TRANSPOSITION NOTE

Directive 2014/53/EU of the European Parliament and of the Council of 16 April 2014 on the harmonisation of the laws of the Member States relating to the making available on the market of radio equipment and repealing Directive 1999/5/EC Text with EEA relevance.

1. This Transposition Note has been prepared by the UK's Department for Business, Energy and Industrial Strategy and is intended to explain how the 2014 Directive is implemented in the UK.

2. UK Regulations are being made in order to implement the provisions of the 2014 Directive. The table below shows, in respect of each Article of the Directive that requires implementation, the corresponding provision in the UK Regulations.

3. The Regulations will replace and repeal the current Regulations (the Radio Equipment and Telecommunications Terminal Equipment Regulations 2000 - S.I. 2000 No 730) subject to an exemption for equipment placed on the market before the commencement date of the new Regulations.

4. The Regulations do not go beyond what is necessary to implement the 2014 Directive.

Article	Objective of the Article	Implementation
1(1)	The subject matter of the Directive and its aims.	-
1(2), (3), (4)	Products that are not within the scope of the Directive	Regulations 3(b), 3(c), 6(1)(a) 3(2)(a)-(c), 3(3), 3(4)
2(1)	Definitions	Regulation 2
2(2)	Provides that the Commission may adopt implementing acts.	-
3(1), (2)	Essential requirements	Regulation 6(1), (2)
3(3)	Future essential requirements	-
4(1)	Provision of information on the compliance of combinations of radio equipment and software	
4(2), (3)	Delegated and implementing powers of the European Commission	-
5	Registration of radio equipment types within some categories	-
6	Making available on the market	-
7	Putting into service and use	Regulation 5
8	Notification of radio interface specifications and assignment of radio equipment classes	-
9(1)	Obligation not to impede the making available of radio equipment	-
9(2)	Exception from the Directive allowing the showing and use of non-conforming equipment at trade fairs, and exhibitions.	Regulation 4
10(1)	Manufacturers must ensure that products have been designed and manufactured in accordance	Regulation 7

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	with the essential requirements.	
10(2)	Manufacturers must ensure that radio equipment is constructed so it can be operated in at least one member State	Regulation 8
10(3)	Obligation 1: Manufacturers must draw up technical documentation and have a relevant conformity assessment procedure carried out. Obligation 2: Once apparatus has, by means of a relevant conformity assessment, been demonstrated to be in conformity with the essential requirements, the manufacturer must draw up an EU declaration of conformity and affix the CE marking.	Obligation 1: Regulation 9 Obligation 2: Regulation 10(1)
10(4)	Manufacturers must keep technical documentation and the EU declaration of conformity for 10 years after the equipment has been placed on the market	Regulation 11
10(5)	Obligation 1: Manufacturers must ensure that procedures are in placed to ensure that equipment manufactured by series production remain in conformity with the requirements of the Directive. Obligation 2: Changes in equipment design, characteristics, harmonised standards or other technical specifications must be adequately taken into account. Obligation 3: Where deemed appropriate, manufacturers to carry out sample testing, to investigate and keep a register of complaints of non-conforming equipment and recalls, and to keep distributors informed of this monitoring.	Obligation 1: Regulation 17(1) Obligation 2: Regulation 17(2) Obligation 3: Regulation 18
10(6), (7)	Obligation 1: Manufacturers must ensure that equipment placed on the market bear a type, batch, serial number or other element so that they can be identified. Obligation 2: Manufacturers must indicate on the equipment their name, registered trade name or trademark, and a postal address which indicates a single point of contact. Obligation 3: If the equipment does not contain sufficient space or the nature of the equipment does not allow for the above information to be included upon it, the manufacturer must ensure that the information is provided on the packaging or in a document accompanying the equipment.	Obligation 1: Regulation 12(1) Obligation 2: Regulations 12(2) , 12(5) Obligation 3: Regulation 12(4)

