

## **DRAFT DECREE OF THE GOVERNING COUNCIL ESTABLISHING THE TECHNICAL AND HYGIENIC-SANITARY CRITERIA FOR SWIMMING POOLS AND WATER PARKS.**

Under the provisions of Article 27(4) of the Statute of Autonomy, approved by Organic Law 3/1983, of 25 February, which confers on the Community of Madrid, within the framework of the basic legislation of the State, the legislative development, regulatory power and enforcement in the field of health and hygiene, the purpose of this decree is the legislative development and regulation of the technical and hygienic sanitary conditions of swimming pools and water parks in the Community of Madrid.

Article 24 of the General Health Act 14/1986 of 25 April stipulates that public and private activities which, directly or indirectly, may have negative consequences for health shall be subject to control by the Public Administrations. One of these activities is the recreational use of water, specifically the use of swimming pool facilities and water parks.

Article 27 of General Public Health Law 33/2011 of 4 October provides that actions in the field of health protection are aimed at preventing the negative effects that various elements of the environment may have on people's health and well-being. Public administrations must ensure to raise the level of health protection against the risks arising from environmental conditions, within the framework of environmental health, as stated in Article 30.

The same rule also amended the provisions of Article 11(2) of Law 16/2003 of 28 May on Cohesion and Quality of the National Health System, in the sense that the provision of public health includes among its actions the prevention of disabilities and injuries.

The current legislation on swimming pools at the state level is Royal Decree 742/2013, of 27 September, which establishes the technical and sanitary criteria of swimming pools. This regulation is of a basic nature, having been issued under the provisions of article 149.1.16. <sup>a</sup> of the Constitution, which reserves exclusive competence to the State in matters of the bases and general coordination of health. It sets parameters, parametric values to be met in the

water of swimming pool basins and their minimum sampling frequency, as well as criteria for air quality in indoor swimming pools. It also introduces the obligation for the owner of the installation to have a self-monitoring protocol which must always be located at the pool itself.

The legislation of the Community of Madrid, which has been governing these matters, is constituted by Decree 80/1998 of 14 May regulating the hygienic and sanitary conditions of swimming pools for collective use, and Decree 128/1989 of 20 December regulating the hygienic-sanitary conditions for water parks.

In recent years, there has been a progressive increase in facilities incorporating aquatic attractions, intended for recreational use in contact with water. The use of these attractions can pose a risk to users, therefore, it is necessary to regulate minimum conditions to guarantee their safety.

In this sense, the elements installed in the swimming pools, such as water attractions, must be safe, therefore, the provisions of Royal Decree 1801/2003 of 26 December on general product safety should be observed.

In view of the above, it is considered necessary to establish an updated, coherent regulation, in line with national regulations, as well as with the current social reality in which technical advances and new types of aquatic leisure activities give rise to a great variability of elements in the aquatic environment, which must be taken into account for the purposes of greater health control and prevention in the safeguarding of users, and a new decree should therefore be adopted in this area. Likewise, the electronic presentation of the prior notification or the responsible declaration, as appropriate, has been established, as well as the communication of the incident situations that may arise. This leads to greater simplicity in administrative procedures, as economic operators see a considerable reduction in administrative burdens.

This rule complies with the principles of good regulation, in accordance with Article 129 of Law 39/2015 of 1 October on the Common Administrative Procedure of Administrations, and Article 2 of Decree 52/2021 of 24 March of the Governing Council, which regulates and simplifies the procedure for drawing up general regulatory provisions in the Community of Madrid, in accordance

with the principles of necessity and effectiveness, proportionality, legal certainty, transparency and efficiency.

Its adaptation to the principles of necessity and effectiveness is justified by a reason of general interest such as the protection of the health of users of swimming pools and water parks, by updating the technical and hygienic-sanitary criteria, such as water quality, avoiding the possible physical, chemical or microbiological risks arising from their use, the approval of a new decree being the most appropriate instrument to ensure its achievement.

It is also consistent with the principle of proportionality, since the decree contains the rules necessary to meet the need described as the purpose of the rule, without the obligations imposed on the addressees exceeding those strictly necessary to guarantee the general interest pursued, which is the protection of the health of users of swimming pools and water parks, by updating the technical and hygienic-sanitary criteria.

The principle of legal certainty is complied with, given that this initiative is exercised in a coherent manner with the rest of the national and European Union legal system, specifically with the state regulations that regulate the matter, in order to generate a stable, predictable, integrated, clear and secure regulatory framework.

It complies with the principle of transparency, having complied with the procedure of publication of the public consultation in the Transparency Portal of the Community of Madrid and having been granted a period of fifteen days to submit contributions, in accordance with the provisions of Article 5.1 of Decree 52/2021, of March 24, and article 60.1 of Law 10/2019, of 10 April, on Transparency and Participation of the Community of Madrid.

Likewise, in accordance with the provisions of Article 9 of Decree 52/2021, of March 24, and in article 60.2 of Law 10/2019, of April 10, citizen participation is carried out through the public hearing and information procedure. Similarly, once approved, the decree is published in the "Official Gazette of the Community of Madrid".

This draft technical regulation will also be communicated to the European Commission in accordance with Directive (EU) 2015/1535 of the European

Parliament and of 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.

It is in line with the principle of efficiency, since this rule does not entail unnecessary or ancillary administrative burdens, thus streamlining the management of public resources.

For the preparation of the decree, the mandatory report of the Office of Regulatory Quality, the reports of the Ministry of Family, Youth and Social Policy on social impacts, of the technical secretariats of the ministries, of the Consumer Council, of the Technical Secretariat of the Ministry of Health, the report of the Attorney General of the Community of Madrid and the opinion of the Legal Advisory Commission have been requested.

The Governing Council is competent to issue this decree, in accordance with the provisions of Article 21.g) of Law 1/1983, of 13 December, on the Government and Administration of the Community of Madrid.

