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# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(74) 922 final

Brussels, 24 June 1974

Proposal for a  
COUNCIL REGULATION

modifying Council Regulation (EEC) No 1445/72 concerning the nomenclature of goods for the external trade statistics of the Community and Statistics of Trade between Member States (NIMEXE)

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(submitted to the Council by the Commission)

## REASONS FOR THE PROPOSAL

Council Regulation (EEC) n° 1445/72 of 24 April 1972 established a nomenclature of goods for the external trade statistics of the Community and statistics of trade between Member States (NIMEXE). Its immediate effect was to make available to users of these statistics data broken down by NIMEXE items, of which there were 6538 on 1 January 1974. Moreover in reserving the right by article 2 paragraph 2, of specifying not later than 31 December 1974 the detailed rules for application of the NIMEXE by Member States, the Council has demonstrated its intention to accelerate the harmonisation in progress in a second phase.

Now, since the regulation on the NIMEXE came into force, the converging trend in nomenclatures of products and of activities has accelerated under the influence of work undertaken at the national and international levels to make them universally appropriate for automatic data processing. Thus, several Member States have already set up so called integrated tariffs uniting both their customs and statistical nomenclatures and to align with which the various regulations relating to these have been altered. Moreover, the Customs Cooperation Council and the United Nations have ambitious nomenclatures on the stocks intended to cover the whole range of international exchanges of which account will have to be taken at a detailed level. Faced with these developments and trends it is unanimously admitted that the unrestricted application of the NIMEXE by the Member States is also an indispensable element of progress in this field.

The pressure of computer requirements on nomenclatures has thus been such that in only a short time it has become superfluous to plan particular methods of application for every facet of the components of the NIMEXE and the elements specifying its items. This is why the only problem submitted for the attention of the Council today is that of the possible consequences of the maintenance and introduction in current nomenclatures of statistical sub-divisions meeting national needs.

To prevent recourse to article 6 of the regulation on the NIMEXE, from which these sub-divisions stem, leading to an impasse in the work the NIMEXE Committee does under the direction of the Commission, two sorts of measures are necessary.

Firstly, it would be advisable to make the NIMEXE itself more amenable to the breakdowns which seem at first sight to interest only one Member State but which will be of use to several, even to all, once the volume of trade has grown or their importance otherwise increased. In this respect, the creation of optional items should allow the Commission, in its management of the NIMEXE both to lend weight to important national interests and to contribute to the future development of the nomenclature.

Secondly, by subjecting to prior scrutiny by the Commission the exercise by Member States of their right to particular information of their own each time the NIMEXE has been unable to ensure it, the complementary provisions of article 6 will often encourage the bringing together of Member States points of view and will at any rate prevent the uncontrolled proliferation of national sub-divisions. This dual aim must also be attained by working on existing national sub-divisions, the great number of which still thwarts to an excessive degree the improvement of the precision and comparability of the statistics.

Thus, these measures are in the main stream of development begun in 1972 by the regulation on the NIMEXE. They tighten the relationships between national statistics, extend the field of Community statistics and allow Member States to seek whatever additional information they may require.

Finally, the addition of an article relating to the annual publication of the NIMEXE by the Commission is justified by a series of practical considerations. In accordance with the procedure set out in article 5 of Council Regulation (EEC) n° 1445/72 of 24 April 1972, the Commission is empowered to adopt, following an Opinion by the NIMEXE Committee expressing their agreement, the measures necessary for modification of the NIMEXE. After their publication in the Official Journal of the European Communities, users are required to insert these modifications in the basic text of the nomenclature of goods as it was approved by the Council in the version valid for 1972.

This transcription can very easily give rise to errors and is, therefore, prejudicial to legal precision, all the more so in that in general it must be done in a very short space of time as the Council is in the habit of deciding only very late in the year on modifications to the nomenclature of the Common Customs Tariff, on which a good many of the modifications to the NIMEKE depend. Annual publication of the whole of the nomenclature of goods will take account of all the modifications made to it and will eliminate these difficulties. It might be as well to point out explicitly that this new article merely empowers the Commission to systematise texts which arise from its existing powers within the limits of Council Regulation (EEC) n° 1445/72.

