act in compliance with Article 3.37 of the Environmental Quality Decree;
  - b. a description of the developments regarding the source policy and other relevant developments that may affect the noise production ceilings as intended in a;
  - c. justification as to whether the developments as intended in b give cause for the withdrawal of or changes to noise production ceilings as intended in a;
  - d. the conclusions based on the results of the monitoring as intended in Article 11.45 of the Environmental Quality Decree; and
  - e. an overview of the measures expected to be necessary in the next five years to comply with the result obligation as intended in Article 3.44 of the Environmental Quality Decree.

2. Our Minister of Infrastructure and Water Management will annually report on the results of the monitoring as intended in Article 11.45 of the Environmental Quality Decree and on the way in which the result obligation as intended in Article 3.44 of that Decree was complied with.
3. The manager as intended in Article 1(1) of the Railways Act will annually report to Our Minister of Infrastructure and Water Management the results of the monitoring as intended in Article 11.45 of the Environmental Quality Decree and the way in which the result obligation as intended in Article 3.44 of that Decree was complied with.
4. If Article 3.46(2) of the Environmental Quality Decree has been applied, the municipal executive and the provincial executive will report on the monitoring as intended in Article 11.45 of the Environmental Quality Decree for the relevant noise production ceilings every year before 18 July.
5. The report of the monitoring will be made available electronically to all.

**Article 10.42c****(provision and publication of a report on the monitoring of noise produced by roads and railways with basic noise emission)**

1. The municipal executive will report to the municipal council, and the executive board of a water authority will report to the governing board of the water authority:
  - a. the value of the basic noise emission as intended in Article 11.46 of the Environmental Quality Decree no later than the date to be determined by royal decree as intended in paragraph three of that Article; and
  - b. the results of the monitoring as intended in Article 11.47 of the Environmental Quality Decree no later than 1 July 2028 and subsequently once every five years no later than 1 July.
2. The report as intended in paragraph one (b) will contain at least:
  - a. the consideration of noise restricting measures and noise abatement measures for buildings as intended in Article 3.28 of the Environmental Quality Decree;
  - b. an overview of the noise sensitive buildings for which a decision on the implementation of noise abatement measures is taken on the basis of Article 3.52(1) (a or b) of the Environmental Quality Decree; and
  - c. the changes to the basic noise emission compared with the previous report.
3. The report of the monitoring will be made available electronically to all.

**§ 10.8.6****PRTR****Article 10.42d****(electronic submission of a PRTR report)**

A PRTR report will be submitted using an electronic form. Our Minister of Infrastructure and Water Management will make the form available at e-mjv.nl.

**Article 10.43****(provision of PRTR data; postponement of the statement on a PRTR report)**

No later than 30 June of the calendar year following the reporting year, the administrative body as intended in Article 11.56 of the Environmental Quality Decree will give written notice of the postponement of the release of the statement as intended in Article 11.57(3) of that Decree to the party performing the activity as intended in Annex I to the PRTR Regulation.

**Article 10.44****(provision of PRTR data; data as intended in Article 5.10 of the Environmental Activities Decree)**

1. The administrative body as intended in Article 11.56 of the Environmental Quality Decree will provide Our Minister of Infrastructure and Water Management with the data as intended in Article 5.10 of the Environmental Activities Decree, after having assessed their quality, in electronic form, each time no later than 30 September of the calendar year following the reporting year.
2. Paragraph one does not apply:

- a. to data regarding which the administrative body has stated on the basis of Article 11.57(2) of the Environmental Quality Decree that they do not comply with Article 5.10, 5.12 or 5.13 of the Environmental Activities Decree; or
  - b. if the administrative body has stated on the basis of Article 11.58 of the Environmental Quality Decree that no PRTR report has been submitted.
3. In the cases as intended in paragraph two, the administrative body will notify Our Minister of Infrastructure and Water Management that a statement as intended in paragraph two (opening words and a or b) has been issued, no later than 30 September of the calendar year following the reporting year or, if earlier, as soon as that statement comes into effect.

**Article 10.45****(provision of PRTR data; procedure for withholding data)**

1. If the administrative body as intended in Article 11.56 of the Environmental Quality Decree decides on the basis of Article 11.60(1) of that Decree that certain data included in the PRTR report will not be provided to Our Minister of Infrastructure and Water Management, that administrative body will notify Our Minister of Infrastructure and Water Management of the following no later than 30 September of the calendar year following the reporting year:
- a. the type of information that has been withheld; and
  - b. the ground for exception as intended in Article 10 of the Government Information (Public Access) Act that has been applied.
2. The notification will contain a summary of the justification for the decision.
3. If the notification relates to withholding the name of a polluting substance, the name to be indicated will be the name of the group of polluting substances as intended in Annex VI to the Environmental Activities Decree to which the polluting substance withheld belongs.
4. Contrary to Article 10.44(1), data for which a request as intended in Article 11.60(1) of the Environmental Quality Decree has been refused will not be provided before that Decree comes into effect.

**Article 10.46****(making PRTR data and statements available)**

For each reporting year, Our Minister of Infrastructure and Water Management will make the data and statements as intended in Article 11.63 of the Environmental Quality Decree available through the PRTR as intended in Annex I to the Environmental Quality Decree, no later than 31 March of the second calendar year following the reporting year.

**Article 10.47****(making a final soil investigation available)**

1. If the quality of the soil is recovered as intended in Article 5.4 (opening words and f) of the Environmental Activities Decree, the competent authority will make relevant information on this topic electronically available to the public.
2. The data will not be made available until their accuracy has been properly established.

**Article 10.47a****(provision of data on landfill sites for dredge spoils on land)**

The competent authority for an application for an environmental permit for operating an IPPC installation for the dumping of waste or operating another environmentally harmful installation for the dumping of industrial waste or hazardous waste at a landfill site as intended in Articles 3.84(1, opening words and a and b) and 3.85(1) of the Environmental Activities Decree will provide Our Minister of Infrastructure and Water Management with a copy of the results as intended in Article 8.62n(2) of the Environmental Quality Decree in as much as only dredge spoils are dumped at the landfill site and the landfill site is not located in a body of surface water.

**§ 10.8.7*****Preservation of world heritage*****Article 10.48****(provision of data on world heritage)**

On request, an administrative body or another body designated as a site holder in the management plan as intended in the Operational Guidelines for the Implementation of the World Heritage Convention will provide Our Minister of Education, Culture and Science with the data needed to comply with Article 29 of the World Heritage Convention.

**Article 10.49****(provision of data on activities that may damage world heritage)**

1. If an administrative body or another body as intended in Article 10.48 is aware of an intention to perform an activity that may diminish the outstanding universal value of world heritage, that administrative body or other body will inform Our Minister of Education, Culture and Science accordingly as soon as possible, but in any event before irreversible consequences may occur.
2. Paragraph one also applies to any other administrative body charged with the performance of tasks and the exercise of powers on the basis of the Act if the world heritage is located in its territory or if the performance of a task or the exercise of a power may diminish the outstanding universal value of world heritage.

**§ 10.8.8*****Combatting climate change*****Article 10.49a****(making greenhouse gas inventories available)**

Our Minister of Economic Affairs and Climate Policy will make the greenhouse gas inventories as intended in Article 11.66(2) of the Environmental Quality Decree electronically available.

**Section 10.9****Maps****Article 10.50****(consultation on, updates and electronic availability of noise maps)**

1. When drafting a noise map as intended in Article 20.17(1)(a) of the Act, the competent authority will consult with the competent authorities of the neighbouring Member States in as much as that map also relates to border regions.
2. The competent authority will update a noise map once every five years.
3. The competent authority will make a noise map electronically available.

**Article 10.51****(updates and electronic availability of basic coastline maps)**

1. Our Minister of Infrastructure and Water Management will update maps of the coastline as intended in Article 20.17(1)(b) of the Act no later than 15 February 2024 and subsequently once every six years.
2. Our Minister of Infrastructure and Water Management will make maps of the coastline electronically available.

**Article 10.52****(consultation on, updates and electronic availability of flood hazard maps and flood risk maps)**

1. When drafting flood hazard maps and flood risk maps as intended in Article 20.17(1)(c) of the Act, the provincial executive will consult with:
  - a. the competent authorities of other States in the river basin districts of the Rhine, Meuse, Scheldt and Ems; and
  - b. the executive board of the water authority and the municipal executive if a river basin district or part of such a district is located in the territory of the water authority or that municipality.
2. The provincial executive will update the flood hazard maps and flood risk maps no later than 22 December 2025 and subsequently once every six years.
3. The provincial executive will make the flood hazard maps and flood risk maps as intended in Article 11.17 of the Environmental Quality Decree electronically available.

# Chapter 11 Environmental impact assessment

## Section 11.1 Environmental impact assessment for plans and programmes

### Article 11.1

#### (plan EIA assessment)

1. The competent authority will include the result of the assessment of whether there are any significant environmental effects as intended in Article 16.36(5) of the Act, with the corresponding justification, in the plan or programme and, in as much as this is relevant, in the draft plan or programme.
2. Article 16.36(3) of the Act does not apply to a plan or programme:
  - a. that sets the framework for decisions to be taken for a project as intended in Article 16.43(1)(a) of the Act; or
  - b. that is the necessary decision for a project as intended in Article 16.43(1)(a) of the Act.
3. An assessment of whether a plan or programme has significant environmental effects as intended in Article 16.36(3) of the Act that determines the use of small areas at local level will only be conducted if:
  - a. an administrative body of a municipality is the competent authority for that plan or programme; and
  - b. the size of that area is small in proportion to the total territory of the municipality.
4. When assessing whether there are minor changes to a plan or programme as intended in Article 16.36(3) of the Act, the competent authority will consider the context of the plan or programme that will be changed and the probability that the changes will have significant environmental effects.

### Article 11.2

#### (advice by the Netherlands Commission for Environmental Assessment)

No later than when the environmental impact assessment is made available for inspection will the competent authority give the Netherlands Commission for Environmental Assessment the opportunity to give advice.

### Article 11.3

#### (contents of the plan EIA)

1. The environmental impact assessment will at least contain the following information:
  - a. a description of the contents of the plan or programme and the reasonable alternatives, the main objectives of the plan or programme and the relationship with other relevant plans and programmes;
  - b. the relevant aspects of the current state or quality of the environment and its likely evolution if the plan or programme is not implemented;
  - c. the environmental characteristics of areas that may be significantly affected by the plan or programme;
  - d. all existing environmental problems that are relevant to the plan or programme, in particular those in areas where environmental protection is of particular importance;
  - e. a description of the way in which the environmental protection objectives established at international, Community or national level and other environmental considerations are included in the plan or programme, in as much as they are relevant to the plan or programme;
  - f. a description of the possibly significant environmental effects of the implementation of the plan or programme and of the reasonable alternatives, including an assessment of those environmental effects;
  - g. the measures proposed to prevent, reduce or as far as possible offset any significant adverse environmental effects of the implementation of the plan or programme;
  - h. justification for selecting the alternatives studied, and a description of the way in which the environmental effects were established and assessed, including any difficulties, such as technical deficiencies or lack of know-how, encountered in compiling the required information;

- i. a description of the monitoring measures proposed; and
  - j. a non-technical summary of the information provided on the basis of parts a through to i.
2. The environmental impact assessment will contain the information that may reasonably be required, also given current knowledge and methods of assessment, and the contents of the plan or programme.

