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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)

(OJ L 31, 3.2.2010, p. 4)

Amended by:

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▼B**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)****▼M1***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 ⁽¹⁾ (‘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 ⁽²⁾;
- (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 ⁽³⁾.

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:

⁽¹⁾ Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

⁽²⁾ Commission Delegated Regulation (EU) 2016/341 of 17 December 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards transitional rules for certain provisions of the Union Customs Code where the relevant electronic systems are not yet operational and amending Delegated Regulation (EU) 2015/2446 (OJ L 69, 15.3.2016, p. 1).

⁽³⁾ The most recent being Commission Implementing Decision (EU) 2016/578 of 11 April 2016 establishing the Work Programme relating to the development and deployment of the electronic systems provided for in the Union Customs Code (OJ L 99, 15.4.2016, p. 6).

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- (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 ⁽¹⁾, 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 ⁽²⁾.

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) 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.

⁽¹⁾ Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).

⁽²⁾ Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.3.2009, p. 164).

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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.

▼ B*Article 2***Compilation of European statistics on imports and exports of goods**

1. National statistical authorities shall compile monthly statistics from:

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(a) records on imports and exports which customs authorities provided pursuant to the obligations referred to in Article 1;

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(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;

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(g) 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;

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- (h) 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 information, where the imports or exports relate to customs declarations covered by centralised clearance in the transitional period;

Member State where the customs declaration is lodged. However, national statistical authorities shall only be obliged to compile this information, where the imports or exports relate to customs declarations covered by automated centralised clearance;

- (i) Member State of destination on import.

For those import records for which customs data on Member State of destination are not available, Member States shall use any other information of the customs declaration they deem relevant for the compilation of external trade statistics by Member State of destination.

Where national statistical authorities cannot obtain any direct or indirect information allowing that compilation, they shall indicate Geonomenclature Code 'QV' where they consider that the Member State of destination is different from the Member State where the goods are located at the time of release into the customs procedure;

- (j) Member State of actual export on export.

For export records for which customs data on Member State of actual export are not available, national statistical authorities shall exploit any other information of the customs declaration they deem relevant for the compilation of external trade statistics by Member State of actual export.

Where national statistical authorities cannot obtain any direct or indirect information allowing that compilation, they shall indicate Geonomenclature Code 'QV' where they consider that the Member State of actual export is different from the Member State where the goods are located at the time of release into the customs procedure;

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- (k) country of origin on import;

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- (l) country of consignment/dispatch on import;

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- (m) country of last known destination on export;

- (n) statistical procedure;

- (o) nature of transaction code either with one or two digits. However, for those records where customs data on the nature of transaction are not available, the code 0 should be indicated at one digit level;

- (p) granted preference code on import;

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(q) mode of transport at the frontier;

(r) internal mode of transport;

(s) container.

3. ► **M1** The statistics shall contain adjustments on missing, delayed or incomplete records. ◀ The adjustments shall indicate the statistical value at least with a breakdown by partner country, goods code at chapter level of the Combined Nomenclature and monthly reference period. The adjustments shall be on the basis of sound and competent appraisal or scientific methods.

4. ► **M1** Member States may compile less detailed information than specified in Article 6(1) of Regulation (EC) No 471/2009 for individual transactions below the statistical threshold. ◀ However, as a minimum, data on the total monthly statistical value of both imports and exports shall be transmitted to the Commission (Eurostat).

5. The statistics shall contain data affected by confidentiality provisions in the compiling Member State. National statistical authorities shall flag the data to be considered as confidential in such a way that as much information as possible can be disseminated, at least at chapter level of the Combined Nomenclature, provided confidentiality is thereby ensured.

*Article 3***Quality assessment**

1. In line with the quality criteria defined in Article 9(1) of Regulation (EC) No 471/2009, the Commission (Eurostat) shall carry out an annual quality assessment based on quality indicators and requirements agreed beforehand with the national statistical authorities.

2. The Commission (Eurostat) shall prepare a partially pre-filled draft quality report for each Member State. Draft quality reports shall be sent to the Member States by 30 November, following the reference year.

3. Member States shall supply the Commission (Eurostat) with their completed quality reports within 8 weeks of receipt of the pre-filled draft quality reports.

4. The Commission (Eurostat) shall assess the quality of the statistics transmitted on the basis of data and quality reports provided by the Member States and prepare an assessment report for each Member State.

5. The Commission (Eurostat) shall prepare and disseminate a summary quality report covering all the Member States. It will include the main quality indicators and the information collected by means of the quality reports.

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Article 4

Entry into force

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2010.

This Regulation shall be binding in its entirety and directly applicable in all Member States.