Republic of Latvia

Cabinet

Regulation No. 18

Adopted 7 January 2020

**Regulations Regarding Playgrounds and Recreational Areas**

*Issued pursuant to*

*Section 7, Paragraph two of the law On Conformity Assessment and Section 8.1 of the Law on the Safety of Goods and Services*

**I. General Provisions**

1. The Regulation prescribes:

1.1. the special requirements for playgrounds and recreational areas intended for public use (hereinafter – the public playgrounds and recreational areas) and the facilities and equipment for playing or other activities to be installed or already installed therein and also the measures necessary for the elimination or reduction of the risks presented thereby;

1.2. the procedures by which the public playgrounds and recreational areas and the facilities and equipment for playing or other activities installed therein shall be offered for use;

1.3. the procedures for the supervision and control of the public playgrounds and recreational areas and the facilities and equipment for playing or other activities installed therein and also the authorities performing it.

2. The Regulation shall apply to the public playgrounds and recreational areas which:

2.1. are equipped with the facilities and equipment for playing or other activities the structural bearing of which remains stationary during activity and which is intended for climbing, jumping, swinging, sliding, spinning, crawling, slithering, for the performance of any combination of these activities, or for the performance of activities for retaining or improving one’s physical or intellectual abilities (hereinafter – the equipment for playing or other activities);

2.2. are constructed in a public outdoor space;

2.3. are installed indoors, serve for ensuring the common needs and interests of the public irrespective of their actual use or property ownership, and are available to any user of the equipment for playing or other activities for a fee or free of charge who is not the owner, legal possessor, holder, salaried employee of the relevant site or another person whose presence in the relevant site is associated with the fulfilment of work duties.

3. Within the meaning of this Regulation, both the installation indoors and the construction in public outdoor space of the public playground and recreational area or of the equipment for playing or other activities shall be regarded as the installation thereof, and the requirements of this Regulation regarding the installation shall also be applicable to the construction.

4. The Regulation shall not apply to:

4.1. the equipment intended for the use in domestic environment;

4.2. inflatable play equipment;

4.3. rope course equipment;

4.4. public amusement equipment;

4.5. water amusement equipment;

4.6. equipment to be used under competent supervision.

5. The requirements of this Regulation to perform a post-installation inspection as well as the registration shall apply to the public playground and recreational area which conforms to at least one of the following criteria:

5.1. the equipment for playing or other activities installed therein is intended for the performance of more than two activities referred to in Sub-paragraph 2.1 of this Regulation;

5.2. in total more than four sets of the equipment for playing or other activities are installed therein.

6. It shall be permitted to install the public playground and recreational area and to ensure their accessibility for a fee or free of charge only if the following conditions are met:

6.1. the public playground and recreational area and the equipment for playing or other activities installed therein conform to the safety requirements referred to in Chapter II of this Regulation;

6.2. installation of the equipment for playing or other activities has been completed and also, if necessary, a corresponding surfacing of the area has been ensured;

6.3. a post-installation inspection has been performed for the area if such must be performed in accordance with this Regulation;

6.4. the registration thereof has been performed if such must be performed in accordance with this Regulation.

7. The public playground and recreational area and the equipment for playing or other activities installed therein which conforms to the requirements of the applicable standards or its parts (hereinafter – the applicable standards) shall be regarded as conforming to such safety requirements referred to in this Regulation which are encompassed in such standards.

8. The national standardisation authority shall, upon recommendation of the Ministry of Economics, publish on its website a list of such applicable standards which may be applied to the fulfilment of the requirements of this Regulation.

**II. Special Safety Requirements of the Public Playgrounds and Recreational Areas and the Equipment for Playing or Other Activities and the Measures to be Taken for the Elimination or Reduction of the Risks Related to the Use Thereof**

9. The public playground and recreational area and the equipment for playing or other activities installed therein may not endanger the health and safety of a user and third persons if they are used in the intended or foreseeable way, taking into account the foreseeable action of the user.

10. A plaque containing the following information shall be placed at the playground and recreational area in a visible place or, if there is one set of the equipment for playing or other activities, on the equipment:

10.1. the emergency telephone number;

10.2. the person who is responsible for the maintenance (management) of the relevant area or equipment and the telephone number for communicating the maintenance staff;

10.3. the address of the relevant area or equipment;

10.4. if necessary, an indication regarding the potential hazard and risk of harm which may occur upon the use of the equipment for playing or other activities and also regarding the possibilities of avoiding it.

11. The following special safety requirements shall apply to the public playground and recreational area and the equipment for playing or other activities installed therein:

11.1. the equipment for playing or other activities (and its parts) must have the requisite mechanical strength and stability to withstand the stresses to which it is subjected during use (without breaking or becoming liable to distortion) at the risk of causing physical injury, taking into account that one or more children or adults will be using it;

11.2. the accessible edges, protrusions, cords, cables, and fastenings on the equipment for playing or other activities must be designed, manufactured, and installed in such a way that the risks of physical injury from contact with them are reduced as far as possible;

11.3. the equipment for playing or other activities (and its parts) must not present the risk of strangulation and asphyxiation;

11.4. the equipment for playing or other activities where it is possible to get inside and which thereby constitutes an enclosed space must have a means of exit which the intended user can open easily from inside;

11.5. such materials the surface of which is flammable must not be used for the manufacturing of the equipment for playing or other activities;

11.6. the equipment for playing or other activities shall be constructed, manufactured, and installed in such a way that:

11.6.1. the hazard characteristic to the use thereof caused by the movement of its parts is minimal;

11.6.2. the maximum and minimum temperature of any accessible surfaces (including the heat caused by the sun) does not cause injury when touched;

11.6.3. it does not present any health hazards or risk of injury to eyes or skin from lasers, light-emitting diodes, or any other type of radiation;

11.6.4. its accessibility does not present hazard for a child of a specific age, thus endangering his or her health and also the behaviour characteristic to the child is taken into account;

11.6.5. it does not present electrical hazard to human health;

11.6.6. it does not present hazard of radioactivity and hydraulic or pneumatic mechanisms to human health;

11.6.7. it does not present hazard of hygiene and sanitary conditions to human health;

11.7. the equipment for playing or other activities and also the public playground and recreational area and their surfacing are constructed, manufactured, installed, and placed in such a way as:

11.7.1. to reduce the risk of crushing or trapping of body parts, trapping of clothing and parts thereof and also of falls and impacts as far as possible;

11.7.2. to prevent risks of adverse effects on human health due to exposure to the chemical substances or mixtures of which the equipment or the surfacing of the field is composed or which it contains if it is used in the intended or foreseeable way, taking into account the foreseeable action of the user;

11.7.3. to conform to the safety areas in the area and to prevent or reduce the environmental risks and to ensure access for emergency medical assistance, and also baby-sitters and other adults;

11.8. clean environment, maintenance of cleanness, and collection of waste is ensured at the public playground and recreational area.

12. The equipment for playing or other activities which is lawfully marketed in another European Union Member State or Turkey, or the origin of which is and which is lawfully marketed in any of the Member States of the European Free Trade Association which is a contracting party to the Agreement on the European Economic Area shall be regarded as conforming to the requirements of this Regulation, in conformity with the provisions referred to in the directly applicable legal acts of the European Union regarding the mutual recognition of goods.

**III. Obligations of a Manufacturer, Importer, and Distributor of the Equipment for Playing or Other Activities, and also Obligations of the Owner or Legal Possessor of the Public Playground and Recreational Area and Requirements in Relation to the Installation, Inspection, and Maintenance of the Public Playground and Recreational Area and the Equipment for Playing or Other Activities**

13. A manufacturer of the equipment for playing or other activities shall ensure that:

13.1. it is designed and manufactured in conformity with the safety requirements referred to in this Regulation and ensuring that the equipment does not present a safety and health hazard, if it is maintained and used according to the instructions of the manufacturer, and that a safety and health hazard presented by the equipment is not permitted during the planned period of use thereof, taking into account the possibility that the equipment might be used not only as intended but also in a foreseeable way;