**Article 11.4****(contents of the plan or programme)**

1. In the plan or programme for which an environmental impact assessment must be made during the preparation, the competent authority will at least state how account was taken of:
- a. the environmental impact assessment; and
  - b. the advice of the Netherlands Commission for Environmental Assessment.
2. The plan or programme will also contain at least:
- a. a summary of the environmental considerations that were included in the adoption of the plan or programme;
  - b. a summary of the reasons for choosing the plan or programme as adopted, which will at least include the reasonable alternatives described in the environmental impact assessment; and
  - c. the monitoring measures.

**Article 11.5****(plan EIA monitoring)**

1. The competent authority will monitor the significant environmental effects of the implementation of the plan or programme for which an environmental impact assessment must be made during the preparation.
2. The competent authority may use existing monitoring for this purpose.
3. The competent authority will make the results of the monitoring electronically available.
4. If it considers this necessary, the competent authority will implement appropriate measures to reduce or reverse the unforeseen adverse environmental effects as far as possible.

**Section 11.2****Environmental impact assessment for projects****Article 11.6****(designation of projects subject to EIA and EIA assessment)**

1. Annex V, column 2 in combination with column 1, contains the projects as intended in Article 16.43(1)(a) of the Act that may have significant environmental effects and for which an environmental impact assessment must be made when preparing the decision.
2. Annex V, column 3 in combination with column 1, contains the projects as intended in Article 16.43(1)(b) of the Act for which it must be assessed whether they may have significant environmental effects and, if so, for which an environmental impact assessment must be made when preparing the decision.
3. The following are designated as necessary decisions as intended in Article 16.43(1) of the Act relating to the projects as intended in paragraphs one and two:
- a. a project decision as intended in Article 5.44 of the Act, with the exception of a project decision that is adopted by the executive board of a water authority;
  - b. the inclusion of rules in an environment plan that are aimed at implementing a project of public interest as intended in Article 5.55 of the Act;
  - c. the decisions as intended in Annex V, column 4; and
  - d. the decisions as intended in Article 11.8.

**Article 11.7****(particulars for the designation of projects subject to EIA and EIA assessment)**

1. An environmental impact assessment will be made for cases indicated in both column 2 and column 3 of Annex V when preparing the decision.
2. When establishing whether a project is a project as intended in Article 11.6(1 or 2), the entire project will be considered, including its transboundary components.
3. Contrary to Article 11.6(1), projects as intended in Annex V, column 2 in combination with column 1, which only or mainly serve to develop and test new methods or products and are not used for more than two years, are considered projects as intended in Article 11.6(2).
4. A change or extension as intended in Annex V, column 3, is also taken to mean:
  - a. a change relating to the reconstruction of or another change to constructed works, laid-out areas or existing installations; and
  - b. an extension relating to the recommissioning of constructed works, laid-out areas or existing installations.

**Article 11.8****(particulars for the decisions for projects subject to EIA and EIA assessment)**

1. If Annex V, column 4, designates the environmental permit for an environmentally harmful activity, this also refers to the environmental permit for an activity discharging wastewater into a body of surface water or a water treatment plant in as much as Chapter 3 of the Environmental Activities Decree provides that the following is prohibited:
  - a. performing that environmentally harmful activity without an environmental permit; and
  - b. discharging wastewater originating from that activity into a body of surface water or a water treatment plant without an environmental permit.
2. If there is no decision as intended in Article 11.6(3), the competent authority may designate another decision needed for a project for which it must be assessed whether it may have significant environmental effects and, if so, for which an environmental impact assessment must be made when preparing that decision.
3. If an environmental permit for an environmental planning activity is applied for for a project, that environmental permit for an environmental planning activity will be considered the decision as intended in Article 16.43(1) of the Act rather than the decision adopting an environment plan as intended in Annex V, column 4.

**Article 11.9****(exemption rules)**

1. In a request for an exemption as intended in Article 16.44(2) of the Act, the party that intends to implement the project will provide at least the following information:
  - a. a description of the proposed project;
  - b. a description of the circumstances in which the project will be implemented;
  - c. the reasons for the request; and
  - d. a designation of the possibly significant environmental effects.
2. Applying mutatis mutandis Article 3:12(1 and 2) of the General Administrative Law Act, Our Minister of Infrastructure and Water Management will give notice of:
  - a. the exemption as intended in Article 16.44(2) of the Act; and
  - b. if applicable, the data collected in another form of assessment of the environmental effects as intended in Article 16.44(3) of the Act.

**Article 11.10****(contents of a notification of an intention)**

1. In a notification as intended in Article 16.45(1) of the Act, the party that intends to implement the project will provide at least a description of:
  - a. the project, containing at least a description of:
    1. the physical characteristics of the whole project and, if applicable, of the demolition activities;

2. the location of the project, paying particular attention to the vulnerability of the environment in areas possibly affected by the project;
- b. the possibly significant environmental effects of the project; and
- c. in as much as information about these effects is available: the possibly significant environmental effects of the project resulting from:
  1. the expected residues and emissions and the production of waste; and
  2. the use of natural resources, including soil, land, water and biodiversity.
2. When providing the information as intended in paragraph one, the party that intends to implement the project will take account of the relevant criteria of Annex III to the EIA Directive and, in as much as relevant, the available results of other relevant assessments of the environmental effects.
3. In the notification, a description may be provided of the characteristics of the proposed project and of the measures proposed to avoid or prevent possibly significant environmental effects.

**Article 11.11****(project EIA assessment)**

1. On the basis of the information as intended in Article 11.10, the competent authority will take the decision as intended in Article 16.43(2) of the Act within six weeks of receipt of the notification.
2. The competent authority will include the result of the assessment of whether there are any significant environmental effects as intended in Article 16.43(2) of the Act, with the corresponding justification, in the decision and, in as much as this is relevant, in the draft decision.
3. The justification for the decision will at least refer to:
  - a. the relevant criteria of Annex III to the EIA Directive; and
  - b. if it has been decided that no environmental impact assessment needs to be made:
    1. the characteristics and measures as intended in Article 11.10(3) if the party that intends to implement the project has proposed them; and
    2. when those measures must have been implemented.

**Article 11.12****(appropriate separation)**

1. If the competent authority is the party that intends to implement the project for which an environmental impact assessment must be made, the competent authority will at least ensure an appropriate separation between conflicting functions in the official preparation of the decision.
2. The competent authority will record the way in which it ensures an appropriate separation in a description of the work processes and procedures and will ensure compliance with them.

**Article 11.13****(consultation on scope and level of detail)**

1. The competent authority will issue an opinion on the scope and level of detail as intended in Article 16.46(1) of the Act, taking account of the information provided by the party that intends to implement the project, in particular about:
  - a. the specific characteristics of the project, including its location and technical capacity; and
  - b. the impact that the project is likely to have on the environment.
2. The competent authority will issue an opinion within six weeks of receipt of the request as intended in Article 16.46(1) of the Act. The competent authority may extend this period once by no more than six weeks.

**Article 11.14****(advice by the Netherlands Commission for Environmental Assessment)**

If Article 16.47(1) of the Act is applied, no later than when the environmental impact assessment is made available for inspection will the competent authority give the Netherlands Commission for Environmental Assessment the opportunity to give advice.



**Article 11.15****(electronic availability of the notice and coordination)**

1. During the preparation of a decision to which Section 3.4 of the General Administrative Law Act applies and for which an environmental impact assessment must be made, notice of the draft will be given in the form of a succinct representation of the contents in the municipal gazette, the water authority gazette, the provincial gazette, the official gazette of a joint arrangement or the Netherlands Government Gazette.
2. The draft decision with the corresponding documents as intended in Article 3:11 of the General Administrative Law Act will in any event be made available for inspection in the same gazette as intended in paragraph one or in another suitable electronic manner.
3. If an environmental impact assessment must be made for a project and a draft decision for that project has been made available for inspection for which an appropriate assessment has been made on the basis of Article 16.53c of the Act, the competent authority for the decision for which the environmental impact assessment is made will also make the appropriate assessment available for inspection simultaneously with the environmental impact assessment.

**Article 11.16****(contents of the project EIA)**

1. The environmental impact assessment will at least contain the following information:
  - a. a description of the project;
  - b. a description of the reasonable alternatives to the project and their specific characteristics, including a comparison of the environmental effects, and justification for the chosen option taking into account the environmental effects;
  - c. a description of the relevant aspects of the current state or quality of the environment and their possible evolution if the project is not implemented, in as much as natural changes may reasonably be assessed on the basis of the environmental information and scientific knowledge available;
  - d. a description of the factors population, health, biodiversity, land, soil, water, air, climate, material assets, cultural heritage and landscape, on which the project may have significant environmental effects, and the interaction between them;
  - e. a description of the possibly significant environmental effects of the project;
  - f. a description of the methods or evidence used to identify and assess the significant environmental effects, including the difficulties encountered compiling the required information;
  - g. a description of the characteristics of the project and the measures proposed to avoid, prevent, reduce and, if possible, offset all significant adverse environmental effects described and, in as much as applicable, of any monitoring measures and monitoring procedures proposed;
  - h. a description of the expected significant adverse environmental effects of the project arising from the vulnerability of the project to risks of major accidents or disasters;
  - i. a non-technical summary of the information provided on the basis of parts a through to h; and
  - j. a reference list detailing the sources used for the descriptions and assessments included in the environmental impact assessment.
2. The description as intended in paragraph one (g) will indicate the extent to which significant adverse environmental effects are avoided, prevented, reduced or offset in both the construction and the operational phases.
3. In as much as applicable, the description as intended in paragraph one (h) will include the measures envisaged to prevent or reduce the significant adverse environmental effects of such events and information about the preparedness for and proposed response to such emergencies.
4. Where an opinion on the scope and level of detail as intended in Article 16.46(1) of the Act has been issued, the environmental impact assessment will be based on that opinion. The environmental impact assessment will contain the information that may reasonably be required for reaching a reasoned conclusion on the significant environmental effects of the project, taking into account current knowledge and methods of assessment.

5. With a view to avoiding duplication of environmental impact assessments, when the environmental impact assessment is made account will be taken of the available results obtained on the basis of regulations, directives and decisions as intended in Article 288 of the Treaty on the Functioning of the European Union.

#### **Article 11.17**

##### **(description of the project in an EIA)**

The description of the project as intended in Article 11.16(1)(a) will contain at least:

- a. a description of the location of the project;
- b. a description of the physical characteristics of the whole project and, if applicable, of the demolition activities, and the land-use requirements during the construction and operational phases;
- c. a description of the main characteristics of the operational phase of the project, including the production processes; and
- d. an estimate, by type and quantity, of expected residues and emissions and quantities and types of waste produced during the construction and operational phases.