By virtue of the above, at the proposal of the Regional Minister of Health, having heard/agreed with the Legal Advisory Commission of the Community of Madrid and following deliberation by the Governing Council, at its meeting on

THE FOLLOWING IS DECREED:

CHAPTER I

**General provisions**

Article 1. *Aim.*

1. The purpose of this decree is the development and implementation, within the Community of Madrid, of the technical-sanitary criteria for swimming pools and water parks, established in Royal Decree 742/2013 of 27 September, establishing the technical-sanitary criteria for swimming pools.
2. Aspects related to the safety of these facilities, as well as measures to protect the health of users, are also established without prejudice to the sectoral implementing regulations.
3. The responsibilities of public administrations and the responsibilities of all actors involved are also assigned.

Article 2. *Definitions.*

In addition to the definitions contained in Article 2 of Royal Decree 742/2013 of 27 September, the following shall be taken into account:

1. Bathing capacity: number of people who can be in a pool basin at the same time.
2. User capacity: maximum number of people who can be in the pool facility at the same time.
3. Water attraction: any fixed or mobile installation, associated or not associated with a basin, the purpose of which is recreational use in contact with water. The term water attractions includes, but is not limited to, the following: slides, waterfalls, curtains, mushrooms, water games with water jets, aerosolisation, slides, hydro-tubes, spirals, tracks, water play areas, castles and other inflatable attractions located on the surface of the water, as well as others included in the applicable technical regulations.
4. Conservation of pool water in periods without activity: process by which a treatment is carried out to the water of the basin, in order to maintain it during the periods of absence of activity, for its subsequent recovery.

5. Water surface: sum of the surface of all pool basins, expressed in square meters.
6. Diving pits: pools dedicated to sporting use by professional swimmers and equipped with diving boards or diving platforms.
7. Water park: Enclosed areas with recreational facilities and attractions related to water and bathing.
8. Therapeutic pool: a pool located in health and social-health centres or services, specifically intended for medical or rehabilitation purposes, under the control of health professionals.
9. Contrast pool: pool whose purpose is the contrast of temperature between different pools, normally of small dimensions and in which the users usually remain for short periods of time.
10. Children's play or splash pool: a pool intended for the recreation of children. Its maximum depth shall not exceed 50 centimetres.
11. Teaching pool: pool intended for learning swimming, the maximum depth of which does not exceed 1.4 meters.
12. Swimming pool: pool intended for the practice of the sport of swimming.
13. Multi-purpose pool: pool for various uses.
14. Recreational pool: pool intended for the recreation of users.
15. Bathing area: area consisting of the pool and its platform.
16. Beach area: The area adjacent to the bathing area for the recreation of users.

### Article 3. *Scope.*

1. The provisions of this regulation will apply to swimming pools for public and private use, including water parks, located in the territory of the Community of Madrid.
2. The provisions of Articles 21 and 22 shall apply to water attractions, whether or not associated with a pool, which are installed in swimming pools.

3. For private swimming pools of type 3B, only the provisions of Article 28 shall apply.

4. Natural swimming pools and thermal or mineral-medicinal pools are excluded from the application of the decree, in accordance with Royal Decree 742/2013 of 27 September.

## CHAPTER II

### **Facilities**

#### *Article 4. Facilities.*

1. Swimming pools must comply with the provisions of Article 5 of Royal Decree 742/2013, of 27 December, and must also comply with Royal Decree 314/2006, of 17 March, approving the Technical Building Code, Royal Decree 1027/2007, of 20 July, approving the Regulation on Thermal Installations in Buildings, as well as the other provisions applicable to them, including legislation on the elimination of architectural barriers.

2. The existing technical facilities in the swimming pools, such as those dedicated to water treatment, chemical storage, electrical, heating, air conditioning and sanitary hot water, shall comply with the sectoral regulations applicable to them.

These facilities shall be easily accessible to maintenance personnel and inspection services and inaccessible to pool users and shall have adequate ventilation and lighting.

3. The storage of chemicals shall be in a location appropriate to the volume of products to be stored, and comply with the specific applicable requirements set out in the Product Safety Data Sheets, as regulated by Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), as well as in Royal Decree 656/2017 of 23 June on the Regulation on the Storage of Chemicals and their Complementary Technical Instructions MIE APQ 0 to 10, and other applicable regulations. Safety data sheets shall be available on site.

4. The owner of the swimming pool shall ensure that their facilities have the appropriate elements to prevent health risks and guarantee the health standards of the facilities.

*Article 5. Characteristics of the pools.*

1. The pools shall be constructed in a way that does not hinder the circulation and renewal of water, nor pose a danger to users.

2. The platform shall have a width of at least 1.2 metres, its surface shall be non-slip and its construction shall prevent waterlogging.

3. The 1.4 metre depth zones, as well as the minimum and maximum depth, shall be marked on the walls of the pool and on the platform, so that they are easily visible to bathers, both from the pool and from the platform.

4. Every basin shall have at least one bottom or wide-bore drainage system that allows for the rapid evacuation of all water and sediment or debris contained in the basin. The drain shall be protected with the necessary safety devices to prevent accidents.

5. Existing openings in the pool shall be protected by gratings or other safety devices to prevent the entrapment of users.

6. Except in children's pools, ladders shall reach a depth under water of at least one metre or thirty centimetres above the floor of the pool. They shall be placed in the vicinity of the corners of the pool, where these exist, and at changes of slope, so that they are no more than fifteen metres apart, shall have non-slip steps, shall have no sharp edges and shall not protrude beyond the plane of the basin wall.

The stairs and ramps will have stainless and non-slip handrails, to facilitate access to the pool, if necessary. They will have non-slip steps and no sharp edges.

In pools where the design ensures accessibility to the pool, stairs shall be optional in easily accessible areas.

