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**371**

**ACT**

of 16 October 2019

**on basic safety requirements for children's playgrounds and on amendments to  
certain acts**

The National Council of the Slovak Republic has adopted the following act:

**Article I**

**§1**

**Scope of the act**

(1) This act governs:

- (a) the basic requirements for playgrounds;
- (b) the basic obligations for making playgrounds accessible to the public;
- (c) the inspection of playgrounds;
- (d) the authorisation to inspect playgrounds;
- (e) the surveillance by the Slovak Trade Inspection<sup>1)</sup> (hereinafter only referred to as the "surveillance authority") over the safety of playgrounds;
- (f) the sanctions for the breach of obligations laid down by this act.

(2) This act does not apply to playgrounds with restricted access intended solely for private use.

**§2**

**Basic provisions**

(1) 'Playground' means an area where at least one piece of playground equipment is installed, and is accessible to public.

(2) For the purposes of this act:

- (a) 'playground equipment' means any equipment or structure, including its parts and structural components, with, in or on which a child can play indoor or outdoor, alone or in a group, and which is primarily intended for children's play;
- (b) 'other playground accessories' means any object other than the playground equipment which is intended to be used within the playground, including any objects that are not primarily intended for children's play;

- (c) 'minimum playground space' means a compact space for children's play consisting of the sum of minimum spaces of the playground equipment installed in the playground and the area occupied by other playground accessories;
- (d) 'minimum space of playground equipment' means the sum of the space which can be taken up by the body of a playground user when using the playground equipment in an intended or usual manner and when falling from an elevated part of the playground equipment, and the space occupied by the playground equipment;
- (e) 'impact attenuating playground surfacing' means any underlying material having a property which ensures dissipation of kinetic energy of an impact by localised displacement or other deformation for the purpose of reducing the acceleration of the impacting object and adequately mitigating the risk of injury of the playground user with permanent or fatal consequences;
- (f) 'making the playground accessible to public' means enabling the playground users to use the playground either against payment or free of charge;
- (g) 'putting the playground into operation' means making the playground accessible to public for the first time;
- (h) 'playground operation' means making the playground accessible to public during a specified period of a calendar year during specified opening hours;
- (i) 'public access restriction' means any obstacle which prevents the playground user from duly using the playground equipment or the playground without first overcoming that obstacle;
- (j) 'safe playground' means a playground that meets the requirements set under this act and does not pose an unreasonable hazard for the playground user;
- (k) 'unreasonable hazard' means a risk to health of the playground user which, if the playground equipment or other playground accessories are used according to the playground owner's instructions or in a usual manner, cannot be reasonably foreseen.

### §3

#### **Basic playground safety requirements**

- (1) The playground in operation must be safe.
- (2) If all playground equipment installed in the playground meet the minimum requirements under applicable technical standards<sup>2)</sup> and are safely and securely fitted, if other playground accessories do not pose an unreasonable hazard, and if the requirements under paragraph 9 have been met, the playground is considered safe for the purposes of this act.
- (3) The fact that the playground equipment does not pose an unreasonable hazard may also be demonstrated otherwise than by meeting the requirements under the applicable technical standards referred to in paragraph 2, namely by the results of the tests that assess the severity of a risk to health and safety of playground equipment users.
- (4) Only the playground equipment that meets the general requirements for product safety under a separate regulation<sup>3)</sup> may be installed on the playground.
- (5) No toys designed for the development of motor skills in children<sup>4)</sup> can be installed in the playground to serve as the playground equipment.
- (6) The playground equipment shall be installed in the playground as per the instructions of a playground equipment manufacturer<sup>5)</sup>. Any derogation from these instructions is only allowed if it does not compromise the playground safety.
- (7) A warning notice shall be attached to the playground equipment about the risks that cannot be removed during its manufacture or installation. The warning notice must be legible, inerasable, resistant to external factors and written in

a state language; this is without prejudice to the use of minority languages under a separate regulation.<sup>6)</sup>

(8) The minimum space of playground equipment shall not overlap with the minimum space of another playground equipment and shall not contain any other object which could increase the level of risk to the playground user in play. The requirement pursuant to the foregoing sentence does not apply to the minimum space of playground equipment the use of which does not cause an instantly uncontrollable movement of the body of the playground user, nor to the parts, structural components and other objects which are intended for permanent use together with the playground equipment.

(9) The section of the surface onto which the playground user may fall from an elevated part of the playground equipment with the free height of fall exceeding 0.6m or the use of which causes an instantly uncontrollable movement of the body of the playground user must be protected by impact attenuating playground surfacing. The impact attenuating surfacing must also be used on a lower-level area representing an anticipated support for the body of the playground user where the free height of fall between the anticipated supports for the body of the playgrounds user of the same playground equipment is more than 1m.

(10) The impact attenuating playground surfacing shall be installed in the playground as per impact attenuating playground surfacing manufacturer's instructions<sup>5)</sup>. Any derogation from these instructions is only allowed if it does not compromise the playground safety.

(11) Any underlying material that meets the minimum requirements under an applicable technical standard<sup>7)</sup> is considered impact attenuating playground surfacing. The properties of the impact attenuating playground surfacing with a sufficient capability to reduce the level of risk of the playground user's injury with permanent or fatal consequences may also be demonstrated in another manner. When assessing the properties of the impact attenuating playground surfacing, the natural properties of the underlying material and the local climatic conditions are also taken into consideration.

#### §4

##### **Basic obligations of the playground owner**

(1) The playground owner shall:

- (a) put into operation only the playground for which an inspection certificate has been issued pursuant to §8(3);
- (b) ensure compliance with the basic safety requirements for playgrounds pursuant to §3;
- (c) perform or ensure the performance of an playground inspection pursuant to §9;
- (d) restrict public access to the minimum playground space for a necessary period of time, if the playground is unsafe during its operation, and notify the playground users of the access restriction by means of a sufficiently visible and legible notice;
- (e) immediately remove the playground equipment or other playground accessories, or restrict public access to the minimum space of playground equipment or to other playground accessories for a necessary period of time, if the playground equipment or other playground accessories pose an unreasonable hazard during the playground's operation, and notify the playground users of the access restriction by means of a sufficiently visible and legible notice;
- (f) restrict public access to the minimum space of playground equipment or to other playground accessories during their maintenance, if performed during opening hours, and notify the playground users of the ongoing maintenance works by means of a sufficiently visible and legible notice;
- (g) outside the period of a calendar year for which the playground is made accessible to public, restrict public access to the minimum playground space or notify the public of the fact that the playground is out of operation by means of a

sufficiently visible and legible notice;

- (h) mark the playground pursuant to §5;
- (i) keep and disclose records of accidents pursuant to §6;
- (j) report accidents pursuant to §6(3);
- (k) retain an inspection certificate pursuant to §8(3) and a regular playground inspection report pursuant to §12(2) for a period of three years of their issue date and disclose them to the surveillance authority upon request;
- (l) provide the surveillance authority with cooperation necessary for the performance of surveillance.

(2) The obligation to put into operation only the playground for which an inspection certificate has been issued pursuant to §8(3) equally applies in the case of putting the playground into operation following any modification of the playground that may have a substantial effect on the playground's safety (hereinafter only referred to as "playground modification"). The playground modification means mainly a modification of the minimum playground space, modification of the minimum space of playground equipment, addition of new playground equipment or replacement of playground equipment by new playground equipment with a differently delimited minimum space of playground equipment. The playground modification does not mean the repair of the playground equipment, a part of the playground equipment, impact attenuating playground surfacing or other playground accessories solely for maintenance reasons, or their modification or replacement if it does not substantially alter the properties of the playground, the playground equipment or the impact attenuating playground surfacing.

(3) The obligations under paragraph 1(a), (c) and (k) do not apply to an owner of the playground which solely consists of playground equipment that are portable and installed on a given site only temporarily and occasionally.

(4) The playground owner shall not provide untrue information to the playground users about the liability for damage or harm to health that may be caused when using the playground during the playground's operation.

(5) If the playground owner cannot be identified, the responsibility for the fulfilment of the playground owner's obligations under this act is borne by a natural person or a legal person who owns the land or the building on or in which the playground is located.

## §5

### Marking of playground

(1) The playground must be marked by a sign which contains:

- (a) the name of the playground;
- (b) the address of the playground;
- (c) the identification data of the playground owner including the name, surname and address of permanent residence of a natural person, or the business name and place of business of a natural person - entrepreneur, or the business name and register office of a legal person, and the organisation identification number, if assigned; <sup>8)</sup>
- (d) the identification data of the operator as described under letter c), if assigned with performing the playground owner's obligations;
- (e) the information about the period of a calendar year during which the playground is made accessible to public, and about its opening hours;
- (f) the date of the last playground inspection pursuant to §7;
- (g) the contact data for reporting accidents pursuant to §6 and deficiencies of the playground;

- (h) the emergency hotline number;<sup>9)</sup>
- (i) the restrictions and other conditions of the use of the playground, if specified.

(2) The marking pursuant to paragraph 1 must be sufficiently visible, legible, inerasable and written in a state language; this is without prejudice to the use of minority languages under a separate regulation.<sup>6)</sup>

## §6

### Accident records

(1) The playground owner shall keep records of accidents about every accident reported in writing which has occurred in the playground space, except for accidents reported anonymously.

(2) The playground owner shall keep the following information on each reported accident:

- (a) the date and time of the accident;
- (b) age of the injured person;
- (c) the indication of the playground equipment or another place within the playground space where the accident has occurred;
- (d) the type of injury;
- (e) description of who the accident occurred;
- (f) the fact whether the accident resulted in the hospitalisation of the injured person;
- (g) the safety measures taken after the accident was reported.

