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**COM (82)161**

**Vol. 1982/0051**

Historical Archives of the European Commission

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Conformément au règlement (CEE, Euratom) n° 354/83 du Conseil du 1er février 1983 concernant l'ouverture au public des archives historiques de la Communauté économique européenne et de la Communauté européenne de l'énergie atomique (JO L 43 du 15.2.1983, p. 1), tel que modifié par le règlement (CE, Euratom) n° 1700/2003 du 22 septembre 2003 (JO L 243 du 27.9.2003, p. 1), ce dossier est ouvert au public. Le cas échéant, les documents classifiés présents dans ce dossier ont été déclassifiés conformément à l'article 5 dudit règlement.

In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(81) 161 final

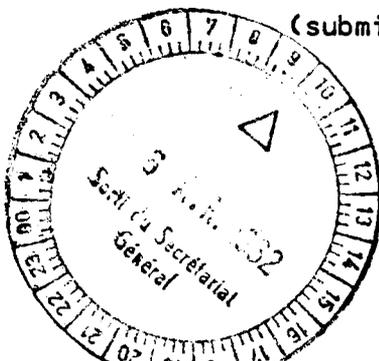
Brussels, 1 April 1982

Proposal for a  
COUNCIL REGULATION (EEC)

on the adaptation of the external trade statistics of the Community to  
the Directives concerning the harmonization of procedures for the export  
of goods and for the release of goods for free circulation

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(submitted to the Council by the Commission)



COM(81) 161 final

Explanatory memorandum

Council Directive No 79/695/EEC of 24 July 1979 on the harmonization of procedures for the release of goods for free circulation<sup>(1)</sup>, and Council Directive No 81/177/EEC of 24 February 1981 on the harmonization of export procedures for Community goods<sup>(2)</sup>, will enter into force during 1982.

They will have repercussions on the recording of data for Community external trade statistics each time that the release of goods for free circulation does not coincide with their introduction into home use, or when the export of Community goods outside the customs territory of the Community is declared in a Member State where these goods have been warehoused after having been sent there from another Member State and without having been introduced into home use in that State.

2. In other words, each time that a commodity has not been introduced into home use in a given Member State, its release for free circulation must actually be accompanied, or its actual export must have been preceded, by the formalities necessary for placing the commodity under a customs warehouse or transit system. Pursuant to Article 2, paragraphs 1 and 2, of Council Regulation (EEC) No 1736/75 of 24 June 1975 on the external trade statistics of the Community and statistics of trade between Member States<sup>(3)</sup>, a commodity of this kind is included in the transit statistics or in the warehousing statistics and, under the terms of paragraph 5 of the same Article, the rules on the collection, processing and publication of data, which are set out in Articles 3 - 39 of the above-mentioned regulation and define the scope of the existing Community external trade statistics, are not applicable to it.

Obviously, however, this commodity must be included in the Community's external trade statistics, either from the moment it is released for free circulation, since this act has the effect of giving the commodity an identical customs status to that of products originating in the Member States, or at the moment of its export, since this latter act constitutes the only formality which proves that it has in fact left its country of origin for a third country. It is therefore important to provide for and make

<sup>(1)</sup> OJ No L 205 of 13.8.79, p. 19.

<sup>(2)</sup> OJ No L 35 of 30.3.81, p. 40

<sup>(3)</sup> OJ No L 183 of 14.7.75, p. 3

compulsory the statistical recording of all declarations of release for free circulation and all declarations of export lodged in application of the above-mentioned directives, even if such declarations relate to goods that are not covered by the provisions of Article 2, paragraph 5, of Regulation (EEC) No 1736/75.

4. This is not, however, to obliterate the distinction between transit statistics, warehousing statistics and the existing system of Community external trade statistics, as defined by the above Article 2. In addition, this Article relates just as much to goods that are included in the statistics of trade between Member States. Rather than amend these complex provisions, it would seem preferable that the extension of the field of application of the rules set out in Articles 3 - 39 of Regulation (EEC) No 1736/75 should be expressly provided for in a special regulation covering only those cases which, as they arise from new customs directives, fall outside the scope of the general rule.
5. Moreover, the details given in this proposal on the Community statistical territory and inward processing arrangements are necessary in order to keep the processing of statistical information within the framework of Articles 3 and 8 of Regulation (EEC) No 1736/75.

Proposal for a  
COUNCIL REGULATION (EEC)

on the adaptation of the external trade statistics of the Community to the Directives concerning the harmonization of procedures for the export of goods and for the release of goods for free circulation

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas on importation all goods released for free circulation in the statistical territory of the Community are included in the external trade statistics of the Community;

Whereas in the interests of the completeness of the external trade statistics of the Community it is therefore necessary to ensure that all goods released for free circulation in the statistical territory of the Community are recorded, even if they are not simultaneously released for home use;

Whereas Council Directive 79/695/EEC of 24 July 1979 on the harmonization of procedures for the release of goods for free circulation<sup>1</sup> enables goods to be entered separately for free circulation and for home use;

Whereas goods released for free circulation may, however, include goods which have previously been subject to the inward processing customs procedure and have thus already been included in the external trade statistics of the Community under the corresponding statistical procedure; whereas it is important to ensure that in those statistics such goods are not referred to again in accordance with the rules given in Articles 3 to 39 of Council Regulation (EEC) No 1736/75 of 24 June 1975 on the external trade statistics of the Community and statistics of trade between Member States<sup>2</sup>;

Whereas all goods within the meaning of Article 9 (2) of the Treaty which leave the statistical territory of the Community definitively are included in the external trade statistics of the Community;

Whereas in the interests of the completeness of the external trade statistics of the Community it is therefore necessary to ensure that all such goods which leave the statistical territory of the Community definitively are recorded, even if the declaration of exportation from the customs territory of the Community is lodged in a Member State to which the goods were initially forwarded from another Member State;

Whereas Council Directive 81/177/EEC of 24 February 1981 on the harmonization of procedures for the export of Community goods<sup>3</sup> requires that at the moment of export from the customs territory of the Community an export declaration be lodged at a competent customs office; whereas this office may be situated in a Member State to which the goods were initially forwarded from another Member State,

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<sup>1</sup>OJ No L 205 of 13.8.1979, p. 19

<sup>2</sup>OJ No L 183 of 14.7.1975, p. 3

<sup>3</sup>OJ No L 83 of 30.3.1981, p. 40

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of the external trade statistics of the Community, the following shall be treated in accordance with the rules laid down in Articles 3 to 39 of Regulation (EEC) No 1736/75 :

- a) on importation, goods entering or having entered the statistical territory of the Community, at the time they are declared for free circulation in accordance with the measures adopted by the Member States for the purpose of implementing Directive 79/695/EEC, with the exception of goods having previously been subject to the inward processing procedure;
- b) on exportation, goods leaving or about to leave the statistical territory of the Community, at the time they are declared for exportation from the customs territory of the Community in accordance with the measures adopted by the Member States for the purpose of implementing Directive 81/177/EEC, even if these goods are not referred to in Article 2 (5) of the above Regulation.

Article 2

This Regulation shall enter into force on the day of its publication in the Official Journal of the European Communities. It shall apply, from 1 July 1982, to the goods referred to in Article 1 (a) and, from 1 January 1983, to the goods referred to in Article 1 (b).

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

Done at

For the Council  
The President