



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Single Market Enforcement
Notification of Regulatory Barriers

Notification Number : 2011/0212/NL (Netherlands)

Decree laying down the regulations for building, using and demolishing constructions (2012 Building Decree)

Date received : 04/05/2011

End of Standstill : 05/08/2011 (closed)

Message

Message 002

Communication from the Commission - SG(2011) D/51058

Directive 98/34/EC

Translation of the message 001

Notification: 2011/0212/NL

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késéket - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201101058.EN)

1. MSG 002 IND 2011 0212 NL EN 04-05-2011 NL NOTIF

2. NL

3A. Ministerie van Financiën

Belastingdienst/Douane centrale dienst voor in- en uitvoer

3B. Ministerie van Binnenlandse Zaken en Koninkrijksrelaties

4. 2011/0212/NL - B00

5. Decree laying down the regulations for building, using and demolishing constructions (2012 Building Decree)

6. Constructions (buildings and other constructions other than buildings)

7. -

8. This Decree describes the requirements for renovating and demolishing constructions, the requirements for the condition and the use of existing constructions, open properties and grounds, and the requirements for the safety of building and demolishing activities. Until now, these requirements are primarily those included in the 2003 Building Decree, the Building Occupancy Fire Safety Decree and municipal building regulations. Many articles may contain technical requirements. The 2003 Building Decree and the amendments to the Decree have been notified. The first notification was 2001/0049/NL, and the last one was 2010/0505/NL. The notification for the Building Occupancy Fire Safety Decree was 2008/0073/NL.

Article 1.3 of the Decree contains an equivalence provision. Please also refer to the Overview of Articles for more



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Single Market Enforcement
Notification of Regulatory Barriers

information about this provision.

Article 1.3 Equivalence Provision

1. Any requirement described in Chapters 2-7 is not to be complied with if the construction or its use, because of other measures than the described requirement, offers at least the same levels of safety, health protection, usefulness, energy savings, and environmental protection as those aimed at with the requirements set forth in these chapters.
2. An equivalent solution as described in the first paragraph shall be maintained throughout the use of the construction.

In addition, reference is made to paragraph 1.3 of the explanatory memorandum under the title "CE marks and quality certificates." It is noted that this paragraph will be adjusted to make it consistent with the new Building Products Regulation. The Superseding Decision to this end will be notified in due time.

9. The requirements laid down in the Draft Regulation are non-discriminatory, since they apply to any construction to be built and any existing construction.

The Decree is necessary. The objectives of consolidating the regulations into one new decree are to enhance the consistency of building acts and regulations, to reduce the compliance load, and to improve the accessibility. This integration is fundamentally policy-neutral. It is not intended to increase or decrease the requirements. The regulations will ensure the minimum required quality of constructions. However, the Decree has changes in comparison with the existing regulations. The differences are primarily related to making systems and definitions uniform, simplifying the regulations (such as the fire safety regulations), consistency with other regulations, experiences in the application of the current regulations, EU regulations and promises made (such as, honing the value for thermal insulation; the addition of requirements for a. outside storage/outside rooms of new houses, b. safe maintenance of buildings, c. durable building, and d. building in safety zones and inflammable liquids focus areas alongside routes of the basic net as described in the External Safety (Transport Routes) Decree).

In view of the above, the requirements are fair and proportional to achieve the targeted level of protection.

10. The basic texts have been submitted with a previous notification: 2001/0049/NL: 2008/0073/NL

11. No

12. -

13. No

14. No

15. Information on the assessments of the impact is included in paragraphs 13 and 14 of the General Section of the explanatory memorandum (pages 36-39).

16. TBT aspect

NO- The draft has no significant impact on international trade.

SPS aspect

NO- The draft has no significant impact on international trade.

Catherine Day
Secretaris-Generaal



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs
Single Market Enforcement
Notification of Regulatory Barriers

Europese Commissie

Contactpunt Richtlijn 98/34

Fax: (32-2) 296 76 60

email: dir83-189-central@ec.europa.eu