Article	Objective of the Article	Implementation
	Obligation 4: The manufacturer's contact details must be in a language easily understood by end-users and market surveillance authorities.	Obligation 4: Regulation 12(3)
10(8)	Obligation 1: Manufacturers must ensure that equipment is accompanied by instructions and information in a language which can be easily understood by consumers and other end-users, as determined by the Member State concerned. The instructions/safety information must be clear and understandable. Obligation 2: For radio equipment emitting radio waves, information on the radio band and the maximum radio-frequency power should be included.	Obligation 1: Regulation 13(1) , 13(4) Obligation 2: Regulation 13(2)
10(9)	Manufacturers must ensure radio equipment is accompanied with a copy of an EU declaration of conformity or a simplified EU declaration of conformity.	Regulation 13(3)
10(10)	Obligation 1: Information to be included where there are restrictions on putting into service or requirements for authorisation of use Obligation 2: The European Commission may adopt implementing acts specifying how to present that information.	Obligation 1: Regulation 14 Obligation 2: 14(2)(b) and (3)
10(11)	Obligation 1: Manufacturers who consider or have reason to believe that they have placed on the market radio equipment not in conformity with the Directive must immediately take corrective action to bring that product into conformity, to withdraw it or recall it. Obligation 2: Where equipment presents a risk, manufacturers must immediately inform the competent national authorities of the Member States in which the product has been made available to that effect, giving details of the non-compliance and any corrective measures taken.	Obligation 1: Regulation 15(1) Obligation 2: Regulation 15(2)
10(12)	Obligation 1: Manufacturers must, further to a reasoned request, provide a competent national authority with information and documentation necessary to demonstrate the conformity of a product with the Directive in a language which can be easily understood by the authority. Obligation 2: Manufacturers must cooperate with the authority on action taken to eliminate risks posed by products placed on the market.	Obligation 1: Regulations 16(1), (2), (3) Obligation 2: Regulation 16(4)

Article	Objective of the Article	Implementation
11(1)	Obligation 1: A manufacturer may, by written mandate, appoint an authorised representative. Obligation 2: The manufacturer's obligations as laid down in Article 10(1) of the Directive (design and manufacture in accordance with the essential requirements) and Article 10(3) (obligation to draw up technical documentation) of the Directive must not form part of the authorised representative's mandate.	Obligation 1: Regulation 19(1) Obligation 2: Regulation 19(4)
11(2)	Obligation 1: An authorised representative must perform the task specified in the mandate received from the manufacturer. Obligation 2: The mandate must allow the authorised representative to do at least the following: (a) keep the EU declaration of conformity and the technical documentation for the market surveillance authority for 10 years; (b) provide the competent national authority with all the information and documentation to demonstrate the conformity of equipment; and (c) cooperate with the competent national authorities on any action to eliminate the risks posed by equipment covered by the authorised representative's mandate.	Obligation 1: Regulations 19(2), (5), (6) Obligation 2: Regulation 19(3)
12(1)	Importers must place only compliant equipment on the market.	Regulation 20
12(2)	Obligation 1: Before an importer places equipment on the market, the importer must ensure that the manufacturer has satisfied certain obligations and that the product is accompanied by the required documents. Obligation 2: Where an importer considers, or has reason to believe, that equipment is not in conformity with the essential requirements, the importer must not place it on the market. Obligation 3: Where the product presents a risk, the importer must inform the manufacturer and the market surveillance authorities.	Obligation 1: Regulation 21 Obligation 2: Regulation 22(1) Obligation 3: Regulation 22(2)

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12(3)	Obligation 1: Importers must indicate their name, registered trade name or registered trade mark and address on the equipment. Obligation 2: If that is not possible, the information must be indicated on the packaging or in an accompanying document. Obligation 3: The information must be in a language which can be easily understood by end-users and market surveillance authorities.	Obligation 1: Regulation 23(1) Obligation 2: Regulation 23(3) Obligation 3: Regulation 23(2)
12(4)	Importers must ensure that equipment is accompanied by instructions and information in a language which can be easily understood by consumers and other end-users, as determined by the Member State concerned.	Regulation 24
12(5)	Importers must ensure that while apparatus is under their responsibility, they do not jeopardise its compliance with the essential requirements.	Regulation 25
12(6)	Where deemed appropriate, importers to carry out sample testing, to investigate and keep a register of complaints of non-conforming equipment and recalls, and to keep distributors informed of this monitoring.	Regulation 26
12(7)	Obligation 1: Importers who consider or have reason to believe that they have placed on the market equipment not in conformity with the Directive must immediately take corrective action to bring that equipment into conformity, to withdraw it or recall it. Obligation 2: Where apparatus presents a risk, importers must immediately inform the competent national authorities of the Member States in which the apparatus has been made available to that effect, giving details of the non-compliance and any corrective measures taken.	Obligation 1: Regulation 27(1) Obligation 2: Regulation 27(2)
12(8)	Importers must keep the technical documentation and the EU declaration of conformity (or where applicable the attestation of conformity) for 10 years after the product is placed on the market.	Regulation 28
12(9)	Obligation 1: Importers must, further to a reasoned request, provide a competent national authority with information and documentation necessary to demonstrate the conformity of a product with the Directive in a language which can be easily understood by the market surveillance authority. Obligation 2: Importers must cooperate with the	Obligation 1: Regulation 29(1) Obligation 2: Regulation

