
STATUTORY INSTRUMENTS

2017 No. 1206

The Radio Equipment Regulations 2017

PART 5

Market surveillance and enforcement

Enforcement action in respect of formal non-compliance

63.—(1) Where an enforcing authority makes one of the following findings relating to radio equipment, it must require a relevant economic operator to put an end to the non-compliance within such reasonable period as the authority specifies—

- (a) the CE marking—
 - (i) has not been affixed, or
 - (ii) has been affixed otherwise than in accordance with regulations 39 (prohibition on improper use of CE marking) and 44 (CE marking),
- (b) where the conformity assessment procedure set out in Schedule 4 (full quality assurance) is applied, the identification number of the notified body—
 - (i) has not been affixed, or
 - (ii) has been affixed otherwise than in accordance with regulation 44 (CE marking),
- (c) the EU declaration of conformity—
 - (i) has not been drawn up, or
 - (ii) has been drawn up otherwise than in accordance with regulations 10 (EU declaration of conformity and CE marking) and 42 (EU declaration of conformity),
- (d) the technical documentation is either not available or not complete,
- (e) the following information that is required to be included is absent, false or incomplete—
 - (i) the information specified in regulation 12(1) or (2) (identification of the radio equipment and manufacturer), or
 - (ii) the information specified in regulation 23(1) (information identifying importer),
- (f) the information specified in regulation 13(1), (2) or (3) (instructions and information to be included with the radio equipment) is absent,
- (g) the requirements set out in regulation 38 (identification of economic operators) on the identification of economic operators have not been met.

(2) Until the specified period has elapsed, the enforcing authority must not commence proceedings under these Regulations, or take any other enforcement action under these Regulations, against the relevant economic operator in respect of the non-compliance referred to in paragraph (1).

(3) Where the non-compliance referred to in paragraph (1) persists beyond the specified period, the enforcing authority must take appropriate measures to—

- (a) restrict or prohibit corresponding radio equipment being made available on the market,

- (b) ensure that the radio equipment is withdrawn, or
 - (c) ensure that the radio equipment is recalled.
- (4) This regulation does not apply where radio equipment presents a risk.