7. The placement of the children's pools shall be independent and isolated from the rest of the pools.



8. During periods when the pool is not in operation, the pools shall be covered or fenced off by an effective means to prevent deterioration and risks to the health and safety of persons.

*Article 6. Access to the pools.*

1. On the platform of the pool, showers shall be installed with running water suitable for human consumption, with direct drains to the sewer system and distributed evenly around the platform, so that their number is not less than two, except in children's pools that will have at least one.

2. In outdoor facilities where there are areas with grass, earth or sand, access to the pool shall be via obligatory footbaths, located in the bathing area and equipped with showers with running water suitable for human consumption. These footbaths shall be kept in a hygienic condition, avoiding stagnation, and if they contain water in continuous circulation, this shall not mix with the water of the pool's purification circuits. These pools will not be mandatory in children's pools, nor in water parks. For the purposes of the total calculation of showers, account shall be taken of those of the footbaths.

3. Springboards and jumping platforms shall only be permitted in the diving pits.

*Article 7. Changing rooms and toilets.*

1. All swimming pools shall have toilets available to users, which shall be for the exclusive use of the swimming pool, except in the following cases, where existing toilets in areas close to the facilities may be used:

a) Type 2 pools when they are for the exclusive use of persons staying at the establishment.

b) Type 3A swimming pools for the private use of communities of owners of up to a maximum of thirty dwellings, and the rest of the type 3A swimming pools (rural or agritourism houses, halls of residence or similar).

2. All swimming pools shall have changing rooms available to users for the exclusive use of the swimming pool, except in the following cases, where existing changing rooms in areas close to the facilities may be used:

a) Type 2 pools when they are for the exclusive use of persons staying at the establishment.

b) Pools of type 3A.

3. Changing rooms and toilets shall be adequately ventilated and constructed of materials which are waterproof, easy to clean and disinfect, with non-slip flooring that avoids waterlogging.

4. Toilets shall be equipped with washbasins, toilets and showers, in adequate number and characteristics according to the number of users, so as to avoid crowding and excessively long distances for their use.

The toilets must have running water suitable for human consumption in sinks and showers, and have the necessary equipment for the correct hygiene of the users.

Article 8. *Leisure areas.*

When there are catering activities or areas with tables or equipment set up for users to eat or drink, or for other leisure activities such as playgrounds, they must be located in areas with sufficient demarcation and separation from the bathing areas, and their cleanliness and hygiene must be guaranteed in order to avoid health and hygiene risks.

Article 9. *Water points for public consumption.*

All water points for public consumption in the facilities must have water fit for consumption, in accordance with the provisions of Royal Decree 3/2023, of 10 January, which establishes the technical and sanitary criteria for the quality of drinking water, its monitoring and supply.

### CHAPTER III

#### **Hygiene and health conditions of swimming pools.**

Article 10. *Hygiene and maintenance of the facilities.*

1. All installations, including their equipment, must be in appropriate hygiene and maintenance conditions, in order to prevent risks to users.

2. Surfaces in frequent contact with users, such as changing rooms, toilets, first aid facilities, first aid room and teaching aids, shall be cleaned and disinfected with appropriate products at a frequency appropriate to the intended use.

3. For the collection of waste, litter bins and containers will be used in a number appropriate to the capacity of the pool, which will be removed from the pool daily.

Article 11. *Water treatment.*

1. The treatments provided shall be adequate to ensure that the water quality of the pools complies with the annexes to this regulation. The treatment system of each of the pools will be independent.

2. The recirculating water in each pool shall be at least filtered and disinfected before entering the pool, so that it is continuously purified at least during the opening hours of the pool.

3. If the water flows from the pool to the treatment plant by means of a perimeter overflow, after passing through a manhole or equalisation basin, it must be easily accessible to maintenance and inspection personnel. In the case of water suction systems in recesses in the pool wall, their number shall be at least one per 25 square metres of water surface area.

4. The maximum water filtration speed and the recirculation time of the total water volume shall comply with the technical specifications and needs of the pool to comply with the water quality parameters set out in Annex I.

5. In order to know the volume of renewed and purified water in each pool at all times, it is compulsory to install two water meters: one at the inlet of the water supply to the pool and one after filtration and before disinfection of the recirculated water.

6. During the period of use of the installation, the filtration equipment shall be subjected to the necessary cleaning and maintenance operations in accordance with the manufacturer's instructions. In any case, their state of cleanliness and maintenance shall be checked before the start of the season, and the filter beds shall be renewed if necessary. Furthermore, they shall have systems for measuring the pressure difference between the inlet and outlet of the water, or systems of similar efficiency that allow their state of maintenance to be assessed.

7. Chemical treatments shall not be carried out directly in the pool. The water must circulate through the different unitary treatment processes before passing into the pool. In situations of justified cause, the chemical treatment may be carried out in the pool itself, always after the pool has been closed and there are no bathers in it, guaranteeing a safety period before it is put back into operation.

The dosage of the products for the treatment of water shall be carried out with automatic or semi-automatic systems, without prejudice to the provisions of the preceding paragraph.

8. The chemical products used for the treatment of the water in the pool shall comply with the requirements established in the regulations on biocides, chemical substances and mixtures, as well as any other applicable regulations.

9. The feed water for the pools shall preferably come from a water supply network for human consumption or, if not, other authorised water sources may be used, provided that the water is at least disinfected before entering the pool and meets the water quality criteria set out in Annex I.

*Article 12. Conservation of pool water during periods without activity.*

1. The water in the pool may be retained during the period when the facility is closed, provided that treatment is carried out to guarantee the water quality criteria established by the regulations in force at the time of opening.

2. In order to assess compliance with the water quality criteria for the water undergoing treatment for its conservation during periods of non-activity, initial water monitoring must be carried out during the fortnight prior to the opening of the pool, in order to have the results of the analysis prior to its operation. In this initial monitoring, the disinfectant used in the treatment shall be analysed, together with the other parameters set out in Article 16.