#### **Article 11.18**

##### **(description of environmental effects in an EIA)**

1. The description of the possibly significant environmental effects of the project as intended in Article 11.16(1)(e) on the factors as intended in Article 11.16(1)(d) will at least contain a description of:

- a. the implementation and existence of the project and, if applicable, of the demolition activities;
- b. the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources;
- c. the emission of polluting substances, noise, vibration, light, heat, radiation, the creation of nuisances, and the disposal and recovery of waste;
- d. the risks to health, cultural heritage or the environment;
- e. the cumulation of effects with other existing or approved projects, taking into account any existing environmental problems of areas of particular environmental importance possibly affected by the project, or the use of natural resources;
- f. the impact of the project on the climate and the vulnerability of the project to climate change; and
- g. the technologies and the substances used.

2. The description of the possibly significant environmental effects of the project will relate to the direct effects and, in as much as applicable, the indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the project.

3. The description of the possibly significant environmental effects of the project will take into account the European or national environmental protection objectives that are relevant to the project.

#### **Article 11.19**

##### **(contents of the decision)**

1. In the decision for which an environmental impact assessment must be made during the preparation, the competent authority will at least state how account was taken of:

- a. the environmental impact assessment; and
- b. if applicable, the advice of the Netherlands Commission for Environmental Assessment.

2. The decision will also contain at least:

- a. the reasoned conclusion of the competent authority on the significant environmental effects of the project;
- b. all instructions attached to the decision;
- c. in as much as applicable, a description of all characteristics of the project and the measures proposed to avoid, prevent or reduce and, if possible, offset any significant adverse environmental effects and when the measures must have been implemented; and

- d. where appropriate, monitoring measures and procedures for the monitoring of those effects for which the competent authority deems monitoring necessary, in which respect the type of parameters to be monitored and the duration of the monitoring must be proportionate to the nature, location and size of the project and the significance of the environmental effects.
3. The competent authority may determine that the party that intends to implement the project will use existing monitoring for the monitoring measures and procedures.

**Article 11.20****(project EIA monitoring)**

1. If monitoring takes place on the basis of Article 11.19(2)(d), the party implementing the project will provide the competent authority with the results of the monitoring.
2. The competent authority will make the results of the monitoring electronically available.
3. If it considers this necessary, the competent authority will implement appropriate measures to reduce or reverse the unforeseen adverse environmental effects as far as possible.

**Article 11.21****(provision of data)**

On request, the competent authority for the environmental impact assessment will provide Our Minister of Infrastructure and Water Management with the data available to that authority that are needed to comply with Article 12(2) of the EIA Directive.

**Section 11.3****Transboundary environmental effects****§ 11.3.1****Transboundary plan EIA****Article 11.22****(notification and dispatch of information about transboundary environmental effects)**

1. If a plan or programme for which an environmental impact assessment must be made may have significant transboundary environmental effects, the competent authority will so notify the competent authority of the State that will experience these possible effects. Simultaneously with that notification or after that authority has so requested, the competent authority will send that authority at least:
  - a. the draft plan or programme;
  - b. the environmental impact assessment, in as much as it is not included in the draft plan or programme, including information about the possible transboundary environmental effects and a translation of the summary of the environmental impact assessment in the language of the other State;
  - c. information about the procedure for developing the plan or programme; and
  - d. the time limit within which the competent authority of the other State may indicate whether it wishes to consult about the possible transboundary environmental effects.
2. The competent authority will make the notification as soon as possible and will in any event send the information before the plan or programme is adopted.

**Article 11.23****(consultation)**

1. If the competent authority of the other State indicates within the time limit set that it wishes to consult, the competent authority will consult with that authority about the possibly significant transboundary environmental effects of the plan or programme and the measures proposed to prevent, reduce or as far as possible offset the adverse effects.
2. Our Minister of Infrastructure and Water Management may maintain contact with the competent authority of the other State if there is no contact between the competent authority and that authority or if the consultation has not produced the desired result. The competent authority will send the information required to Our Minister of Infrastructure and Water Management.

**Article 11.24****(views)**

The public involved and the competent bodies of the other State will be given the opportunity to present views, in which respect Section 3.4 of the General Administrative Law Act applies mutatis mutandis.

**Article 11.25****(contents and provision of the plan or programme)**

After the plan or programme has been adopted, the competent authority will provide the competent authority of the other State, the parties that presented views and the competent bodies of the other State with that plan or programme.

**Article 11.26****(transboundary environmental effects in the Netherlands)**

1. If the competent authority of another State has communicated that a plan or programme may have significant transboundary environmental effects in the Netherlands, the administrative body involved will indicate within the time limit set by that authority whether it wishes to consult.
2. If paragraph one has been applied, the administrative body involved will consult with the competent authority about the possibly significant environmental effects of the plan or programme and the measures proposed to prevent, reduce or offset the adverse effects.
3. If paragraph one has been applied, by agreement with the competent authority the administrative body involved will give the public involved and the competent bodies the opportunity to present views.
4. If paragraph one has been applied, by agreement with the competent authority and applying mutatis mutandis Article 3:42 of the General Administrative Law Act, the administrative body involved will give notice of:
  - a. the plan or programme as adopted;
  - b. a summary drafted by the competent authority of the other State of the way in which the environmental considerations, the consultations held, the views presented and the environmental impact assessment were included in the adoption of the plan or programme; and
  - c. the monitoring measures that the competent authority has adopted.

**§ 11.3.2*****Transboundary project EIA*****Article 11.27****(notification of transboundary environmental effects)**

1. If a project for which an environmental impact assessment must be made may have significant transboundary environmental effects, the competent authority will so notify the competent authority of the other State that will experience these possible effects. Simultaneously with this notification or as soon as possible after that authority has so requested, the competent authority will send that authority at least:
  - a. information about the project, including all information available about the possible transboundary environmental effects;
  - b. information about the nature and development of the decision to be taken; and
  - c. information about the time limit within which the competent authority of the other State may issue an opinion on the environmental impact assessment and may present views about the draft decision.
2. The competent authority will send that information no later than the moment at which third parties are involved in the decision as intended in Article 16.43(1) of the Act on the basis of Article 16.46 or 16.50 of the Act.
3. If the decision is a project decision, the competent authority will send this information no later than the moment at which notice is given of the intention to carry out an exploratory study of a potentially existing or future task in the physical environment as intended in Article 5.47 of the Act.

**Article 11.28****(dispatch of information and views)**

1. If the competent authority of the other State indicates that it wishes to participate in the procedure for drafting the decision for which an environmental impact assessment must be made, the public involved and the competent bodies in the other State will in any event be given the opportunity to:
  - a. present views, in which respect Section 3.4 of the General Administrative Law Act applies mutatis mutandis; and
  - b. if it is a project procedure: propose possible solutions for the potentially existing or future task in the physical environment, in which respect Article 5.47(3) of the Act applies mutatis mutandis.
2. In as much as applicable, the competent bodies in the other State designated for this purpose will be given the opportunity to issue an opinion on the scope and level of detail of the information for the environmental impact assessment, in which respect Article 16.46 of the Act applies mutatis mutandis.
3. In as much as this has not yet been done, the competent authority will send the competent authority and the competent bodies of the other State the following information:
  - a. the draft decision, including the environmental impact assessment;
  - b. the time limit for presenting views and for issuing an opinion; and
  - c. a translation of the summary of the environmental impact assessment in the language of the other State.
4. The translation of the summary of the environmental impact assessment will be made by the party that makes the environmental impact assessment on the basis of Article 16.43(5) of the Act.

**Article 11.29****(consultation)**

1. Within a time limit agreed by the parties, the competent authority will consult with the competent authority of the other State about the possibly significant transboundary environmental effects of the project and the measures proposed to avoid, prevent, reduce and, if possible, offset the adverse effects.
2. Our Minister of Infrastructure and Water Management may maintain contact with the competent authority of the other State if there is no contact between the competent authority and that authority or if the consultation has not produced the desired result. The competent authority will send the information required to Our Minister of Infrastructure and Water Management.

**Article 11.30****(contents and provision of the decision)**

After the decision has been adopted, the competent authority will provide the competent authority, the public involved and the competent bodies of the other State with the decision.

**Article 11.31****(new information, monitoring and evaluation)**

1. If the competent authority for the implementation of a project as intended in Article 16.43(1) of the Act, for which an environmental impact assessment must be made during the preparation of the decision, has new information about a possibly adverse transboundary environmental effect, which information was not available when the decision was taken and could have affected the substance of the decision, the competent authority will notify the competent authority of the other State of this new information.
2. If one of the States so requests, a consultation will be held on the question whether the decision must be amended in response to that new information.
3. If the States jointly decide this, the competent authority will evaluate the possibly adverse transboundary environmental effect of the implementation of the project for which an environmental impact assessment must be made during the preparation of the decision.

**Article 11.32****(transboundary environmental effects in the Netherlands)**

1. If the competent authority of another State has communicated that a project may have significant transboundary environmental effects in the Netherlands, the administrative body involved will indicate within the time limit set by that authority whether it wishes to participate in the environmental impact assessment procedure.
2. If paragraph one has been applied, the administrative body involved will consult with the competent authority about the possibly significant environmental effects of the project and the measures proposed to prevent, reduce or mitigate the adverse effects.
3. If paragraph one has been applied, by agreement with the competent authority the administrative body involved will give the public involved and the competent bodies the opportunity to present views.
4. If paragraph one has been applied, by agreement with the competent authority and applying *mutatis mutandis* Article 3:42 of the General Administrative Law Act, the administrative body involved will give notice of:
  - a. the decision taken;
  - b. a summary drafted by the competent authority of the way in which the environmental considerations, the consultations held, the views presented and the environmental impact assessment were included in taking a decision for the project; and
  - c. the monitoring measures that the competent authority has adopted.

## Chapter 12 Advisory bodies and advisors

### Section 12.1 Netherlands commission for environmental assessment

#### Article 12.1 (composition of the Commission)

The Netherlands Commission for Environmental Assessment consists of a chairman and no more than fourteen deputy chairmen.

#### Article 12.2 (secretary and secretariat)

1. The Netherlands Commission for Environmental Assessment will have a secretary and a secretariat headed by that secretary.
2. The secretary of the Netherlands Commission for Environmental Assessment will be appointed and dismissed by the chairman of the Commission after consultation with the deputy chairmen.

#### Article 12.3 (annual report)

Annually, before 1 April, the Netherlands Commission for Environmental Assessment will report to Our Minister of Infrastructure and Water Management on its work in the previous calendar year.

#### Article 12.4 (composition of the working group)

1. When the Netherlands Commission for Environmental Assessment is given the opportunity to give advice, the chairman or a deputy chairman will compose a working group of experts for that purpose.
2. The secretary of the Netherlands Commission for Environmental Assessment will notify the competent authority and the party that makes or should make the environmental impact assessment of the experts that make up the working group.
3. The chairman or a deputy chairman will chair a working group.
4. The chairman or a deputy chairman will designate the experts in a working group.
5. If an expert no longer complies with Article 17.5(2) of the Act, the chairman of the working group will relieve the expert from participation in the working group. If the chairman is not the chairman of the Netherlands Commission for Environmental Assessment, this will be done after consultation with the latter chairman.

