

SCHEDULE 10

Enforcement and investigatory powers conferred on the enforcing authority and the market surveillance authority

PART 2

Notices

Withdrawal notice

5.—(1) An enforcing authority may serve a withdrawal notice on a relevant economic operator in respect of radio equipment if the authority has reasonable grounds for believing that—

- (a) the radio equipment has been made available on the market, and
- (b) there is non-compliance.

(2) A withdrawal notice must prohibit the relevant economic operator from making the radio equipment available on the market without the consent of the enforcing authority.

(3) A withdrawal notice may require the relevant economic operator to take action to alert end-users to any risk presented by the radio equipment.

(4) A withdrawal notice may require the relevant economic operator to keep the enforcing authority informed of the whereabouts of any radio equipment referred to in the notice.

(5) A consent given by the enforcing authority pursuant to a withdrawal notice may impose such conditions on the making available on the market of the radio equipment as the enforcing authority considers appropriate.

(6) Subject to sub-paragraph (7), an enforcing authority may revoke or vary a withdrawal notice by serving a notification on the economic operator.

(7) An enforcing authority may not vary a withdrawal notice so as to make it more restrictive for the economic operator or more onerous for the economic operator to comply.

(8) A withdrawal notice has effect throughout the United Kingdom.