(3) The playground owner shall notify the surveillance authority of each accident reported pursuant to paragraph 1 within three working days of the day when the accident was reported to it.

(4) The information pursuant to paragraph 2 shall be kept on each reported accident for a period of three days of the day when the accident occurred.

(5) The playground owner shall disclose the accident records to the surveillance authority upon request.

## §7

### Playground inspection

(1) The playground inspection serves to evaluate and assess the conditions of the playgrounds, individual pieces of playground equipment and playground surfacing.

(2) The playground inspection is performed by means of an on-site visit to the playground.

(3) The playground inspection means in particular the initial inspection and regular inspections.

(4) The initial inspection and regular inspections may only be performed by a person authorised to perform playground inspections pursuant to this act.

## §8

### Initial inspection

(1) The initial inspection means a playground inspection mainly focused on the safety of construction, placement and installation of the playground equipment, other playground accessories, impact attenuating playground surfacing and overall safety of the playground prior to its putting into operation after

- (a) the establishment of the playground; or
- (b) playground modification pursuant to §4(2).

(2) The person authorised to perform the initial inspection is a natural person - entrepreneur or a legal person accredited pursuant to a separate regulation<sup>10)</sup> as a type A inspection body<sup>11)</sup> that is independent of the manufacturer<sup>5)</sup>, manufacturer's authorised representative<sup>12)</sup>, importer<sup>13)</sup>, distributor<sup>14)</sup> of playground equipment or impact attenuating playground surfacing on the inspected playgrounds, natural person or legal person that performed construction works<sup>15)</sup>, installation or assembling of the playground equipment or playground surfacing on the inspected playground, the owner of the inspected playground, and the operator of the inspected playground (hereinafter only referred to as "inspecting body").

(3) If the inspection body ascertains during the initial inspection that all basic playground safety requirements under §3 have been met, it shall, within 30 days of the on-site visit to the playground, issue and deliver to the owner of the inspected playground, or to another person that applied for the initial playground inspection with the owner's consent, an inspection certificate containing the following information:

- (a) the identification data of the inspection body that performed the initial inspection;
- (b) the registration number of the inspection certificate;
- (c) the identification data of the playground as specified in §5(1)(a) through (c);
- (d) the list of the playground equipment installed in the playground;
- (e) the date of the on-site visit to the playground;
- (f) the conclusion that the playground meets the basic playground safety requirements under §3 and is safe;
- (g) the date and place of the issuance of the inspection certificate; and
- (h) the signature and the stamp of the inspection body that performed the initial inspection.

(4) If the inspection body ascertains during the initial inspection that the playground is not safe, it will not issue an inspection certificate and will notify, not later than within 30 days of the on-site visit to the playground, the owner of the inspected playground, or another person that applied for the initial playground inspection with the owner's consent, of the conclusion of the initial inspection and of the reasons why the playground is not safe.

(5) Where the playground is a building structure<sup>16)</sup> which requires an final approval<sup>17)</sup>, the inspection certificate serves as a basis for the issuance of the final approval.<sup>18)</sup>

### **Regular inspections**

#### **§9**

(1) The regular inspection means a playground inspection focused mainly on the deficiencies caused by the use of the playground equipment or other playground accessories, improper or insufficient maintenance, weather effects or vandalism, performed at least once in 24 months.

(2) The person authorised to perform regular inspections is:

- (a) a natural person - entrepreneur or a legal person having an authorisation to perform this activity under a separate regulation;<sup>19)</sup> or
- (b) the owner of the inspected playground or the operator of the inspected playground provided they have the professional competence to perform regular inspections pursuant to §10, or if a natural person that has the professional competence to perform regular inspections pursuant to §10 is employed or is in another relationship

equivalent to employment with the owner of the inspected playground or with the operator of the inspected playground, or is its statutory body, or a member of its statutory body.

### §10

(1) The professional competence to perform regular playground inspections is demonstrated by a certificate of professional competence.

(2) The certificate of professional competence is issued by a person with an accreditation under a separate regulation<sup>10)</sup> as a body operating certification of persons<sup>20)</sup> (hereinafter only referred to as “body operating certification of persons”) to a natural person that

- (a) has full legal capacity;
- (b) proves to have at least one year of professional experience;
- (c) demonstrates to have passed professional training;
- (d) has successfully passed a professional examination (hereinafter only referred to as “certified person”).

(3) The certificate of professional competence contains:

- (a) identification data of the body operating certification of persons that has issued the certificate;
- (b) registration number of the certificate of professional competence;
- (c) indication “certificate of professional competence to perform regular playground inspections”;
- (d) the name, surname, academic title and date of birth of the certified person;
- (e) the date and place of issue of the certificate;
- (f) the expiry date of the certificate;
- (g) the signature and stamp of the body operating certification of persons that has issued the certificate.