*Article 13. Pest control.*

1. The facilities must meet the structural and hygienic-sanitary conditions that prevent the proliferation of harmful agents, carrying out an adequate comprehensive pest control on the basis of which the necessary preventive

measures and disinfection, insect and rat extermination treatments will be carried out.

2. The personnel in charge of pest control must be in possession of the appropriate professional qualification, in accordance with the current regulations on training to carry out treatments with biocides.

#### *Article 14. Animal Presence.*

The presence of animals is prohibited in swimming pools, except for assistance dogs, in accordance with the provisions of Law 2/2015, of 10 March, on Access to the Environment for People with Disabilities who require the Accompaniment of Assistance Dogs, of the Community of Madrid, and other applicable regulations.

### CHAPTER IV

#### **Water and air quality.**

#### *Article 15. Water and air quality criteria.*

For the purposes of this decree, the water and air quality criteria are those laid down in Article 10 of Royal Decree 742/2013 of 27 September establishing the technical and health criteria for swimming pools, as well as in Annexes I and II, which are reproduced in this Regulation.

#### *Article 16. Quality control.*

1. In accordance with the provisions of Royal Decree 742/2013 of 27 September, the owner of the swimming pool must monitor at least the parameters set out in Annexes I and II for each pool.

2. The checks to be carried out shall be as follows:

a) Initial control: this shall be carried out, as a minimum, in those pools where the supply water does not come from the public distribution network. The parameters to be monitored shall be those set out in Annex I and II. This check shall be carried out during the fortnight prior to the opening of the pool, so that the analytical results are available prior to the opening of the pool.

Likewise, this monitoring shall be carried out, in any case, after the pool has been closed for more than two weeks or after temporary closures that may

entail significant variations in the water or air control parameters: water in the pool subjected to conservation during the winter, structural modifications, among others.

b) Routine monitoring: daily monitoring of the effectiveness of the water treatment of each pool. It shall be monitored as described in Annex III, with at least two checks per day, one in the morning before opening the pool to the public and one at the time of maximum public attendance, and as often as necessary to ensure that the parameters are maintained within the established values.

It shall be recorded in accordance with the model of the routine monitoring record set out in Annex IV, or an equivalent one containing at least the same information. The person in charge of its recording shall be technically qualified to carry out the corresponding corrective actions in the event of non-compliance with the parametric values, or otherwise, shall inform the personnel responsible for them, and their functions shall be adequately established in the pool's self-monitoring protocol.

c) Periodic monitoring: monthly monitoring of the compliance of the water in each pool with the provisions of Annexes I and II, and it shall be monitored as described in Annex III.

3. In indoor or mixed pools, good air renewal shall be ensured and at least the air checks specified in Annex II shall be carried out as described in Annex III. If there are several pools with different temperatures in the same enclosure, the pool with the largest surface area shall be taken into account when calculating the ambient air temperature.

4. Type 3A swimming pools for private use of communities of owners of up to a maximum of thirty dwellings, and all other type 3A swimming pools, i.e. rural or agritourism houses, halls of residence or similar, shall be exempt from having to carry out the checks in accordance with the provisions of this article, unless required by the health authority.

*Article 17. Situations of non-compliance.*

In accordance with the provisions of Royal Decree 742/2013 of 27 September:

1. Situations of non-compliance shall be those in which the provisions of Annex I, II or III are not complied with. Once a situation of non-compliance has been detected, the operator shall immediately investigate the reasons for non-compliance and take appropriate corrective and, where necessary, preventive action. The health authority shall be informed of the non-compliance when required by the authority. Such communication may be made by electronic means.

2. The operator shall verify that the causes of non-compliance have been properly corrected. Where appropriate, it shall inform users and the health authority.

3. The pool shall be closed for bathing until the values are normalised at least in the following situations:

a) Where the operator or the health authority considers that there is an imminent risk to the health of users.

b) after routine or periodic monitoring, when the conditions for pool closure referred to in Annex I are present.

c) When faeces or vomit and other visible organic residues are present in the water in the pool.

*Article 18. Laboratories and analysis methods.*

Without prejudice to the requirements of Royal Decree 742/20013 of 27 September, for turbidity analysis, kits may also be used that comply with standard UNE-EN ISO 7027-1 "Water quality. Determination of turbidity. Part 1: Quantitative methods" Kits must be available at the facility on a permanent basis.

The owner of the pool shall have written procedures for the on-site analytical methods used for the quantification of the parameters and the limits of detection or quantification.

## CHAPTER V

### **Self-monitoring protocol**

*Article 19. Self-monitoring protocol.*

1. The owner of the pool shall have a pool-specific self-monitoring protocol, which shall always be available at the pool to the maintenance staff and the competent authority. That protocol shall be updated as often as is necessary in each case, and shall include at least the following aspects:

a) Treatment of the water of each pool.

b) Water control.

c) Pool maintenance.

d) Cleaning and disinfection.

e) Safety and good practice.

f) Pest control plan.

g) Supplier and service management.

2. The self-monitoring protocol must be updated whenever there is any modification that affects the pool or its operation.

3. The protocol shall include all information on the procedures and actions taken in respect of each of the preceding paragraphs, together with the corresponding records accrediting their implementation. Incident situations and non-compliance should also be recorded together with the corrective measures taken.

4. In the event of a suspected risk to the health of users or on the basis of historical data from the pool, the health authority may require the pool owner to include in their self-monitoring protocol the parameters, sampling points, additional sampling, and other quality criteria it considers necessary or to increase the frequency of sampling that it considers appropriate to safeguard the health of users.

