

Commission Regulation (EC) No 1276/2008 of 17 December  
2008 on the monitoring by physical checks of exports of  
agricultural products receiving refunds or other amounts

CHAPTER I

**INTRODUCTORY PROVISIONS**

*Article 1*

**Subject matter and scope**

This Regulation lays down certain procedures for monitoring whether operations conferring entitlement to the payment of export refunds and all other amounts as defined in Article 2(a) have been carried out correctly.

It shall apply without prejudice to the provisions of Regulation (EC) No 800/1999.

This Regulation shall not apply to exports involving Community or national food aid covered by Regulation (EC) No 2298/2001.

*Article 2*

**Definitions**

For the purposes of this Regulation the following definitions shall apply:

- (a) 'other amounts' means operations related to financial measures under the European Agricultural Guarantee Fund and the European Agricultural Fund for Rural Development pursuant to Regulations (EC) No 793/2006, (EC) No 967/2006 and (EC) No 1914/2006;
- (b) 'products' means products as defined in first indent of Article 2(1)(a) of Regulation (EC) No 800/1999;
- (c) 'customs office of export' means the customs office referred to in Article 5(7)(a) of Regulation (EC) No 800/1999;
- (d) 'customs office of exit' means the customs office referred to in Article 793(2) of Regulation (EEC) No 2454/93;
- (e) 'customs office to which the T5 control copy is sent' means the customs office of destination referred to in Article 912c of Regulation (EEC) No 2454/93 including a customs office to which an equivalent document is sent;
- (f) 'physical check' means verification that the export declaration, or for other amounts documents as set out in Regulations (EC) No 793/2006, (EC) No 967/2006 and (EC) No 1914/2006, including documents submitted in support thereof, corresponds with the products as regards quantity, nature and characteristics under the conditions set out in Article 5;

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- (g) ‘substitution check’ means a check carried out by means of a visual check, that the products correspond to the document which accompanied them from the customs office of export to the customs office of exit or the office to which the T5 control copy is sent under the conditions set out in Article 8;
- (h) ‘specific substitution check’ means a substitution check which may vary from a visual check to a physical check, to be carried out if there are doubts as to the integrity of the sealing of the export products under the conditions set out in Article 9;
- (i) ‘visual check’ means a check by sensory perception including such checks using technical equipment;
- (j) ‘document’ means a paper, or an electronic medium approved under Regulation (EEC) No 2913/92, Commission Regulation (EC) No 885/2006<sup>(1)</sup> or Regulation (EC) No 450/2008 of the European Parliament and of the Council<sup>(2)</sup>, bearing information relevant in the framework of this Regulation;
- (k) ‘equivalent document’, in relation to a T5 control copy, means the national document referred to in Articles 8, 8a and 9 of Regulation (EC) No 800/1999, used where a national procedure is applied pursuant to Article 912a(5) of Regulation (EEC) No 2454/93;
- (l) ‘product sectors’ are the sectors as set out in Article 1 of Regulation (EC) No 1234/2007, with the exception of cereals and rice covered by Parts I and II of Annex I to that Regulation which shall be treated as a single product sector, and goods not covered by Annex I to the Treaty, which shall be treated as a single product sector<sup>[F1]</sup>;
- (m) <sup>[F2]</sup>‘Control code’ means information expressed by the letter ‘A’ followed by four digits generated by electronic means, in printing, or in clearly legible handwriting.]

#### Textual Amendments

- F1** Substituted by [Commission Regulation \(EU\) No 278/2010 of 31 March 2010 amending Regulation \(EC\) No 1276/2008 on the monitoring by physical checks of exports of agricultural products receiving refunds or other amounts and Regulation \(EC\) No 612/2009 on laying down common detailed rules for the application of the system of export refunds on agricultural products.](#)
- F2** Inserted by [Commission Regulation \(EU\) No 278/2010 of 31 March 2010 amending Regulation \(EC\) No 1276/2008 on the monitoring by physical checks of exports of agricultural products receiving refunds or other amounts and Regulation \(EC\) No 612/2009 on laying down common detailed rules for the application of the system of export refunds on agricultural products.](#)

### Article 3

#### Types of checks

Member States shall carry out:

- (a) physical checks on products in accordance with Article 4, at the time the customs export formalities are completed and before authorisation is given for the products in question to be exported, on the basis of documents submitted in support of the export declaration;
- (b) checks on the integrity of seals in accordance with Article 7;

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- (c) substitution checks in accordance with Article 8;
- (d) specific substitution checks in accordance with Article 9; and
- (e) scrutiny of the documents in the payment application file in accordance with Article 12.

For other amounts, the application of physical checks is determined in Regulations (EC) No 793/2006, (EC) No 967/2006 and (EC) No 1914/2006.

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- (1) [OJ L 171, 23.6.2006, p. 90.](#)
- (2) [OJ L 145, 4.6.2008, p. 1.](#)

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