

Committee on Technical Barriers to Trade

NOTIFICATION

The following notification is being circulated in accordance with Article 10.6.

1.	Member to Agreement notifying: <u>NETHERLANDS</u> If applicable, name of local government involved (Articles 3.2 and 7.2):
2.	Agency responsible: Ministry of Economic Affairs. Agency or authority designated to handle comments regarding the notification shall be indicated if different from above: National Enquiry Point
3.	Notified under Article 2.9.2 [X], 2.10.1 [], 5.6.2 [], 5.7.1 [], other:
4.	Products covered (HS or CCCN where applicable, otherwise national tariff heading. ICS numbers may be provided in addition, where applicable): Mining installations, piping and cabling, stored substances.
5.	Title, number of pages and language(s) of the notified document: Rules Regarding the Exploration and Mining of Minerals and Regarding Activities Related to Mining (Mining Act)
6.	Description of content: The Act contains rules pertaining to the exploration and mining of minerals, underground storage and activities related to mining. Chapter 1 contains a number of definitions and general provisions. It is, inter alia, established that the Act also applies to the continental shelf and that minerals are state property. Chapter 2 stipulates that a licence is required for the exploration and mining of minerals or terrestrial heat, and this obligation is described in more detail. Chapter 3 specifies that a licence is required to store substances. A licence is not required, however, for categories of cases described in a General Administrative Order. Chapter 4 contains provisions to ensure that mining activities are carried out properly. To this end, financial surety, inter alia, is prescribed in a number of cases and rules are included, on the basis of which rules may be drawn up regarding the protection of safety and health of persons and the environment. Chapter 5 lays down the financial commitments in the case of exploration and mining of minerals and terrestrial heat or the storing of substances. Chapter 6 provides for the setting-up and the tasks of two advisory bodies.

6.	Description of content (cond't): Chapter 7 specifies the information which the party that carries out mining activities is required to provide. Chapter 8 provides for the supervision of the compliance with the provisions in or in accordance with the Act. It also regulates the enforcement thereof. Chapter 9 regulates the legal protection against decisions which have been taken on the basis of the Act. Chapter 10 contains transitional legislation, and in Chapter 11, a number of Acts is repealed or amended. Chapter 12 contains final provisions. According to the Dutch government, the draft Act referred to in point 5 probably contains technical regulations within the meaning of the Agreement on Technical Barriers to Trade. Indicatively, the following may be deemed technical regulations: the licensing duty for storing substances referred to in Article 3.1, paragraph 1 and the provisions pertaining to the removal of decommissioned mining installations, piping and cabling as referred to in Articles 4.6 and 4.7.
7.	Objective and rationale, including the nature of urgent problems where applicable: Insofar as Article 3.1, paragraph 1, Article 4.6, paragraph 1 and Article 4.7 of the draft contain quantitative import restrictions or measures of equal effect within the meaning of the Agreement on Technical Barriers to Trade, these measures will be justified in the interest of protecting the health and life of humans, animals and plants and of the environment.
8.	Relevant documents: -
9.	<div> <div>Proposed date of adoption:</div> <div>Proposed date of entry into force:</div> <div>}</div> <div>1 March 1999</div> </div>
10.	Final date for comments: 23 April 1998
11.	Texts available from: National enquiry point [X] or address, e-mail and telefax number of other body: