

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 I

SCOPE AND DEFINITIONS

- Article 1 Without prejudice to derogations provided for in Community regulations specific...
- Article 2 (1) For the purposes of this Regulation:

TITLE II

EXPORTS TO THIRD COUNTRIES

CHAPTER 1

Entitlement to refunds

Section 1

General provisions

- Article 3 Without prejudice to Articles 25, 27 and 28 of this...
- Article 4 (1) Entitlement to the refund shall be conditional upon the...
- Article 5 (1) 'Day of export' means the day on which the...
- Article 6 By way of derogation from Article 5(2), where the quantities...
- Article 7 (1) Without prejudice to Articles 15 and 27, payment of...
- Article 8 If, before leaving the customs territory of the Community, a...
- Article 9 The exporter shall mention the rate of export refunds in...
- Article 10 (1) For the purpose of granting refunds in the case...
- Article 11 (1) Where the product is placed, in the Member State...
- Article 12 (1) Refunds shall be granted for products which, irrespective of...
- Article 13 (1) The rate of refund applicable to mixtures falling within...
- Article 14 The provisions relating to the advance fixing of refunds and...

Section 2

Differentiated refunds

- Article 15 Where the rate of refund varies according to destination, refunds...
- Article 16 (1) Within 12 months of the date of acceptance of...
- Article 17 (1) Proof that customs formalities for importation have been completed...
- Article 18 (1) An SA wishing to issue certificates as referred to...
- Article 19 (1) The SA shall act in accordance with the rules...

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*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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- Article 20 Member States which have approved SAs shall provide for an...
- Article 21 (1) The Member State which has approved the SA shall...
- Article 22 (1) Member States shall notify the approval of SAs to...
- Article 23 (1) Certificates as referred to in Article 17(1)(b) and (2)(c)...
- Article 24 (1) Member States may exempt exporters from furnishing the proof...
- Article 25 (1) By way of derogation from Article 15 and without...
- Article 26 (1) Paragraphs 2 to 5 shall apply where a product...

### Section 3

#### Specific measures of protection of the Community's financial interests

- Article 27 (1) Where: there are serious doubts as to the real...

### Section 4

#### Cases where no refund is granted

- Article 28 (1) No refund shall be granted on products which are...
- Article 29 (1) No refund shall be granted on exports subject to...
- Article 30 No refund shall be granted on products which are sold...

## CHAPTER 2

### Advances on refunds

- Article 31 (1) On application by the exporter, Member States shall pay...
- Article 32 (1) Where the amount paid in advance is higher than...

## TITLE III

### OTHER TYPES OF EXPORT AND SPECIAL CASES

#### CHAPTER 1

#### Destinations treated as exports from the Community, and victualling

- Article 33 (1) For the purposes of this Regulation, the following shall...
- Article 34 (1) In the case of the supplies referred to in...
- Article 35 (1) For the purposes of Article 33(1)(a), products intended for...
- Article 36 (1) Refunds shall not be paid unless the products for...
- Article 37 (1) Member States may pay exporters the refund in advance...
- Article 38 (1) Where an export declaration is accepted in the Member...
- Article 39 (1) Where a product placed in a victualling warehouse is...
- Article 40 (1) At least once every 12 months the competent authorities...

#### CHAPTER 2

#### Special cases

- Article 41 (1) Deliveries of catering supplies shall, for the purpose of...

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- Article 42 (1) With a view to determining the level of refund...  
Article 43 (1) By way of derogation from Article 161(3) of Regulation...  
Article 44 (1) Refunds may not be granted on products re-exported pursuant...  
Article 45 In the case of exports consigned to: armed forces stationed...

#### TITLE IV

#### PROCEDURE FOR PAYMENT OF REFUNDS

##### CHAPTER 1

###### General

- Article 46 (1) Refunds shall be paid only on a specific application...  
Article 47 (1) In circumstances where all requirements laid down by Community...

##### CHAPTER 2

###### Penalties and recovery of amounts over-paid

- Article 48 (1) Where it is found that an exporter with a...  
Article 49 (1) Without prejudice to the obligation to pay the negative...

