

DRAFT

Model Ordinance on the Application of Regulations of the Ordinances Issued Pursuant to Section 31 of the Act on Installations Requiring Monitoring to Building Structures (MBauÜAnlVO)¹

Pursuant to Section 85(5) of the Model Building Code (MBO), the following is decreed:

Table of Contents

Section 1 Scope

Section 2 Requirements

Section 3 Competent authority

Section 4 Administrative offences

Section 5 Transitional provisions

Section 6 Entry into force

Section 1 Scope

This Ordinance applies to:

1. Lift installations pursuant to Annex 2, Section 2, No 2(a) and (b) of the Ordinance on Industrial Safety and Health (BetrSichV) of 3 February 2015 (Federal Law Gazette I p. 49), as amended,
2. installations in potentially explosive atmospheres pursuant to Annex 2, Section 3 No 2 to the BetrSichV,
3. pressure vessel installations pursuant to Annex 2, Section 4 No 2.1(b) to the BetrSichV, and
4. pipeline installations operating under excess internal pressure for hydrogen pursuant to Annex 2, Section 4 No 2.1(d) to the BetrSichV,

which serve neither commercial nor economic purposes and in whose danger zone no workers are employed.

Section 2 Requirements

(1) ¹For installations pursuant to Section 1, the provisions on

1. necessary inspections before commissioning and before re-commissioning in accordance with Section 15 BetrSichV,
2. recurring inspections pursuant to Section 16 BetrSichV,
3. inspection records, inspection certificates and inspection documentation in accordance with Section 17 BetrSichV,
4. obligations of notification of accidents and claims pursuant to Section 19(1) and (2), and
5. exceptions within the meaning of Section 19(4) to (6) BetrSichV.

²Section 27(5) of the Act on Installations Requiring Monitoring (ÜAnlG) applies accordingly. ³There is no need for a risk assessment of the installations to determine the inspection deadlines; the maximum periods apply. ⁴For installations in potentially explosive atmospheres, the provisions of Section 6(9) of the Hazardous Substances Ordinance (Gefahrstoffverordnung), as amended, apply with regard to the documentation and determination of hazards arising from explosive atmospheres. ⁵For the protective measures to be taken prior to the use of installations pursuant to Section 1, the rules and findings published for this purpose under Section 21(6) No 1 BetrSichV, as amended, shall apply. ⁶Deviations from these rules are permitted if safety and health are ensured to the same extent by other measures.

2) For lift installations pursuant to Section 1(1), Annex 1(4) BetrSichV shall also apply mutatis mutandis.

¹ Notified 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 (OJ L 241, 17/09/2015, p. 1).

(3) In addition, Annex 1 No 5.2 BetrSichV shall apply mutatis mutandis to pressure vessel installations pursuant to Section 1 No 3.

(4) For the purposes of the provisions under paragraph 1, the employer is the operator of an installation requiring monitoring.

Section 3 Competent authority

The competent authority within the meaning of the regulations in accordance with Section 2 is the ...

Section 4 Administrative offences

¹For installations pursuant to Section 1, Section 22(2)(1) to (4), (6), (7) and (9) and (3) and Section 23(2) of the BetrSichV as well as Section 32(1)(12)(b) of the ÜAnlG shall apply mutatis mutandis. ²Any person who commits an offence as defined in the first sentence shall be deemed to have committed an administrative offence within the meaning of Section 84(1)(1) of the MBO.

Section 5 Transitional provisions

Section 24(2), (3), (4) and (6) of the BetrSichV shall apply mutatis mutandis to installations pursuant to Section 1; by way of derogation, the obligations shall be fulfilled within one year of the entry into force of this Ordinance.

Section 6 Entry into force

This Ordinance enters into force on