

EN

EN

EN



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 17.2.2009
COM(2009) 75 final

2007/0233 (COD)

**COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT**

pursuant to the second subparagraph of Article 251 (2) of the EC Treaty

concerning the

Common Position of the Council on the adoption of a Regulation of the European Parliament and of the Council concerning statistics relating to external trade with non-member countries and repealing Council Regulation (EC) No 1172/95

**COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT**

pursuant to the second subparagraph of Article 251 (2) of the EC Treaty

concerning the

Common Position of the Council on the adoption of a Regulation of the European Parliament and of the Council concerning statistics relating to external trade with non-member countries and repealing Council Regulation (EC) No 1172/95

1. BACKGROUND

Date of transmission of the proposal to the EP and the Council (document COM(2007) 653 final – 2007/0233 (COD): 30 October 2007

Date of the opinion of the European Central Bank: 03 March 2008

Date of the opinion of the European Parliament, first reading: 23 September 2008

Date of adoption of the common position: 16 February 2009

2. OBJECTIVE OF THE COMMISSION PROPOSAL

External trade statistics (Extrastat) record Member States' imports and exports of goods with non-member countries. This information is of essential importance for European economic and trade policies and for analysing market developments of individual commodities. External trade statistics contain monthly records on imports and exports expressed in value and quantity, broken down by reporting Member State and by partner country, by commodity according to the Combined Nomenclature, by mode of transport and by tariff treatment.

The statistics are based on information collected from customs declarations. The statistical compilation will be affected by the changes introduced by the Modernised Customs Code¹. In order to ensure a good quality of the statistics also in the future, the statistical system has to be adjusted. This is the main purpose for repealing Council Regulation (EC) No 1172/95 and proposing a new Extrastat Regulation.

– The Regulation provides more precise information on the data sources when different Customs simplifications are implemented.

¹ Regulation (EC) No 450/2008 of the European Parliament and of the Council of 23 April 2008 laying down the Community Customs Code (OJ L 145, 4.6.2008, p. 1)

- The Regulation also foresees a data exchange system between Member States, which is required under the modernised customs system.
- The Regulation will enable to compile and disseminate statistics according to the Member State of destination and of actual export. This will avoid the misallocation of trade affected by Centralised Customs Clearance and the so-called 'Rotterdam effect'².
- The Regulation also responds to new user needs by compiling additional statistics on trade according to business characteristics, by providing trade broken down by invoicing currency and by nature of transaction. This will entail no or only very limited additional reporting requirements for respondents.
- Finally, the Regulation establishes a better system of quality assessment for external trade statistics.

3. COMMENTS ON THE COMMON POSITION

3.1. General comments

The European Parliament gave its opinion in the first reading on 23 October 2008 with 35 amendments to the Commission proposal. However, 8 amendments (No 1 - 4, 8, 16, 17 and 19) did not concern all linguistic versions and were therefore not put to vote.

The Commission accepted in full or in principle 24 of the 27 amendments adopted by the European Parliament in its first reading. These amendments reinforce the Comitology system or concern the terminology, the legal references and the intention (recitals) of the Commission proposal without changing the basic reform objectives. They constitute no major obstacle for the Commission.

As regards the three remaining amendments one is partly accepted by the Commission and the Council (No 26 on data exchange), another one is incorporated in the Common Position (No 18 on the deletion of collecting "import quotas"), but the 'Commission position on EP amendments at 1st reading' of 23 September 2008 recommended not to accept it. The third amendment (No 27 on the exclusion of collecting statistics if customs applies self assessment) is refused by both institutions: the Council and the Commission.

The Common Position of the Council introduces some additional specifications on the data sources, the data exchange system and of technical or drafting nature. All these modifications can be accepted by the Commission.

² The 'Rotterdam effect' means that a foreign trade transaction is reported for EU statistics first as the imports from a non-EU country to the EU Member State where the goods crossed the EU border and were released to free circulation. This statistical record is part of Extrastat. The following movement of the goods from this EU Member State to the EU Member State which is the final real importing country is then recorded as a dispatch (export) and arrival (import) between these two EU Member States within Intrastat. The 'Rotterdam effect' exists as well for Community exports, but to a lesser extent. The 'Rotterdam effect' inflates the exports and imports of the EU Member States which are exposed to this phenomenon.

On the whole the Commission considers that the Common Position does not alter the approach or aims of the proposal and can thus support it as it stands.

3.2. Detailed comments

3.2.1. Parliamentary amendments accepted by the Commission and incorporated in full, in part or in principle in the common position

Out of the 27 adopted amendments the **amendments number 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 20, 21, 22, 23, 24, 25, 28, 29, 30, 31, 32, 33, 34, and 35** have been incorporated either exactly like proposed by the Parliamentary amendments or with a slightly different wording in the Common Position. Those amendments can be fully accepted by the Commission. They remove either ambiguities or specify the Comitology system.

The **amendment number 26** is partly accepted, because the Commission agrees with the overall objective of that amendment, which states the responsibility of customs authorities in the mechanism for the statistical data exchange. However, the Commission prefers the more general wording as incorporated in the Common Position of the Council.

3.2.2. Parliamentary amendments rejected by the Commission but incorporated in full, in part or in principle in the common position

The Parliamentary **amendment number 18** removes the collection of "import quotas" from the data set. The Common Position does not consider its collection either. Since these data are very important for monitoring the Community trade and agriculture policies with regard to its WTO obligations, in particular as far as notifications to the WTO of the quota fill of EU bound tariff rate quotas are concerned, the Commission would insist on the need for this information to be made available through this Regulation.

3.2.3. Parliamentary amendments accepted in full, in part or in principle by the Commission but not incorporated in the common position

None

3.2.4. Parliamentary amendments rejected by the Commission and the Council and not incorporated in the common position

The Commission shares the Council's concern in relation to **amendment number 27** which excludes the transmission of some import and export data to Eurostat when specific customs simplifications are applied. The implementation of this amendment would lead to a partial coverage of trade and thus to a considerable deterioration of the quality of the data.

3.2.5. Changes made by the Council to the Proposal

The Council proposed the following main changes to the Commission proposal:

- Statistics in the case of simplified customs formalities and controls: The Council inserted a new recital 3 which explains that complete statistics will be maintained

as well for trade affected by customs simplifications which lead to the non availability of customs declarations. Article 4 on data sources is adjusted to the simplifications stated in the Modernised Customs Code. In particular the new Article 4(2) specifies that operators granted simplifications should provide the data for the statistics. Article 4 (5) and 5 (4) aim at minimising the administrative burden on trade related to the data collection process.

- Data exchange between Member States: The Council inserted specifications in order to make a future statistical data exchange system better workable. Recital number 4 makes a reference to the "e- customs" decision and its implication for statistics. Article 7(2) states that customs authorities should ensure the data exchange between the Member State of declaration and the Member State of destination / actual export. The starting date of such a data exchange system is aligned to the progress made in the implantation of the automated customs import and export system.
- Other changes: the Council in its Common Position introduced several modifications of a purely technical or drafting nature. Some of the changes lead to a restructuring of the proposal and a subsequent re-numbering of recitals and of paragraphs in some articles.

4. CONCLUSION

The changes introduced by the Council's Common Position are acceptable to the Commission, except the removal of "import quotas", the availability of which the Commission would insist upon.