

# COMMISSION OF THE EUROPEAN COMMUNITIES

— COM(82) 859 final

Brussels, 23 December 1982

Proposal for a  
COUNCIL REGULATION (EEC)

laying down certain measures for the standardization and simplification  
of statistics of trade between Member States

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(submitted to the Council by the Commission)

COM(82) 859 final



Among the overall measures to strengthen the domestic market, in connection with which the Commission has already forwarded a series of proposals to the Council, the simplification of formalities plays a decisive part. One of the ways in which this aim will be achieved involves replacing the different forms used in trade between Member States for consignment (export), transit within the Community and entry for home use (import) by a single document covering these three operations. The information contained in this document will meet either Community requirements (statistics, taxation, transport) or national needs to the extent that Member States are authorized, under special provisions of the Treaty, to maintain or introduce certain national procedures in trade between Member States.

Simplification of formalities in trade between Member States compared with Community trade with third countries has a particular effect on the statistical recording of flows of goods.

For the Member States' external trade statistics, on the one hand, this means that in future a distinction will have to be made between trade with third countries and trade with other Member States. This distinction will be reflected by the fact that recording of trade with the other Member States will no longer be able to be based on the collection of national supplementary data in addition to those prescribed by Community law. Certain national data will therefore disappear, such as the supplementary statistical subdivisions which the Member States use in different ways in addition to the headings of the Nomenclature of Goods for the External Trade Statistics of the Community and Statistics of Trade between Member States (NIMEXE).

For the Community statistics of trade between Member States, on the other hand, this means that the aim of simplification will have to be reconciled with the consistency of the statistical system. For this reason the volume of data required has been reduced to the minimum needed for the compilation of significant statistics meeting high standards of quality. This inevitably involves the adaptation of certain definitions. For example, for the purposes of valuation it will suffice to use the price or standard value set for taxation purposes (instead of the free-at-national-frontier value, which at least in theory has been the case up to now). At the same time provision

has been made for uniform recording of certain transport data as part of statistics of trade between Member States. The statistical system used will continue to be special trade, i.e. recording, on consignment, of all goods produced, nationalized or processed in a Member State and, on entry, of all goods released for home use or imported for continuation of inward processing.

It must be stressed that the present regulation does not affect the simplified declaration procedures which the Member States may apply to natural or legal persons obliged to supply information.

Finally, to round off this memorandum it should be pointed out that the provisions of Regulation (EEC) No 1736/75 and of Regulation (EEC) No 1445/72, as amended by Regulation (EEC) No 3065/75, remain valid, unless they are explicitly cancelled by the present regulation, which relates exclusively to statistics of trade between Member States.

Proposal for a  
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laying down certain measures for the standardization and simplification  
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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,  
and in particular Article 235 thereof;

Having regard to Council Regulation (EEC) No ... of ...  
simplifying customs formalities in trade within the Community<sup>1</sup>,

Having regard to Council Regulation (EEC) No ... of ...  
introducing a specimen declaration form to be used in intra-Community  
trade<sup>2</sup>,

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas, in order to strengthen the domestic market, Regulation (EEC)  
No ... replaces by a single document the forms now used for con-  
signment, internal Community transit, entry of goods for consumption and  
application of any other procedure in the Member State of destination;

Whereas it is essential to define the subject of statistics of trade  
between Member States in such a way that it is clearly distinguishable  
from the subject of external trade statistics of the Community;

Whereas it is also necessary to lay down the data on trade between  
the Member States to be collected and compiled and the relevant definitions;

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<sup>1</sup> OJ No L , p.

<sup>2</sup> OJ No L , p.

Whereas the purpose of introducing a single document includes standardization and simplification of the statistics of trade between Member States, which in turn requires that some of the provisions of Council Regulation (EEC) No 1736/75<sup>1</sup>, as amended by Regulation (EEC) No 2345/77<sup>2</sup> and Council Regulation (EEC) No 1445/72<sup>3</sup>, as amended by Regulation (EEC) No 3065/75<sup>4</sup>, should no longer apply for the purposes of statistics of trade between Member States,

Whereas such standardization and simplification is necessary for attaining one of the objectives of the Community, whereas the Treaty has not provided the necessary powers and this Regulation must, therefore, be based on Article 235 thereof,

HAS ADOPTED THIS REGULATION:

Article 1

1. Statistics of trade between Member States shall include all goods:
  - A. sent from the Member State of consignment
    - a) in which they are for home use under fiscal legislation,
    - b) in which they were manufactured but are not for home use under fiscal legislation,
    - c) in which they are subject to inward processing arrangements in the unaltered state, as compensating products or as intermediate products under the terms of Council Directive 69/73/EEC<sup>5</sup> and in accordance with Articles 2 and 3 of Commission Directive 73/95/EEC<sup>6</sup>,
  - B. a) in free circulation under customs legislation and registered for home use under fiscal legislation in the Member State of destination,  
b) for transfer from the Member State of consignment to the Member State of destination under the definition of inward processing in Directive 69/73/EEC and in accordance with Articles 2 and 3 of Directive 73/95/EEC, either for further processing or to be registered for free circulation under customs legislation.

