



Notification Number: 2003/218/F

Decree adopted in application of Articles L 128-1 to L 128-3 of the Construction and Housing Code

Date received : 23/06/2003
End of Standstill :
Invocation of the Emergency Procedure : Yes

Message

Message 002

Communication from the Commission - SG(2003) D/51204
Directive 98/34/EC
Translation of the message 001
Notification: 2003/0218/F

Fristerne indledes ikke - Kein Fristbeginn - Καμμία έναρξη προθεσμίας - Does not open the delays - No abre el plazo - N'ouvre pas de délais - Non fa decorrere la mora - Geen termijnbegin - Nao inicia o prazo - Määräaika ei ala tästä - Inleder ingen frist.

(MSG: 200301204.EN)

1. Structured Information Line

MSG 002 IND 2003 0218 F EN 23-06-2003 F NOTIF

2. Member State

France

3. Department Responsible

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3. Originating Department

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4. Notification Number

2003/0218/F - B20

5. Title

Decree adopted in application of Articles L 128-1 to L 128-3 of the Construction and Housing Code

6. Products Concerned

Safety devices intended to prevent deaths by drowning in swimming pools: barriers, alarms, safety covers, shelters.

7. Notification Under Another Act

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8. Main Content

Swimming pool safety relies on the obligation to install safety devices complying with standards in order to limit deaths by drowning, particularly those of children under the age of 5.

The draft Decree applies to swimming pools (private and at holiday resorts) which are not covered by Act No 51-662 of 24 May 1951 ensuring safety in swimming establishments which specifies, in Article 1 thereof, "that any swimming baths charging for access must, during the hours of opening to the public, be constantly guarded by qualified staff...".

The Decree applies from 1 January 2004 to holiday lets and new swimming pools and from 2006 to existing swimming pools.

The draft Decree aims, pursuant to the Act, to define the standardisation conditions and the format of the technical instructions provided by the builder or installer to the client.

9. Brief Statement of Grounds

Due to the seriousness of deaths by drowning and near-fatal drowning accidents, particularly involving very young children between 0 and 5 years, around forty deaths by drowning per year and a number of children suffering the consequences for life, and 29 deaths, including 10 in private swimming pools and 4 in campsite and hotel swimming pools from 1 June to 30 September 2002, it has been decided to install protection devices to prevent accidents.

Deaths by drowning and near-fatal drowning accidents involving young children in swimming pools is a unique problem because, contrary to the situation with other major causes of very serious accidents in our society, we can in this case precisely define the victim, the risk and their interaction and adopt an effective prevention measure.

10. Reference Documents - Basic Texts

Amended Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services.

The Act of 24 May 1941 on standardisation,

Act No 51-662 of 24 May 1951 ensuring safety in swimming establishments,

Act No 2003-9 of 3 January 2003 on the safety of swimming pools, codified in the Construction and Housing Code, Articles L 128-1 to L 128-3,



Decree No 84-74 of 26 January 1984 establishing the rules for standardisation.

11. Invocation of the Emergency Procedure

YES

12. Grounds for the Emergency

The publication of the Act at the beginning of January created a paradoxical and dangerous situation. Pending the Decree, the owners of swimming pools have postponed the work and measures to prevent deaths by drowning which they could have started. The associations and administrations have also not carried out an awareness-raising campaign.

The risks of drowning are therefore greater, all the more so as the meteorological situation is favourable to the use of swimming pools.

This has therefore led to an unexpected situation which is endangering the safety of children below the age of 5. The preparation of the Decree has taken the time needed for the technical studies and dialogues with all the parties involved.

Its rapid publication without waiting for the three-month period specified by Article 9 of Directive 98/34/EC will allow all owners and professionals to learn about the obligations which will be imposed on them from 1 January 2004, to plan the prevention measures to be adopted or to start the work which has been postponed. It will also allow the public authorities to conduct awareness-raising campaigns during a period of intensive use of swimming pools.

13. Confidentiality

NO

14. Fiscal measures

NO

15. Impact assessment

The impact assessment is appended.

16. TBT and SPS aspects

NO

The draft does not have a significant effect on international trade.)

David O'Sullivan
Secretary-General
European Commission

sent to :

BELNotif Qualité et Sécurité



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