



Notification Number: 2016/607/F

Decree on the prevention of health risks associated with collective water misting systems

Date received : 21/11/2016

End of Standstill : 22/02/2017

Message

Message 002

Communication from the Commission - TRIS/(2016) 03546

Directive (EU) 2015/1535

Translation of the message 001

Notification: 2016/0607/F

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 késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Não 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: 201603546.EN)

1. Structured Information Line

MSG 002 IND 2016 0607 F EN 21-11-2016 F NOTIF

2. Member State

F

3. Department Responsible

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3. Originating Department

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4. Notification Number

2016/0607/F - X00M

5. Title

Decree on the prevention of health risks associated with collective water misting systems

6. Products Concerned

Collective water misting systems

7. Notification Under Another Act

-

8. Main Content

This draft Decree lays down the operating conditions for collective water misting systems in establishments open to the public and places accessible to the public, as well as the hygiene rules applicable thereto. It establishes the maintenance and monitoring obligations imposed on operators of these systems, as well as the measures to be implemented to ensure the smooth operation of the installations and to safeguard human health. This draft Decree further specifies the conditions for the prohibition of the use of these devices by the health authorities in case of risk to public health.

9. Brief Statement of Grounds

The number of collective water misting installations is increasing, and their use to refresh the public during periods of hot weather is now widespread in numerous public places such as restaurant terraces, amusement parks and supermarkets. In France, the number of misting systems on the market has been growing since the heatwave of 2003. This amounts to approximately tens of thousands of installations which, if poorly designed or maintained, may risk exposing of the public to legionella, a water-borne bacteria responsible for 1 389 cases of legionellosis and 117 deaths in France in 2015. Collective misting installations were also the cause of other grouped outbreaks of legionellosis and deaths documented abroad (in particular in the United Kingdom, the United States and Spain), and are strongly suspected to be related to the recent outbreaks of legionellosis in France.

The objective of this draft Decree and the implementing order thereof is therefore to ensure a regulatory framework of collective misting installations, whose use has become considerably widespread in recent years, while it has also been established that they may be the cause of legionellosis outbreaks in the case of misuse or poor maintenance. This draft legislation consolidates from a regulatory standpoint the recommendations issued in France by the High Council for Public Health in 2011 with regard to the conditions of use of this equipment.

Following broad consultations with the professionals and users of these systems in France (around thirty organisations were consulted), the regulation subject to notification takes into account the variety of existing equipment and constitutes an appropriate, necessary and proportionate response to the degree of health risk associated with this type of device.



10. Reference Documents - Basic Texts

Reference(s) to basic text(s): Article 51 of Law No 2016-41 of 26 January 2016 on the modernisation of our health system

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

-

13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

-

16. TBT and SPS aspects

TBT aspect

No - the draft has no significant impact on international trade.

SPS aspect

No - the draft has no significant impact on international trade.

European Commission

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