

Regulation of the Minister of Health, Welfare and Sport, dated [date, no.],
amending the Commodities Act regulation on fairground rides and play equipment
in connection with the adjustment of its scope and the updating of the
requirements

(ChainID WKG027993)

Minister of Public Health, Welfare and Sport,

Having regard to Article 7c(2) of the Commodities Act [Warenwet] and Articles 9(4)
and (5), 10(7), 12(2) to (4) and 27(4) of the Commodities Act decree on fairground
rides, activity equipment and play equipment [Warenwetbesluit attractie,
attractietoestellen, activiteitstoestellen en speeltoestellen];

Hereby decrees:

Article I

The Commodities Act regulation on fairground rides and play equipment is
amended as follows:

A

Article 1 is amended as follows:

1. In the definitions section *of the decree*, 'Commodities Act decree on fairground
rides and play equipment 2023' is replaced by 'Commodities Act decree on
fairground rides, activity equipment and play equipment'.
2. The definitions *consultation with designated institutions* and *subcontractor and*
are deleted.
3. The following two definitions are added:
 - *Impartial expert*: a natural person, acting under the responsibility of a legal
person or institution other than the operator, who is not employed by or
directly related to the operator of the equipment or their company;
 - *Periodic inspection*: a periodic inspection carried out by an impartial expert
to assess the management and technical condition of a piece of equipment
in order to determine its safety.

B

Article 2 now reads as follows:

Article 2

1. When applying for designation as referred to in Article 27(1) of the decree, the
institution indicates which category of equipment will be inspected in combination
with which inspections.
2. In addition to the first paragraph, the institution has:
 - a. accreditation for the standard NEN-EN-ISO/IEC 17065:2012 if the institution
is to issue certificates in the context of initial inspections and/or type
examinations; or
 - b. accreditation for the standard NEN-EN-ISO/IEC 17020:2012 if the institution
is going to carry out inspections in the context of periodic inspections.

C

Article 3(h) reads as follows:

h. participation in the activities to be organised by the scheme administrator and cooperation with other institutions within the sector;

D

Article 4 is deleted.

E

The heading of Section 3 is worded as follows:

Section 3. Inspection, testing, assessment, certificates and unique registration number

F

Article 5 is amended as follows:

1. In the second paragraph, 'the matrix referred to in Annex II' is replaced by 'a matrix drawn up by the designated institutions'.
2. The third paragraph is deleted.
3. The following two paragraphs are added:
 3. Trampoline parks are inspected by a designated institution every three years.
 4. Series-produced play equipment manufactured in accordance with the approved type-specific sample are assessed by a designated institution every ten years.

G

The following article is inserted after Article 5:

Article 5a

1. Play equipment is inspected annually by an independent expert.
2. The operator of a piece of equipment used in an activity must request an inspection from an impartial expert at least 30 days before the date of the next periodic inspection.

H

Article 6 is amended as follows:

1. In the first paragraph, the words 'models set out in Annex III' are replaced by the words 'models established by the designated institutions'.
2. In the first, second and fourth paragraphs, 'fairground rides or play equipment' is replaced by 'equipment'.
3. In the second paragraph under a and in the fifth paragraph, the words 'or equivalent 3D rendering' are added after the words 'panoramic photograph'.
4. In the fifth paragraph, 'the models included in Annex III' is replaced in each instance by 'the models referred to in the first paragraph', and 'and the supplementary illustrations referred to in the second paragraph, part a' is

replaced by ', the supplementary illustrations referred to in the second paragraph, part a, and the description of cluster or combination components referred to in the sixth paragraph, part c'.

5. The following paragraph is added:
 6. A combination of individual fairground rides, activity equipment or play equipment, or parts thereof, may be covered by a single certificate of approval if it constitutes a cluster or combination of equipment in which:
 - a. no components or connections other than the modular components, including standardised connections, which have been approved and are listed by the manufacturer as possible combinations in the user manual, are used;
 - b. the cluster or combination components used in a panoramic photograph or equivalent 3D representation are shown, either separately or in one or more combinations; and
 - c. the certificate of approval specifies which cluster or combination components may or may not be combined with which other cluster or combination components and how they may be connected to one another.

I

Article 7 is amended as follows:

1. In the first paragraph, 'Annex II' is replaced by 'as referred to in Article 5(2)'.
2. The second paragraph now reads:
 2. A certificate of approval for a trampoline park has a maximum period of validity of three years. The validity of the certificate of approval may expire earlier due to a substantial modification as referred to in Article 15(2) of the decree.
3. The third paragraph now reads:
 3. The operator of a fairground ride or trampoline park applies for an inspection from a designated institution at least 30 days before the expiry date of the certificate of approval. If the fairground ride referred to in the first paragraph cannot be inspected in a timely manner beyond the control of the operator, the certificate of approval retains its validity for a maximum period of four months after the expiry date.
4. The following three paragraphs are added:
 4. A certificate of approval for play equipment other than a trampoline park, which has not been manufactured in accordance with an approved, representative prototype and for activity equipment is valid indefinitely, unless the certificate of approval ceases to be valid as a result of a substantial modification as referred to in Article 15(2) of the decree.
 5. A certificate of approval for a series-produced piece of play equipment manufactured in accordance with the approved representative sample is valid for a maximum of ten years. The validity of the certificate of approval may expire earlier by an amendment to the internal provisions referred to in Article 15a(2) of the decree or by a new or amended standard referred to in Article 6(1) of the decree.
 6. The manufacturer or importer of play equipment as referred to in the fifth paragraph applies to a designated institution for an assessment at least 30 days before the expiry date of the certificate of approval. If a fairground ride referred to in the sixth paragraph cannot be inspected in a timely manner beyond the control of the manufacturer or importer, the certificate of approval retains its validity for a maximum of four months after the expiry date.

