

Commission Regulation (EC) No 612/2009 of 7 July 2009
on laying down common detailed rules for the application of
the system of export refunds on agricultural products (Recast)

TITLE II

EXPORTS TO THIRD COUNTRIES

CHAPTER 1

Entitlement to refunds

Section 1

General provisions

Article 10

1 For the purpose of granting refunds in the case of export by sea, the following special provisions shall apply:

- a Where the T5 control copy or the national document proving that the products have left the customs territory of the Community has been endorsed by the competent authorities, the products concerned may not return or remain in temporary storage or under any customs-approved treatment or use on the customs territory of the Community, unless for the purposes of transshipment in any other port(s) located in the same or another Member State for not more than 28 days, except in cases of *force majeure*. That time limit shall not apply where the products have left the final port in the customs territory of the Community definitely within the original 60-day time limit.
- b Refunds shall be paid subject to presentation to the paying agency of:
 - a declaration by the exporter that the products are not to be transhipped in another Community port, or
 - proof of compliance with point (a). Such proof shall consist in particular of the transport document(s), or a copy or photocopy thereof, covering the products from departure from the first port at which the documents referred to in point (a) were endorsed, to arrival in the third country in which they are to be unloaded.

Declarations as referred to in the first indent shall be subject to suitable spot checks by the paying agency. The proof referred to in the second indent shall be required for that purpose.

In cases of export by vessels operating a direct shipping service to a third country port without calling at any other Community port, Member States may apply a simplified procedure for the purpose of the first indent.

- c As an alternative to the conditions set out in point (b), the Member State of destination of the T5 control copy or the Member State where a national document is used as proof may stipulate that the T5 control copy or the national document proving that the products have left the customs territory of the Community is to be endorsed only on presentation

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of a transport document specifying a final destination outside the customs territory of the Community.

In such cases, one of the entries listed in Annex V shall be added by the competent authorities of the Member State of destination of the T5 control copy or the Member State where a national document is used as proof under the heading 'Remarks' in the section headed 'Control of use and/or destination' on the T5 control copy or under the corresponding heading of the national document.

Compliance with this point shall be verified by suitable spot checks conducted by the paying agency.

- d Where it is found that the conditions set out in point (a) have not been complied with, for the purposes of Article 47 the day, or days, by which the 28-day time limit is exceeded shall be deemed to be days by which the time limit laid down in Article 7 is exceeded.

2 For the purpose of granting refunds in the case of export by road, by inland waterway or by rail, the following special provisions shall apply:

- a Where the T5 control copy or the national document proving that the products have left the customs territory of the Community has been endorsed by the competent authorities, the products concerned may not return or remain in temporary storage or under any customs-approved treatment or use on the customs territory of the Community, unless for the purposes of transit operation for not more than 28 days, except in cases of *force majeure*. That time limit shall not apply where the products have left the customs territory of the Community definitely within the original 60-day time limit.
- b Compliance with point (a) shall be verified by suitable spot checks conducted by the paying agency. In such cases the transport documents covering the products up to their arrival in the third country in which they are to be unloaded, shall be required.

In cases where it is found that the conditions set out in point (a) have not been complied with, for the purpose of Article 47 the day, or days, by which the 28-day time limit is exceeded shall be deemed to be days by which the time limit laid down in Article 7 is exceeded.

If both the 60-day time limit laid down in Article 7(1) and the 28-day time limit laid down in point (a) are exceeded, the amount by which the refund is to be reduced or the part of the security to be forfeited shall be equal to that due to the greater of the two overruns.

3 For the purpose of granting refunds in the case of export by air, the following special provisions shall apply:

- a The T5 control copy or the national document proving that the products have left the customs territory of the Community may be endorsed by the competent authorities only on presentation of a transport document indicating a final destination outside the customs territory of the Community.
- b In cases where it is found that, after completion of the formalities referred to in point (a), the products have remained, except in cases of *force majeure*, for more than 28 days for the purpose of transshipment in one or more other airports in the customs territory of the Community, the day, or days, by which the 28-day time limit is exceeded shall, for the purposes of Article 47, be deemed days by which the time limit laid down in Article 7 is exceeded.

If both the 60-day time limit stipulated in Article 7(1) and the 28-day time limit stipulated in this point are exceeded, the amount by which the refund is to be reduced

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or the part of the security to be forfeited shall be equal to that due to the greater of the two overruns.

- c Compliance with this paragraph shall be verified by suitable spot checks conducted by the paying agency.
- d The 28-day time limit laid down in point (b) shall not apply where the products concerned have left the customs territory of the Community definitively within the original 60-day time limit.

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Changes and effects yet to be applied to :

- Regulation revoked by [2023 c. 28 Sch. 1 Pt. 2](#)