

EXPLANATORY MEMORANDUM TO
THE STATISTICS OF TRADE (CUSTOMS AND EXCISE) (AMENDMENT)
REGULATIONS 2004

2004 No.3284

1. This explanatory memorandum has been prepared by the Commissioners of Customs and Excise and is laid before Parliament by Command of Her Majesty.
2. **Description**
 - 2.1 The instrument amends national measures because of new Community rules from 1st January 2005 on the Intrastat system of Community statistics about trade in goods between Member States.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None.
4. **Legislative Background**
 - 4.1 The instrument revises the supplementary national legislation for Intrastat given that new Community Regulations apply from 1st January 2005.
 - 4.2 Regulation (EC) No 638/2004 of the European Parliament and of the Council was cleared by the House of Lords EU Scrutiny Committee on 11th February 2004 and by the House of Commons EU Scrutiny Committee on 14th February 2004, following its First Reading in the European Parliament. The Regulation was adopted following its Second Reading. (OJ No L 103, 7.4.04, p 1.)
 - 4.3 Commission Regulation (EC) No 1982/2004 sets up measures for implementing that Regulation. (OJ No L 343, 19.11.04, p 3.)
 - 4.4 The Statistics of Trade (Customs and Excise) Regulations 1992 (S.I. 1992/2790) provides supplementary national legislation to make the existing Community Intrastat provisions workable and enforceable in the United Kingdom.
 - 4.5 This instrument amends those 1992 Regulations in light of the new Community Regulations but does not change the United Kingdom's system for collecting the relevant statistics. The United Kingdom's legislation has frequently been amended since first coming into force on 1 December 1992, so this instrument tidies up the picture so far as practical.
 - 4.6 The tidying up exercise leaves just three amending instruments partly in force (S.I. 1993/3015, 1997/2864 and 2000/3227) from the many previous amending instruments. The Commissioners of Customs and Excise will consider further consolidation in the near future.

5. Extent

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

Statement not required.

7. Policy background

7.1 Intrastat is a common framework for the systematic production of Community statistics relating to the trading of goods between Member States.

7.2 The Community introduced Intrastat in 1993 with new establishing and implementing legislation. With the benefit of ten years of practical application across all Member States, the existing Intrastat system needs improving and updating to meet present day circumstances whilst retaining the basic tenets of the existing system. The revised provisions reflect this.

7.3 The main features of the new Community Regulations are as follows:

- improved clarity, precision, definition and simplicity;
- legislative requirements to meet only Community needs - Member States are free to collect additional data for national needs;
- increased subsidiarity for Member States;
- improved timeliness for the transmission of data to Eurostat to meet the requirements of the European Bank;
- retention of the link with the VAT system;
- provisions to improve the quality of data;
- requirements for confidentiality;
- the committee set up to deal with intra-Community trade statistics, currently a management committee, becomes a regulatory committee.

7.4 No major policy changes in the United Kingdom result from this instrument. It only tidies and tweaks the existing system.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies. No impact on the private or voluntary sector is foreseen.

8.2 The impact on the public sector is nil.

9. Contact

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