



Notification Number: 2008/598/F

Decree establishing the safety requirements to be met by swimming pool alarm systems which operate by immersion detection

Date received : 24/12/2008

End of Standstill : 25/03/2009

Message

Message 002

Communication from the Commission - SG(2009) D/50001

Directive 98/34/EC

Translation of the message 001

Notification: 2008/0598/F

No abre el plazo - Nezaahajuje 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 késések - 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: 200900001.EN)

1. Structured Information Line

MSG 002 IND 2008 0598 F EN 25-03-2009 24-12-2008 F NOTIF 25-03-2009

2. Member State

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3. Department Responsible

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75013 PARIS

4. Notification Number

2008/598/F - H00

5. Title

Decree establishing the safety requirements to be met by swimming pool alarm systems which operate by immersion detection

6. Products Concerned

Immersion detection alarm systems for swimming pools

7. Notification Under Another Act

d) Directive 2001/95/EC of the European Parliament and of the Council of 3 December 2001 on general product safety

8. Main Content

This Decree is enacted on the basis of Article L. 221-3 of the Consumer Code. It establishes the safety requirements to be met by immersion detection alarm systems when manufactured, imported and marketed in order that they provide their users with an adequate level of safety. Immersion detection alarm systems will have to comply with a model which has been granted a certificate of conformity to the safety requirements defined by the Decree, issued pursuant to a type examination by an accredited body. They will be required to bear warnings and be accompanied by user instructions. These requirements refer in particular to the ability of the alarm system to detect the fall of a very young child into the water, not to be triggered accidentally, to reactivate itself automatically. They are taken from the prescriptions of the national reference standard on swimming pool alarm systems (NF P 90-307). Furthermore, the manufacturer will be required to implement a system of quality assurance which must guarantee the conformity of products manufactured to the model described in the certificate of conformity to safety requirements. All those responsible for placing such systems on the national market will be required to hold at the disposal of the officers responsible for inspections the documents that prove that the alarm systems that they market comply with the prescriptions of the Decree and, in particular, a declaration indicating that all alarm systems in each of the batches placed on the market comply with the model subjected to type examination. Infringements of the provisions of the Decree are punished by the imposition of a fine as laid down for offences of the 5th class (1,500 euro).

9. Brief Statement of Grounds

With 1.346 million private swimming pools (843,000 sunken swimming pools and 503,000 swimming pools above ground), France has the largest number of swimming pools in the European Union. It also welcomes numerous tourists who rent villas which include a sunken swimming pool in the garden.

Owing to the large number of drownings of young children in these swimming pools, France has enacted legislation (Act of 3 January 2003 on swimming pool safety) intended to prevent drowning. Thus, Articles L. 128-1 to L. 128-3 of the Construction and Housing Code, from the aforementioned Act, provide that the owners of private, sunken, open air swimming pools must install a safety device to prevent drowning.

The owners of swimming pools may choose from 4 safety devices: covers, alarm systems, barriers or other safety covers (Article R. 128-2 of the Construction and Housing Code).

A majority of owners has opted for the immersion alarm system as this device is the least costly and the most attractive. Approximately 500,000 immersion alarm systems have been installed since publication of the Act.



It has transpired that this type of alarm system may pose a safety problem. Indeed, they may fail to activate when a fall occurs, either because they are disrupted by the wind, or because they are in the automatic reactivation phase after a swim.

In order to allow the consumer to acquire safe immersion alarm systems as of the next sales season, it would seem to be necessary to regulate the placing on the market of these products.

10. Reference Documents - Basic Texts

References to basic texts: Article L. 221-3 of the Consumer Code, Articles L. 128-1 to L. 128-3 and R. 128-1 to R. 128-4 of the Construction and Housing Code

11. Invocation of the Emergency Procedure

NO

12. Grounds for the Emergency

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13. Confidentiality

NO

14. Fiscal measures

NO

15. Impact assessment

-

16. TBT and SPS aspects

TBT aspect (Agreement on Technical Barriers to Trade)

a) NO

b) The draft will have no significant effect on international trade

SPS aspect (Agreement on Sanitary and Phytosanitary Measures)

a) NO

b) The draft is not a sanitary or phytosanitary measure in accordance with Annex A to the SPS Agreement

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