J

Article 8 now reads:

Article 8

1. The designated institution requests a unique registration number as referred to in Article 12(2) of the decree from the Netherlands Food and Consumer Product Safety Authority.
2. The designated institution registers the unique registration number in the appropriate register of the Netherlands Food and Consumer Product Safety Authority. In the case of a series-produced fairground ride or mobile play equipment, the designated institution also records the sequence of unique serial numbers indicated by the manufacturer or importer.
3. The designated institution provides the fairground ride, activity equipment, mobile play equipment or play equipment subject to a periodic inspection requirement – which has not been manufactured in accordance with an approved, representative prototype – with the unique registration number in an indelible, durable and visible manner at the first or second inspection.
4. The designated institution provides the representative sample of the series-produced fairground ride or mobile play equipment with the unique registration number in an indelible, durable and visible manner during the type-approval or next periodic inspection.
5. The manufacturer or importer provides the series-produced fairground ride or mobile play equipment – which has been manufactured in accordance with the approved type-representative sample – with the unique registration number of the type-representative sample, supplemented by a unique serial number, in a permanent, durable and visible manner.

K

The heading of Section 4 now reads:

Section 4. Comparative study

L

Article 9 now reads:

Article 9

Notwithstanding Article 10(1) of the decree, the Netherlands Food and Consumer Product Safety Authority may, for the purpose of carrying out a comparative study between designated institutions, submit an application to several designated institutions.

M

The following paragraph is added after Article 10:

Section 5a. Transitional provisions

Article 10a

1. The periodic inspection of trampoline parks referred to in Article 5(3) must be requested no later than [date three years after the date of entry into force].
2. Article 7(5) does not apply to certificates of approval issued before [date of entry into force].
3. Article 8(5) does not apply to series-produced equipment for which a certificate of approval was issued before [date of entry into force].

Article 10b

This regulation applies to activity equipment with effect from [date three years after the date of entry into force].

N

In Article 13, 'Commodities Act regulation on fairground rides and play equipment' is replaced by 'the Commodities Act regulation on fairground rides, activity equipment and play equipment'.

O

Annex I, Annex II, Annex III and Annex IV are deleted.

P

The heading of Annex V now reads:

Annex V. Standards

(Annex as referred to in Article 10 of the Commodities Act regulation on fairground rides, activity equipment and play equipment)

Standards for fairground rides, activity equipment and play equipment

Article II

This regulation enters into force on [PM].

This regulation and explanatory notes will be published in the Government Gazette.

Minister of Public Health, Welfare and Sport,

Explanatory notes

1. General

The purpose of the Commodities Act regulation on fairground rides and play equipment (hereinafter: the regulation) is to set further rules on the Commodities Act decree on fairground rides, activity equipment and play equipment (hereinafter: decree). That decree establishes a balanced system of obligations and authorities for manufacturers, importers, managers, designated institutions, the Netherlands Food and Consumer Product Safety Authority (hereinafter: NVWA) and the Minister of Health, Welfare and Sport, with a view to ensuring the safety of fairground rides, activity equipment and play equipment in the Netherlands. These obligations and authorities focus on many kinds of equipment in the Dutch public space, from slides in municipal playgrounds to roller coasters at an amusement park and from air cushions at a summer party to the *Breakdance* at a fairground.

The present regulation contains the following main amendments:

- 1) Periodic inspection obligation for trampoline parks.
- 2) Periodic test of activity equipment.
- 3) Periodic assessment of type certificates.
- 4) The requirement to affix a mark of approval to fairground rides and play equipment is revoked. This requirement is reduced to displaying the unique registration number on fairground rides, activity equipment and mobile play equipment.
- 5) Elaboration of the authority of the NVWA to conduct a comparative study of the inspections of designated institutions.
- 6) The provision concerning the consultations to be held and the regulations to be drawn up in this regard by designated institutions has been replaced by amended conditions for designation as a designated institution, as set out in Article 24 of the decree, namely participation in the harmonisation consultations organised by a scheme administrator. The required accreditation standards for designated institutions have also been clarified.
- 7) Miscellaneous technical amendments.

Re 1)

Following reports in the media and from emergency care centres regarding an increase in trampoline accidents resulting in serious injuries, an analysis of the Injury Information System (LIS) was carried out by VeiligheidNL in 2019.¹ The results showed that there has been a worrying development in recent years due to an increase in the number of emergency care centre visits. A more recent study carried out by VeiligheidNL in 2024 also shows that trampolines are the most common cause of accidents involving play equipment.² Although it turned out that most of the accidents took place outside in the garden, the study showed that the majority of the accidents that had taken place inside involved a trampoline park. In accidents involving trampolines, the victims' behaviour was often the cause, with lack of supervision possibly playing a role. The trampoline itself was seen as a

¹ VeiligheidNL (2020), Causes and consequences of trampoline accidents – Follow-up study by the Injury Information System.

² VeiligheidNL (2024). Accidents involving fairground rides and play equipment: An analysis of emergency care centre visits from 2018-2022.

minor contributing factor.³ In the spring of 2023, the NVWA inspected one-third (32) of all trampoline parks in the Netherlands. The majority of the parks have been issued with a warning and have had fines and measures imposed on them, as dangerous situations could arise at these parks due to poor maintenance and management of the equipment. The combination of the worrying increase in the number of accidents and the NVWA inspection results show that additional measures for trampoline parks are desirable.

Re 2)

It is not evident that self-regulation provides sufficient guarantees in ensuring the safety of activity equipment. Due to the lack of a legal framework, there is no national monitoring of safety at these locations and no legal supervision. Discussions with stakeholders and working visits gave the impression that safety was not sufficiently guaranteed at all locations. The combination of the incidents, the results of the interviews, and the risk of serious injury due to the height and speed at which these equipment are used has led to the conclusion that, without regulation, safety at these locations is not adequately safeguarded (as a preventative measure). With the entry into force of this regulation, activity equipment must be periodically inspected by an impartial expert. This involves checking the management and maintenance of the equipment for safety purposes. The test is of a different order than an inspection. The test does not need to be carried out by a designated institution, but this is permitted. It is the operator's responsibility to ensure that the assessment is carried out by an impartial expert. These may be parties that were already active in the market at the time of self-regulation of activity equipment. This ensures that the regulation of activity-based equipment also takes into account and builds on previous self-regulation.