5. Type 3A swimming pools for private use of communities of owners of up to a maximum of 30 dwellings and the rest of swimming pools of type 3A, i.e. rural or agritourism houses, halls of residence or similar, will be exempt from having to have a self-monitoring protocol.

## CHAPTER VI

### **Safety conditions of swimming pools and water parks**



#### *Article 20. Safety requirements.*

1. The owner of the swimming pool must ensure that the installations, as well as the devices, equipment and aquatic attractions existing therein, have the appropriate safety elements to prevent risks to the health of users, complying with the applicable safety requirements as established in Royal Decree 1801/2003, of 26 December, on the general safety of products.
2. Newly constructed public swimming pools and those that undergo a constructive modification of the pool basin shall comply with the requirements established in UNE-EN 15288-1 "Swimming pools for public use. Part 1: Safety Requirements for Design" and UNE-EN 15288-2 "Swimming pools for public use. Part 2: Safety requirements for operation", or other similar standards or standards ensuring an equivalent level of safety.
3. Water parks shall have a safety and good practice plan included in their self-monitoring protocol, which sets out the safety requirements to be met by existing facilities, equipment and water attractions, as well as the applicable technical standards.

In water parks, a risk assessment must be carried out, establishing the necessary supervision to be carried out in the facilities by the owner, as well as the frequency of the activities (periodic reviews), and the documentation accrediting compliance must be kept, which will be included in the Safety and Good Practice Plan. This assessment shall be carried out by technically trained personnel.

4. In the event that the competent authority considers that architectural or other elements forming part of the pool may jeopardise the health and safety of users, it may require any additional measures it deems necessary.

#### *Article 21. Water attractions.*

Water attractions must comply with the following conditions:

1. The construction, design, maintenance, arrangement and materials of water attractions will guarantee the safety of users at all times.
2. They will be adapted to the ages of the users for whom they are intended and will conform to the requirements set out in the applicable UNE standards. In the

case of attractions that may generate situations that require surveillance, the necessary personnel must be available to supervise the correct use of the attractions, with exclusive dedication throughout opening hours.

3. A sign shall be installed at each attraction informing the user of the characteristics and instructions for use, number and availability of monitors and lifeguards.

4. The area where the attractions are located should be non-slip.

5. Before being put into operation, they shall have the documentation accrediting the safety of the components of the installation, in accordance with the provisions of Article 3 of Royal Decree 1801/2003, of 26 December, so as to guarantee the level of safety that consumers can reasonably expect.

6. The health authority may require a risk assessment to be carried out on attractions that may generate risk, in accordance with the applicable UNE standards.

#### *Article 22. Maintenance and conservation of water attractions.*

1. The owners of the facilities, shall be responsible for the maintenance and conservation of the existing attractions, having to carry out periodic reviews, at least once a year, in accordance with the applicable UNE standards, as well as the instructions provided by the manufacturer of the same. These reviews shall be documented.

2. The feed water for water attractions, whether or not associated with a pool, shall comply with Article 11.9.

3. In water attractions not associated with a pool, which have a water recirculation circuit, the necessary monitoring shall be carried out to ensure compliance with the quality criteria established, for which the parameters listed in Annex I shall be analysed, with a minimum frequency in accordance with Annex III. In the case that the water of the attractions is heated and with aerosolisation, the *Legionella* spp. parameter shall be included in the initial and periodic monitoring analyses.

4. If there is a water recirculation circuit in the water attractions, the water must be continuously cleaned at least during opening hours, except those activities in

which bathing is not permitted, such as the navigable river or the turbulent river, by physico-chemical procedures of recognised efficacy, using a treatment plant.

5. The dosage of products for water treatment of water attractions shall be carried out with automatic or semi-automatic systems, except in situations of justified cause where it could be carried out in the attraction itself, after closing the attraction and with the absence of users in it, guaranteeing the necessary safety period before its return to operation.

6. Products used in the water treatment of attractions shall comply with the requirements set out in Article 11.8. Their storage and use shall be carried out in accordance with their specific technical standards or as set out in their safety data sheets, which must always be available at the facility.

#### *Article 23. Capacity of the facilities.*

1. The maximum bather capacity for each pool shall be established by the owner of the pool, so that each bather has at least two square metres of water surface area, except in children's pools.

2. The user capacity of the pool is established in the corresponding operating license, granted by the corresponding municipality. In those cases in which it is not stated, it shall be established by the owner of the pool, so that each user has at least four square metres of the total surface area of the pool, except in aquatic parks where it shall be at least seven square metres.

The surface of the swimming pool or water park shall be considered as the area corresponding to all areas accessible to users within the enclosure, except the parking, when the capacity is not included in the municipal license.

3. The bather capacity will be marked in an information poster, which will be installed next to the pool. The user capacity will be indicated at the entrance to the facilities.

#### *Article 24. First aid and health care.*

1. All swimming pools shall have a basic emergency first aid kit, located in a visible and signposted place, stocked with wound-dressing materials, the contents of which shall be checked periodically. The kit shall contain at least the following: disinfectants and antiseptics, sterile gauze, cotton, bandages,

adhesive tape, adhesive dressings, topical product for the treatment of stings, physiological serum, scissors, tweezers and disposable gloves. In addition, an easily accessible telephone will be available on the premises.

2. Swimming pools whose water surface area exceeds 500 square metres must be equipped with the following:

(a) Medical staff, consisting of at least one nurse or doctor, permanently present on the premises during the opening hours of the swimming pool.

The presence of medical staff may be dispensed with in swimming pools with a water surface area of less than 1,000 square metres that have a written evacuation procedure for emergency cases and, prior to the start of the bathing season, contact has been established with a nearby medical centre and with the emergency services to coordinate the possible evacuation of injured persons, and documentation to this effect must be available.

b) The following medical equipment, if medical personnel are available:

1. First aid room, for exclusive use, located in a visible and signposted place, easily accessible from inside the enclosure and allowing rapid and immediate evacuation from the outside. It shall be equipped with a washbasin with running water fit for human consumption, liquid soap and single-use towels, a stretcher, a portable artificial respiration device for all ages, and the necessary equipment to provide adequate health care.

