

**Regulation of the Minister for the Interior and Kingdom Relations of date xx, No xx, amending the Environment and Planning Act with regard to the adoption of rules for the periodic assessment of the structural safety of a building, amending the rules on the obligation to examine wide-plate floors and designating a new version of a CCV inspection schedule**

The Minister for the Interior and Kingdom Relations,

Having regard to Article 4.3(4) of the Environment and Planning Act;

Hereby decrees the following:

**Article I**

The Environmental and Planning Act is amended as follows:

A

Article 5.31c is now removed.

B

The following three sections shall be added to Chapter 5:

**SECTION 5.5 RESEARCH ON THE STATE OF A CONSTRUCTION**

**Article 5.61 (wide-slab floors)**

1. Article 3.6 of the Living Environment Buildings Decree applies to buildings with wide-slab floors that:
  - a. have an overvoltage exceeding 8.5 m; or
  - b. have been applied in non-insulated roofs.
2. The designation does not include buildings:
  - a. as referred to in Article 4.1.2a of the introduction of the Environment and Planning Act;
  - b. completed before 1 January 2000; or
  - c. for which an environmental permit was granted after 1 January 2018.
3. The designation also excludes parts of a building with only a residential function or a secondary residential function, other than another function for the storage of motor vehicles.
4. The study is carried out according to the Roadmap for assessment of existing buildings with wide-slab floors.
5. The results of this investigation shall be recorded in a report before 1 July 2025.
6. Any investigation and report which, in the opinion of the competent authority, demonstrate that the structural safety of the wide-slab floors in the building complies with section 3.2.1 of the Living Environment Buildings Decree, shall be considered equivalent to an investigation and report referred to in this article.

**SECTION 5.6 PERIODIC ASSESSMENT OF THE STRUCTURAL SAFETY OF A BUILDING**

**Article 5.62 (buildings)**

1. A construction to which Article 3.6a of the Living Environment Buildings Decree applies refers to constructions with:

- a. a meeting function;
  - b. an educational function;
  - c. a sporting function; or
  - d. any other function for the carriage of passengers;
- other than as a secondary function, if the building is intended to be used by at least 5 000 persons for these functions.
2. The designation does not cover a building newly constructed before 1 January 1950, unless it:
- a. was rebuilt on or after 1 January 1950 with an alteration in the support structure;
  - b. has undergone a change in function on or after 1 January 1950; or
  - c. has an area of use that is not fully equipped with external separation structures.

#### **Article 5.63 (initial assessment)**

1. A construction as referred to in Article 5.62 shall be assessed in accordance with NTA 8790 no later than three years after completion by a company as referred to in Article 5.65.
2. The report containing the findings of the initial assessment shall contain:
- a. a description of the assessment carried out and an overview of the documents used;
  - b. a declaration by the person referred to in Article 5.65(2), that in their opinion:
    - 1°. the confidence that no more than 500 persons are simultaneously at risk of collapse of a structural component is justified;
    - 2°. the confidence that the building meets the requirements for the structural safety of existing buildings, as referred to in Sections 3.2.1 and 3.2.2 of the Living Environment Buildings Decree, is justified; or
    - 3°. the building does not comply with the requirements referred to in point 2°, with an indication of the deviations found; and
  - c. a plan for the periodic assessment of the building as referred to in NTA 8790, if there is a declaration as referred to in (b), 2° or 3°.
3. The initial assessment report shall be provided to the competent authority no later than one week after the report has been adopted by the evaluating company.

#### **Article 5.64 (periodic assessment)**

1. After the initial assessment referred to in Article 5.63, a building referred to in Article 5.62 shall be periodically assessed in accordance with NTA 8790 by a company referred to in Article 5.65 and the periodic assessment plan drawn up for the construction work referred to in point (c) of Article 5.63(2).
2. The report of the findings of the periodic review shall contain:
- a. a description of the assessment carried out and an overview of the documents used;
  - b. a declaration by the person referred to in Article 5.65(2), that in their opinion:
    - 1°. the confidence that the building meets the requirements for the structural safety of existing buildings, as referred to in Sections 3.2.1 and 3.2.2 of the Living Environment Buildings Decree, is justified; or
    - 2°. The building does not comply with the requirements referred to in point 1°, with an indication of the deviations found; and
  - c. an update of the plan for the periodic assessment if, in the opinion of the person referred to in Article 5.65(2), this is necessary.
3. The periodic review report shall be provided to the competent authority no later than one week after the report has been produced by the evaluating company.
4. This Article shall not apply to a building for which the initial assessment report referred to in Article 5.63 contains a statement by the person referred to in Article 5.65(2), that, in their opinion, the confidence that no more than 500 persons are at risk in case of the collapse of a structural component is justified.

**Article 5.65 (evaluating company)**

1. The assessment of a building as referred to in this Section shall be carried out by a company which, other than through the agreement to carry out this assessment, is not organisationally, financially or legally involved in the ownership or use of the building, and is not and has not been involved in the construction or conversion of the building or the supervision thereof.
2. The assessment shall be carried out by a person registered for the field of expertise as chartered designer or chartered assessor B in the registry of the Construction Engineer Register Foundation [Stichting Constructeursregister].

**Article 5.66 (transitional right of initial assessment)**

By way of derogation from Article 5.63(1), a building that has been notified before the entry into force of this Section shall be assessed before 1 July 2025.

C

Annex II shall be amended as follows:

1. For the Fire protection CCV inspection schedule, in the third column, 'Version 12.0, 01-01-2019' is replaced with 'Version 2023'.
2. The following is inserted after the line 'NTA 8029':

NTA 8790	Periodic assessment of the reliability of structural safety of existing buildings	2023	NNI (www.nen.nl)	Chapter 3, Living Environment Buildings Decree
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3. The following is inserted after the line 'standard calculation method of air quality 3':

Roadmap assessment of existing buildings with wide-slab floors	Roadmap assessment of existing buildings with wide-slab floors	1 November 2022	Consultancy ir. J.G. Hageman B.V. and TNO <a href="https://www.rijksoverheid.nl/documenten/rapporten/2022/11/01/stappenplan-beoordeling-bestaande-gebouwen-met-breedplaatvloeren-2022">https://www.rijksoverheid.nl/documenten/rapporten/2022/11/01/stappenplan-beoordeling-bestaande-gebouwen-met-breedplaatvloeren-2022</a>	Chapter 5, Living Environment Buildings Decree
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D

Annex XVI shall cease to apply.

**Article II**

This Regulation shall enter into force on 1 July 2024.

This Regulation and the explanatory notes shall be published in the Government Gazette.

The Minister for the Interior and Kingdom Relations,

Hugo de Jonge