

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 III

OTHER TYPES OF EXPORT AND SPECIAL CASES

CHAPTER 1

Destinations treated as exports from the Community, and victualling

Article 37

1 Member States may pay exporters the refund in advance under the special conditions set out below where evidence is furnished that the products have been placed, within 30 days of acceptance of the export declaration and except in cases of *force majeure*, in premises subject to customs control with a view to victualling within the Community of:

- a seagoing vessels; or
- b aircraft on international flights, including intra-Community flights; or
- c drilling or extraction rigs as referred to in Article 41.

Premises subject to customs control, hereinafter referred to as ‘victualling warehouses’, and warehousekeepers shall be specially approved for the purposes of this Article.

2 Member States on whose territory victualling warehouses are located shall grant approval only to warehousekeepers and victualling warehouses offering the necessary guarantees. Approval may be withdrawn.

Approval shall be granted only to warehousekeepers who undertake in writing:

- a to place the products in the unaltered state or frozen and/or after packaging for victualling within the Community on board:
 - seagoing vessels, or
 - aircraft on international flights, including intra-Community flights, or
 - drilling or extraction rigs as referred to in Article 41;
- b to keep a register enabling the competent authorities to carry out any checks necessary and stating in particular:
 - the date of entry into the victualling warehouse,
 - the serial numbers of the customs documents accompanying the products and the particulars of the customs office concerned,
 - the information required to identify the products pursuant to Article 5(4),
 - the date on which the products leave the victualling warehouse,
 - the registration numbers and names (if any) of the vessels or aircraft onto which the products are loaded or the name of any warehouse to which they are transferred,
 - the date on which they are placed on board;
- c to keep the register for at least three years from the end of the current calendar year;
- d to cooperate in any checks, and in particular periodical checks, which the competent authorities consider appropriate to verify compliance with this paragraph;

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e to pay any sums claimed by way of reimbursement of the refund where Article 39 is applied.

3 Amounts paid to exporters pursuant to paragraph 1 shall be entered as payments in the accounts of the body making the advance.