Article	Objective of the Article	Implementation
	authority on action taken to eliminate risks posed by products placed on the market.	29(4)
13(1)	When making equipment available on the market, distributors must act with due care.	Regulation 30
13(2)	Obligation 1: Before a distributor makes equipment available on the market, the distributor must ensure that the manufacturer and importer have satisfied certain obligations and that the equipment is accompanied by the required documents. Obligation 2: Where a distributor considers, or has reason to believe, that a product is not in conformity with the essential requirements, the distributor must not make it available on the market. Obligation 3: Where the product presents a risk, the distributor must inform the manufacturer or the importer and the market surveillance authorities.	Obligation 1: Regulation 31 Obligation 2: Regulation 32(1) Obligation 3: Regulations 34(2)
13(3)	Distributors must ensure that while equipment is under their responsibility, its storage or transport conditions do not jeopardise its compliance with the essential requirements.	Regulation 33
13(4)	Obligation 1: Distributors who consider, or have reason to believe, that equipment which they have made available on the market is not in conformity must make sure that corrective measures are taken to bring that equipment into conformity, withdraw it or recall it. Obligation 2: Where the equipment presents a risk, the distributor must immediately inform the competent national authorities of the Member States in which they made the product available.	Obligation 1: Regulation 34(1) Obligation 2: Regulation 34(2)
13(5)	Obligation 1: Distributors must, further to a reasoned request, provide a competent national authority with information and documentation necessary to demonstrate the conformity of equipment with the Directive Obligation 2: Distributors must cooperate with the authority on action taken to eliminate risks posed by equipment made available on the market.	Obligation 1: Regulation 35(1) Obligation 2: Regulation 35(4)
14	Importers and distributors to be treated as manufacturers where they place equipment on the market under their name or trademark or modifies it in a way that affects its compliance with the Directive.	Regulation 36
15	Economic operators must, on request identify other	Regulation 38

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	economic operators in the supply chain. They must be able to do this for 10 years after the supply of a product occurs.	
16	Equipment presumed to be in conformity with the essential requirements to the extent that they are in conformity with a harmonised standard covering those requirements.	Regulation 40
17	When assessing the conformity of apparatus, the procedure to be followed must be one of the procedures listed.	Regulation 41
18(1)	The EU declaration of conformity must state that the fulfilment of the essential requirements has been demonstrated.	Regulation 42(a)
18(2)	Obligation 1: The EU declaration of conformity must have the model structure set out in Annex VI of the Directive. Obligation 2: The EU declarations of conformity must contain the elements specified in the relevant procedures set out in Annex VI and VII of the Directive. Obligation 3: The EU declaration of conformity must be continuously updated. Obligation 4: The EU declaration of conformity must be translated into the language required by the Member State in which the equipment is placed or made available on the market.	Obligation 1: Regulation 42(b) Obligation 2: Regulations 42(b), 43 Obligation 3: Regulation 10(2) Obligation 4: Regulation 37(1)
18(3)	Obligation 1: Where a product is subject to more than one Union act requiring an EU declaration of conformity, a single declaration must be drawn up. Obligation 2: The declaration must contain the identification of the Union acts concerned.	Obligation 1: Regulation 10(3) Obligation 2: Regulation 10(3)
18(4)	By drawing up the EU declaration of conformity, the manufacturer assumes responsibility for the compliance of the equipment with the requirements of the Directive.	-
19	The CE marking is subject to the general principles in Article 30 of Regulation (EC) No 765/2008	Regulation 39
20(1)	Obligation 1: The CE marking must be affixed visibly, legibly and indelibly to the equipment or to its data plate. Obligation 2: Where that is not possible or not warranted on account of the nature of the equipment, it must be affixed to the packaging and to the accompanying documents.	Obligation 1: Regulation 44(1) Obligation 2: Regulation 44(1)

