



Safety of playgrounds – law and practice in Poland

16-17 October 2007

Safe Play on the Playground! - Kick-off meeting



Agenda

1. market surveillance of playground equipment not installed yet
2. surveillance of installed playground equipment, on the basis of:
 - a) the Building Law (most cases)
 - b) Act on general product safety
 - c) Act on maintenance of cleanliness and order in municipalities (local authorities)
3. example of cross-border cooperation between market surveillance authorities (RAPEX notification)
4. identified problems.



Playground equipment offered for sale - market surveillance

Authorities:

- Trade Inspectorate - checks
- Office of Competition and Consumer Protection – administrative proceedings following the checks

Inspections:

- past - ad hoc checks
- 2008 – comprehensive project

Regulations:

- the Act of 2003 on general product safety (as amended).
- obligations of producers and distributors, definitions of safe product - according to the GPSD
- sanctions: financial penalties up to 100 000 PLN (since March 2007)



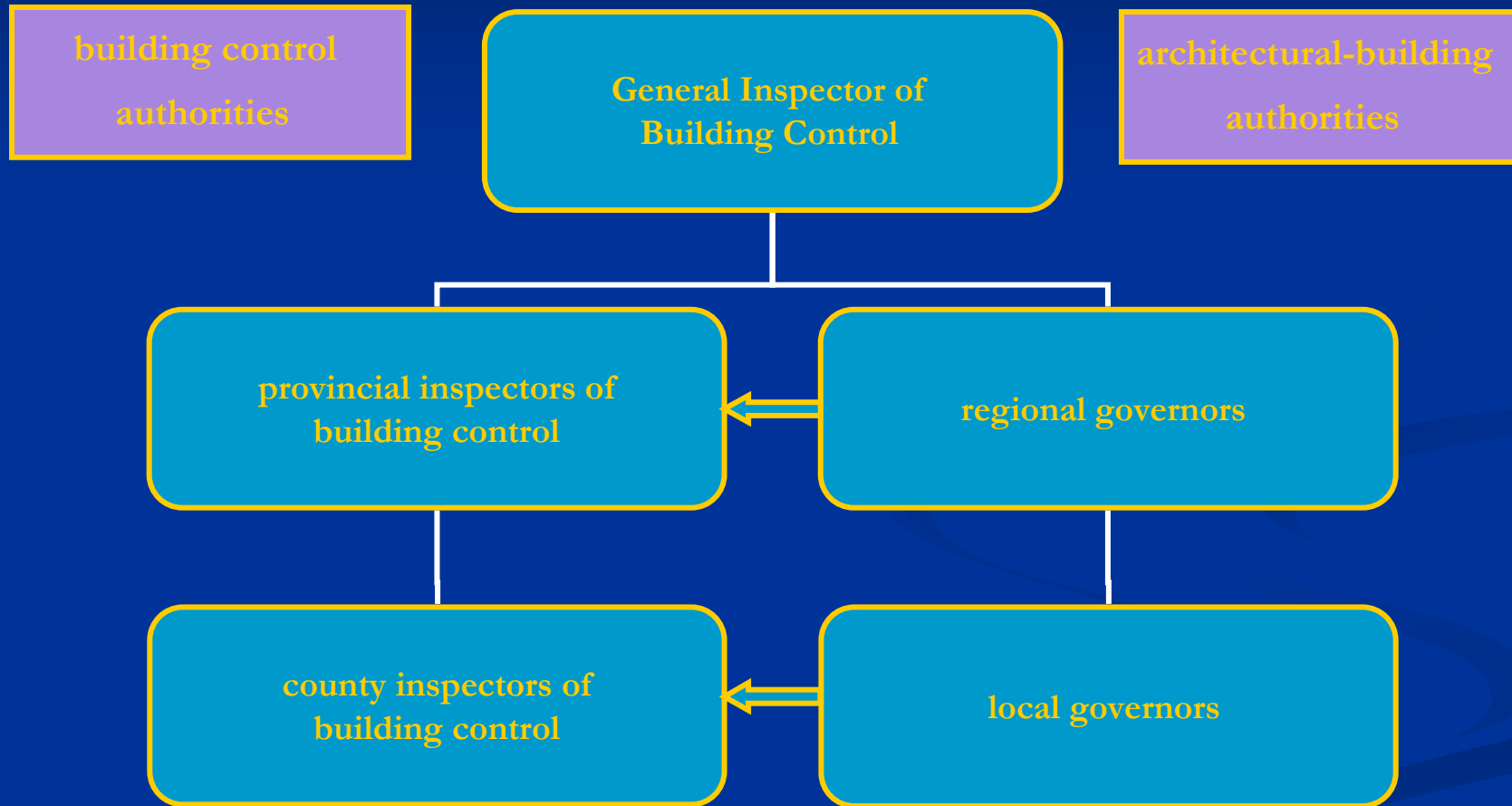
Installed playground equipment = construction object