13.2. the technical documentation has been prepared in one of the official languages of the European Union Member States and it includes all the data or instructions regarding the means used by the manufacturer in order to ensure the conformity with the safety requirements, including:

13.2.1. a detailed description of the design and manufacture process of the equipment for playing or other activities, including technical drawings and charts, information on the components and materials used in such equipment and also the safety data sheets on chemicals used which have been obtained from the chemical suppliers;

13.2.2. an evaluation on the hazards included in the requirements referred to in Paragraph 11 of this Regulation which may be caused by the equipment and the potential contact with such hazards;

13.2.3. testing reports and a description of such means by which the manufacturer has ensured the conformity of the equipment with the applicable standards or other technical specifications;

13.2.4. an instruction for the installation, use, and maintenance of the equipment drawn up in the official language in which the foreseeable action of the user is taken into account;

13.3. the technical documentation is stored for 10 years after placing on the market of the equipment for playing or other activities so that it would be available to the Consumer Rights Protection Centre (hereinafter – the Centre);

13.4. the following is indicated on the equipment for playing or other activities in a clearly visible, legible, and indelible way:

13.4.1. the name (firm name) or registered trade mark and address of the manufacturer;

13.4.2. the reference number of the equipment or another element of identification and year of manufacture;

13.4.3. the mark of the base level.

14. An importer of the equipment for playing or other activities has an obligation to place on the market the equipment for playing or other activities only if it meets the requirements of this Regulation and it shall ensure that, prior to placing of the equipment on the market, the manufacturer has fulfilled the obligations referred to in Paragraph 13 of this Regulation, including has attached the documents referred to in Sub-paragraph 13.2.4 of this Regulation in the official language to the equipment. The importer of the equipment for playing or other activities shall ensure that the technical documentation thereof is available to the Centre upon its request 10 years after placing on the market the equipment for playing or other activities.

15. Prior to offering of the equipment for playing or other activities on the market, a distributor has an obligation to ascertain that the manufacturer has fulfilled the requirements referred to in Sub-paragraph 13.4 of this Regulation and the documents referred to in Sub-paragraph 13.2.4 of this Regulation in the official language have been attached to the equipment.

16. Upon offering the equipment for playing or other activities, the manufacturer, the importer, and the distributor have the following obligations:

16.1. upon request of the commissioning party to provide the documentation referred to in Sub-paragraph 13.2.3 of this Regulation thereto;

16.2. if it believes or has a reason to believe that the equipment for playing or other activities offered thereby does not conform to the requirements of this Regulation, to carry out the necessary corrective activities without delay in order to achieve the conformity of the equipment or, if necessary, to withdraw the equipment from the market or to inform the relevant owner or legal possessor thereof and ensure the carrying out of the corrective activities. If the equipment for playing or other activities presents a risk, to inform the Centre to that effect without delay, indicating detailed information on the non-conformity and any measures taken in order to eliminate the non-conformity;

16.3. upon a justified request of the Centre, to provide all the necessary information and documentation thereto in the official language or another acceptable language to prove the conformity of the equipment for playing or other activities;

16.4. upon request of the Centre to cooperate with it in any measures to prevent the risk presented by the offered equipment for playing or other activities.

17. The owner or legal possessor (hereinafter – the possessor) of the public playground and recreational area has the following obligations:

17.1. to install only such equipment for playing or other activities on the public playground and recreational area which conforms to the requirements of this Regulation;

17.2. to install the public playground and recreational area and the equipment for playing or other activities in accordance with the requirements referred to in this Regulation and the instructions of the manufacturer;

17.3. after installation of a new public playground and recreational area or the equipment for playing or other activities to ensure the post-installation inspection or, if such requirement is not applicable, to ensure a risk assessment;

17.4. to regularly ensure the inspection and maintenance of the hygiene and sanitary conditions of the public playground and recreational area and also the equipment for playing or other activities in accordance with the requirements of this Regulation and the instructions of the manufacturer if the manufacturer has included such in the equipment documentation;

17.5. to ensure the following inspections of the equipment for playing or other activities, its parts, and the surfacing of the public playground and recreational area:

17.5.1. a regular visual inspection which is performed according to the load, specific character, and potential risks of the area and in which the general condition of the equipment, its parts, and the surfacing of the area are inspected and defects and obvious hazards (if any) which have been caused by the damaging of the property, the conditions of use, or the weather conditions are established;

17.5.2. a service inspection which is performed not less than four times a year and in which the defects, the operation of the equipment, the wear, depreciation, and stability of different kinds due to excessive movements are studied in more detail;

17.5.3. the annual principal inspection which is performed not less than once a year and in which the general safety level of the equipment and area is determined (determining the general safety level of the equipment, the base, and the surfacing), the functionality and stability of the equipment are inspected (particularly upon establishing damages and defects which have arisen due to the damaging of the property, wear of different kinds, long-term structural problems, changes in the safety level of the equipment) and a risk assessment is performed;

17.6. if it believes or it has a reason to believe that the equipment for playing or other activities or the surfacing of the public playground or recreational area does not conform to the safety requirements, to ensure the performance of the necessary and possible corrective activities in order to achieve the conformity of the equipment or the covering of the area and also to ensure the non-accessibility of the area or the relevant equipment while the corrective activities are performed;

17.7. upon request of the Centre, to cooperate with it in any measures in order to prevent the risk presented by the installed equipment for playing or other activities, including to provide all the necessary and available information and documentation to the Centre in order to prove the conformity of the equipment for playing or other activities;

17.8. upon request of the Centre, to ensure the non-accessibility of the public playground and recreational area or the relevant equipment for playing or other activities until elimination of the risk presented thereby.

18. All the results of the inspections referred to in Sub-paragraph 17.5 of this Regulation shall be recorded in writing and the necessary measures shall be taken in order to eliminate the damages established as soon as possible.

19. The possessor of the public playground and recreational area shall register information on the accidents that have occurred at the area and that have become known, shall perform a risk assessment and notify the Centre of serious accidents as a result of which emergency medical assistance had been necessary and also shall perform the post-accident inspection of the public playground and recreational area. The possessor may also involve the inspector referred to in Paragraph 21 of this Regulation in the performance of the post-accident inspection.

**IV. Post-installation Inspection**

20. A post-installation inspection shall be performed before putting of the public playground and recreational area into service or, if it must not be put into service, before the opening thereof for public use. The post-installation inspection shall also be performed if any of the equipment for playing or other activities is replaced, upon significantly rearranging or developing the public playground and recreational area and therefore achieving conformity with any of the criteria referred to in Paragraph 5 of this Regulation. Prior to the performance of the post-installation inspection the possessor of the public playground and recreational area shall ensure the non-accessibility of the area or the relevant equipment for use.

21. The post-installation inspection of the public playgrounds and recreational areas and the equipment for playing or other activities installed therein shall be performed by an independent inspector (hereinafter – the inspector) who is not the possessor, manufacturer, importer, distributor of the area to be inspected and the equipment for playing or other activities installed therein or is not involved in its designing, development, manufacturing, delivery, installation, maintenance in any way and conforms to one of the following criteria:

21.1. he or she has been accredited with the national accreditation authority or in another European Union Member State in accordance with the laws and regulations regarding the assessment, accreditation, and supervision of conformity assessment authorities;

21.2. he or she has been certified by an authority for certification of persons accredited with the national accreditation authority or in another European Union Member State which issues, extends, and cancels the certificate for such inspector, and also supervises the activity of the inspector according to the following procedures:

21.2.1. issues the certificate if the inspector has successfully passed the competence test on the requirements in effect of this Regulation and other related laws and regulations of the Republic of Latvia and also the applicable standards;

21.2.2. extends the certificate not less than once in three years if the inspector has successfully and repeatedly passed the test referred to in Sub-paragraph 21.2.1 of this Regulation;

21.2.3. cancels the certificate if the inspector has repeatedly failed to perform corrective activities within a year in due time for the elimination of deficiencies if such have been established in his or her activity;

21.2.4. inspects on site at least once a year how the inspector performs the post-installation inspection;

21.2.5. upon establishing shortcomings or deficiencies during the inspection referred to in Sub-paragraph 21.2.4 of this Regulation or on the basis of complaints or information received in any other way, assigns the inspector to perform appropriate corrective activities for the elimination of shortcomings or deficiencies.