Re 3)

From a safety perspective, it is undesirable for series-produced equipment to be manufactured and marketed on the basis of outdated certification and outdated understanding of safety requirements relating to the prototype or the production process⁴. A certificate of approval issued on the basis of an approved type-identification specimen and the manufacturer's internal procedures must therefore be reassessed by a designated institution after a maximum of ten years.

Re 4)

The requirement to affix a mark of approval to a fairground ride or play equipment manufactured in accordance with an approved, type-specific sample is revoked. This requirement is reduced to providing the unique registration number when the equipment is registered by the designated institution at the time of the first inspection. This requirement also applies only to equipment registered in the Basic Equipment Register of the NVWA, namely fairground rides, activity equipment and mobile equipment.

The model approval mark previously in force required that in addition to the information which, under Article 7(1) of the decree, had to be affixed to equipment concerning the manufacturer, year of manufacture and serial number of the equipment, the unique registration number, number of the approval certificate, name of the designated institution, date of inspection and if applicable, the date of

³ See VeiligheidNL (2020), Causes and consequences of trampoline accidents – Follow-up study by the Injury Information System.

⁴ This may be the case if for various reasons, new safety findings do not lead to amended standards or in the case of series-produced equipment in which the type-approval specimen has not been assessed against a standard. This situation is undesirable from a safety point of view.

the next inspection, had to be affixed to the equipment. This amount of information is considered disproportionate to mitigating the risks to safety associated with the reasonable use of the equipment. Furthermore, the process of affixing the mark of approval by a designated institution to equipment or a type-identification specimen places a burden on, and slows down, the process of manufacturing and marketing equipment. The mark of approval can only be affixed after completion of the approval process of the equipment or type-identifying specimen by a designated institution. The unique registration number can already be affixed during the initial inspection. This is the registration and not the approval of the equipment.

Re 5)

The decision states that the NVWA may carry out a comparative study in order to compare the inspections carried out by designated institutions. That possibility has been set out in detail in the present scheme.

Re 6)

It is government policy that the assessment of inspection authorities, also known as conformity assessment institutions, should be based on international standards.⁵ This promotes professionalism in the market. This regulation is in line with national policy. In addition, following the example of other sectors, a requirement has been introduced by which designated institutions must take part in consultations chaired by a scheme administrator, with a view to harmonising their activities, sharing knowledge and experience, and making decisions.

Re 7)

Finally, on the basis of the update of the scheme and stakeholder input, several technical amendments have been made.

These amendments are explained in the explanatory notes by article.

2. Impact on regulatory burden

General

In addition to the safety of the use of equipment, the costs for the sector were also taken into account in the drafting of the proposed changes. Efforts have been made to arrive at a balanced package of measures.

Burden reduction

A significant reduction in the administrative burden on the sector is the removal of the requirement for manufacturers to affix a mark of approval to play equipment that has been tested against the approved, representative sample. The costs of affixing a mark of approval to equipment vary considerably, depending on factors such as the equipment itself, its manufacture, the location of manufacture and the production process. According to rough estimates, affixing a mark of approval to a production line of play equipment manufactured for the Dutch market on the basis of an approved, representative sample could cost approximately EUR 200,000 per manufacturer per year or EUR 30 per piece of equipment. It is not known how many items of play equipment are produced each year. In the past, VeiligheidNL estimated that there were 180,000 items of play equipment in the Netherlands.⁶ If

⁵ [Certification and accreditation within the framework of national policy, 2016.](#)

⁶ Berenschot 'Het WAS gewogen' 2011.

ten per cent of these are replaced or repurchased over the coming years, this will already result in a cost saving of EUR 540,000. Fairground rides also benefit from a reduction in the administrative burden due to the removal of the obligation to affix a mark of approval. This effect is limited because the equipment must still be fitted with a unique registration number. This remains necessary for the link with the NVWA's Basic Equipment Register in order to ensure efficient supervision. The advantage of the unique registration number is that it can be affixed to the equipment or type-representative sample immediately during the physical inspection by a designated institution rather than, as is the case with the approval mark, only after the equipment has been brought fully into compliance for approval. In practice, this final step carried out by the designated institution leads to delays and unnecessary costs. Furthermore, it may be an advantage for the manufacturer that, as the approval mark is no longer required, considerably less information needs to be displayed on the equipment.

Increase in regulatory burden

For the category of activity equipment, these regulations provide for periodic inspections by private inspectors, as was customary prior to the entry into force of these regulations under the self-regulation scheme. This entails less regulatory burden than a periodic inspection by a designated institution, as is mandatory for fairground rides.⁷ The explanatory notes accompanying the amendment to the decree⁸ provides an overview of the regulatory burden on activity equipment resulting from the inclusion of this equipment in the decree.

For trampoline parks, this change means that the obligation to have a periodic inspection carried out by a designated institution must take place once every three years.⁹ During an inspection carried out by the NVWA, one-third (32) of all trampoline centres in the Netherlands were inspected. In 20 of the 32 parks (62.5%), both warnings were issued and fines and charges were imposed, as dangerous situations could arise due to poor maintenance and management of the equipment.¹⁰ In addition, there are numerous incidents. It is therefore legally required that an inspection by a designated institution takes place once every three years.

Regulatory burden on trampoline parks		Who	Time in hours	Cost	Q	Total
One-off	Familiarisation with new regulations	Manufacturers, operators, importers and distributors of this equipment	0.5	EUR 47 per hour	96	P Labour (EUR 47 x 0.5) x Q Sellers (96 ¹¹) = EUR 2,256

⁷ A one-off commissioning inspection by a designated institution can cost several thousand to tens of thousands of euros (WAS inspection). A periodic assessment, at least once every three years, will cost several hundred euros. A periodic assessment is a new concept in the present regulation. This is in line with the current self-regulation in the sector as much as possible.