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	Obligation 3: The CE marking must also be affixed visibly and legibly to the packaging.	Obligation 3: Regulation 44(2)
20(2)	The CE marking must be affixed before the equipment is placed on the market.	Regulation 10(1)(b)
20(3)	Obligation 1: The CE marking must be followed by the identification number of the notified body where the conformity assessment procedure in Annex IV is applied. Obligation 2: The identification number must have the same height as the CE marking and be affixed by the notified body or, under its instructions, by the manufacturer or authorised representative.	Obligation 1: Regulation 44(5) Obligation 2: Regulation 44(5)
20(4)	Member States must build on existing mechanisms to ensure correct application of the regime governing CE marking and must take appropriate action in the event of improper use.	Regulation 39
21(1)	Obligation 1: The technical documentation must contain all relevant details of the means used by the manufacturer to ensure the equipment complies with the essential requirements. Obligation 2: The documentation must contain the elements in Annex V.	Obligation 1: Regulation 45(1) Obligation 2: Regulation 45(2)(a)
21(2)	The technical documentation must be drawn up before the equipment is placed on the market and be continuously updated.	Regulations 45(2)(b)&(c)
21(3)	The technical documentation and correspondence must be drawn up in an official language of the member State in which the notified body is established.	Regulation 45(3)
21(4)	If the technical documentation does not comply with paragraphs (1) to (3) of Article 21, the market surveillance authority may ask the manufacturer or importer to have a test performed to verify compliance.	Regulation 45(4)
22	Member States must notify the Commission and other Member States of bodies authorised to carry out third-party conformity assessment tasks.	Regulation 47(1)
23(1)	Member States must designate a notifying authority which is to be responsible for assessment and notification of conformity assessment bodies and the monitoring of notified bodies.	Regulations 47, 50, 52, 54
23(2)	Member States may decide that the assessment and monitoring is to be carried out by a national accreditation body.	Regulation 51
23(3)	Obligation 1: Where the notifying authority delegates the assessment, notification or monitoring of a conformity assessment body, that	-

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	body shall be a legal entity. Obligation 2: The legal entity must comply with the requirements in Article 24 of the Directive. In addition, it shall have arrangements to cover liabilities arising out of its activities.	
23(4)	The notifying authority must take full responsibility for the tasks performed by the body referred to in Article 23(3).	-
24(1)	A notifying authority must be established in such a way that no conflict of interest with conformity assessment bodies occurs	-
24(2)	A notifying authority must be organised and operated so as to safeguard the objectivity and impartiality of its activities.	-
24(3)	A notifying authority must be organised so that each decision on notification is taken be competent persons, different from those who carried out the assessment	-
24(4)	A notifying authority must not offer or provide any activities that conformity assessment bodies perform or consultancy services on a commercial or competitive basis.	-
24(5)	A notifying authority must safeguard the confidentiality of the information it obtains.	-
24(6)	A notifying authority must have a sufficient number of competent personnel at its disposal for the proper performance of its tasks.	-
25	Obligation 1: Member States must inform the Commission of their procedures for the assessment and notification of conformity assessment bodies and the monitoring of notified bodies. Obligation 2: The Commission shall make that information publicly available.	Obligation 1: Regulations 47(7) and 50(2)
26(1)	For the purposes of notification, a conformity assessment body must meet the requirements in paragraphs 2 to 11.	Regulation 47(4)
26(2)	A conformity assessment body must be established under the national law of a Member State and have legal personality.	Schedule 8, paragraph 1
26(3)	Obligation 1: A conformity assessment body must be third-party body independent of the organisation or the apparatus it assesses. Obligation 2: A body belonging to a business association or professional federation representing undertakings involved in the design, manufacturing, provision, assembly, use or maintenance of apparatus which it assesses, may,	Obligation 1: Schedule 8, paragraph 2(1) Obligation 2: Schedule 8, paragraph 2(2)

