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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

**on the exercise of the power to adopt delegated acts conferred on the Commission under
Regulation (EC) No 638/2004 of the European Parliament and of the Council on
Community statistics relating to the trading of goods between Member States**

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1. BACKGROUND

Regulation (EC) No 638/2004 of the European Parliament and of the Council of 31 March 2004 on Community statistics relating to the trading of goods between Member States¹, confers on the Commission the power to adopt delegated acts in accordance with Article 13a. Article 3(4) and Article 10(3), (4) and (5) empower the Commission to adopt delegated acts in accordance with Article 13a:

- relating to different or specific rules applying to specific goods or movements;
- to adapt the Intrastat coverage rates to technical and economic developments whenever it is possible to reduce them, while maintaining statistics which meet the quality indicators and standards in force; and
- to specify the conditions for defining other thresholds below which parties may benefit from certain simplifications; and
- to specify the conditions, which meet quality requirements, under which the Member States may simplify the information to be provided for small individual transactions, provided that such simplification has no detrimental effects on the quality of the statistics.

In addition, point (a) of Article 12(1) empowers the Commission to adopt delegated acts to define the aggregated data of the monthly results of statistics relating to the trading of goods between Member States, which are to be transmitted by the Member States to the Commission (Eurostat) no later than 40 calendar days after the end of the reference month. Those delegated acts must take into account the relevant economic and technical developments.

Under Article 13a(3) of the Regulation, the power to adopt delegated acts is conferred for a period of five years from 17 July 2014. This power is to be tacitly extended for periods of five years unless the European Parliament or the Council objects.

The Commission is required to draw up a report on the delegation of power not later than nine months before the end of the five-year period.

This report fulfils this obligation.

2. COMMISSION EXERCISE OF DELEGATED POWERS UNDER REGULATION (EC) No 638/2004

The Commission has not yet exercised the power to adopt delegated acts conferred on it by Regulation (EC) No 638/2004.

¹ OJ L 102, 7.4.2004, p.1.

The reason is the following: the powers delegated in Article 3(4), Article 10(3), (4) and (5) and point (a) of Article 12(1) date from 2014.

Since then there has been no need to set out different or specific rules applying to specific goods or movements as referred in Article 3(4), to reduce the Intrastat coverage rate referred in Article 10(3) or to specify conditions concerning the simplifications referred in Article 10(4) and (5).

There has also been no need to define the aggregated data of the monthly results to be transmitted by the Member States to the Commission (Eurostat) referred to in point (a) of Article 12(1).

3. CONCLUSIONS

The Commission has not yet exercised the power to adopt delegated acts conferred on it by Regulation (EC) No 638/2004.

The Commission is of the view that it should continue to have the delegated powers conferred by Article 13a of the Regulation (EC) No 638/2004, as in the future it might be necessary to exercise these delegated powers.