

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 43*

**Formal non-compliance**

1 Without prejudice to Article 40, 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 the CE marking has been affixed in violation of Article 30 of Regulation (EC) No 765/2008 or of Article 20 of this Directive;
- b the CE marking has not been affixed;
- c the identification number of the notified body, where the conformity assessment procedure set out in Annex IV is applied, has been affixed in violation of Article 20 or has not been affixed;
- d the EU declaration of conformity has not been drawn up;
- e the EU declaration of conformity has not been drawn up correctly;
- f technical documentation is either not available or not complete;
- g the information referred to in Article 10(6) or (7) or Article 12(3) is absent, false or incomplete;
- h information on the intended use of radio equipment, the EU declaration of conformity or usage restrictions as set out in Article 10(8), (9) and (10) does not accompany the radio equipment;
- i requirements on identification of economic operators set out in Article 15 are not fulfilled;
- j Article 5 is not complied with.

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measures to restrict or prohibit corresponding radio equipment being made available on the market or ensure that it is withdrawn or recalled from the market.