(4) The expiry date of the certificate of professional competence is five years from the date of its issue.

(5) Any change in the data referred to in paragraph 3(d) is notified by the certified person not later than within ten working days to the body operating certification of persons that has issued the certificate of professional competence. The body operating certification of persons shall issue, free of charge, a new certificate of professional competence to the certified person not later than within ten working days of the notification of the change in data pursuant to the first sentence; the change in data has not effect on the expiry date of the certificate of professional competence.

(6) The certificate of professional competence expires

- (a) upon its expiry date;
- (b) upon the death of the certified person or when the certified person is declared dead;
- (c) upon limitation of the certified person’s legal capacity;
- (d) if proven that the certificate of professional competence has been issued based on incorrect or untrue information referred to in paragraph 2.

(7) The body operating certification of persons keeps records of the certificates of professional competence it has issued, and their changes pursuant to paragraph 5. The body operating certification of persons shall make the records referred to in the previous sentence available upon the surveillance authority’s request.

(8) The body operating certification of persons shall publish on its website, and regularly update the list of valid

certificates of professional competence it has issued, including the certificate registration number, name, surname and academic title of a certified person, and the issue and expiry date of the certificate of professional competence.

(9) The surveillance authority issues decisions on the recognition of professional competence to perform regular playground inspection obtained abroad pursuant to a separate regulation.<sup>21)</sup> For this purpose, the surveillance authority is entitled to subject the applicant to a compensation measure in the form of an adaptation period.<sup>22)</sup>

## §11

(1) The professional experience under §10(2)(b) especially means the experience in designing, establishing, operating, managing, maintaining or inspecting playgrounds, or in designing, manufacture, installation, maintenance or repairs of playground equipment.

(2) The professional training under §10(2)(c) is provided by the body operating certification of persons, or by a person authorised by it, in the scope and manner set forth in a separate regulation issued under paragraph 11. The body operating certification of persons shall provide or ensure the provision of the professional training at least once a year, provided that at least three natural persons have applied for such training in the course of a calendar year.

(3) The body operating certification of persons, or a person authorised by it pursuant to paragraph 2, shall issue a confirmation of participation in the professional training to its participants. The particulars of the confirmation will be specified in a separate regulation issued under paragraph 11.

(4) A book of records is kept on each professional training course, the particulars of which shall be established by a separate regulation issued under paragraph 11. The book of records is retained for ten years after the end day of the professional training course.

(5) By means of the professional examination pursuant to §10(2)(d), the body operating certification of persons shall verify the theoretical knowledge and practical skills of a natural person for the performance of regular inspections of playgrounds. Professional examination is held before an examination board. The chair and members of the examination board shall be appointed by the body operating certification of persons. In conducting the professional examination, the body operating certification of persons shall proceed in line with a separate regulation issued under paragraph 11.

(6) The body operating certification of persons shall allow a natural person who has complied with the criteria under §10(2)(a) through (c) to participate in the professional examination no later than within three months of the day when such person expressed interest in taking the professional examination.

(7) The details of the professional examination procedure must be stated in a written record, the particulars of which will be established by a separate regulation issued under paragraph 11. The body operating certification of persons shall keep the written record for a period of ten years from the date of the professional examination.

(8) The certified person is required to complete the refresher professional training within five years of the issue of the certificate of professional competence pursuant to §10(3)(e).

(9) The refresher professional training may only be provided by the body operating certification of persons or by a person authorised by it in accordance with paragraph 2 in the scope and manner set forth in a separate regulation issued under paragraph 11. The body operating certification of persons shall provide or ensure the provision of refresher professional training no later than six months after the certified person requested the refresher training. Maintaining and keeping a book of records about the refresher professional training course is subject to paragraph 4.

(10) Upon the completion of the refresher professional training, the body operating certification of persons shall issue, in accordance with paragraph 9, a new certificate of professional competence pursuant to §10(3) to the certified person.



(11) The details concerning the contents, scope and provision of professional training, refresher professional training, professional examination, composition and activities of the examination board shall be laid down in a generally binding regulation to be issued by the Ministry of Economy of the Slovak Republic.

## §12

(1) An on-site visit to the playground during a regular inspection may only be carried out by a certified person possessing a valid certificate of professional competence.

(2) After carrying out a regular inspection of the playground, the person authorised to perform regular inspections referred to in §9(2) shall draw up a regular inspection report which must contain

- (a) identification data of the authorised person pursuant to §9(2) who performed the regular inspection;
- (b) registration number of the regular inspection report;
- (c) name and surname of the certified person who performed an on-site visit to the playground, the registration number of the certificate of professional competence and identification data of the body operating certification of persons which issued such certificate;
- (d) marking of the playground as specified in §5(1)(a) through (c);
- (e) the date of the on-site visit to the playground;
- (f) the extent to which the playground inspection has been performed;
- (g) an itemised list and description of the layout of playground equipment and other playground accessories;
- (h) assessment of the condition of all items of playground equipment, other playground accessories and impact attenuating playground surfacing;
- (i) a list of deficiencies of the playground, if found, and the proposed measures to remove the deficiencies;
- (j) conclusion;
- (k) date and place of the preparation of the report;
- (l) a signature of the person authorised to perform regular inspections pursuant to §9(2) who carried out the regular inspection.