<sup>1</sup> OJ No L 183, 14.7.1975, p.3

<sup>2</sup> OJ No L 329, 22.12.1977, p.3

<sup>3</sup> OJ No L 161, 17.7.1972, p.1

<sup>4</sup> OJ No L 307, 27.11.1975, p.1

<sup>5</sup> OJ No L 58, 8.3.1969, p.1

<sup>6</sup> OJ No L 120, 7.5.1975, p.17

2. Articles 3 to 9 shall apply to the goods defined in paragraph 1 under A. a) and b) and B.a), hereinafter referred to as "goods". Goods mentioned in paragraph 1 under A. c) and B. b) shall be registered in statistics of trade between Member States, but Articles 3 to 9 shall not apply to them.

#### Article 2

In this Regulation the cases set out in Article 1(1) under A. shall come under the heading "consignment" and those under B. under the heading "entry".

#### Article 3

The Member State of consignment shall be taken to mean the Member State from which the goods are sent under the procedure provided for in Regulation (EEC) No .....

#### Article 4

The Member State of destination shall be taken to mean the Member State to which the goods are sent under the procedure provided for in Regulation (EEC) No .....

#### Article 5

For each heading of the NIMEXE, the following shall be indicated in the statistical information medium:

- a) on entry, the Member State of consignment;
- b) on consignment, the Member State of destination;
- c) the net weight of the goods in accordance with Article 15(1)(4) of Regulation (EEC) No 1736/75, or, for goods defined in accordance with Article 41 of that Regulation, the net weight with immediate wrappings in accordance with Article 15(2) and (4) of that Regulation;
- d) for goods defined in accordance with Article 41 of Regulation (EEC) No 1735/75, other units of measurement supplementary to, or instead of, the net weight or net weight with immediate wrappings, in accordance with Article 16 of that Regulation;
- e) the price of the goods or, if this is not known, the normal value, both within the meaning of Article 11 of Sixth Council Directive 77/388/EEC<sup>1</sup>;

<sup>1</sup>OJ No L 145, 13.6.1977, p.1

- f) where applicable, special movements of goods under the terms of Article 19 of Regulation (EEC) No. 1736/75;
- g) the type of transport in accordance with Article 6.

Article 6

1. "Type of transport" shall be taken to mean the active type of transport by which the goods leave the statistical territory of the Member State of consignment or by which they reach the statistical territory of the Member State of destination.
2. The types of transport shall be as follows:

Description	Code number
a) Sea	1
b) Rail	2
c) Road	3
d) Air	4
e) Fixed transport installations	7
f) Inland waterway	8

3. If the type of transport stated is listed in paragraph 2 under b), c), d) or f), it should also be indicated whether the goods are transported in containers within the meaning of Article 15(3) of Regulation (EEC) No 1736/75.

Article 7

1. The Community and the Member States shall compile the data referred to in Article 5 under a), b), c), d), e) and g).
2. The data referred to in paragraph 1 shall be compiled for all goods which are the subject, in accordance with Article 1(1), of statistics of trade between Member States, with the exception of those:
  - a) included in the list of exceptions given in Annex B to Regulation (EEC) No 1736/75;
  - b) whose value and weight are below the statistical threshold defined in Article 24 of that Regulation;
  - c) to which Article 27, 28(1), 29, 30, 31 or 32 of that Regulation or similar provisions adopted pursuant to Article 33 thereof apply.

Article 8

1. Articles 7, 8, 9, 10, 11, 12, 17, 18, 20, 21, 22(1) and (2), 42 and 47 of Regulation (EEC) No 1736/75 and Article 6 of Regulation (EEC) No 1445/72 shall not apply to statistics of trade between Member States.
2. In addition to the data referred to in Article 5, Member States may collect and compile further data for the purposes of statistics of trade between Member States, provided that such data appear on the form provided for in Regulation (EEC) No .....
3. For the application to statistics of trade between Member States of the remaining Articles of the Regulations referred to in paragraph 1, "export" and "import" shall be taken to mean "consignment" and "entry" respectively.

Article 9

1. Provisions for the standardization and simplification of:

- a) statistical information,
- b) the statistical information medium, in so far as the data to be supplied under the terms of this Regulation are concerned, shall be adopted in accordance with the procedure referred to in Article 41 of Regulation (EEC) No 1736/75.

Provisions for the implementation of this Regulation shall be adopted in accordance with the same procedure.

2. The rules of the Member States in this matter shall continue to apply up to the date of entry into force of the provisions referred to in the first subparagraph of paragraph 1.

Article 10

This Regulation shall enter into force on the third day following its publication in the Official Journal of the European Communities.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