#### Article 12.5 (advice by the working group)

1. The working group as intended in Article 12.4(1) will advise the competent authority.
2. The advice will be issued in accordance with the sentiment among the majority of the experts in the working group.
3. At the request of the experts who defended a position in the working group that deviated from the sentiment among the majority, that position will be stated in the advice. These experts may add a separate memorandum on such a position to the advice.

### Section 12.2 ECS damage assessment commission for archaeological national monuments

#### Article 12.6 (establishment and designation of the commission)

A commission of the Ministry of Education, Culture and Science (ECS) will be in place for the assessment of damage relating to archaeological national monuments, which will be tasked with advising administrative bodies on compensation as intended in Article 4:126(1) of the General Administrative Law Act in combination with Article 15.1(1)(j) of the Act, in as much as the damage arises from decisions on applications for environmental permits for national monument activities affecting an archaeological monument.

**Article 12.7**

**(composition of the commission)**

The ECS damage assessment commission for archaeological national monuments will consist of no more than seven members.

**Section 12.3**

**Scientific authority cites**

**Article 12.8**

**(composition of the authority)**

1. Scientific authority CITES will consist of no fewer than five and no more than nine members, including the chairman.
2. The members will also have expertise in the areas of nature conservation, animal welfare and animal shelter.



## Chapter 13 Enforcement and implementation

### Section 13.1 Administrative enforcement task and enforcement powers

#### Article 13.1

#### **(allocation of the enforcement task to another administrative body)**

The administrative enforcement task as intended in Article 18.1 of the Act is allocated to the following parties in the following cases:

- a. the provincial executive:
  1. for a bathing prohibition as intended in Article 2.38 of the Act;
  2. for an obligation imposed in an environment regulation to carry out monitoring as intended in Article 20.1 of the Act or data collection as intended in Article 20.6 of the Act, in as much as it is not directed at an administrative body; and
  3. for the obligation to take measures aimed at complying with a noise production ceiling as an environmental value as intended in Article 3.45(1, opening words and a and b) of the Environmental Quality Decree and, in as much as Article 2.12a of the Act has been applied, Article 3.45(2, opening words and\*\* a) of that Decree;
- b. Our Minister of Infrastructure and Water Management:
  1. for a prohibition of access as intended in Article 2.40(1) of the Act;
  2. for an activity that is fully or mostly performed in the territorial sea, in as much as it is located outside the provincial and municipal classified area, or that is fully or mostly performed in the exclusive economic zone;
  3. for the duty of care for the acoustic quality of national trunk roads and main line railways as intended in Article 3.29 of the Environmental Quality Decree designated by ministerial order on the basis of Article 2.15(2, opening words and a and b) of the Act;
  4. for the obligation to implement measures aimed at complying with a noise production ceiling as an environmental value as intended in Article 3.45(1, opening words and c and d) of the Environmental Quality Decree; and
  5. for an environmentally harmful activity as intended in Article 3.48m, 3.48o or 3.48r of the Environmental Activities Decree in as much as it involves the commissioned application of construction materials, soil or dredge spoils on or in the soil on land;
- c. Our Minister of the Interior and Kingdom Relations: for a rule on an energy label or the inspection of an air conditioning system imposed in the Environment Structures Decree or by ministerial order;
- d. Our Minister of Finance: for the refusal to give permission to a vessel or aircraft to leave the Netherlands as intended in Article 18.8 of the Act;
- e. the administrative body that has been allocated powers or tasks relating to a specific aspect of the physical environment on the basis of subsection 2.4.1 of the Act: for an activity that is contrary to the duty of care as intended in Articles 1.6 and 1.7 of the Act or the prohibition as intended in Article 1.7a of the Act in as much as it involves the specific aspect of the physical environment;
- f. the King's commissioner: for a temporary rule as intended in Article 19.12(1) of the Act;
- g. the competent authority as intended in Section 2.2 of the Environmental Activities Decree: for an obligation imposed in Chapter 4 or 5 of that Decree to carry out monitoring as intended in Article 20.1 of the Act or data collection as intended in Article 20.6 of the Act, in as much as it is not directed at an administrative body; and
- h. the administrative body that is responsible for performing an experiment as intended in Article 23.3(1) of the Act: for an instruction to implement a measure as intended in Article 23.3(6) of the Act.

**Article 13.1a****(allocation of the additional enforcement task regarding plant protection and biocidal products to another administrative body)**

The administrative enforcement task as intended in Article 18.1 of the Act is also allocated to Our Minister of Infrastructure and Water Management and to Our Minister of Agriculture, Nature and Food Quality in the event of the use of plant protection and biocidal products as intended in Annex I to the Environmental Activities Decree when performing the environmentally harmful activities as intended in Articles 3.184, 3.200, 3.205, 3.208, 3.211, 3.215, 3.218 and 3.250 of the Environmental Activities Decree.

**Article 13.2****(allocation of the enforcement task regarding obligations to tolerate)**

The administrative enforcement task as intended in Article 18.1 of the Act is allocated to the following parties in the event of the following obligations to tolerate from Chapter 10 of the Act:

- a. the provincial executive: for an obligation to tolerate as intended in Article 10.10 of the Act;
- b. Our Minister of Infrastructure and Water Management:
  1. for an obligation to tolerate as intended in Article 10.7 of the Act;
  2. for an obligation to tolerate as intended in Article 10.8(1) of the Act;
- c. the administrative body that is responsible for performing an obligation to tolerate:
  1. for an obligation to tolerate as intended in Article 10.2 of the Act;
  2. for an obligation to tolerate as intended in Article 10.3(1, 3 and 4) of the Act; and
  3. for an obligation to tolerate as intended in Article 10.6(1) of the Act;
- d. the competent authority as intended in Article 17.9(1 through to 4) of the Environmental Management Act: for an obligation to tolerate as intended in Article 10.6(2) of the Act;
- e. the executive board of a public body as intended in Article 20(3) of the Passenger Transport Act 2000: for an obligation to tolerate as intended in Article 10.8(3) of the Act;
- f. the competent authority for a permit for the detection of CO<sub>2</sub> storage complexes, the exploration or extraction of minerals or geothermal heat or the storage of substances as intended in Article 1 of the Mining Act: for an obligation to tolerate as intended in Article 10.9 of the Act; and
- g. the administrative body authorised to impose an obligation to tolerate:
  1. for an obligation to tolerate as intended in Article 10.13a(1) of the Act;
  2. for an obligation to tolerate as intended in Article 10.17 of the Act;
  3. for an obligation to tolerate as intended in Article 10.19(1 and 2) of the Act; and
  4. for an obligation to tolerate as intended in Article 10.19a of the Act.

**Article 13.3****(allocation of a co-enforcement task)**

1. As regards compliance with the instructions for an environmental permit for an activity, in the following cases the administrative enforcement task is also allocated to the administrative body that, on the basis of Section 4.2, has decided on consenting to the proposed decision on the application for an environmental permit for that activity or that has determined on the basis of Article 4.37 of this Decree or Article 16.16(4) of the Act that no consent is required:

- a. the executive board of the water authority: for an environmental permit relating to an activity as intended in Article 4.24(1)(a, b or c);
- b. the provincial executive:
  1. for an environmental permit relating to an activity as intended in Article 4.25(1)(a, b, d, e or f), for the last part in as much as the activity relates to a water system or a road managed by the province; and
  2. for an environmental permit as intended in Article 4.25(2), in as much as it relates to an earth removal activity in the winter bed of a river belonging to the national waters or outside national waters, involving the in-situ excavation of 100,000 m<sup>3</sup> or more;

- c. the executive board of a public body as intended in Article 20(3) of the Passenger Transport Act 2000: for an environmental permit relating to an activity as intended in Article 4.26(1);
  - d. Our Minister of Economic Affairs and Climate Policy:
    - 1. for an environmental permit relating to an activity as intended in Article 4.29(1); and
    - 2. for an environmental permit as intended in Article 4.29(2);
  - e. Our Minister of Infrastructure and Water Management:
    - 1. for an environmental permit relating to an activity as intended in Article 4.30(1)(a, b or c), for the last part in as much as it involves a restricted area activity relating to a road managed by the State or a main line railway; and
    - 2. for an environmental permit as intended in Article 4.30(2), in as much as it relates to an earth removal activity in a national water, other than in the winter bed of a river, involving the in-situ excavation of 100,000 m<sup>3</sup> or more;
  - f. Our Minister of Agriculture, Nature and Food Quality: for an environmental permit relating to an activity as intended in Article 4.31(1); and
  - g. Our Minister of Education, Culture and Science: for an environmental permit relating to an activity as intended in Article 4.32(1)(a).
2. Paragraph one does not apply if the provincial executive is the competent authority on the basis of Article 4.16, unless it is a case as intended in paragraph one (opening words and d)(1°).
3. If a project decision expressly provides that the decision is to be considered an environmental permit as intended in Article 5.52(2)(a) of the Act and that no consent is required on the basis of Article 16.20(1) of the Act, in the cases as intended in paragraph one (a, b and g) the administrative enforcement task for the activity involved, in as much as it involves compliance with the instructions for the environmental permit for that activity, is also allocated to the executive board of the water authority, the provincial executive and Our Minister of Education, Culture and Science, respectively.

## Section 13.1a

## Administrative penalties

### Article 13.3a

#### (administrative penalty for a violation of CITES rules)

1. The following are designated as rules as intended in Article 18.15a(1) of the Act in respect of which Our Minister of Agriculture, Nature and Food Quality may impose an administrative penalty if they are violated:
- a. Article 11.93 of the Environmental Activities Decree, in as much as the following acts are involved:
    - 1. introducing a specimen into the European Union in contravention of Article 4(3 and 4) of the CITES Basic Regulation;
    - 2. acting in contravention of a condition or requirement attached to a permit or certificate on the basis of Article 11(3) of the CITES Basic Regulation, in as much as the condition or requirement pertains to the administrative records, the provision of data or the marking of animals, plants or eggs; and
    - 3. acting in contravention of Articles 33(1)(c) and 40(1)(d) of the CITES Implementing Regulation; and
  - b. Articles 11.103 and 11.104 of the Environmental Activities Decree.
2. The administrative penalty will not exceed 50% of the amount determined for the first category as intended in Article 23(4) of the Criminal Code (*Wetboek van Strafrecht*).
3. Contrary to paragraph two, the administrative penalty to be determined on the basis of Article 7.6(2) will not exceed the amount determined for the first category as intended in Article 23(4) of the Criminal Code if, when the violation is committed, less than five years have passed since an administrative penalty previously imposed on the violating party for a violation belonging to the same category of acts as intended in paragraph one became irrevocable.

