

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 IV

**PROCEDURE FOR PAYMENT OF REFUNDS**

CHAPTER 1

**General**

*Article 47*

1 In circumstances where all requirements laid down by Community rules for showing entitlement to a refund other than compliance with one of the time limits laid down in Articles 7(1), 16(1) and 37(1) have been met, the following rules shall apply:

- a the refund shall first be reduced by 15 %;
- b the remainder of the refund, hereinafter referred to as the ‘reduced refund’, shall be further reduced as follows:
  - (i) 2 % of the reduced refund shall be lost for each day by which the time limit laid down in Article 16(1) is exceeded;
  - (ii) 5 % of the reduced refund shall be lost for each day by which the time limit laid down in Article 7(1) is exceeded; or
  - (iii) 10 % of the reduced refund shall be lost for each day by which the time limit laid down in Article 37(1) is exceeded.

2 Where proof that all the requirements laid down by Community regulations have been fulfilled is provided within six months of expiry of the time limits laid down in Article 46(2) and (4), the refund paid shall be 85 % of the sum that would have been paid had all the requirements been fulfilled.

Where proof that all the requirements laid down by Community regulations have been fulfilled is provided within six months of expiry of the time limits laid down in Article 46(2) and (4) but the time limits laid down in Articles 7(1), 16(1) or 37(1) are exceeded, the refund paid shall be equal to the refund reduced in accordance with paragraph 1 of this Article, less 15 % of the sum that would have been paid had all the time limits been met.

3 Where a refund has been paid in advance in accordance with Article 31 and one or more of the time limits laid down in Articles 7(1) and 16(1) have not been met, the part of the security forfeited shall be equal to the reduction calculated pursuant to paragraph 1 of this Article, plus 10 %.

The balance of the security shall be released.

Where a refund has been paid in advance in accordance with Article 31 and proof that all the requirements laid down by Community regulations have been fulfilled is furnished

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**Status:** Point in time view as at 01/07/2013.

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within six months of expiry of the time limits laid down in Article 46(2) and (4), the amount to be reimbursed shall be equal to 85 % of the security.

Where, in cases covered by the third subparagraph, one or more of the time limits laid down in Articles 7(1) and 16(1) have in addition not been met, the amount to be reimbursed shall be equal to:

- the amount reimbursed pursuant to the third subparagraph,
- less the part of the security forfeited pursuant to the first subparagraph.

4 The total refund lost may not exceed the full refund that would have been paid had all the requirements been fulfilled.

5 For the purposes of this Article, failure to meet the time limit laid down in Article 36(1) shall rank as failure to meet the time limit laid down in Article 7(1).

6 Where Article 4(2) and/or Article 25(3) and/or Article 48 apply:

- the reductions provided for in this Article shall be calculated on the basis of the refund payable pursuant to Article 4(2) and/or Article 25(3) and/or Article 48,
- refunds lost pursuant to this Article shall not exceed those payable pursuant to Article 4(2) and/or Article 25(3) and/or Article 48.

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