

Directive 2000/14/EC of the European Parliament and of the Council of 8 May 2000 on the approximation of the laws of the Member States relating to the noise emission in the environment by equipment for use outdoors

Article 9

Non-compliance of equipment

1 Where a Member State ascertains that equipment referred to in Article 2(1) which is placed on the market or put into service does not comply with the requirements of this Directive, it shall take all appropriate measures so that the manufacturer or his authorised representative established in the Community shall bring the equipment into conformity with the provisions of this Directive.

2 Where

- a the limit values referred to in Article 12 are exceeded; or
- b non-compliance with other provisions of this Directive continues despite measures taken under paragraph 1;

the Member State concerned shall take all appropriate measures to restrict or prohibit the placing on the market or putting into service of the equipment in question or to ensure that it is withdrawn from the market. The Member State shall immediately inform the Commission and the other Member States of such measures.

3 The Commission shall enter into consultations with the parties concerned as soon as possible. Where, after such consultation, the Commission finds that:

- the measures are justified, it shall immediately so inform the Member State which took the initiative and the other Member States,
- the measures are unjustified, it shall immediately so inform the Member State which took the initiative, the other Member States and the manufacturer or his authorised representative established in the Community.

4 The Commission shall ensure that the Member States are kept informed of the progress and outcome of this procedure.