## Section 13.2

## Promotion of quality, agreement of implementation and enforcement

### § 13.2.1

### *Scope*

#### Article 13.4

#### **(scope)**

This Section applies to the performance of work for the exercise of powers by the competent authority in the framework of the implementation task as intended in Article 18.18(2) of the Act and the enforcement task as intended in Article 18.1 of the Act.

### § 13.2.2

### *Strategic and programme-based implementation and enforcement*

#### Article 13.5

#### **(implementation and enforcement strategies)**

1. The administrative bodies charged with the implementation and enforcement tasks will adopt implementation and enforcement strategies in one or more documents, in which they will indicate and justify what objectives are set for the implementation and enforcement and what work will be performed with a view to those objectives.
2. The administrative bodies participating in an environmental service will jointly adopt uniform implementation and enforcement strategies for the work as intended in Article 13.12(1).
3. If necessary, the enforcement strategy will be agreed with the bodies charged with enforcement under criminal law.
4. The enforcement strategy will be based on an analysis of problems that may arise when complying with the provisions under or pursuant to the Act.

#### Article 13.6

#### **(contents of implementation and enforcement strategies)**

1. The implementation and enforcement strategies will at least provide insight into:
  - a. the prioritisation for the performance of the work as intended in Article 13.5(1);
  - b. the method used to determine whether the objectives as intended in Article 13.5(1) are achieved;
  - c. the criteria used to assess and decide on applications for environmental permits and to assess notifications as intended in Article 4.4(1) of the Act; and
  - d. the procedure for granting environmental permits and assessing notifications as intended in Article 4.4(1) of the Act.
2. The enforcement strategy will also provide insight into:
  - a. the arrangements made by administrative bodies among themselves and with the bodies charged with enforcement under criminal law about the cooperation in and the coordination of the work;
  - b. the way in which compliance with the provisions under or pursuant to the Act will be supervised;
  - c. the way in which findings regarding compliance with the provisions under or pursuant to the Act and any consequences attached to them will be reported;
  - d. the way in which administrative sanctions, the time limits applied when imposing and implementing them, and enforcement under criminal law are mutually agreed; and
  - e. the action that will be taken after violations have been established that were committed by or in the name of an administrative body or another body that is part of the government.

#### Article 13.7

#### **(further contents of the enforcement strategy)**

1. The way in which compliance with the provisions under or pursuant to the Act will be supervised as intended in Article 13.6(2)(b) will include at least:
  - a. the way in which supervision will be prepared, based on a register that will at least include IPPC installations;

- b. the frequency of routine supervision, with that frequency for IPPC installations, depending on the environmental risks, compliance behaviour and the presence of a certified environmental management system, being at least:
    - 1. once every three years for limited environmental risks; and
    - 2. once a year for major environmental risks; and
  - c. the period within which non-routine supervision will be conducted after the establishment of a serious complaint, serious unusual incident or serious violation, with that period for IPPC installations being:
    - 1. after the establishment of a serious complaint, serious unusual incident or serious violation: as soon as possible and, where appropriate, before an environmental permit is granted or amended; or
    - 2. after the establishment of a serious violation: in any event within six months.
2. The way in which findings regarding compliance with the provisions under or pursuant to the Act and any consequences attached to them as intended in Article 13.6(2)(c) will be reported will include at least:
- a. the time limit for sharing a report with the parties involved, with that period being two months for reports relating to IPPC installations; and
  - b. the period within which and the extent to which a report will be published, with that period being four months for reports relating to IPPC installations, and Articles 19.3 through to 19.5 of the Environmental Management Act apply *mutatis mutandis*.

#### **Article 13.8**

##### **(implementation programme)**

1. The administrative bodies as intended in Article 13.5 will annually provide the details of the implementation and enforcement strategies in an implementation programme indicating what work as intended in paragraph one of that Article will be performed in the coming year. In that respect, they will consider the objectives as intended in that paragraph and the prioritisation as intended in Article 13.6(1)(a).
2. If necessary, the implementation programme will be agreed with the bodies charged with enforcement under criminal law.

#### **Article 13.9**

##### **(implementing organisation)**

1. The administrative bodies as intended in Article 13.5 will structure their organisations in such a way as to guarantee the proper implementation of the implementation and enforcement strategies and the implementation programme.
2. The administrative bodies will at least ensure that:
  - a. the staffing schedule for the implementation and enforcement and the tasks, powers and responsibilities attached to the positions are laid down;
  - b. a person they have charged with assessing and deciding on an application for an environmental permit, assessing and deciding on an application for permission to take an equivalent measure or impose a customised instruction in respect of an environmentally harmful activity as intended in Chapter 3 of the Environmental Activities Decree is not charged with:
    1. the supervision of compliance with the provisions under or pursuant to the Act in respect of the same environmentally harmful activity; and
    2. the imposition and implementation of an administrative sanction in respect of the same environmentally harmful activity;
  - c. a person they have charged with the supervision of compliance with the provisions under or pursuant to the Act is not continuously charged with the supervision of the same environmentally harmful activity; and
  - d. their organisations can also be contacted and are also available outside office hours.
3. The administrative bodies will also ensure that the work processes, procedures and corresponding provision of information for implementation and enforcement are laid down and that work is performed in accordance with these work processes and procedures.

**Article 13.10****(securing resources)**

The administrative bodies as intended in Article 13.5 will ensure that:

- a. the financial and human resources necessary and available for achieving the objectives as intended in paragraph one of that Article and for performing the work as intended in that paragraph are clarified and are guaranteed in the budget; and
- b. sufficient financial and human resources are available for implementing the implementation programme.

**Article 13.11****(evaluation report)**

1. The administrative bodies as intended in Article 13.5 will annually report on the extent to which the implementation programme was implemented and the extent to which this implementation contributed to achieving the objectives as intended in paragraph one of that Article.

2. The implementation and enforcement strategies will be reviewed and, if necessary, adjusted in response to the report as intended in paragraph one.

**§ 13.2.3****Environmental services****Article 13.12****(basic tasks of the environmental service)**

1. The municipal executive and the provincial executive will ensure that an environmental service will at least perform the following work, in as much as it is part of their task and in as much as these rules have been drawn up with a view to the interests as intended in Article 2.2 of the Environmental Activities Decree if environmentally harmful activities are involved, or Article 3.2, 4.2, 5.2, 6.2 or 7.2 of the Environment Structures Decree if construction activities or demolition activities are involved:

- a. preparing decisions on applications for environmental permits and preparing the application of subsection 5.1.5 of the Act for activities designated in Annex VI, categories 1 through to 4, with the exception of environmental permits for out-of-plan environmental planning activities;
- b. assessing notifications as intended in Article 4.4(1) of the Act and preparing decisions on applications for permission to take an equivalent measure for activities designated in Annex VI, categories 1 and 5;
- c. preparing decisions imposing customised instructions for activities designated in Annex VI, categories 1 and 5;
- d. supervising compliance with:
  1. the prohibitions as intended in Articles 5.1, 5.4, 5.5 and 5.6 of the Act for activities designated in Annex VI, categories 1 through to 4; and
  2. the rules imposed under or pursuant to the Act and the Environmental Management Act on activities designated in Annex VI, categories 1 through to 6;
- e. conducting supply chain supervision of the rules for activities designated in Annex VI, category 7; and
- f. preparing administrative sanctions to enforce the prohibitions and rules as intended in d and e.

2. The work as intended in paragraph one (a) does not include the application of the Public Administration (Probity Screening) Act (*Wet bevordering integriteitsbeoordelingen door het openbaar bestuur*).

3. Only the environmental services designated in Annex VII will perform the work as intended in paragraph one for the activities as intended in Article 18.22(2) of the Act.

4. For the purposes of this Decree, a change of the name of an environmental service designated in Annex VII will take effect after a decision taken for that purpose has been announced in the Netherlands Government Gazette.

## § 13.2.4

## Provision of information about implementation and enforcement

### Article 13.13

#### (obligation to provide information)

The obligation to provide information as intended in Article 18.25(1) of the Act will in any event be complied with if and when Our Minister of Infrastructure and Water Management, Our Minister of Justice and Security and the executive boards of the environmental services make the data they manage in connection with the performance of work as intended in Article 13.12(1) available for consultation through the secure digital information exchange system *Inspectieview Milieu*.

### Article 13.14

#### (other administrative bodies)

The following parties are designated as other administrative bodies as intended in Article 18.25(2) of the Act:

- a. Our Minister of Economic Affairs and Climate Policy;
- b. Our Minister of Social Affairs and Employment;
- c. the chief constable as intended in Article 27 of the Police Act 2012 (*Politiewet 2012*); and
- d. the public prosecution service.

### Article 13.15

#### (use of citizen service numbers)

For the enforcement under criminal law of the provisions under or pursuant to the Act, the administrative bodies as intended in Articles 13.13 and 13.14 will indicate the citizen service number when providing personal data.

### Article 13.15a

#### (controller for *Inspectieview Milieu*)

Our Minister of Infrastructure and Water Management will be the controller for the processing of personal data in *Inspectieview Milieu*.

### Article 13.15b

#### (no retention of data in *Inspectieview Milieu*)

Our Minister of Infrastructure and Water Management will ensure that no data are retained in *Inspectieview Milieu*.

### Article 13.15c

#### (costs of *Inspectieview Milieu*)

The annual costs of managing *Inspectieview Milieu* will be borne by Our Minister of Infrastructure and Water Management in as much as they are not covered by the annual contributions of affiliated administrative bodies and other bodies.

## Section 13.3

## Promotion of quality, agreement of implementation and enforcement at seveso establishments

### § 13.3.1

#### Scope

### Article 13.16

#### (scope)

This Section applies to the performance of the following work by the competent authority, the supervisor as intended in Article 1(3)(d) of the Working Conditions Act and the board of the safety region:

- a. supervising compliance with subsection 4.2 of the Environmental Activities Decree, including collecting and registering data that are relevant for this purpose; and
- b. handling complaints about the compliance with subsection 4.2 of the Environmental Activities Decree.

