Commission Regulation (EC) No 1949/2005 of 28 November 2005 amending Regulation (EC) No 1917/2000 with regard to specific movements and the exclusion of trade relating to repair transactions

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 1172/95 of 22 May 1995 on the statistics relating to the trading of goods by the Community and its Member States with non-member countries[(1)], and in particular Articles 4(1), 6(2), 9(1), 10(4) and 15 thereof,

Whereas:

(1) Commission Regulation (EC) No 1917/2000 of 7 September 2000 laying down certain provisions for the implementation of Council Regulation (EC) No 1172/95 as regards statistics on external trade[(2)], specifies the data elements to be collected for statistics on external trade and enumerates the goods and movements which should be exempted or which need particular provisions for methodological reasons.

(2) Whenever appropriate, common definitions and concepts should be applied in respect of data relating, respectively, to the trading of goods between Member States and to the trading of goods with non-member countries. Since 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 States and repealing Council Regulation (EEC) No 3330/91[(3)] revised the framework for the production of Community statistics on the trading of goods between Member States, it has become necessary to adapt accordingly the implementing rules on statistics on the trading of goods by the Community and its Member States with non-member countries.

(3) According to international recommendations and the provisions in force concerning Community statistics relating to the trading of goods between Member States, goods undergoing repair are to be excluded from statistics relating to the trading of goods. Consequently, it is also necessary to exclude goods undergoing repair from Community statistics on the trading of goods with non-member countries.

(4) In order to ensure the comparability of information on specific goods traded within the Community and those traded with non-member countries, adjustments have to be made to provisions for industrial plants, vessels and aircraft, ships and aircraft stores and supplies, staggered consignments, offshore installations, spacecraft, electricity, gas and sea products.

(5) Additional specifications should be provided on goods which are subject of temporary use in order to harmonise the way these goods are excluded from Community statistics on the trading of goods with non-member countries.

(6) The coding system serving to describe the nature of the transaction should be aligned on the provisions applicable within the framework of statistics on the trading of goods between Member States.

(7) Regulation (EC) No 1917/2000 should therefore be amended accordingly.

(8) The measures provided for in this Regulation are in accordance with the opinion of the Committee on the statistics relating to the trading of goods with third countries,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 1917/2000 is amended as follows:

1. Article 2 is replaced by the following:

Article 2

Pursuant to Article 6(2) of the Basic Regulation, external trade statistics transmitted to the Commission shall not cover goods:

— released for free circulation after being subject to inward processing or processing under customs control,

— contained in the list of exemptions set out in Annex 1.

2. In Article 15(2) the following point (m) is added:

(m) Electricity and gas.

3. In Article 16, paragraphs 2 and 3 are replaced by the following:

2. Member States may apply a simplified declaration procedure for recording exports of complete industrial plant.

3 The simplified procedure may be applied only to the export of complete industrial plants the total statistical value of each of which exceeds EUR 3 million, unless they are complete industrial plants for re-use; in this case, Member States shall inform the Commission of the criteria used.

The statistical value of an industrial plant shall be calculated by adding the statistical values of its component parts and the statistical values of the goods referred to in the second subparagraph of paragraph 1.

4. Article 17 is replaced by the following:

Article 17

1 For the purposes of this Chapter, component parts falling within a given chapter of the Combined Nomenclature shall be classified under the relevant complete industrial plant subheading of Chapter 98 of that Nomenclature.

2 Where Member States do not allow a simplified declaration procedure for recording component parts of complete industrial plant under the subheadings

provided for in Chapter 98, the goods shall be classified under the relevant subheadings, as provided in the other chapters of the Combined Nomenclature.

5. Article 18 is replaced by the following:

Article 18

In accordance with the Combined Nomenclature, the code numbers for complete industrial plant subheadings shall be composed in conformity with the following rules:

(a) the code shall comprise eight digits;

(b) the first four digits shall be 9880;

(c) the fifth and the sixth digits shall correspond to the chapter of the Combined Nomenclature to which the goods of the component part belong;

(d) the seventh and the eighth digits shall be 0.

6. Article 19(3) is deleted.

7. Article 20 is amended as follows:

(a) point (c) is replaced by the following:

(c) "ownership of a vessel or an aircraft" means the fact of a natural or legal person's registration as owner of a vessel or an aircraft.;

(b) point (d) is deleted.

8. Article 21 is replaced by the following:

Article 21

1 External trade statistics to be transmitted to the Commission shall cover the following transactions:

a the transfer of ownership of a vessel or aircraft from a natural or legal person established in a non-member country to a natural or legal person established in the reporting Member State and registered in the national ships or aircraft register; this transaction shall be treated as an import;

b the transfer of ownership of a vessel or aircraft from a natural or legal person established in the reporting Member State and registered in the national ships or aircraft register to a natural or legal person established in a non-member country; this transaction shall be treated as an export;

c the entry of a vessel or aircraft in the statistical territory of the Community or the leaving of the statistical territory of the Community because of operations with a view to or following processing under contract.