(3) The report under paragraph 2 shall mandatorily include an annex containing visual images of the playground equipment, other playground accessories and impact attenuating playground surfacing on which the identified deficiencies are shown.

(4) An itemised list and description of the playground equipment layout under paragraph 2(g) may be substituted by a simple layout plan, playground project or other visual images of the playground corresponding to the condition of the playground as at date of the on-site visit.

(5) The conclusion referred to in paragraph 2(j) contains an expert evaluation by a person authorised to perform regular inspections under §9(2) as to whether the condition of the playground has been assessed, based on the findings under paragraph 2(h) and (i), as satisfactory, partially satisfactory or non-satisfactory. Where all basic requirements for playground safety under §3 have been met and no deficiencies have been identified, the condition of the playground shall be deemed satisfactory. If an inspection of compliance with the basic requirements pursuant to §3 has identified deficiencies caused by weather effects, vandalism, improper or insufficient maintenance or other deficiencies which do not pose unreasonable hazard and, after their removal, the playground becomes safe again, the condition of the

playground is deemed partially satisfactory. If an inspection of the playground's condition reveals that the playground is not safe, the condition of the playground is deemed non-satisfactory.

(6) A person authorised to perform a regular playground inspection pursuant to §9(2)(a) is required to keep one original of the regular playground inspection report for a period of three years after its preparation and make it available to the surveillance authority upon request and shall deliver one original of the regular inspection report to the owner of the inspected playground or to the operator of the inspected playground no later than 30 days of the date of the on-site visit to the playground.

(7) The inspection certificate pursuant to §8(3) supersedes the regular inspection report pursuant to paragraph 2 and shall be valid for a period of 12 month of the date of issue of the inspection certificate.

### §13

#### **Common provisions applicable to the performance of playground inspections**

(1) The person authorised to perform playground inspections pursuant to §8(2) or §9(2) shall

- (a) proceed with due professional diligence in performing the inspection of playgrounds;
- (b) provide cooperation to the surveillance authority as and when necessary for the performance of surveillance activities.

(2) Due professional diligence under paragraph 1(a) means expertise, professional skills and due care as may be reasonably expected during the performance of playground inspection, commensurate with honest market practice in the exercise of activities by a person authorised to perform playground inspections pursuant to §8(2) or §9(2).

### §14

#### **Surveillance**

The surveillance authority, in performing surveillance over compliance with obligations under this act, is required to proceed in line with a separate regulation.<sup>23)</sup>

### §15

#### **Offences**

(1) An offence is committed by any person who unlawfully acts as a person authorised to perform playground inspections, a body operating certification of persons, a person authorised by it to provide professional training pursuant to §11(2)(c) or as a certified person.

(2) For an offence under paragraph 1, the surveillance authority shall impose a fine of EUR 1,500 to EUR 25,000.

(3) Offences and the related proceedings are subject to the general regulation on offences.<sup>24)</sup>

### §16

#### **Other administrative offences and imposition of fines**

(1) The surveillance authority shall impose

(a) a fine of EUR 200 to EUR 50,000

- 1. to the playground owner for a breach of obligations under §4(1)(a) through g) or §4(2);
- 2. to the person authorised to perform playground inspections pursuant to §8(2) or §9(2) for a breach of the obligations under §13(1)(a);

(b) a fine of EUR 100 to EUR 30,000

1. to the playground owner for a breach of obligations under §4(1)(h) through (l), §4(4) or §6(3) and (5);
2. to the person authorised to perform playground inspections pursuant to §8(2) or §9(2) for a breach of obligations under §8(3) and (4), §12 (2), (3) and (6) or §13(1)(b);
3. to the body operating certification of persons for a breach of obligations under §10(2), (7) and (8) or under §11(2) through (7), (9) and (10),

(c) a fine of EUR 50 to a certified person for a breach of obligation under §10(5).

(2) The surveillance authority shall impose a fine of EUR 3,000 to EUR 50,000 to a natural person–entrepreneur or to a legal person unlawfully acting as a person authorised to perform playground inspections, a body operating certification of persons, a person authorised by it to provide professional training pursuant to §11(2)(c) or as a certified person.

(3) The rates of fines under paragraphs 1 and 2 shall be doubled if such person has repeatedly breached the same obligation, for which the surveillance authority imposed a fine, within 12 months of the date on which the previous decision concerning the imposition of a fine became valid.

