

**GENERAL AGREEMENT
ON TARIFFS AND TRADE**

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(94-0323)

Committee on Technical Barriers to Trade

NOTIFICATION

The following notification is being circulated in accordance with Article 10.4.

1.	Party to Agreement notifying: <u>NETHERLANDS</u>
2.	Agency responsible: Ministry of Housing, Spatial Planning and the Environment
3.	Notified under Article 2.5.2 [X], 2.6.1 [], 7.3.2 [], 7.4.1 [], other:
4.	Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Building materials in construction works.
5.	Title and number of pages of the notified document: General Administrative Order Concerning Application of Building Materials in Construction Works for the Protection of Soil and Surface Water (hereinafter referred to as Building Materials Order)(62 pages)
6.	Description of content: The Building Materials Order refers to granular (both primary and secondary) building materials. The Building Materials Order stipulates the requirements in terms of environmental hygiene under which building materials may be applied to (water) soil and surface water. Building materials are split up into two categories according to performance requirements (maximum acceptable load from constructions to the soil and surface). Category 1 building materials conform to the conformance requirement without insulating provisions. For these building materials, the only requirement is that if the work in which the building materials are used is no longer maintained, they must be removed from the soil. Category 2 building materials can only meet the performance requirements by complying with certain insulating provisions. In addition to the requirement for category 1 building materials, these building materials shall be subject to requirements regarding manageability (certain minimum quantities) and controllability. For recycling purposes, AVI-slags and asphalt containing tar have been allocated a special category with its own (stricter) isolation, monitoring and control conditions. Finally, the order also applies to soil and dredgings-sludge. For these building materials in category 1, a minimum used quantity of 50 cubic metres shall apply as an extra requirement. The general category 2 requirements shall apply to soil and dredgings-sludge in category 2 and clean soil shall not be subject to any restrictions.

7.	Objective and rationale: By way of implementation of the National Environmental Policy (action point 68a), the Building Materials Order specifies preconditions for using residual and waste materials as building material. This is to encourage re-use on the one hand and to prevent any future cases of (water) soil pollution. The Building Materials Order was notified in June 1991 under number 91/0249/NL. This notification did not give rise to a detailed opinion. Since, further to the comments and opinions received, a number of technical aspects have been altered, an updated notification shall be submitted for safety's sake.
8.	Relevant documents: Concerning the use of building materials in surface water and on or in the water soil, the Building Materials Order is based on the Act governing the Pollution of Surface Waters (Staatsblad 1992, 628) and as for the use of building materials on or in the soil, then the order is based on the Soil Protection Act (Staatsblad 1992, 633). The texts of both acts (amended in 1992) have been added. A note to the Lower Chamber has also been enclosed (Chamber documents II, 1991-1992, 22 683, nos. 1 and 2) which elaborates upon the amendments to the version notified previously under number 91/0249/NL.
9.	Proposed date of adoption and entry into force: December 1994 (Stepwise during the period 1994-1997)
10.	Final date for comments: 8 April 1994
11.	Texts available from: National enquiry point [X] or address and telefax number of other body: