

## CHAPTER V CUSTOMS PROCEDURES

### *Article 16*

1. When completing the formalities for the export of dual-use items at the customs office responsible for handling the export declaration, the exporter shall furnish **proof** that any necessary export authorisation has been obtained.

2. A translation of any documents furnished as proof into an official language of the Member State where the export declaration is presented may be required of the exporter.

3. Without prejudice to any powers conferred on it under, and pursuant to, the Community Customs Code, a **Member State** may also, for a period not exceeding the periods referred to in paragraph 4, **suspend the process of export from its territory**, or, if necessary, otherwise prevent the dual-use items listed in Annex I which are covered by a valid export authorisation from leaving the Community via its territory, where it has grounds for suspicion that:

- (a) relevant information was not taken into account when the authorisation was granted, or
- (b) circumstances have materially changed since the grant of the authorisation.

4. In the case referred to in paragraph 3, the competent authorities of the Member State which granted the export authorisation shall be **consulted** forthwith in order that they may take action pursuant to Article 13(2). If such competent authorities decide to maintain the authorisation, they shall reply within 10 working days, which, at their request, may be extended to 30 working days in exceptional circumstances. In such case, or if no reply is received within 10 or 30 days, as the case may be, the dual-use items shall be released immediately. The Member State that granted the authorisation shall inform the other Member States and the Commission.

**Comment:**

This provision allows Member States to freeze for a short period of time an export of dual-use items authorised by another Member State. After a consultation, if the authorisation is maintained by the Member State who has granted it, the dual-use items shall be released and exported.