Article	Objective of the Article	Implementation
	on condition that its independence and the absence of any conflict of interest are demonstrated, be considered a body.	
26(4)	Obligation 1: A conformity assessment body, its top level management and the personnel responsible for carrying out conformity assessment tasks must not be the designer, manufacturer, supplier, owner etc. of the apparatus. Obligation 2: A conformity assessment body, its top level management and the personnel responsible for carrying out conformity assessment tasks must not be directly involved in the design, manufacture, marketing etc. of the apparatus. They must not engage in any activity which may conflict with their independence or integrity. Obligation 3: Conformity assessment bodies must ensure that the activities of their subsidiaries or subcontractors do not affect the confidentiality, objectivity or impartiality of their conformity assessment activities.	Obligation 1: Schedule 8, paragraph 3 Obligation 2: Schedule 8, paragraphs 5 and 6 Obligation 3: Schedule 8, paragraph 7
26(5)	Conformity assessment bodies must carry out the conformity assessment activities with the highest degree of professional integrity and the requisite technical competence and must be free from pressures and inducements which might influence their judgement.	Schedule 8, paragraph 8
26(6)	Obligation 1: A conformity assessment body must be capable of carrying out the conformity assessment tasks assigned to it and in relation to which it has been notified. Obligation 2: A conformity assessment body must have at its disposal: (a) personnel with technical knowledge and sufficient experience; (b) the descriptions of procedures in accordance with which conformity assessment is carried out; (c) the procedure for the performance of activities which take due account of the size of an undertaking, the sector in which it operates, the degree of complexity of the apparatus technology etc. Obligation 3: A conformity assessment body must have the means necessary to perform the technical and administrative tasks connected with the conformity assessment activities in an appropriate manner.	Obligation 1: Schedule 8, paragraph 9 Obligation 2: Schedule 8, paragraph 10 Obligation 3: Schedule 8, paragraph 11
26(7)	The personnel responsible for carrying out	Schedule 8, paragraph 12

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	conformity assessment tasks must have: (a) sound technical and vocational training covering all the conformity assessment activities; (b) satisfactory knowledge of the requirements of the assessments they carry out and adequate authority; (c) appropriate knowledge and understanding of the essential health and safety requirements, the relevant harmonised standards and legislation; (d) the ability to draw up certificates, records and reports.	
26(8)	Obligation 1: The impartiality of the conformity assessment bodies, their top level management and the personnel responsible for carrying out conformity assessment tasks must be guaranteed. Obligation 2: The remuneration of the top level management and personnel responsible for carrying out conformity assessment tasks must not depend on the number of assessments carried out or on the results of the assessments.	Obligation 1: Schedule 8, paragraph 13 Obligation 2: Schedule 8, paragraph 14
26(9)	Conformity assessment bodies must take out liability insurance unless liability is assumed by the State or the Member State is responsible for the conformity assessment.	Schedule 8, paragraph 15
26(10)	Obligation 1: The personnel of a conformity assessment body must observe professional secrecy, except in relation to the competent authorities of the Member State in which it is carrying out its activities. Obligation 2: Proprietary rights must be protected.	Obligation 1: Schedule 8, paragraphs 16 and 17 Obligation 2: Schedule 8, paragraph 16
26(11)	Conformity assessment bodies must participate in, or ensure that their personnel are informed of, the relevant standardisation activities and the activities of the notified body coordination group and must apply as general guidance the administrative decisions and documents produced by that group.	Schedule 8, paragraph 18
27	Where a conformity assessment body demonstrates its conformity with the criteria laid down in relevant harmonised standards, it is to be presumed to comply with the requirements set out in Article 26 in so far as the applicable harmonised standards cover those requirements.	Regulation 48
28(1)	Where a notified body subcontracts specific tasks connected with conformity assessment or has recourse to a subsidiary, it must ensure that the subcontractor or the subsidiary meets the requirements set out in Article 26 and must inform the notifying authority accordingly.	Regulation 54(1)

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28(2)	Notified bodies must take full responsibility for the tasks performed by subcontractors or subsidiaries.	Regulation 54(5)
28(3)	Activities may be subcontracted or carried out by a subsidiary only with the agreement of the client.	Regulation 54(3)
28(4)	Notified bodies must keep at the disposal of the notifying authority the relevant documents concerning the assessment of the qualifications of the subcontractor or the subsidiary and the work carried out by them.	Regulation 54(4)
29(1)	A conformity assessment body must submit an application for notification to the notifying authority of the Member State in which it is established.	Regulation 47(2),(3)
29(2)	The application must be accompanied by a description of the conformity assessment activities, the conformity assessment module or modules and the apparatus for which the body claims to be competent, as well as by any accreditation certificate issued by a national accreditation body.	Regulation 47(2),(3)
29(3)	Where the conformity assessment body cannot provide an accreditation certificate, it must provide the notifying authority with all the documentary evidence necessary for the verification, recognition and regular monitoring of its compliance with the requirements in Article 26.	Regulation 47(5)
30(1)	Notifying authorities may notify only conformity assessment bodies which have satisfied the requirements in Article 26.	Regulation 47(1), (2), (4), (6)and Schedule 8
30(2)	They must notify the Commission and other Member States using the electronic notification tool developed and managed by the Commission.	-
30(3)	The notification must include full details of the conformity assessment activities, the conformity assessment module and product concerned and the relevant attestation of competence.	Regulation 49
30(4)	Where a notification is not based on an accreditation certificate, the notifying authority must provide the Commission and the other Member States with documentary evidence which attests to the conformity assessment body's competence and the arrangements in place to ensure that the body is monitored regularly and will continue to satisfy the requirements laid down in Article 26.	Regulation 49(b)(ii)
30(5)	The body concerned may perform the activities of a notified body only where no objections are raised by the Commission or other Member States within 2 weeks, where an accreditation certificate is used,	Regulations 46(1)(b) and 41

