

**Question for written answer E-005626/2014
to the Commission**
Rule 130
Reimer Böge (PPE)

Subject: Grandfathering provisions for temporary structures (fairground rides) under EN 13814

European Standard EN 13814, which was drawn up by the European Committee for Standardisation (CEN) on the basis of the Commission's Mandate M/233, sets out uniform safety standards throughout Europe for temporary structures (*fliegende Bauten*)¹ and fairground and amusement park machinery.

The EU standard contains grandfathering provisions for fairground rides already in operation, whereby it is to apply only to equipment manufactured after the issue of the draft standard in 2004.

In transposing the standard into national construction law, the German Conference of Buildings Ministers, as the highest supervisory authority for temporary structures, decided not to adopt the grandfathering provisions. The justification for this exemption was that 'temporary structures requiring post-construction approval, given the particular level of risk they entail, need to be periodically re-adjusted, as their underlying concept is essentially not static but dynamic.' (Letter of the Conference of Buildings Ministers, 31 October 2011).

This entails considerable refitting costs for the owners of non-compliant equipment if they wish to continue operating their equipment in Germany beyond the mandatory entry into force of the standard on 1 January 2015.

Is the decision not to adopt a grandfathering clause a permissible modification of the European standard as part of national transposition?

Are there other countries beside Germany which have decided against grandfathering in their transposition of EN 13814 into their national law? If so, which Member States are these?

¹ Translator's note: Defined as 'Equipment that is regularly assembled, used and then dismantled at various locations, such as merry-go-rounds at funfairs'. See http://ec.europa.eu/consumers/archive/reports/nat_folder/rapplu_en.pdf