

Directive 2013/53/EU of the European Parliament and of the Council
of 20 November 2013 on recreational craft and personal watercraft
and repealing Directive 94/25/EC (Text with EEA relevance)

CHAPTER VI

**UNION MARKET SURVEILLANCE, CONTROL OF PRODUCTS
ENTERING THE UNION MARKET AND SAFEGUARD PROCEDURES**

Article 46

Formal non-compliance

1 Without prejudice to Article 44, where a Member State makes one of the following findings, it shall require the relevant economic operator or the private importer to put an end to the non-compliance concerned:

- a the CE marking, has been affixed in violation of Article 16, Article 17 or Article 18;
- b the CE marking, as referred to in Article 17, has not been affixed;
- c the EU declaration of conformity or the declaration referred to in Annex III has not been drawn up;
- d the EU declaration of conformity or the declaration referred to in Annex III has not been drawn up correctly;
- e the technical documentation is either not available or not complete;
- f the information set out in Article 7(6) or Article 9(3) is absent, false or incomplete;
- g any other administrative requirement provided for in Article 7 or Article 9 is not fulfilled.

2 Where the non-compliance referred to in paragraph 1 persists, the Member State concerned shall take all appropriate measures to restrict or prohibit the product being made available on the market or ensure that it is recalled or withdrawn from the market, or in the case of a product imported by a private importer for his own use, that its use is prohibited or restricted.