## § 13.3.2

### Article 13.17

## Strategic and programme-based implementation and enforcement

### (coordination of implementation and enforcement)

1. The competent authority will ensure that the mutually agreed performance of the work as intended in Article 13.16 is coordinated, which will include at least:
  - a. supervising compliance with Articles 4.5, 4.6, 4.10 through to 4.20, 4.22, 4.24 and 4.26 through to 4.28 of the Environmental Activities Decree;
  - b. adopting a supervision plan as intended in Article 13.20(1);
  - c. providing the details of a supervision plan in supervision programmes as intended in Article 13.21(1);
  - d. consulting about supervision, supervision reports, administrative enforcement and other follow-up actions;
  - e. collecting and evaluating progress data, implementation data and quality data on supervision and follow-up actions; and
  - f. identifying any violations established that are serious in nature, and organising and implementing improvement measures.
2. The competent authority, the supervisor as intended in Article 1(3)(d) of the Working Conditions Act and the board of the safety region:
  - a. will immediately provide one another by electronic means with the data and documents they have at their disposal, in as much as those data and documents are necessary for the proper performance of the work as intended in Article 13.16; and
  - b. will mutually agree the performance of the work as intended in a.
3. The data and documents as intended in paragraph two (a) will include at least:
  - a. the data and documents as intended in Articles 4.5(1) and 4.6(1) of the Environmental Activities Decree that must be provided if subsection 4.2 of that Decree becomes applicable to a Seveso establishment or in the event of a change as intended in Article 4.6(1) of that Decree;
  - b. the environmental permits granted for a Seveso establishment, the applications for environmental permits for a Seveso establishment and the data and documents provided in that regard;
  - c. decisions designating an establishment as intended in Article 9(1) of the Seveso Directive in the environmental permit on the basis of Article 8.38 of the Environmental Quality Decree or by Our Minister of Social Affairs and Employment;
  - d. a drafted or updated safety report or part of such a report;
  - e. the conclusions of the examination of the safety report as intended in Article 13.19(1);
  - f. the supervision reports as intended in Article 13.23(1);
  - g. enforcement actions and decisions imposing an administrative sanction on the party operating a Seveso establishment;
  - h. the report regarding the company fire brigade as intended in Article 7.2(1) of the Safety Regions Decree (*Besluit veiligheidsregio's*) and the decision designating a location as an establishment requiring a company fire brigade as intended in Article 31(1) of the Safety Regions Act; and
  - i. the data and documents as intended in Article 4.7(1) of the Environmental Activities Decree that are provided when a major accident has occurred.

### Article 13.18

### (examination of the safety report)

1. The competent authority will examine whether the parts of the drafted or updated safety report discussing external safety risks comply with Articles 4.14, 4.15 and 4.16 of the Environmental Activities Decree.
2. The competent authority will give the supervisor as intended in Article 1(3)(d) of the Working Conditions Act sufficient time to examine whether the parts of the safety report discussing the protection of the safety and health of employees, the employer and self-employed persons comply with Articles 4.14, 4.15 and 4.18 of the Environmental Activities Decree.



3. The competent authority will give the board of the safety region where the Seveso establishment is fully or partially located sufficient time to examine whether the parts of the safety report discussing the company fire brigade and the preparation of the disaster response comply with Articles 4.14, 4.15 and 4.17 of the Environmental Activities Decree.
4. The competent authority will give the competent authority for an environmental permit for a discharge activity into a body of surface water and a discharge activity into a water treatment plant sufficient time to examine whether the parts of the safety report discussing possible water pollution or a possible impediment to the efficient operation of the water treatment plant in the event of a major accident comply with Articles 4.14, 4.15 and 4.16(1)(c and d) of the Environmental Activities Decree.

**Article 13.19****(conclusions from the examination of the safety report)**

1. The competent authority will notify the party operating the Seveso establishment within a reasonable period, but no later than six months of receipt of the safety report, of the conclusions of the examination of the report.
2. If the competent authority believes that the safety report is incomplete, within eight weeks of receipt of the safety report the party operating the Seveso establishment will be requested to provide additional data and documents within a period of no more than six weeks to be set in the request.
3. The period as intended in paragraph one will be suspended as from the day on which the request as intended in paragraph two is made until the day on which the additional data and documents are provided.

**Article 13.20****(supervision system and supervision plan)**

1. The competent authority, the supervisor as intended in Article 1(3)(d) of the Working Conditions Act and the board of the safety region will jointly ensure that a supervision system and a supervision plan are adopted, reviewed and updated.
2. The supervision plan will contain at least:
  - a. a general assessment of relevant safety issues;
  - b. the area covered by the supervision plan;
  - c. a list of the Seveso establishments covered by the plan;
  - d. a list of the Seveso establishments designated on the basis of Article 8.38 of the Environmental Quality Decree;
  - e. a list of the Seveso establishments with particular external risks or hazard sources that may increase the risk or consequences of a major accident;
  - f. procedures for routine supervision;
  - g. procedures for non-routine supervision to investigate serious complaints, major accidents, 'near misses', incidents and violations as soon as possible; and
  - h. arrangements on cooperation between the competent authority, the supervisor as intended in Article 1(3)(d) of the Working Conditions Act and the board of the safety region.
3. The supervision plan will be regularly reviewed and updated if necessary.

**Article 13.21****(supervision programme)**

1. The competent authority, the supervisor as intended in Article 1(3)(d) of the Working Conditions Act and the board of the safety region will jointly provide the details of the supervision plan in supervision programmes for routine and non-routine supervision of a Seveso establishment.
2. A supervision programme will state at least the frequency of routine supervision. The frequency of routine supervision will be:
  - a. for upper-tier establishments: at least once a year; and
  - b. for Seveso establishment that are not upper-tier establishments: at least once every three years.

3. Paragraph two, second sentence, does not apply if a supervision programme has been adopted on the basis of a systematic evaluation of the major-accident hazards, which will be based on at least:

- a. the possible consequences for health and the environment;
- b. data on compliance with subsection 4.2 of the Environmental Activities Decree; and
- c. if appropriate: findings of the supervision of compliance with statutory regulations other than those in subsection 4.2 of the Environmental Activities Decree.

#### **Article 13.22**

##### **(carrying out supervision)**

1. The supervision carried out will be appropriate to the type of Seveso establishment and will not depend on the receipt of the safety report or any other report submitted.

2. Site visits, checks of internal measures, systems, reports, documents and follow-up of findings, and a planned, systematic, technical, organisational and managerial examination of the systems employed in the Seveso establishment will be used to ensure that:

- a. the party operating the Seveso establishment can demonstrate that:
    1. appropriate measures have been implemented to prevent major accidents; and
    2. appropriate means have been provided for limiting the consequences of major accidents;
  - b. the safety report and other reports submitted adequately reflect the conditions; and
  - c. Articles 4.5, 4.6, 4.10 through to 4.20, 4.22, 4.24 and 4.26 through to 4.28 of the Environmental Activities Decree are complied with.
3. If appropriate, the supervision will be combined with the supervision of other statutory regulations as far as possible.

#### **Article 13.23**

##### **(findings of supervision)**

1. Within four months of completing a visit, check or examination as intended in Article 13.22(2), the findings will be laid down in a supervision report and communicated to the party operating the Seveso establishment.

2. The competent authority, the supervisor as intended in Article 1(3)(d) of the Working Conditions Act and the board of the safety region will ensure, in as much as this involves the exercise of their powers and the performance of their work, that the party operating the Seveso establishment follows up the findings by implementing the measures required within a reasonable period after the communication as intended in paragraph one.

3. If a major violation of a provision of subsection 4.2 of the Environmental Activities Decree has been established, additional supervision will be carried out within six months of that establishment.

#### **Article 13.24**

##### **(publication of the findings of supervision)**

1. The competent authority, the supervisor as intended in Article 1(3)(d) of the Working Conditions Act and the board of the safety region will provide all parties with the following information:

- a. the date of the last routine supervision or a reference to where that information can be consulted electronically; and
- b. information on the way in which more detailed information about the supervision and the supervision plan can be obtained on request.

2. Supervision reports as intended in Article 13.23(1) are designated as information as intended in Article 19.3(1), final sentence, of the Environmental Management Act.

3. If the power as intended in Article 19.3(1), first sentence, of the Environmental Management Act is applied, an amended supervision report will be made available that contains at least general information about major-accident risks, their possible consequences for health and the environment, and the findings of the supervision.

## Section 13.4

## Administrative and criminal sanctions for Seveso establishments

### § 13.4.1

### Scope

#### Article 13.25

#### (scope)

1. This Section applies to the imposition and implementation of an administrative sanction because of any act or omission in contravention of the provisions of subsection 4.2 of the Environmental Activities Decree under or pursuant to the Working Conditions Act.
2. This Section also applies to the criminalisation of acts or omissions in contravention of the provisions of subsection 4.2 of the Environmental Activities Decree under or pursuant to Article 48(6) of the Safety Regions Act and pursuant to Article 6(1), second sentence, of the Working Conditions Act.

### § 13.4.2

### Administrative enforcement of the Working Conditions Act

#### Article 13.26

#### (administrative order for violations of the Working Conditions Act)

A civil servant designated for that purpose by Our Minister of Social Affairs and Employment and coming under him will be authorised to impose an administrative order regarding compliance with the provisions of Articles 4.4, 4.5(1 and 3), 4.6(1), 4.7, 4.9 through to 4.15, 4.18, 4.19, 4.20, 4.22, 4.23, 4.24, 4.26, 4.27 and 4.28 of the Environmental Activities Decree pursuant to Article 6(1), second sentence, of the Working Conditions Act.

#### Article 13.27

#### (administrative penalty for violations of the Working Conditions Act)

1. Any act or omission by the employer as intended in Article 1(1 or 2) of the Working Conditions Act, or a self-employed person or an employer performing the work, in contravention of the Articles referred to in Article 13.26, with the exception of Article 4.9(3) of the Environmental Activities Decree, is considered a violation for which an administrative penalty may be imposed.
2. Any violation regarding which the employer as intended in Article 1(1 or 2) of the Working Conditions Act, or a self-employed person or an employer performing the work, knows or should reasonably know that danger to life or serious harm to the health of one or more employees or of the self-employed person or employer performing the work will arise or is to be expected is considered a serious violation as intended in Article 34(6 and 9) of that Act.
3. Obligations and prohibitions arising from the provisions of the Articles referred to in Article 13.26 are designated as similar obligations and prohibitions as intended in Article 34(5 and 7) of the Working Conditions Act, in as much as the standard penalty amount for the administrative penalty for a violation of that obligation or prohibition exceeds €12,500 on the basis of the policy rules as intended in Article 34(10) of that Act.
4. A violation of Article 4.9(1) or 4.11 of the Environmental Activities Decree is considered a similar violation if the standard penalty amount for this violation is classified in the same penalty category as the standard penalty amount of the earlier violation on the basis of the policy rules as intended in Article 34(10) of the Working Conditions Act.

#### Article 13.28

#### (warnings and suspension for violations of the Working Conditions Act)

1. Following a recurrence of a violation or a similar violation, a warning as intended in Article 28a(1) of the Working Conditions Act may be given. If the same or a similar violation is established again, the employer as intended in Article 1(1 or 2) of the Working Conditions Act, or a self-employed person or an employer performing the work, may be subjected to an order by the civil servant designated for that purpose, entailing that the work he has designated is to be suspended or cannot commence for a period of no more than three months indicated with the order.

2. If the nature of the violation or the similar violation, the circumstances relating to the violation or similar violation or the consequences of a suspension of the work give cause for this, the civil servant may decide not to give a warning and not to impose an order.

3. A similar violation as intended in paragraph one or two exists if it is a violation of the Articles referred to in Article 13.26, in as much as the standard penalty amount for the administrative penalty for this violation exceeds €50,000 on the basis of the policy rules as intended in Article 34(10) of the Working Conditions Act.

4. A violation of Article 4.9(1) or 4.11 of the Environmental Activities Decree is considered a similar violation if the standard penalty amount for this violation is classified in the same penalty category as the standard penalty amount of the earlier violation on the basis of the policy rules as intended in Article 34(10) of the Working Conditions Act.

