



Notification Number: 2003/274/F

Order laying down technical and safety measures in communal swimming pools.

Date received : 30/07/2003

End of Standstill : 30/10/2003

Issue of comments by : Commission

Message

Message 002

Communication from the Commission - SG(2003) D/51466

Directive 98/34/EC

Translation of the message 001

Notification: 2003/0274/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: 200301466.EN)

1. Structured Information Line

MSG 002 IND 2003 0274 F EN 30-07-2003 F NOTIF

2. Member State

France

3. Department Responsible

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3. Originating Department

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4. Notification Number

2003/0274/F - B20

5. Title

Order laying down technical and safety measures in communal swimming pools.

6. Products Concerned

Technical measures for the design or fitting of equipment for swimming activities and measures relating to safety and consumer information intended to prevent accidents and drownings in swimming pools.

7. Notification Under Another Act

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8. Main Content

Safety in swimming pools in campsites, hotels and holiday resorts is based on technical measures on equipment and materials used in practising leisure activities, on informing the public on the security measures to be observed and on the obligations to be observed by managers or operators. The draft Order only applies to swimming pools whose pool basin is buried or partially buried that do not come under Law No 51-662 of 24 May 1951 ensuring safety in swimming establishments that lays down in Article 1, thereof, "that all paid swim access, must be constantly monitored by qualified staff ...". Residential swimming pools associated with a dwelling or a group of dwellings are excluded from the scope of this Order.

9. Brief Statement of Grounds

Due to the serious nature of drowning and near drowning observed in swimming pools in campsites, hotels, holiday resorts in the last few years and in particular, following the fatal accident in 2001 when a young child died following haemorrhaging, being disembowelled, wedged and sucked down, in a swimming pool in a holiday resort, due to the return water inlet missing its protection grill, the decision has been taken to oblige owners and the managers of this equipment to undertake the technical and safety measures to prevent accidents.

10. Reference Documents - Basic Texts

- Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998, amended, laying down a procedure for the provision of information in the field of technical standards and regulations and rules applying to Information Society Services;
- Education Code and in particular Article L.463-3, thereof;
- the Law of 24 May 1941 on standardisation, and Decree No 84-74 of 26 January 1984, laying down the statute of standardisation adopted for its application;
- Law No 51-662 of 24 May 1951 on safety in swimming establishments;
- Law No 2003-9 of January 2003 on safety of swimming pools;
- Decree No 93-1101 of 3 September 1993 on the declaration of establishments in which physical and sporting activities are practised and in particular Article 9, thereof, texts forwarded with Notification No 2003/0218/F.

11. Invocation of the Emergency Procedure

Yes



12. Grounds for the Emergency

The urgency procedure is requested since the issuing of this Order laying down technical and safety measures in communal swimming pools directly concerns the safety of humans. The drafting of the Order has taken the time necessary for technical studies and consultation with all the parties involved. The issue of the law in a short time period without the waiting the three months laid down in Article 9 of Directive 98/34/EC, will allow the public authorities to carry out their information campaigns when the swimming pools are still open to the public and will allow all owners and managers of swimming pools in campsites, hotels and holiday resorts to become familiar with the obligations that will be imposed on them and to carry out the work required to apply them before the 1 May 2004.

13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

The draft Order has not been the subject of an impact assessment.

16. TBT and SPS aspects

No

The draft does not have any notable impact on international trade.

David O'Sullivan
General Secretary
European Commission

sent to :

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