22. During the post-installation inspection the inspector shall:

22.1. inspect the part of the technical documentation of the equipment for playing or other activities in accordance with Sub-paragraph 13.2.3 of this Regulation and also the installation instructions;

22.2. ascertain that the equipment for playing or other activities has been manufactured and installed according to the technical documentation and the installation instructions;

22.3. assess the conformity of the equipment for playing or other activities and the public playground and recreational area with the safety requirements and, if necessary, perform the assessment of the impact attenuating surfacing;

22.4. prepare and certify with a signature the report on the post-installation inspection in which at least the following information is indicated:

22.4.1. the name, address of the inspector, the responsible person, the time of inspection;

22.4.2. identification of the report (the sequential number and the date of preparation);

22.4.3. the name and address of the public playground and recreational area inspected, the name and address of its possessor;

22.4.4. the manufacturer, name, identification, and photograph of each inspected equipment for playing or other activities;

22.4.5. the method or methods used;

22.4.6. a detailed report on the inspections performed for the equipment for playing or other activities and the results thereof.

**V. Registration and Updating of the Data of the Public Playgrounds and Recreational Areas**

23. The possessor of the public playground and recreational area has an obligation to register the public playground and recreational area, if a post-installation inspection must be performed for it in accordance with this Regulation, or to make changes in the register, if such rearranging has been performed in the area as a result of which a post-installation inspection must be performed for it, and also in the case referred to in Paragraphs 31 and 32 of this Regulation. Registration shall be performed by submitting a registration application to the Centre in accordance with Annex to this Regulation (hereinafter – the registration application) before opening the public playground and recreational area for public use, but in case of dismantling – within a month after dismantling.

24. At least the following information shall be indicated in the registration application:

24.1. the given name, surname or name and declared or legal address of the possessor of the public playground and recreational area;

24.2. the name (if any) and address of the public playground and recreational area;

24.3. the names and identification of the installed or dismantled equipment for playing or other activities;

24.4. a note as to whether a post-installation inspection has been or has not been performed. If it has been performed, a report on the post-installation inspection shall be attached.

25. The Centre shall, within five working days after receipt of the registration application, register the public playground and recreational area in the register or update (including exclude from the register) the data included in the register on the public playground and recreational area and post information thereon on its website. The Centre has the right to request that the information indicated in the registration application is clarified or supplemented, if it is incomplete.

26. Upon identifying a public playground and recreational area which is not registered or the data of which have not been updated in the register, the Centre shall make a note thereon in the register to the extent of the data established by the Centre and shall request the possessor thereof to submit a relevant registration application.

**VI. Market Surveillance**

27. Supervision of the public playgrounds and recreational areas and the equipment for playing or other activities installed therein shall be performed by the Centre in accordance with the laws and regulations in the field of safety of goods and services, insofar as it has not been laid down otherwise in this Regulation.

28. If the Centre has a justified reason to believe that the public playground and recreational area or the equipment for playing or other activities installed therein to which this Regulation applies endangers human health or safety, it has the right to assign the possessor to perform a comprehensive safety assessment, encompassing all the requirements referred to in this Regulation.

29. If necessary, the Centre shall request that the manufacturer or importer of the equipment for playing or other activities ensures translation of the technical documentation or its part in the official language and shall determine a time period of 30 days for the submission thereof. If a serious and immediate risk is established, the Centre may determine a shorter abovementioned period of time.

30. The Centre shall promote the fulfilment of the requirements of this Regulation, including by developing corresponding guidelines for safety or other types for the manufacturers, importers, distributors of the equipment for playing or other activities and also for the possessors of the public playgrounds and recreational areas.

