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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 471/2009 on Community statistics relating to external trade with
non-member countries**

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1. BACKGROUND

Regulation (EU) 2016/1724 of the European Parliament and of the Council of 14 September 2016¹ amended Regulation (EC) No 471/2009 of the European Parliament and of the Council of 6 May 2009 on Community statistics relating to external trade with non-member countries² in order to align it with the distinction between delegated and implementing acts introduced under the Lisbon Treaty.

Articles 3(2), (3) and (4), 4(5), 5(2) and (4), and 6(3) of Regulation (EC) No 471/2009, as amended, empower the Commission to adopt delegated acts in accordance with its Article 10a, in respect of:

- the adaptation of the list of customs procedures or customs-approved treatment or use;
- the designation of specific goods or movements and the different or specific provisions applicable to them;
- the exclusion of goods or movements from external trade statistics;
- the further specification of the statistical data;
- the level of aggregation for partner countries, goods and currencies for statistics on trade by invoicing currency;
- data collection relating to specific goods or movements and from economic operators who have been granted certain customs simplifications; and
- a requirement for limited sets of data for specific goods or movements and for data collected from economic operators who have been granted certain customs simplifications.

2. LEGAL BASIS

Under Article 10a(2) of Regulation (EC) No 471/2009, the power to adopt delegated acts is conferred for a period of 5 years from 20 October 2016. It is to be tacitly extended for periods of 5 years unless the European Parliament or the Council opposes such extension no later than 3 months before the end of each period.

The Commission is to draw up a report on the delegation of power no later than 9 months before the end of the 5-year period. This report fulfils this obligation.

3. EXERCISE OF DELEGATED POWERS UNDER REGULATION (EC) NO 471/2009

The Commission has not yet exercised the power to adopt delegated acts conferred on it by Regulation (EC) No 471/2009. There has been no need to do so, as all

¹ OJ L 163, 29.5.2014, p. 10.

² OJ L 152, 16.6.2009, p. 23.

measures considered necessary to date were covered by Commission Regulation (EU) 2016/2119³.

4. CONCLUSIONS

The Commission has not yet exercised the power to adopt delegated acts conferred on it by Regulation (EC) No 471/2009.

The repeal of the Regulation with effect from 1 January 2022⁴ means that the Commission does not envisage exercising the power in the future and any extension of the period of delegation beyond 20 October 2021 will end on 31 December 2021.

³ Commission Regulation (EU) 2016/2119 of 2 December 2016 amending Regulation (EC) No 471/2009 of the European Parliament and of the Council and Commission Regulation (EU) No 113/2010 as regards the adaptation of the list of customs procedures and the definition of the data (OJ L 329, 3.12.2016, p. 66).

⁴ By Regulation (EU) 2019/2152 of the European Parliament and of the Council of 27 November 2019 on European business statistics, repealing 10 legal acts in the field of business statistics (OJ L 327, 17.12.2019, p. 1).