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	or 2 months otherwise. Only such a body is to be considered a notified body for the purposes of this Directive.	
30(6)	The notifying authority must notify the Commission and other Member States of any subsequent relevant changes to the notification.	Regulation 52(5)
31(1)	Obligation 1: The Commission must assign an identification number to a notified body. Obligation 2: It must assign a single such number even where the body is notified under several Union acts.	-
31(2)	Obligation 1: The Commission must make publicly available the list of notified bodies. Obligation 2: The Commission must ensure that the list is kept up to date.	-
32(1)	Obligation 1: Where a notifying authority has ascertained or has been informed that a notified body no longer meets the requirements laid down in Article 26 or that it is failing to fulfil its obligations, the notifying authority must restrict, suspend or withdraw notification, depending on the seriousness of the failure. Obligation 2: The notifying authority must immediately inform the Commission and the other Member States.	Obligation 1: Regulation 52(1), (2) & (3) Obligation 2: Regulation 52(5)
32(2)	In the event of a restriction, suspension or withdrawal of notification, or where the notified body has ceased activity, the notifying Member State must take appropriate steps to ensure that the files are either processed by another notified body or kept available for the responsible notifying and market surveillance authorities.	Regulation 52(6)
33(1)	The Commission must investigate any doubts regarding the competence of a notified body or whether the body is fulfilling its responsibilities.	-
33(2)	The notifying Member State must provide the Commission, on request, with information relating to the basis for the notification or the maintenance of the competence of the notified body concerned.	-
33(3)	The Commission must ensure that all sensitive information obtained in the course of its investigations is treated confidentially.	-
33(4)	Where the Commission ascertains that a notified body does not meet, or no longer meets, the requirements for notification, it must adopt an implementing act requesting the notifying Member	-

Article	Objective of the Article	Implementation
	State to take the necessary corrective action.	
34(1)	Notified bodies must carry out conformity assessments in accordance with the conformity assessment procedures set out in Annexes III and IV.	Regulation 53 and Schedule 9, paragraph 1
34(2)	Obligation 1: Conformity assessments must be carried out in a proportionate manner. Obligation 2: Conformity assessment bodies must perform their activities taking due account of the size of the undertaking, the sector in which it operates, its structure, the degree of complexity etc. Obligation 3: In doing so they must respect the degree of rigour and level of protection required for the compliance of the product with the requirements of the Directive.	Obligation 1: Regulation 53 and Schedule 9, paragraph 2 Obligation 2: Regulation 53 and Schedule 9, paragraph 3 Obligation 3: Regulation 53 and Schedule 9, paragraph 4
34(3)	Where a notified body finds that essential requirements or corresponding harmonised standards or other technical specifications have not been met by a manufacturer, it must require the manufacturer to take appropriate corrective measures and must not issue a certificate.	Regulation 53 and Schedule 9, paragraph 5, 8 and 9
34(4)	Where, in the course of monitoring of conformity following the issue of a certificate, a notified body finds that a product no longer complies, it must require the manufacturer to take appropriate corrective measures and must suspend or withdraw the certificate, if necessary.	Regulation 53 and Schedule 9, paragraph 6
34(5)	Where corrective measures are not taken or do not have the required effect, the notified body must restrict, suspend or withdraw any certificates.	Regulation 53 and Schedule 9, paragraph 7, 8 and 9
35	Member States must ensure that an appeal procedure against decisions of the notified body is available.	Regulation 53 and Schedule 9, paragraph 11
36(1)	Notified bodies must inform the notifying authority of: (a) any refusal, restriction, suspension or withdrawal of a certificate; (b) any circumstances affecting the scope or conditions for notification; (c) any request for information received from market surveillance authorities; and (d) on request, conformity assessment activities performed etc.	Regulation 53 and Schedule 9, paragraph 10
36(2)	Notified bodies must provide other bodies notified under the Directive carrying out similar conformity assessment activities covering the same products with relevant information on issues relating to negative and, on request, positive conformity assessment results.	Regulation 53 and Schedule 9, paragraph 12