#### TITLE V

#### FINAL PROVISIONS

- Article 50 Notification to the Commission  
Article 51 Regulation (EC) No 800/1999 is repealed. References to the repealed...  
Article 52 This Regulation shall enter into force on the 20th day...  
Signature

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#### ANNEX I

Products and destinations excluded from the remote refund zone

##### PRODUCT SECTOR — EXCLUDED DESTINATIONS

Sugar  
Cereals  
Rice  
Milk and milk products  
Beef and veal  
Poultry  
Eggs

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## ANNEX II

## ANNEX III

Entries referred to in Article 8

## ANNEX IV

Entries referred to in Article 9

## ANNEX V

Entries referred to in the second subparagraph of Article 10(1)(c)

## ANNEX VI

Entries referred to in the first subparagraph of Article 11(4)

## ANNEX VII

Entries referred to in the first subparagraph of Article 11(5)

## ANNEX VIII

Requirements for approval and control of SAs by Member States

## CHAPTER I

### APPROVAL REQUIREMENTS

## CHAPTER II

1. Performance's engagements of SAs
2. Controlling the performance of SAs
  - 2.1. Member States will have the responsibility for checking the soundness...
  - 2.2. Member States authorities must pay particular attention, when checking the...

## CHAPTER III

1. Certification issued by approved SAs shall include not only the...
2. In the case of certificates of unloading and importation (Article...
3. The approved SAs shall be independent of the parties involved...

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#### ANNEX IX

Certificate of unloading and importation referred to in Article 17(1)(b)

#### ANNEX X

Requirements to be observed by official agencies of Member States established in third countries for the application of Article 17(2)(b)

1. The official agency decides to issue the certificate of unloading...
2. The official agency issues certificates of unloading in accordance with...
3. The official agency issuing certificates of unloading shall keep a...

#### ANNEX XI

Certificate of unloading referred to in Article 17(2)(c)

#### ANNEX XII

List of third countries referred to in Article 17(2)(d) which require the products to be imported before the funds can be transferred in payment

Algeria  
Burundi  
Equatorial Guinea  
Kenya  
Lesotho  
Malawi  
Saint Lucia  
Senegal  
Tanzania

#### ANNEX XIII

List of central bodies in the Member States referred to in Article 22

#### ANNEX XIV

List of third countries and territories referred to in Article 24(1)(a)(i) and (ii)

Albania  
Andorra  
Armenia  
Azerbaijan  
Belarus  
Bosnia and Herzegovina  
Ceuta and Melilla  
.....  
Georgia

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Gibraltar  
Heligoland  
Iceland  
Liechtenstein  
Former Yugoslav Republic of Macedonia  
Morocco  
Moldova  
Montenegro  
Norway  
Russia  
Serbia  
Switzerland  
Turkey  
Ukraine  
Vatican City

#### ANNEX XV

List of products to which Article 27(4)(d) applies

Products listed in Article 1 (1)(a) of Regulation (EC) No...

#### ANNEX XVI

Entries referred to in the second subparagraph of Article 38(2)

#### ANNEX XVII

Entries referred to in Article 41(5)

#### ANNEX XVIII

#### ANNEX XIX

Repealed Regulation with list of its successive amendments

#### ANNEX XX

Correlation Table

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- (1) OJ L 299, 16.11.2007, p. 1.
- (2) OJ L 102, 17.4.1999, p. 11.
- (3) See Annex XIX.
- (4) OJ L 336, 23.12.1994, p. 22.
- (5) OJ L 339, 18.12.2008, p. 53.
- (6) OJ L 365, 21.12.2006, p. 52.
- (7) OJ L 253, 11.10.1993, p. 1.
- (8) OJ L 302, 19.10.1992, p. 1.
- (9) OJ L 301, 17.10.1992, p. 17.
- (10) OJ L 205, 3.8.1985, p. 5.
- (11) OJ L 359, 9.12.1992, p. 13.
- (12) OJ L 209, 11.8.2005, p. 1.

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