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STATUTORY INSTRUMENTS

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**2018 No. 816**

**The Cableway Installations Regulations 2018**

**PART 4**

**Market surveillance and enforcement**

**Subsystems or safety components presenting a risk**

- 23.**—(1) This paragraph applies—
- (a) where the Executive has—
    - (i) required an economic operator to take corrective action in relation to a subsystem or safety component in accordance with paragraph 1 of Article 40 of Regulation 2016/424/EU; and
    - (ii) the economic operator has not taken adequate corrective action within the period prescribed by the Executive under that paragraph; or
  - (b) the market surveillance authorities of another member State have—
    - (i) informed the Commission and other member States of measures taken in accordance with paragraph 4 of Article 40 of Regulation 2016/424/EU in relation to a subsystem or safety component; and
    - (ii) those measures are deemed justified in accordance with paragraph (7) of that Article.
- (2) Where paragraph (1) applies, the Executive must serve a notice on any relevant economic operator—
- (a) prohibiting or restricting it from making the relevant subsystem or safety component available on the market; or
  - (b) requiring it to withdraw or recall the subsystem or safety component from the market.
- (3) A notice served under paragraph (2) must be in writing and must specify the date by which the economic operator must comply with it.
- (4) Any notice served under paragraph (2) may be withdrawn by the Executive serving written notice on the economic operator.
- (5) Where a notice has been served on an economic operator under paragraph (2), the economic operator must comply with it.
- (6) A notice may not be served under paragraph (2) in relation to any subsystem or safety component in respect of which the Executive has served an improvement notice or prohibition notice under section 21 or 22 of the 1974 Act or the equivalent provision in 1978 Order where that notice remains in force.
- (7) In this regulation a “relevant economic operator” means any economic operator who has placed or made available or who is proposing to place or make available on the market a subsystem or safety component in respect of which paragraph (1) applies.