⁸ [Add PM reference](#)

⁹ At present, there are no statutory periodic inspections at these locations, so the costs for this are not known. A commissioning inspection of a trampoline park costs approximately EUR 5,000.

¹⁰ [Inspection results of trampoline parks 2023 | Play equipment | NVWA](#).

¹¹ Some operators have several items of equipment and will therefore spend less time per equipment familiarising themselves with the new regulations.

Structural costs for existing equipment and new equipment	Periodic inspection by designated institution	Operators	-	On average, around 3,000	96	96 x EUR 3,000 = EUR 288,000
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For manufacturers and importers of series-produced play equipment manufactured on the basis of an approved type-specific sample, the ¹²obligation to re-assess the type certificate is introduced for new type certificates. After ten years, the manufacturer or importer must submit an application to the designated institution for the assessment of the type certificate. The introduction of this measure was a (partial) response to the sector's concerns regarding the increase in the administrative burden. It has therefore been decided to organise this measure in such a way that the application starts with an assessment by a designated institution and the possibility to extend the type certificate by ten years rather than requiring a (more expensive) type-examination to be carried out immediately. The cost of the initial remote assessment by a designated institution is estimated at EUR 450. After this, a designated institution may proceed to renew the certificate of approval. The designated institution may also determine that a new type inspection is necessary. The costs involved vary and depend on the equipment, the applicant, the location and the circumstances: on average, the costs are estimated to be EUR 1,800. Assuming approximately 900 type tests per year, this costs the sector between EUR 405,000 and EUR 1,620,000.

Regulatory burden on advisory board

The Dutch Advisory Board on Regulatory Burden (ATR) did not select this dossier for a formal opinion, as it has no significant impact on the regulatory burden.

3. Consultation

The draft amendment to the Commodities Act decree on fairground rides and play equipment¹³ and the amendment to this regulation were submitted to the participants of the Regular Commodities Act Consultation (ROW) from Friday 11 July 2025 to Friday 5 September 2025.¹⁴ In addition, there was an online consultation in which a response was requested to the draft decision and the regulation.

A total of 52 respondents replied to the online consultation on the draft decree and draft regulation. The main responses and amendments relevant to the draft regulation are set out below, organised by topic and article.

Accreditation standards

¹² For the purposes of this regulation, 'new' means the type certificates issued after the entry into force of this regulation. This does not include type certificates that were already issued prior to the entry into force of this regulation.

¹³ Add PM reference

¹⁴ The ROW includes representatives from businesses (industry and trade), consumers, ministries (in particular the Ministry of Health, Welfare and Sport and Ministry of Agriculture, Nature and Food Quality) and the Netherlands Food and Consumer Product Safety Authority (NVWA).

Several parties consider the accreditation standard NEN-EN-ISO/IEC 17065 to be too onerous a requirement for designated institutions carrying out initial inspections. The decision to include NEN-EN-ISO/IEC 17065 as a condition in this regulation was made on the basis of national policy¹⁵, the opinion of the Accreditation Council and the opinion of the Netherlands Food and Consumer Product Safety Authority (NVWA). This standard sets out requirements relating to impartiality and expertise that are relevant to institutions designated by the minister to ensure the safety of equipment to be placed on the market in the Netherlands, including additional requirements concerning the organisation's structure. For initial inspections and/or type tests, it is important that designated institutions assess not only whether equipment meets the requirements, but also whether the equipment continues to meet the requirements (permanent conformity). According to the Dutch Accreditation Council (Raad voor Accreditatie), the NEN-EN-ISO/IEC 17065 lays down requirements for institutions that are appropriate for the assessment and certification of individual items of equipment, as well as for the assessment and certification of series-produced equipment. The requirements of the NEN-EN-ISO/IEC 17065 are therefore appropriate to the tasks carried out by designated institutions under this decree.

In addition, a number of parties note that mandatory NEN-EN-ISO/IEC 17065 accreditation is not feasible, in particular for the sector of activity equipment, because current parties on the market that carry out inspections cannot meet the requirements of NEN-EN-ISO/IEC 17065 and accreditation for NEN-EN-ISO/IEC 17065 would be very costly. The choice to make accreditation compulsory for the NEN-EN-ISO/IEC 17065 takes into account the feasibility and characteristics of the sector. It has therefore been decided that the schedule referred to in Article 24 of the decree will set out how the requirements of impartiality and expertise laid down in the accreditation standards can be met. In addition, the Dutch Accreditation Council indicated that it is also possible for small organisations to be accredited for NEN-EN-ISO/IEC 17065 and that lower fees are charged for smaller organisations of up to three persons.

It has been noted by the parties that NEN-EN-ISO/IEC 17065 requires annual inspections by the inspection authorities. However, in addition to the mandatory inspections and assessments in the decree and the regulation, inspections of the equipment to which a certification decision relates are not mandatory on the basis of this standard, unless agreements are made in the schedule.

For institutions that only carry out periodic inspections and do not carry out initial and/or type examinations, accreditation for NEN-EN-ISO/IEC 17020 only is sufficient. This has been amended in response to comments received during the online consultation, taking into account, among other things, the burden on the designated institutions. Given the importance of maintaining the expertise of private inspectors working in the activity equipment sector in the period prior to the entry into force of this regulation, it has been decided that the periodic assessment may be carried out by a party that is not required to be accredited. This has made it easier for individuals and organisations to continue their activities after the entry into force of this regulation. The starting point is that the periodic test sufficiently guarantees the competence and independence of an inspector to ensure the safety of equipment. Furthermore, specialist organisations may be engaged as subcontractors by a designated institution. This approach allows more scope for organisations carrying out periodic inspections or periodic assessments, as well as for other experts, to play (or continue to play) a role in the system, even

¹⁵ <https://zoek.officielebekendmakinge.nl/blg-783046.pdf>

if they are not accredited for NEN-EN-ISO/IEC 17065.

