

Directive 2014/53/EU of the European Parliament and of the Council of
16 April 2014 on the harmonisation of the laws of the Member States
relating to the making available on the market of radio equipment
and repealing Directive 1999/5/EC (Text with EEA relevance)

CHAPTER V

**UNION MARKET SURVEILLANCE, CONTROL OF RADIO EQUIPMENT
ENTERING THE UNION MARKET AND UNION SAFEGUARD PROCEDURE**

Article 41

Union safeguard procedure

1 Where, on completion of the procedure set out in Article 40(3) and (4), objections are raised against a measure taken by a Member State, or where the Commission considers a national measure to be contrary to Union legislation, the Commission shall without delay enter into consultation with the Member States and the relevant economic operator or operators and shall evaluate the national measure. On the basis of the results of that evaluation, the Commission shall adopt an implementing act determining whether the national measure is justified or not.

The Commission shall address its decision to all Member States and shall immediately communicate it to them and the relevant economic operator or operators.

2 If the national measure is considered justified, all Member States shall take the necessary measures to ensure that the non-compliant radio equipment is withdrawn or recalled from their market, and shall inform the Commission accordingly. If the national measure is considered unjustified, the Member State concerned shall withdraw that measure.

3 Where the national measure is considered justified and the non-compliance of the radio equipment is attributed to shortcomings in the harmonised standards referred to in point (b) of Article 40(5) of this Directive, the Commission shall apply the procedure provided for in Article 11 of Regulation (EU) No 1025/2012.