2. Health care record book, in which the actions or incidents attended to by medical staff are recorded.

3. Exempt from the obligation to comply with the requirements established in sections 1 and 2 of this article are type 3A private swimming pools of communities of owners of up to a maximum of thirty dwellings and the rest of swimming pools of type 3A, that is, swimming pools in rural or agritourism houses, halls of residence or similar.

4. Water parks shall comply with the provisions of paragraph 2 of this article, and may not, under any circumstances, dispense with medical staff, consisting of at least one nurse and one doctor, who shall be permanently present on the premises during opening hours. In addition, there will be a permanent

ambulance service to guarantee, at all times, any evacuation in optimal and rapid conditions, with staff at the gates of the park being necessary.

5. The facilities must have at least one defibrillator in the cases provided for in Decree 78/2017, of 12 September, of the Governing Council, regulating the installation and use of external defibrillators outside the health sector and creates their register.

*Article 25. Lifeguard service and monitors.*

1. Swimming pools shall have at least the following lifeguard staff for the entire opening hours:

- a) One lifeguard, up to 500 square meters of water surface area.
- b) Two lifeguards, between 501 and 1,000 square metres of water surface area and one more lifeguard for every 1,000 square metres.

In enclosures where there are different pools, for the purpose of calculating the number of lifeguards, all the water surface areas shall be added together.

2. In addition to the above, the pools must have additional lifeguard personnel in the following cases:

- a) Where the physical separation between pools does not permit effective surveillance, the presence of a lifeguard at each pool is mandatory.
- b) If the design or size of the pools does not permit effective surveillance, the presence of the number of lifeguards necessary to ensure such surveillance shall be mandatory.
- c) In the case of pools with water attractions, there shall be a sufficient number of lifeguards to ensure effective surveillance and, as a minimum, there shall be one lifeguard per pool if the surface area of the pool is a maximum of 500 square metres and two lifeguards per pool if the surface area is between 501-1,000 square metres. In the case of wave pools, the number of lifeguards will be one more.

3. The aforementioned lifeguard personnel must have the required training in accordance with the regulations established by the Ministry of Health.

4. Exempted from the obligation to have lifeguards:

a) Facilities where there are exclusively whirlpools or contrast pools with a total water surface area equal to or less than 500 square metres and with a maximum depth of the pools equal to or less than 1.4 metres.

b) Therapeutic pools.

c) Swimming pools intended exclusively for use by high level or high performance swimmers in training and competitions.

d) The swimming pools of communities of owners of up to a maximum of thirty dwellings, and the rest of type 3A swimming pools, that is, swimming pools of rural or agritourism houses and of halls of residence or similar, will be exempt.

5. In the water parks or in pools that have water attractions, there will also be monitors, whose number will be adequate for each of the attractions and, as a minimum, there must be one at the beginning of each attraction, and if necessary, another at the end. Their main function will be to ensure the correct use of the attractions throughout operating hours.

#### *Article 26. Material resources:*

1. Swimming pools shall have rescue aids in sufficient number, located on the platform of each pool, in easily accessible places. There shall be at least two approved lifeguards per pool with a rope length of not less than half the maximum width of the pool plus three metres.

2. Rescue aids are not compulsory in the following cases: splash pools, whirlpools with a surface area of less than twenty square metres, therapeutic pools and contrast pools.

#### *Article 27. Rules for the use of swimming pools.*

All facilities shall have mandatory rules, which shall be displayed in a visible place at the entrance to the establishment and on the web pages of these facilities. The owner shall ensure compliance with them.

As a minimum, they shall contain the following indications:

a) Capacity must be respected at all times.

b) Persons with contagious respiratory diseases are not allowed access to the pool.

- c) No person suffering from contagious water-borne or skin diseases shall be allowed access to the bathing area.
- b) Access to the bathing area or beach area with street shoes is not allowed.
- e) Eating is not allowed in the bathing area.
- f) It is compulsory to shower before swimming in the pool.
- g) In heated swimming pools, the use of a bathing cap is compulsory and the use of swimming goggles is recommended.
- h) The pool shall remain inaccessible during the lifeguard's rest hours when their presence is required.
- i) Children under 12 years of age may not enter the pool, platform and beach area without being accompanied by an adult.

*Article 28. Incident situations.*

1. Incident situations referred to in article 13 of Royal Decree 742/2013, of 27 September, must be reported by the owner of the pool as soon as possible, and in any case no later than five days after the incident, to the health authority of the Community of Madrid. Furthermore, the owner must take the appropriate steps to understand the causes, as well as take corrective and preventive measures.

The communication of the incidents to the health authority may also be carried out by the person concerned.

Such communication may be made by electronic means.

2. The health authority of the Community of Madrid, must report the incident situations received to the Ministry with competence in the field of health, within a maximum period of one month. Such notification must be made through the Water Incident Reporting System authorised by the Ministry for compliance.

## CHAPTER VII

### **Responsibilities and competences**

*Article 29. Public disclosure.*

The owner of the pool shall make at least the following information available to users in an accessible and easily visible place:

- a) the results of the last checks carried out (initial, routine or periodic), indicating the pool to which they relate and the date and time of sampling. These analyses shall be made available to the public as soon as the pool owner obtains the results.
- b) Information on situations of non-compliance with Annex I or II, corrective measures, as well as health recommendations for users in case of a health risk.
- c) Information material on the prevention of drowning, head injuries and spinal cord injuries. In the case of outdoor pools, sun protection material shall also be provided.
- d) Information on chemical substances and mixtures used in the treatment.
- e) Information on whether or not lifeguards and medical staff are available, and the addresses and telephone numbers of the nearest medical and emergency facilities.
- f) The rules for the use of the swimming pool, as set out in Article 27, and the rights and duties of the users of the swimming pool.
- g) information on the existence of complaint forms shall be provided by means of a permanent sign clearly visible to the public, legibly displaying the words "Complaint forms are available for the consumer".

