

---

STATUTORY INSTRUMENTS

---

**2017 No. 1206**

**The Radio Equipment Regulations 2017**

**PART 5**

**Market surveillance and enforcement**

**EU safeguard procedure**

**61.**—(1) Where another Member State has initiated the procedure under Article 40 of the Directive (as amended from time to time), each enforcing authority (other than the Secretary of State) must, without delay, inform the Secretary of State of—

- (a) any measure taken by the enforcing authority in respect of the radio equipment, and
- (b) any additional information which the enforcing authority has at its disposal relating to the lack of conformity of the radio equipment.

(2) Where another Member State has initiated the procedure under Article 40 of the Directive (as amended from time to time), the Secretary of State must, without delay, inform the European Commission and the other Member States of—

- (a) any measure taken by an enforcing authority in respect of the radio equipment,
- (b) any additional information which an enforcing authority has at its disposal relating to the lack of conformity of the radio equipment, and
- (c) any objections that the Secretary of State may have to any measure taken by the Member State initiating the procedure.

(3) Where a measure taken by another Member State in respect of radio equipment is deemed justified under Article 40(7) of the Directive (as amended from time to time) (no objections raised by Member States or the European Commission in respect of a provisional measure taken by an enforcing authority), the market surveillance authority must ensure that appropriate measures, such as withdrawal or recall, are taken in respect of the radio equipment without delay.

(4) Where a measure taken by another Member State in respect of radio equipment is considered justified by the European Commission under Article 41(1) of the Directive (as amended from time to time) (consideration by the European Commission of objections raised by a Member State about, or compatibility with EU law of, measures taken by an economic operator, or a provisional measure taken by an enforcing authority), the market surveillance authority must take the necessary measures to ensure that the radio equipment is withdrawn or recalled from the United Kingdom market.

(5) Where the market surveillance authority is not the Secretary of State and the market surveillance authority has taken action under paragraph (3) or (4), it must inform the Secretary of State.

(6) Where the Secretary of State receives notification under paragraph (5) or has taken action under paragraphs (3) or (4), the Secretary of State must inform the European Commission of the action taken.

(7) If a measure taken by an enforcing authority under regulation 60 (enforcement action in respect of radio equipment which is not in conformity and which presents a risk) is considered

unjustified by the European Commission under Article 41(1) of the Directive (as amended from time to time), the enforcing authority must withdraw that measure.