(4) The rates of fines under paragraph 1(a) for a breach of obligation under §4(1)(b) shall be halved, if the playground owner demonstrates due compliance with the obligation under §4(1)(c). The foregoing shall not apply in the event of a repeated breach of the obligation under §4(1)(b) within 12 months of the date on which the previous decision concerning the imposition of a fine became valid.

(5) The surveillance authority shall not impose a fine for a breach of the obligation under §4(1)(b) which does not pose an unreasonable hazard and which the owner of the inspected playground or the operator of the inspected playground voluntarily removed while the surveillance authority performed the inspection<sup>25)</sup> at the playground or without undue delay following its completion. The foregoing does not apply in the event of a repeated breach of the obligation under §4(1)(b) within 24 months of the day on which the inspection referred to in the first sentence was carried out.

(6) When determining the amount of the fine, an account shall be taken of the gravity, manner, duration and consequences of the unlawful conduct as well as of the extent of imminent or incurred damage.

(7) The fine may be imposed within two years from the day when the surveillance authority ascertained the breach of an obligation under this act; however, no later than within four years of the date on which such breach occurred.

(8) The proceedings concerning the imposition of fines shall be subject to the Administrative Code.

(9) The fines constitute the revenues of the state budget.

(10) A repeated breach of the obligation referred to in §13(1)(a) shall be deemed an especially serious breach of obligation under a separate regulation.<sup>26)</sup> A repeated breach of obligations referred to in §4(1)(a) or (c) shall be deemed an especially serious breach of obligations under a separate regulation.<sup>27)</sup>

## §17

### Transitional provisions

(1) The owner of a playground that was put into operation before 31 December 2019 shall ensure compliance with the playground safety requirements under this act and shall perform or ensure the performance of the first regular playground inspection pursuant to §9 no later than by 31 December 2021.

(2) For the purposes of this act, the accreditation award decision pursuant to a separate regulation<sup>10)</sup>, granted to a

type A inspection body<sup>11)</sup>) for the playground equipment and issued before 31 December 2019, shall be deemed an accreditation award decision pursuant to §8(2).

## §18

### Final provisions

(1) The basic requirements for playgrounds and the obligations of playground owners pursuant to this act shall also apply to playgrounds that were put into operation prior to the effective date of this act, except for the obligation referred to in §4(1)(a).

(2) The owner of a playground that was put into operation before the effective date of this act shall make accessible the accident records under §6(5) for accidents recorded since the effective date of this act.

(3) Unless §16(8) stipulates otherwise, the proceedings under this act shall not be subject to the Administrative Code.

(4) The requirements stipulated in §3(4) shall not apply to products that were manufactured or placed on the market in accordance with the law of a European Union Member State or manufactured in accordance with the law of a European Free Trade Association state which is also a party to the Agreement on the European Economic Area.

(5) This act has been adopted in compliance with a legally binding act of the European Union in the field of technical standards.<sup>28)</sup>

## Article II

Act No. 455/1991 Coll. on licensed trade (the Trades Act), as amended by Act No. 231/1992 Coll., Act No. 600/1992 Coll., Act of the National Council of the Slovak Republic No. 132/1994 Coll., Act of the National Council of the Slovak Republic No. 200/1995 Coll., Act of the National Council of the Slovak Republic No. 216/1995 Coll., Act of the National Council of the Slovak Republic No. 233/1995 Coll., Act of the National Council of the Slovak Republic No. 123/1996 Coll., Act of the National Council of the Slovak Republic No. 164/1996 Coll., Act of the National Council of the Slovak Republic No. 222/1996 Coll., Act of the National Council of the Slovak Republic No. 289/1996 Coll., Act of the National Council of the Slovak Republic No. 290/1996 Coll., Act No. 288/1997 Coll., Act No. 379/1997 Coll., Act No. 70/1998 Coll., Act No. 76/1998 Coll., Act No. 126/1998 Coll., Act No. 129/1998 Coll., Act No. 140/1998 Coll., Act No. 143/1998 Coll., Act No. 144/1998 Coll., Act No. 161/1998 Coll., Act No. 178/1998 Coll., Act No. 179/1998 Coll., Act No. 194/1998 Coll., Act No. 263/1999 Coll., Act No. 264/1999 Coll., Act No. 119/2000 Coll., Act No. 142/2000 Coll., Act No. 236/2000 Coll., Act No. 238/2000 Coll., Act No. 268/2000 Coll., Act No. 338/2000 Coll., Act No. 223/2001 Coll., Act No. 279/2001 Coll., Act No. 488/2001 Coll., Act No. 554/2001 Coll., Act No. 261/2002 Coll., Act No. 284/2002 Coll., Act No. 506/2002 Coll., Act No. 190/2003 Coll., Act No. 219/2003 Coll., Act No. 245/2003 Coll., Act No. 423/2003 Coll., Act No. 515/2003 Coll., Act No. 586/2003 Coll., Act No. 602/2003 Coll., Act No. 347/2004 Coll., Act No. 350/2004 Coll., Act No. 365/2004 Coll., Act No. 420/2004 Coll., Act No. 533/2004 Coll., Act No. 544/2004 Coll., Act No. 578/2004 Coll., Act No. 624/2004 Coll., Act No. 650/2004 Coll., Act No. 656/2004 Coll., Act No. 725/2004 Coll., Act No. 8/2005 Coll., Act No. 93/2005 Coll., Act No. 331/2005 Coll., Act No. 340/2005 Coll., Act No. 351/2005 Coll., Act No. 470/2005 Coll., Act No. 473/2005 Coll., Act No. 491/2005 Coll., Act No. 555/2005 Coll., Act No. 567/2005 Coll., Act No. 124/2006 Coll., Act No. 126/2006 Coll., Act No. 17/2007 Coll., Act No. 99/2007 Coll., Act No. 193/2007 Coll., Act No. 218/2007 Coll., Act No. 358/2007 Coll., Act No. 577/2007 Coll., Act No. 112/2008 Coll., Act No. 445/2008 Coll., Act No. 448/2008 Coll., Act No. 186/2009 Coll., Act No. 492/2009 Coll., Act No. 568/2009 Coll., Act No. 129/2010 Coll., Act No. 136/2010 Coll., Act No. 556/2010 Coll., Act No. 249/2011 Coll., Act No. 324/2011 Coll., Act No. 362/2011 Coll., Act No. 392/2011 Coll., Act No. 395/2011 Coll., Act No. 314/2012 Coll., Act No. 321/2012 Coll., Act No. 351/2012 Coll., Act No. 447/2012 Coll.,