The explanatory notes to the Commodities Act decree on fairground rides, activity equipment and play equipment provides further details on the decision to introduce mandatory accreditation.

Mark of approval

It was noted that the mark of approval, which expires with the present scheme, also has advantages, namely that consumers, visitors and tenants can see that the equipment has been approved. However, discussions with those working in the field have shown that, in practice, the approval mark for play equipment serves little to no purpose, while manufacturers experience a significant (administrative) burden as a result of the approval mark. If the sector were nevertheless to decide that the mark of approval, in addition to the certificate of approval, offers added value, then this could be taken up and implemented by the sector itself without it being made mandatory by the government.

Modified or new standards

One respondent asked for clarification of Article 5(3) because a textual or editorial amendment to a standard to be included in Annex V of the regulation should not lead to an inspection by a designated institution. New and amended standards may have various implications for the validity of a type certificate. This requires an appropriate approach to ensure that the scope of the type certificate is and remains up to date, while also avoiding unnecessary regulatory burden. In consultation with the scheme administrator, it has been decided that the procedure to be followed in the event of an amended or new standard will be set out in the scheme referred to in Article 24. This has been added to the explanatory notes by article for Article 7(5).

Certificate of approval

One respondent suggested that the regulations should include a requirement that only digital certificates bearing a watermark may be issued. This suggestion has not been adopted. The decree stipulates that a certificate of approval must bear a standardised mark of authenticity agreed on by the designated institutions. It is up to the designated institutions to decide whether they wish to use the digital signature as a standardised authentication feature, provided that uniformity is maintained. This remains unchanged.

It was also requested that a provision be added to Article 6, stating that specific modifications to equipment for a customer require a separate certificate. However, if the adjustment meets the requirements set out in Article 6(6) of the regulation, it is sufficient that it falls within the combination included in the certificate of approval. Another comment on Article 6 concerned the third paragraph and Annex III of the regulation, where it was proposed to add the following text after 'Any amendment to the type-approval certificate': 'which has not been made by the designated institution'. The respondent noted that an issued certificate can never be changed. If a change is required, a revised certificate will be issued or where appropriate, an addendum to the existing certificate. After consultation with the Dutch Accreditation Council, it was decided to include the respondent's suggestion. Changes should always lead to a new document in the form of a new certificate or a new version of the existing certificate.

With regard to Article 7 of the regulation, the question was raised as to whether one is free to choose the establishment if a type certificate is to be reassessed after ten years. As stated in the explanatory notes to the articles, this is possible. In addition, Article 7 deals only with the reassessment of certificates for series-produced equipment that is inspected and manufactured on the basis of an approved type characteristic sample. It is not about certificates of existing series-produced equipment. The requirement therefore applies to the manufacturer or importer and not the operator, as suggested by one respondent. It was also noted on Article 7 that a clearer distinction should be made between certificates for individual pieces of equipment and type certificates, as in the case of a simple design fairground rides, the expiry date for the periodic inspection may be prior to the end date of the type certificate. For the sake of clarity, the order of the paragraphs in this article has been adjusted. In addition, fairground rides with a simple design have been excluded from this article, as it concerns certificates for periodic inspections. Finally, the fourth paragraph of Article 7 has been amended because a respondent rightly pointed out that this article concerns an assessment of the type-characteristic sample and not the assessment of equipment.

Unique registration numbers

A respondent suggested that the procedure around unique registration numbers be established in a diagram. This may be specified in the schedule referred to in Article 24 of the decree if interested parties consider it appropriate, in addition to the procedure laid down in the legislation.

Annexes

The suggestion was made that the annexes to the regulation should be deleted, as these rules will be included and further elaborated in the schedule referred to in Article 24 of the decree. Under this regulation, Annex I is repealed, as the conditions for designation as an institution are further specified in Article 24 of the decree and form part of the mandatory accreditation process carried out by the national accreditation organisation. Additional and more detailed conditions for designated institutions may be included in the schedule. Annex II and Annex III are also deleted. The matrix for the periodicity of the inspection of fairground rides and the model certificate of approval is established by the designated institutions in the schedule. Annex IV is repealed, as the amendment to Article 12 of the decree removes the obligation to affix an approval mark to each piece of equipment, in order to reduce the regulatory burden. Annex V is currently maintained in the regulation because standards are designated by ministerial regulation on the basis of Article 6(1) of the decree and compliance with these standards gives a presumption that equipment meets the requirements set out in Article 5 of the decree.

4. Feasibility and enforceability

The design of this regulation has been assessed by the NVWA in terms of enforceability, enforceability and fraud-proofing. The NVWA finds the draft order to be enforceable, feasible and fraud-resistant.

The NVWA recommends adding a definition for 'independent expert', so that there is no ambiguity about what an independent expert is and the supervisor need not discuss this with addressees of the standard. This definition has been added to Article 1.

5. Notification

The draft of this regulation was notified on [date] to the European Commission in order to comply with Article 5(1) of Directive (EU) 2015/1535.¹⁶ Notification to the European Commission is required, as Article I of this order may contain technical provisions as defined by Directive (EU) 2015/1535. Further to this notification [to be defined]

Pursuant to Regulation (EU) 2019/515,¹⁷ the principle of mutual recognition applies. Goods lawfully marketed in another European Member State or in a State, other than a Member State of the European Union, which is party to a treaty forming part of a customs union binding the Netherlands, or a State party to a Treaty forming a free trade area, shall be deemed to be in conformity with national rules. It is important, however, that the legitimate public interests guaranteed by the national requirements in force are sufficiently protected.

