

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

*Article 12*

**Transmission of data to the Commission**

1 Member States shall transmit to the Commission (Eurostat) the monthly results of their statistics relating to the trading of goods between Member States no later than:

- [<sup>F1</sup>a 40 calendar days after the end of the reference month for the aggregated data to be defined by the Commission. The Commission shall be empowered to adopt delegated acts in accordance with Article 13a to define those aggregated data. Those delegated acts shall take into account the relevant economic and technical developments.]
- b 70 calendar days after the end of the reference month in the case of detailed results including the information referred to in Article 9(1), first subparagraph, points (b) to (h).

As regards the value of the goods, the results shall include the statistical value only, as defined in the Annex.

Member States shall transmit to the Commission (Eurostat) the data which are confidential.

[<sup>F12</sup> Member States shall provide the Commission (Eurostat) with monthly results which cover their total trade in goods by using estimates, where necessary. The Commission shall by means of implementing acts, determine the breakdown for such estimates. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2).]

3 Member States shall transmit the data to the Commission (Eurostat) in electronic form, in accordance with an interchange standard. The practical arrangements for the transmission of data shall be determined in accordance with the procedure referred to in Article 14(2).

[<sup>F24</sup> Member States shall transmit to the Commission (Eurostat) annual statistics on trade by business characteristics, namely economic activity carried out by the enterprise according to the section or two-digit level of the common statistical classification of economic activities in the European Community (NACE), as established by Regulation (EC) No 1893/2006 of the European Parliament and of the Council<sup>(1)</sup>, and size-class measured in terms of number of employees.

Those statistics shall be compiled by linking data on business characteristics recorded according to Regulation (EC) No 177/2008 of the European Parliament and of the Council of 20 February 2008 establishing a common framework for business registers for statistical purposes<sup>(2)</sup> with the statistics referred to in Article 3 of this Regulation.

[<sup>F1</sup>The Commission shall adopt, by means of implementing acts, technical provisions for compiling those statistics in the most economical way.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2).]]

---

**Changes to legislation:** There are outstanding changes not yet made to Regulation (EC) No 638/2004 of the European Parliament and of the Council. 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](#)

---

### Textual Amendments

- F1** Substituted by Regulation (EU) No 659/2014 of the European Parliament and of the Council of 15 May 2014 amending Regulation (EC) No 638/2004 on Community statistics relating to trading of goods between Member States as regards conferring delegated and implementing powers on the Commission for the adoption of certain measures, the communication of information by the customs administration, the exchange of confidential data between Member States and the definition of statistical value.
- F2** Inserted by Regulation (EC) No 222/2009 of the European Parliament and of the Council of 11 March 2009 amending Regulation (EC) No 638/2004 on Community statistics relating to the trading of goods between Member States.

---

**Changes to legislation:** There are outstanding changes not yet made to Regulation (EC) No 638/2004 of the European Parliament and of the Council. 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](#)

---

- (1) [<sup>F2</sup>[OJ L 393, 30.12.2006, p. 1.](#)]
- (2) [<sup>F2</sup>[OJ L 61, 5.3.2008, p. 6.](#)]

---

#### **Textual Amendments**

- F2** Inserted by [Regulation \(EC\) No 222/2009 of the European Parliament and of the Council of 11 March 2009 amending Regulation \(EC\) No 638/2004 on Community statistics relating to the trading of goods between Member States.](#)

**Changes to legislation:**

There are outstanding changes not yet made to Regulation (EC) No 638/2004 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Art. 12 revoked by [S.I. 2019/47 reg. 2\(2\)](#)

**Changes and effects yet to be applied to the whole legislation item and associated provisions**

- Annex para. 1(a) word substituted by [S.I. 2019/47 reg. 3\(2\)\(b\)](#)
- Annex para. 3(b) words omitted by [S.I. 2019/47 reg. 3\(2\)\(e\)](#)
- Annex para. 8 words omitted by virtue of [S.I. 2019/47, reg. 3\(2\)\(f\)](#) (as inserted) by [S.I. 2020/1624 reg. 8\(3\)](#)
- Annex para. 1(a) words substituted by [S.I. 2019/47 reg. 3\(2\)\(a\)](#)
- Annex para. 2(b) words substituted by [S.I. 2019/47 reg. 3\(2\)\(c\)](#)
- Annex para. 3(a) words substituted by [S.I. 2019/47 reg. 3\(2\)\(d\)](#)
- Art. 2(c) words substituted by [S.I. 2019/47 reg. 3\(1\)\(b\)\(i\)](#)
- Art. 2(d) words substituted by [S.I. 2019/47 reg. 3\(1\)\(b\)\(ii\)](#)
- Art. 2(e) words substituted by [S.I. 2019/47 reg. 3\(1\)\(b\)\(iii\)](#)
- Art. 2(f) words substituted by [S.I. 2019/47 reg. 3\(1\)\(b\)\(iv\)](#)
- Art. 2(g) revoked by [S.I. 2019/47 reg. 2\(2\)](#)
- Art. 6(b)(c) revoked by [S.I. 2019/47 reg. 2\(2\)](#)
- Art. 7(1)(a) words inserted by [S.I. 2019/47 reg. 3\(1\)\(h\)\(i\)](#)
- Art. 7(1)(a) words inserted by [S.I. 2019/47 reg. 3\(1\)\(h\)\(iii\)](#)
- Art. 7(1)(a) words omitted by [S.I. 2019/47 reg. 3\(1\)\(h\)\(ii\)](#)
- Art. 7(1)(a) words omitted by [S.I. 2019/47 reg. 3\(1\)\(h\)\(iv\)](#)
- Art. 7(1)(b) words inserted by [S.I. 2019/47 reg. 3\(1\)\(i\)\(ii\)](#)
- Art. 7(1)(b) words omitted by [S.I. 2019/47 reg. 3\(1\)\(i\)\(iii\)](#)
- Art. 7(1)(b) words substituted by [S.I. 2019/47 reg. 3\(1\)\(i\)\(i\)](#)
- Art. 9(1)(a) words inserted by [S.I. 2019/47 reg. 3\(1\)\(k\)\(i\)](#)
- Art. 9(1)(a) words omitted by [S.I. 2019/47 reg. 3\(1\)\(k\)\(ii\)](#)
- Art. 9(1)(d) words substituted by [S.I. 2019/47 reg. 3\(1\)\(l\)](#)
- Art. 9(2)(a) words substituted by [S.I. 2019/47 reg. 3\(1\)\(m\)](#)