Act No. 39/2013 Coll., Act No. 94/2013 Coll., Act No. 95/2013 Coll., Act No. 180/2013 Coll., Act No. 218/2013 Coll., Act No. 1/2014 Coll., Act No. 5/2014 Coll., Act No. 58/2014 Coll., Act No. 182/2014 Coll., Act No. 204/2014 Coll., Act No. 219/2014 Coll., Act No. 321/2014 Coll., Act No. 333/2014 Coll., Act No. 399/2014 Coll., Act No. 77/2015 Coll., Act No. 79/2015 Coll., Act No. 128/2015 Coll., Act No. 266/2015 Coll., Act No. 272/2015 Coll., Act No. 274/2015 Coll., Act No. 278/2015 Coll., Act No. 331/2015 Coll., Act No. 348/2015 Coll., Act No. 387/2015 Coll., Act No. 412/2015 Coll., Act No. 440/2015 Coll., Act No. 89/2016 Coll., Act No. 91/2016 Coll., Act No. 125/2016 Coll., Act No. 276/2017 Coll., Act No. 289/2017 Coll., Act No. 292/2017 Coll., Act No. 56/2018 Coll., Act No. 87/2018 Coll., Act No. 106/2018 Coll., Act No. 112/2018 Coll., Act No. 157/2018 Coll., Act No. 170/2018 Coll., Act No. 177/2018 Coll., Act No. 216/2018 Coll., Act No. 9/2019 Coll., Act No. 30/2019 Coll., Act No. 139/2019 Coll., Act No. 221/2019 Coll. and Act No. 356/2019 Coll., is amended as follows:

In Annex 2 “Regulated Trades Group No. 214 – Other”, number 95 is added and reads as follows:

“

95.	Regular playground inspection	certificate of professional competence	§10(2) of Act No. 371/2019 Coll. on basic safety requirements for children’s playgrounds and on amendments to certain acts	
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### Article III

Act No. 128/2002 Coll. on state control of internal market in the consumer protection issues and on amendments to certain acts, as amended by Act No. 284/2002 Coll., Act No. 22/2004 Coll., Act No. 451/2004 Coll., Act No. 725/2004 Coll., Act No. 266/2005 Coll., Act No. 308/2005 Coll., Act No. 646/2005 Coll., Act No. 648/2007 Coll., Act No. 67/2010 Coll., Act No. 129/2010 Coll., Act No. 161/2011 Coll., Act No. 182/2011 Coll., Act No. 78/2012 Coll., Act No. 301/2012 Coll., Act No. 142/2013 Coll., Act No. 367/2013 Coll., Act No. 102/2014 Coll., Act No. 106/2014 Coll., Act No. 373/2014 Coll., Act No. 35/2015 Coll., Act No. 387/2015 Coll., Act No. 391/2015 Coll., Act No. 56/2018 Coll., Act No. 106/2018 Coll., Act No. 157/2018 Coll., Act No. 170/2018 Coll., Act No. 177/2018 Coll., Act No. 299/2019 Coll. a Act No. 302/2019 Coll., is amended as follows:

In §2, paragraph (m) is added and reads as follows:

“m) compliance with the obligations in putting the playground into operation, during the operation and inspection of playgrounds and with other obligations under a separate regulation.<sup>9g)</sup>”.