Type 3A private swimming pools of communities of owners of up to a maximum of 30 dwellings and the rest of swimming pools of type 3A, that is, swimming pools in rural or agritourism houses, halls of residence or similar, shall only be obliged to report the provisions of paragraphs d), e) and f). The obligation set out in section g) shall be enforceable on the parties that are obliged in accordance with the provisions of article 29 of the Regulations of Law 11/1998, of 9 July, on Consumer Protection in the Region of Madrid, approved by Decree 1/2010, of 14 January.

#### *Article 30. Responsible declaration and prior communication.*

1. The owner of a newly built swimming pool, or of a swimming pool undergoing a construction modification, must submit a statement of compliance to the



municipality responsible for its geographical location regarding the opening of the pool. This is without prejudice to the processing of the appropriate licences or other requirements demanded by the competent bodies in compliance with current legislation.

This declaration must be submitted in accordance with the provisions of Law 39/2015 of 1 October on the Common Administrative Procedure of Public Administrations.

The statement of compliance must be made prior to the first start-up of the activity after the construction or modification works, being a sufficient condition for the commencement of the activity, without prejudice to the verification and inspection actions that may be carried out by the competent authorities. It must also be communicated when there are variations in the data previously provided in the statement of compliance, as well as after a change of ownership.

Once the activity has started, the operation of the pool is the sole responsibility of the owner, who must therefore observe and comply with the requirements arising from this regulation and other provisions in force, without prejudice to the competent administration establishing the monitoring measures it deems appropriate.

2. For the annual reopening of the bathing season of water parks or in the case of restarting the activity after a cessation of activity for a period of more than three months, the owner of the park must submit a prior notification of reopening to the health authority of the Community of Madrid, which must be submitted prior to the start of the activity. Such communication shall also be submitted in the event of the definitive closure of the park, within a maximum period of three months after its closure.

3. The local authorities shall communicate to the health authority of the Community of Madrid the statements of compliance received from the swimming pools located in their territory. Such communication must be made within one month of receipt.

*Article 31. Referral of information to SILOE.*

The owners of public swimming pools must notify the Swimming Pool Information System “SILOE” of the Ministry of Health, before 30 April each year,

the data for the previous year indicated in Annex IV of Royal Decree 742/2013, of 27 September. If the pool information relating to Parts A and B of Annex IV remains unchanged, its notification shall be at least every 5 years.

*Article 32. Local and regional competences.*

1. Local bodies, in accordance with the provisions of their own by-laws and state and regional legislation, shall be competent, due to their territorial jurisdiction, to inspect and exercise the power to impose penalties on swimming pool and water park facilities located in the municipality.

Any project for the construction of a swimming pool or constructive modification of the pool basin must comply with the provisions of article 5 of Royal Decree 742/2013, of 27 September, with the competent municipal technical services of the local authorities being responsible for verifying compliance with the requirements established in the Technical Building Code. The owner of the pool must have the documentation accrediting this compliance.

2. Without prejudice to the provisions of the previous point, local councils that lack the necessary means to carry out the inspection function may seek the collaboration of the competent services of the regional ministry with competence in health matters.

3. Independently of the municipal powers referred to in the first point or those that may correspond to other public administrations, the health authority of the Region of Madrid shall monitor compliance with the provisions of this regulation and may carry out the appropriate inspections to verify compliance, as well as exercise the power to impose penalties.

*Article 33. Inspection.*

1. In the exercise of their duties, the duly accredited inspection staff of the competent public administrations may carry out any actions required to ensure compliance with the applicable regulations.

Among them, the adoption of the appropriate precautionary measures legally attributed to ensure the effectiveness of health protection, including the closure of pools when it is considered that there is a risk to the health of users, in accordance with current legislation.

2. The owners, managers or employees of the swimming pool shall be obliged to facilitate the work of the inspectors, providing them with all the information requested, as well as facilitating the taking of samples and the corresponding monitoring.

*Article 34. Necessary documentation at the facilities.*

The owner of the facilities shall ensure that the following documentation is permanently available to the inspecting personnel at the pool, whenever it is required to be available:

- a) Documentation certifying that the lifeguards have the necessary training to provide this service.
- b) Documentation certifying that the medical staff are authorised to carry out their activity.
- c) Self-monitoring protocol, including records.
- d) Any other documentation required by the competent health authority.

## CHAPTER VIII

### **Infringements and Sanctions**

*Article 35. Penalties.*

1. Failure to comply with the provisions of these regulations shall be considered an administrative infringement in health matters, and these infringements shall be subject to the appropriate administrative sanctions in accordance with the provisions of Chapter VI of Title I of Law 14/1986, of 25 April, General Health Law, Title VI of Law 33/2011, of 4 October, General Public Health Law, and Chapter II of Title XIII of Law 12/2001, of 21 December, on Health Regulation in the Region of Madrid.

2. The penalty procedure will be in accordance with the provisions of Law 39/2015, of 1 October, and other applicable regulations.

*Article 36. Precautionary measures.*

The shut down, closure or suspension of activity of swimming pools shall not be considered a sanction, and these measures shall be maintained until the

deficiencies that led to them are rectified or the requirements demanded for health, hygiene or safety reasons are met.

First additional provision. *Water attractions not associated with a pool, in public places.*

Water attractions not associated with a pool, which are installed in public places other than swimming pools, shall comply with the provisions of Articles 21 and 22.

Second additional provision. *Construction characteristics.*

The platform width indicated in article 5.2 shall apply to any new construction project or construction modification of a pool, from the entry into force of this decree.