6. Explanatory notes for individual articles

Article I, parts A, C and D

The term 'subcontractor' has been deleted because the conditions and obligations laid down in the decree and the rules apply to the designated institution. Designated institutions are responsible for proper inspections and appropriate decisions as to whether or not to issue certificates of approval. They decide whether equipment is designed and manufactured in such a way that it can be safely used in the public space. This responsibility cannot simply be outsourced to a subcontractor. If a designated institution engages a subcontractor, the designated institution must ensure that the subcontractor complies with the requirements set out in the accreditation standards for designated institutions. The term 'consultation with designated institutions' is also no longer used, as it has been replaced by activities organised by the scheme administrator for designated institutions. As a result, the second paragraph of Article 2 and Article 4 have become superfluous and no longer apply.

Article I, parts B and O

Article 2 lays down further rules regarding the accreditation referred to in Article 27(1) of the decree, namely the standards for which a designated institution must hold accreditation as a condition of its designation. An institution wishing to obtain a designation must indicate in the accreditation application which category of equipment it inspects and which inspections it performs. It is possible to indicate an exception for equipment within a category in case an institution does not have the necessary expertise to inspect it. In the case of accreditation, the institution is assessed not only on the basis of the accreditation standard, but also on the basis of the requirements set out in the decree, scheme and schedule referred to in Article 24 of the decree. In doing so, an institution must demonstrate, among other things, that it has sufficient expertise to inspect the equipment within the scope of its accreditation.

¹⁶ See 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 (codification).

¹⁷ Regulation (EU) 2019/515 of the European Parliament and of the Council of 19 March 2019 on the mutual recognition of goods lawfully marketed in another Member State and repealing Regulation (EC) No. 764/2008.

An accreditation for the standard NEN-EN-ISO/IEC 17065:2012 is required if the designated institution carries out initial inspections, also known as commissioning inspections, and/or type inspections. A designated institution may only assess a certificate of approval for a type sample if it is accredited for type approval. If a designated institution only wants to carry out periodic inspections, then accreditation for the NEN-EN-ISO/IEC 17020:2012 standard is sufficient.

For institutions performing initial inspections and/or type inspections, mandatory accreditation for the standard NEN-EN-ISO/IEC 17065:2012 has been chosen. This standard sets out the relevant requirements that certification authorities must meet in order to issue certificates guaranteeing that a product, process or service meets, and continues to meet, the specified requirements. This applies to institutions that carry out initial inspections, both single-item inspections and type-approval inspections, which usually take place before the product is placed on the market. The initial inspection involves a conformity assessment that includes not only an inspection, but also a series of tasks: reviewing the application, evaluation (selection and determination), examination, certification decision, issuing a certificate of conformity and managing certificates. It is important to assess the technical design dossier, compliance with applicable standards and the requirements set out in the decree, and to take appropriate measures in the event of changes that affect the certificate.

In the case of type examinations, it is important to be able to assess the conformity of the type characteristic sample with the requirements of the decree and the internal provisions for the quality management system.

ISO/IEC 17065:2012 sets out, among other things, requirements relating to impartiality, competence and the structure of the organisation. Accreditation to this standard allows the institution to issue a declaration of continued conformity. The scheme, against which accreditation is assessed, further details the impartiality of the inspection institution as required by NEN-EN-ISO/IEC 17065:2012 for each equipment category. Apart from the mandatory inspections and assessments set out in the decree and any further details of these set out in the schedule, inspections of the equipment to which a certification decision relates are not mandatory.

To carry out periodic inspections, an institution must be accredited for the NEN-EN-ISO/IEC 17020:2012 standard. A periodic inspection is the assessment of the management and technical condition of equipment in order to determine its safety. This is a form of inspection for which the standard NEN-EN-ISO/IEC 17020:2012 is the most appropriate.

Annex I to the regulations is repealed, as the requirements set out in it are now guaranteed under these regulations by the accreditation standards with which an institution must comply in order to be designated.

Article I, parts E to G

With regard to equipment, Article 9(4) and (5) of the decree stipulate that a ministerial regulation determines which items of equipment are to be re-inspected, assessed or tested and the manner in which this is to be carried out. The title of the third paragraph has been amended accordingly (part E).

Article 5 sets out further rules regarding the periodic or repeat assessment of fairground rides or play equipment (part F).

Article 5(3) is deleted. It has been added to Article 7(5) that the validity of a certificate of approval for series-produced equipment may expire earlier after the publication of new or amended standards.

With the introduction of the new third paragraph, a periodic inspection by a designated institution is made mandatory for trampoline parks with a periodicity of at least once every three years. In trampoline parks (which can be operated both indoors and outdoors), in addition to several trampolines and/or a trampoline track, there are often also equipment with moving parts, such as a sweeper.¹⁸ A periodic inspection obligation provides additional safety assurance because a designated institution periodically assesses whether the equipment is safe and whether the operator follows the instructions in the user manual as part of fulfilling their operation requirements. At trampoline parks, this involves in particular the implementation of the supervision plan. Therefore, during this periodic inspection, not only is the physical condition of the equipment assessed, but also compliance with the operation requirements is also checked.

For trampoline parks already in operation with a valid certificate of approval, the first periodic inspection must have been requested by the operator no later than three years after the entry into force of this regulation.

The new Article 5a introduces a periodic review for activity equipment (part G). The periodic test differs from a periodic inspection by a designated institution. This regulation requires institutions that carry out periodic inspections to comply with the requirements set out in NEN-EN-ISO/IEC 17020:2012. The periodic test and the parties authorised to carry out this periodic test are subject to less stringent requirements. This gives the sector greater scope to determine for itself the requirements that must be met by parties authorised to carry out periodic assessments, for example with regard to the definition of impartiality. This takes into account the characteristics of the small market comprising organisations and specialists in this sector, so that both expertise and the necessary minimum level of impartiality can be maintained. This enhances the safety of activity equipment. The requirement to have a periodic inspection carried out ensures that an operator has its equipment inspected at regular intervals during its operational life by an impartial expert.