Footnote 9g reads as follows:

“<sup>9g)</sup> Act No. 371/2019 Coll. on basic safety requirements for children’s playgrounds and on amendments to certain acts.”.

### Article IV

This Act shall enter into force on 1 January 2020.

**Zuzana Čaputová**

**Andrej Danko**

**Peter Pellegrini**

- 1) §3(1) of Act No. 128/2002 Coll. on state control of internal market in the consumer protection issues and on amendments to certain acts.
- 2) For instance, STN EN 1176-1 Playground equipment and surfacing. Part 1: General safety requirements and test methods (94 0515), STN EN 1176-2 Playground equipment and surfacing. Part 2: Additional specific safety requirements and test methods for swings (94 0515); STN EN 1176-3 Playground equipment and surfacing. Part 3: Additional specific safety requirements and test methods for slides (94 0515); STN EN 1176-4 Playground equipment and surfacing - Part 4: Additional specific safety requirements and test methods for cableways (94 0515); STN EN 1176-5 Playground equipment and surfacing. Part 5: Additional specific safety requirements and test methods for carousels (94 0515); STN EN 1176-6 Playground equipment and surfacing. Part 6: Additional specific safety requirements and test methods for rocking equipment (94 0515); STN EN 1176-7 Playground equipment and surfacing. Part 7: Guidance on installation, inspection, maintenance and operation (94 0515); STN EN 1176-10 Playground equipment and surfacing. Part 10: Additional specific safety requirements and test methods for fully enclosed play equipment (94 0515); STN EN 1176-11 Playground equipment and surfacing. Part 11: Additional specific safety requirements and test methods for spatial network (94 0515); STN EN 1177 Impact attenuating playground surfacing. Methods of test for determination of impact attenuation (94 0516).
- 3) Regulation No. 404/2007 Coll. of the Slovak Government on general product safety.
- 4) §2(d) of Act No. 78/2012 Coll. on the safety of toys and on amendments to Act No. 128/2002 Coll. on state control of internal market in the consumer protection issues and on amendments to certain acts, as amended.
- 5) Article 2(3) of Regulation (EC) No 765/2008 of the European Parliament and of the Council of 9 July 2008 setting out the requirements for accreditation and repealing Regulation (EEC) No 339/93 (OJ L 218, 13.8.2008) as amended.
- 6) §4(6) of Act No. 184/1999 Coll. on the use of languages of national minorities, as amended by Act No. 204/2011 Coll.
- 7) For instance, STN EN 1176-1 Playground equipment and surfacing. Part 1: General safety requirements and test methods (94 0515), STN EN 1177 Impact attenuating playground surfacing. Methods of test for determination of impact attenuation (94 0516).
- 8) §§9 and 10 of Act No. 272/2015 Coll. on the register of legal persons, entrepreneurs and public authorities and on amendments to certain acts.
- 9) §6 of Act No. 129/2002 Coll. on the Integrated Rescue System.
- 10) Act No. 505/2009 Coll. on the accreditation of bodies for conformity assessment and on amendments to certain acts, as amended.
- 11) For instance, STN EN ISO/IEC 17020 Conformity assessment. Requirements for the operation of various types of bodies performing inspection (ISO/IEC 17020) (01 5260).
- 12) Article 2(4) of Regulation (EC) No 765/2008 as amended.
- 13) Article 2(5) of Regulation (EC) No 765/2008 as amended.
- 14) Article 2(6) of Regulation (EC) No 765/2008 as amended.
- 15) §45 of Act No. 50/1976 Coll. on land-use planning and building order (the Building Act), as amended.
- 16) §43 of Act No. 50/1976 Coll. as amended.
- 17) §76 of Act No. 50/1976 Coll. as amended.

- 18) §81b of Act No. 50/1976 Coll. as amended by Act No. 300/2012 Coll.
- 19) Annex 2, Item 95 of Act No. 455/1991 Coll. on licensed trade (the Trades Act) as amended.
- 20) For instance, STN EN ISO/IEC 17024 Conformity assessment. General requirements for bodies operating certification of persons (ISO/IEC 17024) (01 5258).
- 21) §3(1)(i) of Act No. 422/2015 Coll. on the recognition of evidence of formal qualifications and on the recognition of professional qualifications and on amendments to certain acts, as amended by Act No. 276/2017 Coll.
- 22) §25(2)(a) of Act No. 422/2015 Coll. as amended by Act No. 276/2017 Coll.
- 23) Act No. 128/2002 Coll. as amended.
- 24) Act of the Slovak National Council No. 372/1990 Coll. on offences as amended.
- 25) §5 of Act No. 128/2002 Coll. as amended.
- 26) §58(1)(c) of Act No. 455/1991 Coll. as amended.
- 27) For instance, §58(2)(a) of Act No. 455/1991 Coll. as amended.
- 28) Directive (EU) 2015/1535 of the European Parliament and the Council of 9 September 2015, laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services (OJ L 241, 17. 9. 2015)

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