**VII. Closing Provisions**

31. The public playgrounds and recreational areas corresponding to the criteria referred to in Paragraph 5 of this Regulation which have been opened for use prior to the day of coming into force of this Regulation and the equipment for playing or other activities installed therein may be offered for use if they conform to the requirements of the Law on the Safety of Goods and Services and this Regulation and also if a risk assessment of the area has been performed, which shall be ensured by the possessor thereof and for the performance whereof also the inspector may be involved by the possessor, and if registration of the area has been performed.

32. The requirements referred to in Paragraph 31 of this Regulation shall be applied also to new public playgrounds and recreational areas or new equipment for playing or other activities the installation of which has been completed within 18 months after the day of coming into force of this Regulation.

33. A risk assessment and also registration in the case referred to in Paragraph 31 of this Regulation shall be performed within 18 months after the day of coming into force of this Regulation, but in the case referred to in Paragraph 32 of this Regulation – prior to the offering of the public playground and recreational area or the equipment for playing or other activities for use.

34. The requirements referred to in Chapter IV of this Regulation regarding the post-installation inspection for the first 18 months after the day of coming into force of this Regulation shall be applied voluntarily, but after expiry of this period of time the application of the abovementioned requirements is mandatory.

Prime Minister A. K. Kariņš

Minister for Economics R. Nemiro

**Annex**

Cabinet Regulation No. 18

7 January 2020

**Application for the Registration of a Public Playground and Recreational Area**

|  |  |  |
| --- | --- | --- |
|  |  |  |
|  | (place) |  |
|  |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
|  |  | No. |  |
| (date) |  |  | |

In accordance with Paragraph 24 of Cabinet Regulation No. 18 of 7 January 2020, Regulations Regarding Playgrounds and Recreational Areas, the possessor of a public playground and recreational area

|  |
| --- |
|  |
| (given name, surname, declared address or name, registration number, legal address) |
|  |

notifies that it is opening for use or has dismantled a public playground and recreational area or the equipment for playing or other activities and provides the following information:

1. Type of notification (mark with a √):

application for the registration of a public playground and recreational area

updating of information in the registration application

2. Name (if any) and address of the public playground and recreational area:

|  |
| --- |
|  |
|  |

3. Contact details:

|  |
| --- |
|  |
| (given name, surname, telephone number, e-mail of the responsible person) |

4. Type (mark with a √) and identification of the equipment for playing or other activities installed or dismantled in the public playground and recreational area

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Type | Identification | Number | Date of installation or dismantling | Notes |
| Sandbox |  |  |  |  |
| Slide |  |  |  |  |
| Swing |  |  |  |  |
| Carousel |  |  |  |  |
| Swing equipment (spring swing, teeter-totter, etc.) |  |  |  |  |
| Spatial network |  |  |  |  |
| Cableway |  |  |  |  |
| Fully enclosed playing equipment |  |  |  |  |
| Complex playing equipment |  |  |  |  |
| Climbing equipment |  |  |  |  |
| Trampoline |  |  |  |  |
| Parkour equipment |  |  |  |  |
| Gymnastics equipment |  |  |  |  |
| Fitness equipment |  |  |  |  |
| Equipment for rollerblading sports structures |  |  |  |  |
| Artificial climbing structure |  |  |  |  |
| Free-access sports tool (equipment for sports: badminton, basketball, football, etc.) |  |  |  |  |
| Other |  |  |  |  |

5. Data on the post-installation inspection or risk assessment:

|  |  |  |
| --- | --- | --- |
| Post-installation inspection\* | has been performed |  |
| has not been performed | (date of performing the inspection, the performer thereof) |
| Risk assessment\*\* | has been performed |  |
| has not been performed | (date of performing the assessment, the performer thereof) |

Possessor of the public playground and recreational area/

the person with the right of signature thereof or the authorised person thereof

|  |
| --- |
|  |
| (position, given name, surname, signature) |

Notes.

1. \* The report on the post-installation inspection shall be attached in annex to this application.

2. \*\* A risk assessment shall be performed if the requirement to perform a post-installation inspection is not applicable.

Minister for Economics R. Nemiro