### § 13.4.3

### **Criminalisation**

#### **Article 13.29**

#### **(criminalisation under the Safety Regions Act)**

Any act or omission in contravention of the provisions of Articles 4.14, 4.15, 4.17, 4.19, 4.20 and 4.24 of the Environmental Activities Decree under or pursuant to Article 48(6) of the Safety Regions Act is a criminal offence as intended in Article 1a(1°) of the Economic Offences Act (*Wet op de economische delicten*).

#### **Article 13.30**

#### **(criminalisation under the Working Conditions Act)**

Any act or omission by the employer as intended in Article 1(1 or 2) of the Working Conditions Act in contravention of the provisions of Articles 4.4, 4.5(1 and 3), 4.6(1), 4.7, 4.9 through to 4.15, 4.18, 4.19, 4.20, 4.22, 4.23, 4.24, 4.26, 4.27 and 4.28 of the Environmental Activities Decree pursuant to Article 6(1), second sentence, of the Working Conditions Act is a criminal offence as intended in Article 6(3) of the Working Conditions Act.

# Chapter 14 Digital system under the environment and planning act

## Section 14.1 Electronic communication

### Article 14.1

#### (electronic communication through the national facility)

1. The following may be submitted or made through the national facility:
  - a. an application for an environmental permit;
  - b. an application for a customised instruction;
  - c. an application for permission to take an equivalent measure; and
  - d. a notification as intended in Article 4.4(1) of the Act.
2. A disclosure obligation other than a notification may be complied with through the national facility, unless another manner of compliance with the disclosure obligation is designated in a statutory regulation.
3. If an activity is performed by or on behalf of an enterprise or legal entity, the application or notification as intended in paragraph one will only be submitted or made through the national facility.
4. This Article does not apply to:
  - a. an application, a notification and information qualified as State secret as intended in the Civil Service Information Security (Classified Information) Decree 2013;
  - b. a rifle hunting activity; and
  - c. a falconry activity.

### Article 14.2

#### (electronic form)

1. If an application for an environmental permit, a customised instruction or permission to take an equivalent measure is submitted, a notification as intended in Article 4.4(1) of the Act is made or a disclosure obligation other than a notification is complied with through the national facility:
  - a. the electronic form available in the national facility on the date of submission will be used; and
  - b. the data and documents to be provided in that regard will also be provided through the national facility, unless the competent authority consents to another method of providing them.
2. Contrary to paragraph two, the following will not be provided through the national facility:
  - a. special categories of personal data or personal data of a criminal nature as intended in subsection 3.1 or subsection 3.2 of the General Data Protection Regulation (Implementation) Act (*Uitvoeringswet Algemene verordening gegevensbescherming*), respectively; and
  - b. information qualified as State secret as intended in the Civil Service Information Security (Classified Information) Decree 2013.
3. The competent authority will make available to Our Minister of the Interior and Kingdom Relations the information that is necessary to compile the electronic form.

### Article 14.3

#### (signature)

1. An application or notification submitted or made through the national facility will be considered to have been signed.
2. Data and documents provided through the national facility will be considered to have been signed.

## Section 14.2 Information through the national facility

### Article 14.4

#### (information from decisions and other legal devices)

1. The Agency as intended in Article 2 of the Land Registry (Organisation) Act (*Organisatiewet Kadaster*) will make the following available for retrieval through the national facility:
  - a. the contents of:
    1. environmental strategies;
    2. environment plans;
    3. reactive interventions on the basis of Article 16.21 of the Act;
    4. instructions on the basis of Article 2.33 or 2.34 of the Act;
    5. preparatory decisions;
    6. water authority regulations;
    7. environment regulations;
    8. project decisions;
    9. ministerial orders on the basis of Article 2.24(2)(a) of the Act; and
    10. the draft decisions and other legal devices as intended in 1°, 2° and 6° through to 9°; in such a form that the information can be consulted in combination per geometrically demarcated property;
  - b. information about the status of the decisions and other legal devices as intended in a; and
  - c. information from documents included in the national facility as intended in Article 1.2.1(2) of the Spatial Planning Decree (*Besluit ruimtelijke ordening*), in such a form that it is comprehensible and can be consulted in combination with the information as intended in a.
2. The Agency will manage the information made available under paragraph one.

### Article 14.5

#### (provision of data on decisions and other legal devices)

The data referred to in Annex VIII on the decisions and other legal devices as intended in Article 14.4(1)(a) will be provided to the Agency as intended in Article 2 of the Land Registry (Organisation) Act by:

- a. the municipal executive, in as much as it involves a decision or another legal device that has been adopted by an administrative body of the municipality on the basis of the Act;
- b. the executive board of a water authority, in as much as it involves a decision or another legal device that has been adopted by an administrative body of the water authority on the basis of the Act;
- c. the provincial executive, in as much as it involves a decision or another legal device that has been adopted by an administrative body of the province on the basis of the Act; and
- d. Our Minister of the Interior and Kingdom Relations or Our Minister whom it concerns, in as much as it involves a decision or another legal device that has been adopted by or on the recommendation of Our Minister of the Interior and Kingdom Relations or Our Minister whom it concerns, respectively, on the basis of the Act.

## Section 14.2a Other functionalities of the national facility

### Article 14.5a

#### (cooperation functionality)

The national facility will provide for the electronic exchange of data during the preparation of a decision on an application and the assessment of a notification or data and documents to comply with a disclosure obligation other than a notification on the basis of the Act.

**Article 14.5b****(forwarding functionality)**

The national facility will provide for the electronic forwarding of a notification or data and documents to comply with a disclosure obligation other than a notification on the basis of the Act to Our Minister of Infrastructure and Water Management for the performance of the administrative enforcement task as intended in Article 13.1(opening words and b)(5°).

**Section 14.3****Data management and personal data****§ 14.3.1****General****Article 14.6****(terms and definitions)**

For the purposes of this Section, the following terms are taken to mean:

*message*: an electronic message as intended in Article 14.1(1 and 2);

*visitor*: the person who visits the national facility but does not log in;

*DSO-LVID*: a unique designation of an authenticated person, which is only used within the national facility;

*eHerkenning pseudonym*: a pseudonym provided by eHerkenning to identify a person acting on behalf of a non-natural person;

*user*: the person logging in to the national facility;

*identification number of the organisation*: a number used to identify a non-natural person, such as the Legal Entities and Partnerships Identification Number (*Rechtspersonen Samenwerkingsverbanden Informatie Nummer*; RSIN), the Chamber of Commerce number or the Organisation Identification Number (*Organisatie-identificatienummer*);

*initiator*: the party that has submitted an application, has made a notification or has provided data and documents to comply with a disclosure obligation other than a notification.

**§ 14.3.2****Data management****Article 14.7****(message management)**

1. Our Minister of the Interior and Kingdom Relations will immediately give the competent authority access to a submitted message and will immediately inform the competent authority accordingly.

2. A message submitted will be retained in the national facility for no more than one year. At the request of the competent authority, this period may be extended by one year if this is necessary for handling the message.

3. A form that has not yet been submitted and the corresponding data and documents will be retained in the national facility for no more than one year, calculated from the date of the last change.

**Article 14.7a****(exchange of data in the event of cooperation)**

1. An administrative body that is involved in the preparation of a decision on an application or the assessment of a notification or data and documents to comply with a disclosure obligation other than a notification on the basis of the Act may exchange data with other administrative bodies and advisors involved through the national facility.

2. The data will be retained in the national facility for no more than one year. At the request of the administrative body that took the initiative to exchange data, this period may be extended by one year if this is necessary for handling the application or assessing the notification or the data and documents.

**Article 14.7b****(forwarding messages)**

1. Our Minister of the Interior and Kingdom Relations will immediately give Our Minister of Infrastructure and Water Management access to a message submitted about an environmentally harmful activity as intended in Article 3.48m, 3.48o or 3.48r of the Environmental Activities Decree for the performance of the administrative enforcement task as intended in Article 13.1(opening words and b)(5°).
2. A message submitted will be retained in the national facility for no more than one year.

**§ 14.3.3****Personal data****Article 14.8****(controller)**

1. Our Minister of the Interior and Kingdom Relations will be the controller for the processing of personal data in the national facility.
2. The competent authority will be the controller for the processing of personal data in a message as from the moment it retrieves the message from the national facility.
3. Our Minister of Infrastructure and Water Management will be the controller for the processing of personal data in a message as intended in Article 14.7b(1) as from the moment he retrieves the message from the national facility.
4. Contrary to paragraph one, if data are exchanged as intended in Article 14.7a, Our Minister of the Interior and Kingdom Relations and the administrative body that took the initiative to exchange data will be the joint controllers for the personal data processing.

**Article 14.9****(personal data processing for access to the national facility)**

1. Our Minister of the Interior and Kingdom Relations will process the following personal data for granting access to the national facility:
  - a. on users:
    1. data used to identify the user, including their citizen service number, the eHerkenning pseudonym in combination with the identification number of the organisation or the unique identifying number for authentication outside the Netherlands but in the European Union; and
    2. profile data, including name, email address, telephone number, position and preferred settings; and
  - b. on employees of administrative bodies and advisors:
    1. data used to identify the employee, including the eHerkenning pseudonym and the identification number of the organisation; and
    2. profile data, including name, email address, telephone number, position, contact details of the competent authority and preferred settings.
2. The personal data will be retained in the national facility for no more than eighteen months after termination of the account.

**Article 14.10****(personal data processing for passing on messages to the competent authority)**

1. Our Minister of the Interior and Kingdom Relations will process the following personal data for passing on messages to the competent authority:
  - a. on users:
    1. data used to communicate with the user, including the name, name of the organisation, address, email address and telephone number;
    2. data used to identify the user, including their citizen service number or the identification number of the organisation; and
    3. data used to assess the message in accordance with the applicable rules, including data on the activity, data on the location where the activity is performed, the status under property law in relation to that location and financial data; and
  - b. on third parties that are directly involved in the activity to which the message relates:
 data used to assess the message in accordance with the applicable rules, including



their name, address, telephone number, position and proof of professional competence.

2. The retention periods referred to in Article 14.7(2 and 3) apply to the personal data.

#### Article 14.10a

##### **(personal data processing in the event of cooperation)**

1. During the preparation of decisions on applications and the assessment of notifications or data and documents to comply with disclosure obligations other than notifications, the following personal data will be processed:

a. on initiators:

1. data used to communicate with the initiator, including the name, name of the organisation, address, email address and telephone number;
2. data used to identify the initiator, including their citizen service number or the identification number of the organisation; and
3. data used to assess the application, notification or data and documents in accordance with the applicable rules, including data on the activity, data on the location where the activity is performed, the status under property law in relation to that location and financial data; and

b. on third parties that are directly involved in the activity to which the application or notification relates or to which the data and documents relate: data used to assess the application, notification or data and documents in accordance with the applicable rules, including the name, address, telephone number, position and proof of professional competence.