For heated swimming pools, whirlpools and therapeutic pools, article 6.1 shall apply to any new construction project or construction modification of a swimming pool, from the entry into force of this decree.

Sole repealing provision. *Repeal of regulations.*

1. Decree 80/1998 of 14 May, regulating the health and hygiene conditions of swimming pools for collective use, and Decree 128/1989 of 20 December, regulating the health and hygiene conditions of aquatic parks, are hereby repealed.

2. Likewise, any provisions of equal or lower rank that oppose, contradict or are incompatible with the provisions herein are hereby repealed.

First final provision. *Implementing authorisation.*

The head of the competent Regional Ministry of Health is empowered to issue as many provisions as may be necessary for the implementation of the decree.

Second final provision. *Entry into force.*

This decree shall enter into force on the day after its publication in the Official Gazette of the Community of Madrid.

## ANNEX I

### Water quality indicator parameters

PARAMETER	PARAMETRIC VALUE	NOTES	CONDITIONS FOR CLOSING THE POOL
pH	7.2 - 8.0	When the values are outside the range, the Langelier Index which must be between -0.5 and + 0.5 shall be determined.	When values are below 6.0 or above 9.0 the pool shall close until normalisation of the value
Temperature	24 - 30 °C ≤ 36 °C in whirlpool	Only in the case of heated pools	If the values in heated vessels pools 40°C, the pool shall be closed until the value is normalised.
Transparency	The bottom drain must be clearly visible.		When the bottom drain or the Secchi disc cannot be distinguished
REDOX potential	Between 250 and 900 mV	To be measured when the disinfectants are other than chlorine or bromine and their derivatives.	
Recirculation time	Time (in hours) according to the specifications and needs of the pool to meet the quality parameters		
Turbidity	≤ 5 FNU		When the values exceed 20 FNU, the pool shall be closed until the normalisation of the value
<b>Residual disinfectant:</b>			
Residual free chlorine	0.5-2.0 mg/L Cl <sub>2</sub>	To be checked when chlorine or chlorine derivatives is used as a disinfectant	In the case of absence or exceeding 5 mg/L, the pool shall be closed until the normalisation of the value; in the case of indoor pools, the renewal of the air will also be intensified
Residual combined chlorine	< 0.6 mg/L Cl <sub>2</sub>	To be checked when chlorine or chlorine derivatives is used as a disinfectant	In the case of exceeding 3 mg/L, the pool shall be closed until the normalisation of the value; in the case of indoor pools, the renewal of the air will also be intensified
Total bromine	2-5 mg/L Br <sub>2</sub>	To be checked when bromine is used as a disinfectant	In the case of absence or exceeding 10 mg/L, the pool shall be closed until the normalisation of the value; in the case of indoor pools, the renewal of the air will also be intensified
Isocyanuric acid	< 75 mg/L	To be monitored when using derivatives of	In the case of exceeding 150 mg/L, the pool shall be closed

		trichloroisocyanuric acid.	until the normalisation of the value
Other disinfectants	As determined by the competent authority	As determined by the competent authority	
<b>Microbiological indicators:</b>			
Escherichia coli	0 CFU or MPN in 100 ml		In case of suspicion or finding of non-compliance with the parametric value, the pool shall be closed and appropriate corrective measures shall be put in place so that there is no risk to the health of bathers
Pseudomonas aeruginosa	0 CFU or MPN in 100 ml		
Legionella spp	< 100 CFU/L	Only in case of aerosolised and heated pools	

## ANNEX II

### Air quality indicator parameters

PARAMETER	PARAMETRIC VALUE
Relative humidity:	< 65 %
Ambient temperature.	The dry air temperature of premises hosting heated pools shall be maintained between 1 °C and 2 °C above that of the pool water, except whirlpool and therapeutic pools.
CO <sub>2</sub>	The concentration of CO <sub>2</sub> in the air of the enclosure of indoor pools shall not exceed 500 ppm (by volume) of CO <sub>2</sub> of the outdoor air.

# ANNEX III

## Minimum sampling frequency

CONTROLS	IN WATER	IN AIR	MINIMUM FREQUENCY	PLACE WHERE CHECKS SHOULD BE CARRIED OUT
Initial	All	All	1 time, as indicated in Article 15.2.a)	In the laboratory and in the pool counters
Routine	pH, residual disinfectant, turbidity, transparency, temperature and recirculation time	All	At least 2 times a day and as indicated in Article 15.2.b), in the morning before opening the pools to the public and at the time of maximum attendance	On-site and in pool counters
Periodic	All	All	At least once a month and as indicated in Article 15.2.c) <sup>(1)</sup>	In the laboratory and in the pool counters

(1) The owner may apply to the competent health authority for a reduction of the sampling frequency of the Periodic Monitoring, when after two years of self-monitoring, all values of the Routine and Periodic Monitoring have always complied with the parametric values in Annex I and II.



# ANNEX IV

## Template for recording routine monitoring

**SWIMMING POOL:** .....

**POOL:** .....

**Disinfectant:** .....

DATE	TIME	pH	Disinfectant (mg/L) <sup>(1)</sup>	Turbidity (FNU)	Transparency	Recirculation Time (hours)	Water Temperature (°C)	Ambient temperature (°C)	Relative humidity (%)	Co <sub>2</sub> (int./ext.) (ppm)	Other s <sup>(2)</sup>	PERSON <sup>(3)</sup>


**Remarks:**

(<sup>1</sup>) If chlorine or chlorine derivatives are used, note Free Chlorine Residual (FCR) and Combined Chlorine Residual (CCR).

If disinfectants other than chlorine and its derivatives are used, write down appropriate disinfectants.

(<sup>2</sup>) Write down any other parameters that may apply.

(<sup>3</sup>) Indicate the name of the person performing the checks.