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36(3)	Notified bodies must fulfil information obligations under Annexes III and IV.	Regulation 53 and Schedule 9, paragraph 14.
37	The Commission must provide for the organisation of exchange of experience between the Member States' national authorities responsible for notification policy.	-
38	Obligation 1: The Commission must ensure that appropriate coordination and cooperation between notified bodies are put in place. Obligation 2: Member States must ensure that the bodies notified by them participate in the forum.	Obligation 1: - Obligation 2: Regulation 53 and Schedule 9, paragraph 13
39	Article 15(3) and Articles 16 to 29 of Regulation (EC) No 765/2008 apply to apparatus.	Part 5 and Schedule 10
40(1)	Obligation 1: Where a market surveillance authority has reason to believe that equipment presents a risk to aspects of public interest protection covered by the Directive, it must carry out an evaluation in relation to the product concerned. Obligation 2: The relevant economic operators must cooperate as necessary with the market surveillance authorities for the purposes of the evaluation. Obligation 3: Where, in the course of an evaluation, the market surveillance authority finds that equipment does not comply, it must require the economic operator to take all appropriate corrective action within a reasonable period. Obligation 4: The market surveillance authority must inform the relevant notified body accordingly. Obligation 5: Article 21 of Regulation (EC) No 765/2008 applies to the corrective action required.	Obligation 1: Regulation 59 Obligation 2: Regulations 16(4)(a), 29(4)(a) and 35(4)(a) Obligation 3: Regulation 60(1) Obligation 4: Regulation 60(2) Obligation 5: Regulation 64
40(2)	Where the market surveillance authority considers that non-compliance is not restricted to their national territory, they must inform the Commission and other Member States of the result of the evaluation and the actions that it has required of the economic operator.	Regulation 60(4)
40(3)	The economic operator must ensure that all appropriate corrective action is taken in respect of all equipment concerned made available on the market.	Regulations 16(4)(b), 29(4)(b) and 35(4)(b)
40(4)	Obligation 1: Where the relevant economic operator does not take adequate corrective action,	Obligation 1: Regulation 60(5)

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	the market surveillance authority must take appropriate measures to prohibit or restrict the equipment being made available on the national market, to withdraw the equipment from the market or to recall it. Obligation 2: The market surveillance authority must inform the Commission and the other Member States of those measures.	 Obligation 2: Regulation 60(7)
40(5)	Obligation 1: The information provided to the Commission and other Member States must include certain information, including data necessary for the identification of the non-compliant equipment, the origin of the equipment, the nature of the non-compliance and the risk, the nature of the national measures taken etc. Obligation 2: The information provided must indicate whether the non-compliance is due to either failure to meet requirements under the Directive or shortcomings in the harmonised standards.	Obligation 1: Regulation 60(8) Obligation 2: Regulation 60(8)
40(6)	Member States other than the one initiating the procedure must inform the Commission and other Member States of any measures adopted and any information at their disposal relating to the non-compliance of the equipment, and any objections to the adopted national measure.	Regulation 61(2)
40(7)	If no objections are raised within 3 months of receipt of the information, the measure is considered justified.	-
40(8)	Member States must ensure that appropriate restrictive measures are taken in respect of radio equipment without delay.	Regulation 61(3)
41(1)	Where, on completion of the procedure in Article 38, objections are raised, the Commission must enter into consultation, evaluate the national measure, adopt an implementing act determining whether the national measure is justified and communicate its decision to Member States and relevant economic operators.	-
41(2)	Obligation 1: If the national measure is considered justified, all Member States must take the necessary measures to ensure that the non-compliant equipment is withdrawn from their national market and inform the Commission accordingly. Obligation 2: If the national measure is considered unjustified, the Member State concerned must	Obligation 1: Regulation 61(4) & 61(6) Obligation 2: Regulation 61(7)

