

Decree no. 2003-1389 of 31 December 2003 on swimming pool safety and amending the Construction and Housing Code

NOR: EQUU0301752D

The Prime Minister,

On the report of the Minister for Infrastructure, Transport, Housing, Tourism and the Sea,

Having regard to 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, together with Notification No 03/0218/F ;

Having regard to the French Construction and Housing Code, in particular Articles L. 128-1 and L. 128-2 ;

Having regard to Law No. 41-1987 of 24 May 1941 on standardisation ;

Having regard to Law no. 51-662 of 24 May 1951 on safety in swimming establishments;

Having regard to Decree no. 84-74 of 26 January 1984 establishing the status of standardisation; After consulting the Conseil d'Etat (public works section),

Decree:

Article 1

A new Chapter VIII is created in Title II of Book I of the Code de la Construction et de l'Habitation, worded as follows:

"Chapter VIII

"Pool safety

"Art. R. 128-1. - The provisions of this chapter apply to open-air swimming pools where the pool is totally or partially underground and which are not covered by law no. 51-662 of 24 May 1951 ensuring safety in swimming establishments.

"Art. R. 128-2. - Owners of swimming pools built or installed after 1st January 2004 must fit them with a safety device designed to prevent drowning before they are put in water for the first time.

"This device must comply either with French standards, or with the standards or technical specifications or manufacturing processes provided for in the regulations of a Member State of the European Community or of another State party to the Agreement on the European Economic Area, ensuring a level of safety

equivalent. The references of these standards and regulations are published in the Official Journal of the French Republic.

"Art. R. 128-3. - The technical note mentioned in article L. 128-1 must be given to the client by the builder or installer no later than the date of acceptance of the pool. This note sets out the characteristics, operating conditions and maintenance of the safety system. It also informs the client of the risks of drowning, the general preventive measures to be taken and the recommendations relating to the use of the safety device.

"Art. R. 128-4. - The provisions of the second paragraph of article R. 128-2 apply to the safety devices mentioned in article L. 128-2, which must be fitted by the dates specified therein to swimming pools built or installed before 1st January 2004.

Article 2

The Minister for Justice, the Minister for the Economy, Finance and Industry, the Minister for Infrastructure, Transport, Housing, Tourism and the Sea, the Minister for Industry and the Secretary of State for Small and Medium-sized Businesses, Trade, Craft Trades, the Professions and Consumer Affairs are each responsible for the implementation of this decree, which will be published in the Official Journal of the French Republic.

Paris, 31 December 2003.

By the Prime Minister: Jean-Pierre Raffarin

Gilles de Robien, Minister for Infrastructure, Transport, Housing, Tourism and the Sea
The Keeper of the Seals, Minister for Justice,
Dominique Perben
Francis Mer, Minister for the Economy, Finance and Industry
Minister for Industry, Nicole Fontaine
The Secretary of State for Small and Medium-sized Businesses, Trade, Craft Trades,
Liberal Professions and Consumer Affairs,
Renaud Dutreil