Small architectural objects:

- governed by the Building Law of 1994
- „objects of small dimensions, in particular (...) utility objects for the purpose of everyday recreation and maintenance of order, such as: **children's sand-pits, swings, wall-bars [climbers] and household rubbish disposal cubicles**”
- firmly and permanently connected to the ground
- enforcement: public administration in construction



Public administration in construction





Before installing playground equipment

- owners have to notify to the local governor (architectural-building authorities) **the intention of installing small architectural objects in public places,**
- in contrast to other construction objects (e.g. buildings) no requirement of:
 - preparing a specification by a qualified designer,
 - obtaining a building permit or a permit to use,
 - informing about the completion of works.



Installation of a construction object

Obligation:

- owner has to take into account the anticipated period of its use and comply with the principles of technical knowledge in order to ensure the safety of structure, safety of use and ability to maintain proper technical condition (general rule).

Sanction for failure:

- financial penalties imposed by the county inspectors of building control



Management of playground equipment

Owner's /manager's obligations:

- using the playground equipment in a manner that ensures its safety (general rule),
- arranging for an every-5 year **check by qualified engineers**, sanctions for failure – financial penalties imposed by the county inspectors of building control,
- eliminating the irregularities found during the checks.



Surveillance by the county inspectors of building control

Competent to:

- suspend the installation or order the demolition of playground equipment without a notification or despite the objection raised by the local governor,
- order to carry out the check of playground equipment which is in an inadequate technical condition and is likely to pose threat to people's health and life and order to provide the an in-depth analysis of the technical conditions of such a playground equipment,
- order to eliminate irregularities found in a playground equipment in a prescribed time delay,
- prohibit using the playground equipment until the irregularities are eliminated,
- **verify if the owners arranged for every - 5 – year – checks,**
- **verify if the owners or users eliminated the irregularities found during the checks,**
- order to destroy an unused or unfinished playground equipment unfit for rebuilding, repair or finishing,
- impose fines on the owners of playground equipments in case of incompliance with the safety requirements.



Result of control by the county inspectors of building control (2006)

The control of 13 682 playgrounds carried out in all 16 provinces has shown that:

- owners and managers of playgrounds do not fulfill the obligation of arranging for every-5 year check,
- the playground equipment is not supervised in a proper manner: **2485** irregularities were found. As a result there were issued: 380 decisions prohibiting the further use, 566 decisions ordering the immediate elimination of irregularities, 1321 decisions ordering the scrap of playground

The irregularities concern:

- about **15-20%** of the playground equipment,



Installed playground equipment covered by GPS

Authorities: the OCCP and
the Trade Inspectorate



Photo taken from:
<http://www.bajlandia.clubai.org/>

Playground equipment which is not covered by the building law (not small architectural objects)+ the owner of the area is a private entrepreneur → playground equipment in shopping centres (products supplied in the context of providing services)

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Installed playground equipment - checks by municipal guard (local authorities)

Regulations and powers:

- Act on maintenance of cleanliness and order in municipalities
- checking on a regular basis the cleanliness and general technical conditions of playgrounds (e.g. dirty sand in a sandpit, a broken fence),
- financial fines in case of irregularities found

Initiative “Safe playgrounds and sandpits” launched by the mayor of Warsaw in 2006, followed in 2007:

- the introduction of a special hotline and email address for consumers,
- the evaluation list of 103 playgrounds accessible on the website,
- a competition about the best playground in Warsaw,
- co-operation with the Sanitary Inspectorate concerning cleanliness of sand in sandpits,
- plan of elaborating the checklist for municipal guard.



Cross-border cooperation (RAPEX)



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Cross-border cooperation (RAPEX)

- Climbing equipment notified by the Danish Safety Technology Authority (RAPEX notification n°0677/07)
- Notification contained the name of the Polish distributor
- Check by the Trade Inspectorate at the distributor → one piece of equipment installed in Warsaw
- The Polish entrepreneur had been instructed by the Danish producer how to modify the equipment and taken corrective measures



Identified problems

- users are confronted with many authorities with different powers
→ raising awareness policy is needed,
- no significant co-operation between authorities so far: the country inspectors of building control, municipal guard and the OCCP+the Trade Inspectorate,
- the Building Law is tailored for ...buildings,
- checks of installed playground equipment are usually not carried out against EN 1176 or EN 1777 standards,
- testprobes are not used during the checks.