During a periodic test, the management and technical condition of equipment are checked to determine the safety of the equipment. The periodic inspector draws up an inspection report, which provides the operator with an overview of the condition of the equipment. This test report must be shown at the request of the NVWA during an inspection. Pursuant to Article 19(1) of the decree, the operator must ensure that the equipment is maintained in such a way that it is safe to use. It follows that the operator is obliged to act on the findings of the periodic assessment report if any issues are identified that need to be addressed in order to ensure the safety of the equipment. For the periodic inspection of activity equipment, the operator must engage an expert. These can, at the operator's discretion, be experts from an independent inspection institution, a supplier's maintenance service or the technical department. Experts must have sufficient knowledge and skills and the necessary inspection equipment. In addition, the tester must have the necessary professional competence to be able to draw up a

¹⁸ The definition of trampoline park is based on the definitions stated in *the NEN-EN-ISO 23659 (trampoline parks and their components)*.

periodic test report. The operator must ensure this, for example by verifying that the party is accredited or holds a quality mark.

Furthermore, the party carrying out the periodic inspection must be impartial in relation to the operator of the piece of equipment. An impartial party can be an independent inspection institution, but can also be a party that is or has been involved in the design process, manufacture, delivery, installation or purchase of the equipment to be tested. However, this party must not be the party carrying out the maintenance.

Pursuant to Article 5a(2), the operator is responsible for requesting an annual periodic review. The operator of the activity equipment must request an inspection from an impartial expert at least 30 days before the next scheduled inspection date.

Article I, parts H and O

Article 6 sets out further requirements regarding the content and form of a certificate of approval. The second paragraph clarifies that a panoramic photograph may be replaced by a 3D render or 3D representation if it provides a comparable or better representation of the equipment in terms of traceability, recognisability and identifiability. Thanks to advances in technology, it is possible to use a 3D rendering instead of a photograph, provided the quality is sufficient.

The following sixth paragraph is added: Fairground rides, activity equipment and play equipment may be constructed from modular components. These modular components can be used several times in the same unit or in other units (for example, from the same series). This creates the possibility for manufacturers or operators to have various setups inspected and certified immediately during the inspection. The advantage is that the operator or manufacturer can change the set-up during the use phase, without this being seen as a substantial change. From the point of view of safe use, the designated institution (in cooperation with the producer) will have to physically assess at least the standardised connections that can be used for all possible combinations. For certification by the designated institution, the combined parts must have been approved. Where appropriate, reference can be made to a standard prepared for this purpose or further explanation in the user manual. The decision on possible combinations remains the sole responsibility of the manufacturer, in close consultation with the designated institution. It is up to the designated institution to determine whether a change in the combination of modular parts is covered by the already issued certificate of approval.

Annex III is deleted. The model certificate of approval is intended to ensure that designated institutions use the same, fraud-proof model and that uniform certificates of approval are issued. For this reason, it was decided to make the model certificate part of the scheme referred to in Article 24 of the decree.

Article I, parts I and O

Article 7 sets further rules on the maximum validity of certificates of approval.

Due to the introduction of a periodic inspection obligation for trampoline parks (Article 5(4)), the final period of validity of a certificate of approval is three years (Article 7(2)). The certificate of approval may expire earlier if the equipment has

been substantially modified and a designated institution considers that the substantial modification affects the validity of the certificate of approval (Article 15(2) of the decree).

The following is added to the fourth paragraph: the certificate of approval is valid indefinitely, not only for individual pieces of play equipment that have not been manufactured in accordance with an approved, representative sample (with the exception of trampoline parks), but also for activity equipment. If there is a substantial change to the equipment, the certificate of approval may expire earlier because it no longer corresponds to the appliance for which the certificate was issued.

Furthermore, the fifth paragraph sets a deadline for the validity of type certificates. A certificate of approval for series-produced play equipment manufactured in accordance with the approved type-specific sample has a maximum validity period of ten years. The validity of the certificate of approval may expire earlier if, for example, there is a change to the internal provisions that may affect the conformity of the series-produced equipment and a designated institution considers that the change has an effect on the validity of the certificate of approval (Article 15a(2) of the decree).

New and amended standards may have various implications for the validity of a type certificate. This requires an appropriate approach and assessment – for which the industry possesses the necessary expertise – to ensure that the scope of the type certificate is, and remains, up to date. For this reason, it has been decided that a procedure should be developed for this purpose in the schedule referred to in Article 24 of the decree, in order to ensure that designated institutions deal uniformly with new or amended relevant standards.

Play equipment manufactured on the basis of a type certificate must be assessed by a designated institution no later than ten years after the issue of the certificate of approval or date of renewal, using the type-specific sample and internal provisions. In the event that a type characteristic sample is no longer available, a replica produced on the basis of the previously approved type certificate may be used for this purpose. 'Internal provisions' refers to the application of internal provisions during the manufacture of multiple items of equipment, so that the equipment produced in series remain consistent with the approved, type-defining prototype (Annex I, section 4, of the decree), even when components essential to safety are replaced.

When applying for this assessment, it is the responsibility of the manufacturer or importer to demonstrate in writing that the type-defining specimen and the internal provisions can be re-approved. Based on the documents submitted, the designated institution is free to decide whether a type inspection should take place after the assessment or whether the written submission is sufficient to establish that the validity of the certificate of approval can be extended for a further ten years. For that reason, only designated institutions that have a designation to carry out type-examinations on play equipment can carry out the periodic assessment of the type certificate. If the designated institution considers that the validity of the certificate of approval may be extended for another period of ten years, the designated institution that issued the original certificate of approval may issue a certificate with the updated final period of validity. If the assessment is carried out by a designated institution other than the institution that issued the original certificate of approval, a new certificate of approval will be issued. The

designated institution will notify the certificate holder in writing of its decision on the application for the periodic assessment.