Article	Objective of the Article	Implementation
	withdraw that measure.	
41(3)	Where the national measure is considered justified and the non-compliance is attributed to a shortcoming in the harmonised standards, the Commission must apply the procedure provided for in Regulation (EU) No 1025/2012.	-
42(1)	Where, having carried out an evaluation, a Member State finds that although a product is in compliance with the Directive, it presents a risk, it must require the relevant economic operator to take all appropriate measures to ensure that the product, when placed on the market, no longer presents that risk, to withdraw the product or to recall it within a reasonable period.	Regulations 62(1) , (5) and 2(5)
42(2)	The economic operator must ensure that corrective action is taken in respect of all the products concerned that the economic operator has made available on the market throughout the Union.	Regulations 15, 27, 34
42(3)	The Member State must inform the Commission and other Member States and provide the data necessary to identify the product, the origin and the supply chain, the nature of the risk and the nature of the national measures taken.	Regulation 62(3), (4)
42(4)	The Commission must enter into consultation, evaluate the national measures and decide whether the national measure is justified by way of implementing acts.	
42(5)	The Commission must address its decision to all Member States and the relevant economic operators.	-
43(1)	Where a Member State makes a finding of formal non-compliance, it must require the relevant economic operator to put an end to the non-compliance concerned.	Regulation 63(1)
43(2)	Where the non-compliance persists, the Member State must take appropriate measures to restrict or prohibit the apparatus being made available on the market or ensure that it is recalled or withdrawn from the market.	Regulation 63(2) and 63(3)
44(1)	The power to adopt delegated acts is conferred on the Commission.	-
44(2)	The power is conferred onto the Commission for five years.	-
44(3)	The power is subject to control by the European Parliament and the Council.	-
44(4)	The Commission must notify the European Parliament and the Council as soon as it adopts a delegated act.	-
44(5)	Obligation 1: A delegated act will enter into force if no objection has been expressed by the European	-

Article	Objective of the Article	Implementation
	Parliament or the Council within two months. Obligation 2: The period may be extended by two months.	
45(1)	The Commission is to be assisted by the Telecommunication Conformity Assessment and Market Surveillance Committee.	-
45(2)	Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 applies.	-
45(3)	Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 applies.	-
45(4)	Where reference is made to this paragraph, Articles 5 and 8 of Regulation (EU) No 182/2011 applies.	-
45(5)	The committee must be consulted by the Commission and must examine matters concerning the application of the Directive raised by the chair or a representative of a Member State.	-
46	Member States must lay down rules on penalties applicable to infringements by economic operators of the provisions of national law adopted pursuant to this Directive and must take all measures necessary to ensure that they are enforced. Such rules may include criminal penalties for serious infringements. The penalties provide must be effective, proportionate and dissuasive.	Part 5 (and in particular, regulations 65 and 66)
47(1)	Member States must submit regular reports to the Commission on the application of the Directive by 12 June 2017 and at least every two years after.	-
47(2)	The Commission must review the operation of the Directive and report thereon to the European Parliament and the Council by 12 June 2018 and every five years after.	-
48	Member States must not impede, for aspects covered by this Directive, the making available on the market and/or the putting into service of equipment which is in conformity with the relevant EU harmonisation legislation applicable before 13 June 2016 and which was placed on the market before 23 April 2017.	Regulations 77, 78(3)
49(1)	Obligation 1: Member States must adopt and publish their implementing measures by 12 June 2016 and must apply them from 13 June 2016. Obligation 2: Where Member States adopt the measures referred to in paragraphs 1 and 2, they must contain a reference to this Directive. They must also include a statement that references in	-

Article	Objective of the Article	Implementation
	existing laws to the Directive repealed are to be construed as references to the new Directive.	
49(2)	Member States must communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	-
50	Directive 1999/5/EC repealed from 13 June 2016.	-
51	The Directive enters into force the 20th day following its publication and most provisions apply from 13 June 2016.	-
52	This Directive is addressed to Member States.	-
Annex I	Equipment not covered by this Directive	Schedule 1
Annex II	Conformity assessment procedures – Module A: Internal production control	Schedule 2
Annex III	Conformity assessment modules B and C	Schedule 3
Annex IV	Conformity assessment module H	Schedule 4
Annex V	Contents of technical documentation	Schedule 5
Annex VI	EU Declaration of Conformity	Schedule 6
Annex VII	Simplified EU Declaration of Conformity	Schedule 7
Annex V	Repeals and time limits for transposition referred to Article 45	-
Annex VI	Correlation table	-