Commission Regulation (EU) No 92/2010 of 2 February 2010 implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards data exchange between customs authorities and national statistical authorities, compilation of statistics and quality assessment (Text with EEA relevance)

COMMISSION REGULATION (EU) No 92/2010

of 2 February 2010

implementing Regulation (EC) No 471/2009 of the European Parliament and of the Council on Community statistics relating to external trade with non-member countries, as regards data exchange between customs authorities and national statistical authorities, compilation of statistics and quality assessment

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 countries and repealing Council Regulation (EC) No 1172/95[(1)], and in particular Article 6(1), Article 7(3), Article 8(3) and Article 9(3) thereof,

Whereas:

(1) Regulation (EC) No 471/2009 establishes a common framework for the systematic production of European statistics relating to the trading of goods with non-member countries.

(2) It is necessary to specify the procedures for data exchange between customs authorities and national statistical authorities in order to ensure the comprehensive compilation of external trade statistics.

(3) Provisions should be established on the compilation of monthly statistics in order to obtain harmonised and comparable results from all Member States, including rules for adjustments on delayed or incomplete records and data affected by confidentiality provisions.

(4) In order to be able to asses the quality of the statistics transmitted to the Commission (Eurostat), implementing measures are necessary concerning the modalities and structure of the quality report.

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

HAS ADOPTED THIS REGULATION:

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EU) No 92/2010. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[F1 Article 1

Data exchange modalities between customs authorities and national statistical authorities

1 For the purposes of this Regulation, the following definitions shall apply:

a 'Centralised clearance in the transitional period' means centralised clearance as referred to in Article 179 of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code[(2)] ('the Union Customs Code'), which involves customs authorities of more than one Member State, and where the means of exchange of information between the customs authorities is covered by Article 18 of Commission Delegated Regulation (EU) 2016/341[(3)];

b 'automated centralised clearance' means centralised clearance which involves customs authorities of more than one Member State and where the means of exchange of information between the customs authorities is covered by the respective transnational electronic system for centralised clearance for import or export as specified in the work programme referred to in Article 280 of the Union Customs Code[(4)].

2 National customs authorities shall provide their national statistical authorities without delay and at the latest during the month following the month the customs declarations were accepted or were subject to decisions by customs pertaining to them, with the records on imports and exports from customs declarations:

a which were lodged with them; or

b for which the supplementary declaration is, in accordance with Article 225 of Commission Implementing Regulation (EU) 2015/2447[(5)], available to them through direct electronic access in the authorisation holder's system.

The customs authorities shall provide the national statistical authorities with revised records on imports and exports where statistical data already provided are amended or changed.

The obligation to provide records from the customs declarations to the national statistical authority shall not apply to customs declarations covered by automated centralised clearance which are to be provided to another Member State pursuant to paragraph 3.

The first subparagraph shall not affect the rights of national statistical authorities on their access to and the use of administrative records as referred to in Article 17a of Regulation (EC) No 223/2009 of the European Parliament and of the Council[(6)].

3 With effect from the date of the implementation of the mechanism for mutual data exchange by electronic means pursuant to Article 7(2) of Regulation (EC) No 471/2009, which shall mean, as soon as the respective Member State applies automated Centralised Clearance, the following shall apply:

Where a customs declaration is covered by automated centralised clearance, the customs authority at which that customs declaration is lodged shall ensure that copies of the data of that customs declaration are transmitted under the same time frame as set out under paragraph 2 first subparagraph to the customs authority of the Member State where the goods are located at the time of release into the customs procedure. The obligation to transmit the data shall also refer to a customs declaration where the supplementary declaration is, in accordance with Article 225 of Implementing Regulation (EU)

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2015/2447, available through direct electronic access in the authorisation holder's system,

Transmission is considered to be ensured and the time frame respected where the transmission between Member States takes place under the arrangements provided for in Articles 231 and 232 of Implementing Regulation (EU) 2015/2447.

The receiving customs authority shall forward the data without delay to their national statistical authority. This shall, however, not affect the rights of the national statistical authorities on their access to and the use of administrative records referred to in Article 17a of Regulation (EC) No 223/2009.

4 The customs authorities shall verify, at the request of the national statistical authorities, the correctness and completeness of the records on imports and exports provided by them.**]**

Textual Amendments

F1 Substituted by Commission Implementing Regulation (EU) 2016/1253 of 29 July 2016 amending Regulation (EU) No 92/2010 as regards the data exchange between customs authorities and national statistical authorities and the compilation of statistics (Text with EEA relevance).

Article 2

Compilation of European statistics on imports and exports of goods

1 National statistical authorities shall compile monthly statistics from:

[F1a records on imports and exports which customs authorities provided pursuant to the obligations referred to in Article 1;**]**

b data provided by the economic operator in the case of customs simplifications pursuant to Article 4(2) of Regulation (EC) No 471/2009;

c data sources for specific goods and movements pursuant to Article 4(4) of Regulation (EC) No 471/2009.

2 National statistical authorities shall compile external trade statistics by:

a compiling Member State, indicating the Member State reporting external trade statistics to Eurostat;

b reference period;

c trade flow;

d statistical value in national currency without decimals;

e quantity expressed in kg without decimals;

f quantity expressed in supplementary units;

[F1g goods code;

where the statistics are compiled using the data source referred to in Article 4(1) of Regulation (EC) No 471/2009 and this data source is, to the findings of the national statistical authorities, affected by the agreement of the customs authorities referred to in Article 177 of the Union Customs Code, national statistical authorities shall provide for a possibility to identify in their compiled statistics the data whose relevance or quality is affected by that agreement;**]**

[F1h Member State where the goods are located at the time of release into the customs procedure. However, national statistical authorities shall only be obliged to compile this