

Directive 2009/48/EC of the European Parliament and of the Council
of 18 June 2009 on the safety of toys (Text with EEA relevance)

CHAPTER VI

OBLIGATIONS AND POWERS OF MEMBER STATES

Article 45

Formal non-compliance

1 Without prejudice to Article 42, where a Member State makes one of the following findings, it shall require the relevant economic operator to put an end to the non-compliance concerned:

- a that the CE marking has been affixed in violation of Article 16 or 17;
- b that the CE marking has not been affixed;
- c that the EC declaration of conformity has not been drawn up;
- d that the EC declaration of conformity has not been drawn up correctly;
- e that technical documentation is either not available or not complete.

2 Where the non-compliance referred to in paragraph 1 persists, the Member State concerned shall take appropriate measures to restrict or prohibit the toy being made available on the market, or shall ensure that it is recalled or withdrawn from the market.