

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 4*

1 Entitlement to the refund shall be conditional upon the presentation of an export licence with advance fixing of the refund, except in the case of exports of goods.

However, no licence shall be required to obtain a refund:

- where the quantities exported per export declaration are less than or equal to the quantities set out in Annex II to Regulation (EC) No 376/2008,
- in cases covered by Articles 6, 33, 37, 41, 42 and Article 43(1),
- for deliveries to Member States' armed forces stationed in non-member countries.

2 Notwithstanding paragraph 1, an export licence with advance fixing of the refund shall also be valid for the exportation of a product covered by a 12 -digit product code other than that indicated in box 16 of the licence if both products belong:

- to the same category as referred to in the second subparagraph of Article 13(1) of Regulation (EC) No 376/2008, or
- to the same product group, provided that such product groups have been defined for this purpose in accordance with the procedure referred to in Article 195 of Regulation (EC) No 1234/2007.

In the cases set out in the first subparagraph, the following further conditions shall apply:

- if the rate of refund corresponding to the actual product is equal to or higher than the rate applicable to the product shown in box 16 of the licence, the latter rate shall apply,
- if the rate of refund corresponding to the actual product is lower than the rate applicable to the product indicated in box 16 of the licence, the refund to be paid shall be that obtained by the application of the rate corresponding to the actual product, less, save in cases of *force majeure*, 20 % of the difference between the refund corresponding to the product indicated in box 16 of the licence and the refund for the actual product.

Where the second indent of the second subparagraph and point (b) of Article 25(3) apply, the reduction to be applied to the refund corresponding to the actual product and the actual destination shall be calculated on the difference between the refund corresponding

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**Status:** Point in time view as at 01/07/2013.

**Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EC) No 612/2009. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)

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to the product and destination indicated on the licence and the refund corresponding to the actual product and destination.

For the purpose of applying this paragraph, the rates of refund to be taken into consideration shall be those valid on the day on which the licence application is lodged. Where necessary those rates shall be adjusted on the day of acceptance of the export declaration.

3 Where paragraphs 1 or 2 and Article 48 apply to the same export operation, the amount resulting from paragraphs 1 or 2 shall be reduced by the amount of the penalty referred to in Article 48.

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