2. The retention periods referred to in Article 14.7a(2) apply to the personal data.

#### Article 14.10b

##### **(provision of personal data in the event of cooperation)**

The administrative body that has taken the initiative to exchange data as intended in Article 14.8(4) may provide the following administrative bodies or advisors with the personal data as intended in Article 14.10a(1) in as much as this is necessary for the proper performance of a statutory task:

- a. another administrative body on account of the involvement of that administrative body in the preparation of a decision as intended in Article 16.7 of the Act, to which Section 3.5 of the General Administrative Law Act applies;
- b. an administrative body or other body as intended in Article 16.15 of the Act on account of that administrative body's or that other body's power to advise;
- c. an administrative body as intended in Article 16.16 of the Act on account of that administrative body's power to consent; and
- d. an advisor other than as intended in b.

#### Article 14.10c

##### **(personal data processing when forwarding messages)**

1. Our Minister of the Interior and Kingdom Relations will process the following personal data for forwarding messages about notifications and data and documents as intended in Article 14.5b to Our Minister of Infrastructure and Water Management:

- a. on users: data used to communicate, including the name, name of the organisation, address, email address and telephone number;
- b. on initiators, commissioning parties and executing parties: data for the performance of the administrative enforcement task, including data on the activity, the location where the activity is performed, the location of origin and location of use, the name, the name of the organisation and the address; and
- c. on third parties: data used to verify the soil quality environmental declaration as intended in Article 1(4) of the Soil Quality Decree (*Besluit bodemkwaliteit*), including the name of the organisation.

2. The retention period referred to in Article 14.7b(2) applies to the personal data.

**Article 14.11****(personal data processing for the operation of the national facility)**

1. Our Minister of the Interior and Kingdom Relations will process the following personal data for the organisation, maintenance, operation and security of the national facility:
- a. on visitors, users and employees of administrative bodies and advisors: data that are relevant to the adequate operation of the national facility and data in technical log files for investigating technical system errors, including data on the origin and characteristics of network traffic, the characteristics of the software and hardware used, the IP address and session data;
  - b. on users and employees of administrative bodies and advisors: data in audit log files for incident resolution, investigations into improper use and the furnishing of proof in legal disputes or proceedings, including the DSO-LV ID, the event, the date and time of the event and the IP address; and
  - c. on users, initiators and third parties that are directly involved in the activity to which a message relates: data in audit log files for incident resolution, investigations into improper use and the furnishing of proof in legal disputes or proceedings, consisting of the data as intended in Articles 14.10(1) and 14.10a(1).
2. The personal data and technical log files as intended in paragraph one (a) will be retained in the national facility for no more than eighteen months, with the session data being retained only until the time the session is terminated. The audit log files as intended in paragraph one (b and c) will be retained in the national facility for no more than five years.

**Section 14.4****Management of parts of the national facility****Article 14.12****(management of parts of the national facility by Kadaster)**

The Agency as intended in Article 2 of the Land Registry (Organisation) Act will be responsible for the organisation, maintenance, operation and security of:

- a. the part of the national facility that serves to make information available on the basis of Article 20.26 of the Act;
- b. a system catalogue; and
- c. interfaces for making data available to, and reusing data from, the national facility.

## Chapter 15 Transitional provisions

### § 15.1

### *Remediation of excessive noise loads*

#### Article 15.1

#### **(scope)**

1. Articles 3.21(1 and 2), 3.23 and 3.24 of the Environmental Quality Decree apply to this subsection.
2. In this subsection, a noise sensitive building, a noise focus area, a municipal road, a provincial road and a water authority road are defined according to the definitions of those terms given in Annex I to the Environmental Quality Decree.

#### Article 15.2

#### **(list of buildings to be remediated on account of the noise)**

1. For the purposes of subsection 12.1.6 of the Environmental Quality Decree, the administrative bodies listed below will compile a list of noise sensitive buildings no later than a date to be determined by royal decree:
  - a. the municipal executive: for municipal roads and for local railways not designated in an environment regulation;
  - b. the executive board of a water authority: for water authority roads; and
  - c. the provincial executive: for provincial roads and for local railways designated in an environment regulation.
2. The list will state any noise sensitive building that is present when this Decree comes into effect and that is located in the noise focus area of:
  - a. a provincial road located within a built-up area established pursuant to the Road Traffic Act 1994, the noise of which upon full utilisation of the noise production ceilings as established on the basis of Article 12.6(1) of the Environmental Quality Decree exceeds the limit value as intended in Table 3.35 of that Decree by more than 5 dB;
  - b. a provincial road located outside that built-up area, the noise of which upon full utilisation of the noise production ceilings as established on the basis of Article 12.6(1) of the Environmental Quality Decree exceeds the limit value as intended in Table 3.35 of that Decree;
  - c. a local railway designated in an environment regulation, the noise of which upon full utilisation of the noise production ceilings exceeds the limit value as intended in Table 3.35 of the Environmental Quality Decree; or
  - d. a municipal road, water authority road or local railway not designated in an environment regulation, the noise of which in the year as intended in Article 11.46(3) of the Environmental Quality Decree exceeds the limit value as intended in Table 3.35 of that Decree.
3. The list will not include any noise sensitive building:
  - a. for which, in compliance with the City and Environment (Interim) Act (*Interimwet stad-en-milieubenadering*), a noise load higher than the maximum value on the basis of the Noise Abatement Act (*Wet geluidhinder*) is permitted;
  - b. in respect of which Article 83(4, 5, 6 or 7) of the Noise Abatement Act has been applied, as these Articles read before this Decree comes into effect;
  - c. that was previously remediated for the account of the State on the basis of the Noise Abatement Act or Chapter 11 of the Environmental Management Act on account of the noise and that is included in a list to be published by Our Minister of Infrastructure and Water Management no later than one year after this Decree comes into effect; or
  - d. that only meets the conditions of paragraph two for a structure that was not considered a façade on the basis of Article 1b(4) of the Noise Abatement Act.
4. For every noise sensitive building, the list will contain at least:
  - a. the identification numbers included in the Key Register of Addresses and Buildings (*Basisregistratie adressen en gebouwen*); and
  - b. the noise at the building as intended in paragraph two.

**Article 15.3****(compilation and notification of a list of buildings to be remediated on account of the noise)**

1. Prior to the compilation of the list as intended in Article 15.2, the municipal executive, the executive board of a water authority and the provincial executive will publish a draft list and will give Our Minister of Infrastructure and Water Management the opportunity to present a view.
2. When the draft list is published, it will be indicated how citizens, companies and civil society organisations were involved in the compilation of the list.
3. The municipal executive, the executive board of a water authority and the provincial executive will electronically send Our Minister of Infrastructure and Water Management a copy of the list before the date as intended in Article 15.2(1).

**§ 15.2****Noise register****Article 15.4****(deviating time for the provision of data for the noise register)**

1. Contrary to Article 10.42a(1, opening words and a and b), Our Minister of Infrastructure and Water Management will provide the data as intended in those parts relating to noise production ceilings alongside national trunk roads and main line railways that were recalculated on the basis of Article 3.2 of the Noise Act Supplementing the Environment and Planning Act (*Aanvullingswet geluid Omgevingswet*) within four weeks of that recalculation.
2. Contrary to Article 10.42a(1, opening words and e), the provincial executive, Our Minister of Defence and Our Minister of Infrastructure and Water Management will provide the data as intended in that part relating to the decree, applicable until the date on which the Noise Act Supplementing the Environment and Planning Act comes into effect, on the permitted noise of an airport for which an airport layout decree, an airport decree or a foreign airport restricted area decree is required on the basis of the Aviation Act, within a time limit to be determined by royal decree.
3. Contrary to Article 10.42a(1, opening words and f), the municipal executive, the provincial executive and Our Minister of Infrastructure and Water Management will provide the data as intended in that part relating to activities that are lawfully performed when the Noise Act Supplementing the Environment and Planning Act comes into effect, within a time limit to be determined by royal decree.

## Chapter 16 Final clauses

### Article 16.1

#### (effective date)

The Articles of this Decree come into effect on a date to be determined by royal decree, in which respect its various Articles or parts of Articles may have different effective dates.

### Article 16.2

#### (reference title)

This Decree will be known as: the Environment Decree.

## Annex I to article 1.1 of this decree (glossary)

### A. Glossary

For the purposes of this Decree, unless otherwise provided the following terms are taken to mean:

*meeting function*: a meeting function as intended in Annex I to the Environment Structures Decree;

*gross floor area*: a gross floor area as intended in Annex I to the Environment Structures Decree;

*single application for an environmental permit*: an application for an environmental permit relating to a single activity;

*building*: a building as intended in Annex I to the Environment Structures Decree;

*functional unit*: a functional unit as intended in Annex I to the Environment Structures Decree;

*main building*: a main building as intended in Annex I to the Environment Structures Decree;

*office function*: an office function as intended in Annex I to the Environment Structures Decree;

*national facility*: a national facility as intended in Article 20.21 of the Act;

*multiple application for an environmental permit*: an application for an environmental permit relating to more than one activity;

*priority species*: a species designated as such in Annex II to the Habitats Directive;

*priority natural habitat type*: a natural habitat type designated as such in Annex I to the Habitats Directive;

*provincial monument*: a provincial monument as intended in Annex I to the Environment Structures Decree;

*PRTR report*: a PRTR report as intended in Annex I to the Environmental Activities Decree;

*Seveso establishment*: a Seveso establishment as intended in Annex I to the Environmental Activities Decree;

*temporary structure*: a temporary structure as intended in Annex I to the Environment Structures Decree;

*provisionally protected provincial monument*: a provisionally protected provincial monument as intended in Annex I to the Environment Structures Decree;

*Act*: the Environment and Planning Act;

*shop function*: a shop function as intended in Annex I to the Environment Structures Decree;

*winter bed*: a winter bed as intended in Annex I to the Environmental Activities Decree;

*residential function*: a residential function as intended in Annex I to the Environment Structures Decree;

*major accident*: a major accident as intended in Annex I to the Environmental Activities Decree.

### B. Regulations, directives and decisions

For the purposes of this Decree, the following term is taken to mean:

*CITES Implementing Regulation*: Commission Regulation (EC) No 865/2006 of 4\*\* 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).

## Notice

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

- Omgevingsbesluit ([Stb. 2018, 290](#))
- 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, houdende wijziging van het Besluit algemene regels ruimtelijke ordening (kustfundament, grote rivieren, radarstations en hoogspanningsverbindingen) ([Stb. 2020, 204](#))
- Besluit houdende wijziging van het Bouwbesluit 2012, het Besluit bouwwerken leefomgeving, het Besluit kwaliteit leefomgeving en het Omgevingsbesluit in verband met de introductie van een stelsel van certificering voor werkzaamheden aan gasverbrandingsinstallaties ([Stb. 2020, 348](#)).<sup>1</sup>

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

## Contact

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<sup>1</sup> The following subsequent modifications (and any later modifications) have not yet been translated and added tot 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 elektronische publicaties ([Stb. 2021, 175](#))
- Besluit tot wijziging van enkele algemene maatregelen van bestuur (stikstofreductie en natuurverbetering) ([Stb 2021, 287](#)).

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