Pursuant to the sixth paragraph, the manufacturer or importer is responsible for requesting a (new) periodic assessment within ten years. The manufacturer or importer of the series-produced play equipment or fairground ride of a simple design requests an inspection from the designated institution at least 30 days before the certificate of approval expires. For legal certainty, if the play equipment cannot be inspected in a timely manner and this is beyond the control of the manufacturer or importer, the certificate of approval will remain valid for no more than four additional months. Without that provision, the consequences for the manufacturer or importer would be disproportionate to its culpability. An assessment must have been carried out after the end of these four months. This period will only be extended with the time necessary to carry out the inspection and for no more than four months. In the event of an inspection, the manufacturer or importer must be able to demonstrate in writing that the application for assessment was submitted in good time, but that, through no fault of the manufacturer or importer, it could not be processed in good time by the designated institution.

Annex II is deleted. This annex contained a matrix for determining the periodicity of the inspection of fairground rides. This matrix is used by designated institutions to ensure that they determine the inspection regime for fairground rides in a uniform manner. For this reason, it was decided to make the matrix part of the scheme referred to in Article 24 of the decree.

Article I, parts J and O

The requirement for equipment to bear the approval mark is revoked. This also eliminates the detailed rules for the mark of approval as laid down in Article 8 and Annex IV. As the approval mark expires, the unique registration number plays an important role in identifying information about equipment.

Pursuant to Article 12(2) of the decree, fairground rides, activity equipment, mobile play equipment and play equipment subject to a periodic inspection requirement are assigned a unique registration number by the designated institution at the time of the first or subsequent inspection, in accordance with a procedure to be laid down by ministerial regulation. This is explained in more detail in Article 8 of the regulation. The way in which the unique registration number is affixed to equipment is laid down in the scheme referred to in Article 24 of the decree because the practical implementation concerns the uniformity of the procedures of the designated institutions.

Pursuant to the first paragraph, the designated institution applies to the NVWA for the unique registration number for fairground rides, activity equipment, mobile play equipment and play equipment subject to a periodic inspection requirement.

Pursuant to the second paragraph, when a unique registration number is applied to equipment, the designated institution must register the number in the corresponding NVWA register. This creates a link to the equipment in the register. In the case of series-produced fairground rides or mobile play equipment, the designated institution also records the series of unique serial numbers indicated by the manufacturer or importer, as set out in the second paragraph.

The third paragraph stipulates that in the case of a one-off equipment – i.e. equipment that is not manufactured in accordance with an approved type specimen – the designated institution assigns a unique registration number. The designated institution provides equipment with the unique registration number at the time of the first (or next) inspection.

The fourth paragraph deals with the assignment of a unique registration number to series-produced equipment. For series-produced fairground rides and mobile play equipment manufactured according to the type-representative sample, the designated authority assigns a unique registration number to the type-representative sample and provides this number to the manufacturer or importer. The designated institution provides equipment with the unique registration number at the time of the first (or next) inspection.

It follows from the third and fourth paragraphs that the designated institution must mark the equipment or representative sample in a durable, indelible and visible manner with the unique registration number (for both individual pieces of equipment and series). This is intended to prevent fraud with the unique registration number by, for example, affixing it to a removable part that can always be used on another piece of equipment. In addition, the unique registration number must be placed in a clearly visible place. This means that the unique registration number must always be legible and clearly visible, for example to an inspector.

The fifth paragraph stipulates that the manufacturer or importer must provide the series-produced fairground ride or mobile play equipment manufactured in accordance with the approved type-specific sample with the unique registration number of the type-specific sample. The manufacturer or importer indicates to the designated institution how many pieces of equipment are likely to be produced under this unique registration number. The unique registration number is then supplemented by a unique serial number for each piece of equipment manufactured in accordance with the type-specific sample. When entering the type certificate in the Basis Equipment Register of the NVWA, the designated institution also provides this additional data necessary to complete the unique number.

Article I, parts K and L

Article 9 stipulates that the NVWA may carry out an objective assessment by means of a comparative study (benchmark) to compare the performance of designated institutions. The benchmark can be carried out on a specific topic.

Article I, part M

Articles 10a and 10b contain transitional provisions.

Periodic inspection obligation for play equipment (Article 10a(1))

A periodic inspection obligation is introduced for trampoline parks (Article 5(4)). The first periodic inspection of trampoline parks already in use must be requested no later than three years after the entry into force of this regulation.

Already issued type certificates of approval (Article 10a(2))

Equipment manufactured and certified on the basis of an approved, type-specific sample and for which a certificate of approval was issued before the date of entry into force of this regulation are not subject to a time limit for the validity of the type certificate. However, the certificate may lose its validity due to a substantial modification of the equipment or a new or modified standard. For manufacturers and importers of series-produced play equipment manufactured on the basis of an approved type-specific sample, the obligation to re-assess the type certificate is introduced only for type certificates issued after the entry into force of this regulation.

Unique registration number and serial number for series-produced equipment (Article 10a(3))

The obligation for a manufacturer or importer to affix the unique registration number and a unique serial number pursuant to Article 8(5) does not apply to series-produced fairground rides, mobile play equipment or play equipment subject to a periodic inspection obligation, for which a certificate of approval has been issued before the date of entry into force of this regulation.

Activity equipment (Article 10b)

A three-year transitional period after this regulation enters into force will apply to allow time for the accreditation and designation procedure for any designated institutions wishing to carry out inspection activities for activity equipment. This means that operators of activity equipment must ensure that this equipment have been inspected and comply with the requirements of this regulation no later than three years after it comes into force.

Article I, parts N and P

The reference to the Commodities Act regulation on fairground rides and play equipment has been replaced in the regulation by the 'Commodities Act regulation on fairground rides, activity equipment and play equipment'.

Article II

This article governs the entry into force of the order. This is in line with the system of fixed dates for changes to legislation and regulations and with the entry into force of the amendment to the 2023 Commodities Act decree on fairground rides and play equipment ([Add PM source](#)).

Minister of Health, Welfare and Sport,