For the purposes of point (b), the export shall be recorded in the Member State of construction if the vessel or aircraft is new.

For the purposes of point (c), "processing" shall be considered to cover only operations aiming to produce a new or really improved vessel or aircraft.

2 The statistics on the transactions referred to in paragraph 1 which the Member States transmit to the Commission shall include the following data:

a the code corresponding to the subdivision of the Combined Nomenclature;

b the statistical procedure;

c the partner country, namely:

Changes to legislation: *There are currently no known outstanding effects for the Commission Regulation (EC) No 1949/2005. (See end of Document for details)*

— in the case of transactions referred to in paragraph 1(a), the non-member country of construction if the vessel or aircraft is new; in other cases, the non-member country where the natural or legal person transferring the ownership of the vessel or aircraft is established;

— in the case of transactions referred to in paragraph 1(b) the non-member country where the natural or legal person to whom the ownership of the vessel or aircraft is transferred is established;

— in the case of transactions referred to in paragraph 1(c) the non-member country of consignment for vessels and aircraft entering the statistical territory of the Community and the country of destination for vessels and aircraft leaving the statistical territory of the Community;

d the quantity, as a number of items and in any other supplementary units laid down in the Combined Nomenclature, for vessels, and the quantity, in net mass and in supplementary units, for aircraft;

e the statistical value, meaning the total amount which would be invoiced in the case of sale or purchase of the whole vessel or aircraft, after exclusion of any transport and insurance costs.

3 The reference period shall be the month in which either the transfer of ownership takes place, in the case of transactions referred to in paragraph 1(a) or 1(b), or in which the movement takes place, in the case of transactions referred to in paragraph 1(c).

9. Article 22 is replaced by the following:

Article 22

National authorities shall have access to data sources in addition to those laid down in Article 7 of Regulation (EC) No 1172/1995, including access to information contained in national shipping and aircraft registers which may be required in order to identify the transfer of ownership of such goods.

10. In Article 24(2), point (b) is replaced by the following:

(b) the country code of the partner country or the simplified country code QS;.

11. Article 25 is replaced by the following:

Article 25

For the purposes of this Chapter, “staggered consignments” means imports or exports of components of complete goods in an unassembled or disassembled state over several deliveries for commercial or transport-related reasons.

12. Article 29(2) is replaced by the following:

2. The monthly returns covering the transactions referred to in paragraph 1, which are transmitted to the Commission by the Member States, shall include the following data:

a the code corresponding to the subdivision of the Combined Nomenclature;

b the country code of the partner country or the simplified country code QW;

c the statistical procedure;

d the quantity in net mass;

e the statistical value.

For the purposes of point (a), the following simplified codes shall be used for goods destined for the operators of the offshore installation or for the operation of the engines, machines and other equipment of the offshore installation:

— 9931 24 00: goods from CN Chapters 1 to 24;

— 9931 27 00: goods from CN Chapter 27;

— 9931 99 00: goods classified elsewhere.

Without prejudice to the customs regulations, in the case of goods coming from or destined for installations, the "partner country" referred to in point (b) shall be understood to be the country where the natural or legal person responsible for the commercial use of the installation in question is established.

13. Article 31 is replaced by the following:

Article 31

1 Statistics on trade with non-member countries covering the following shall be transmitted to the Commission:

a the entry of a spacecraft into the statistical territory of the Community or the leaving of the statistical territory of the Community because of operations with a view to, or following, processing under contract;

b the space launch of a spacecraft which was the subject of a transfer of ownership between a natural or legal person established in a non-member country and a natural or legal person established in a Member State;

c the space launch of a spacecraft which was the subject of a transfer of ownership from a natural or legal person established in a Member State to a natural or legal person established in a non-member State.

The operations referred to in point (b) shall be recorded as an import in the Member State where the new owner is established.

The operation referred to in point (c) shall be recorded as an export by the Member State of construction of the finished spacecraft.

For the purposes of this paragraph, "processing" shall be considered to cover only operations aiming to produce a new or really improved spacecraft.

2 The monthly returns on the operations referred to in paragraph 1, which Member States shall transmit to the Commission, shall include the following data:

a the code corresponding to the subdivision of the Combined Nomenclature;

b the code of the partner country;

c the statistical procedure;

d the quantity in net mass and in supplementary units;

e the statistical value as the value of the spacecraft "ex-works" in accordance with the delivery terms specified in Annex III to this Regulation.

For the purposes of point (b), "partner country" shall be determined according to the following criteria:

— for the operations referred to in paragraph 1(a) "partner country" shall mean the non-member country of origin for spacecraft entering the statistical territory of the Community and the country of destination for spacecraft leaving the statistical territory of the Community;

— for the operations referred to in paragraph 1(b) "partner country" shall mean the country of construction of the finished spacecraft;