PROPOSAL

FOR A COUNCIL REGULATION MODIFYING COUNCIL REGULATION  
(EEC) no 1445/72 CONCERNING THE NOMENCLATURE  
OF GOODS FOR THE EXTERNAL TRADE STATISTICS OF THE COMMUNITY  
AND STATISTICS OF TRADE BETWEEN MEMBER STATES (NIMEXE)

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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community and particularly article 235 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Whereas the Council Regulation (EEC) no 1445/72 of 24 April 1972 concerning the Nomenclature of Goods for the External Trade Statistics of the Community and Statistics of Trade between Member States (NIMEXE) (1) provides in its Article 2, paragraph 2 that on a proposal from the Commission, the Council acting unanimously shall lay down detailed rules for application of the NIMEXE by the Member States; whereas, in fixing these rules, amendments to certain provisions of the above mentioned regulation are required in order to take account of experience since the entry into force of this regulation;

Whereas only through the complete application of the NIMEXE by the Community and its Member States can the objectives set out in Council Regulation (EEC) no 1445/72 be attained effectively and in a reasonable length of time;

Whereas only the complete application of the NIMEXE will facilitate the negotiations which the Commission and the Member States will have to carry on at the Customs Cooperation Council with a view to creating a Harmonised Description and Coding System and, at the United Nations, with a view to establishing a nomenclature of all goods and services;

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(1) O.J. No L 161 of 17.7.72

Whereas in order to ensure the correlation between the NIMEXE and other nomenclatures and in particular the nomenclature of the Common Customs Tariff, as well as its adaptation to the development of trade it is necessary to make numerous modifications to it every year ; whereas as much for the user of external trade statistics as for the supplier of the data, utilisation of the NIMEXE is becoming all the more difficult, as the annexe to Council Regulation (EEC) n° 1445/72 is subject to new modifying regulations ; whereas annual publication by the Commission of a single text including not only those parts of the NIMEXE which have been changed during the previous year but also parts modified before, as well as those which are unchanged, is intended merely to spare the user a laborious up-dating process which is bound to lead to errors and is therefore prejudicial to the accuracy of statistical data ;

Whereas it would be as well to avoid the situation in which statistical sub-divisions answering national needs present divergences detrimental to the proper development of the NIMEXE ; whereas for this reason it is important to satisfy these national needs as much as possible by means of optional items in the NIMEXE ;

Whereas it is still advisable to allow the Member States to collect national data when their needs are too specific for account to be taken of them in the NIMEXE and without the measures taken to this end hindering the development of the latter ; whereas it is sensible to provide for a transitional period long enough to resolve the problems posed by the present statistical sub-divisions answering national needs ;

HAS ADOPTED THIS REGULATION :

Article 1

Article 2 of Council Regulation n° 1445/72 is replaced by the following text :



1. The NIMEXE shall be applied by the Community and by its Member States to the external trade statistics of the Community and statistics of trade between Member States.
2. Use of the items inserted in the NIMEXE in accordance with Article 5, paragraph 1, third sub-paragraph is optional.
3. The original Member States until 31 December 1975 and the new Member States until 31 December 1977 can continue to use their national nomenclatures for statistics of external trade of the Community and Statistics of trade between Member States. In this case, they must however ensure the transposition of their nomenclatures into the appropriate NIMEXE item.

#### Article 2

The first paragraph of article 5 of Council Regulation (EEC) n° 1445/72 is supplemented by the following third sub-paragraph :

"- insertion in the NIMEXE, in the form of optional items, of statistical subdivisions answering national needs which will at the same time facilitate the correlation or adaptation referred to in the second sub-paragraph above."

#### Article 3

The following article is inserted in Regulation (EEC) n° 1445/72 :

"Article 5 A

The Commission shall publish the NIMEXE in its authoritative version on 1 January of each year."

Article 4

The text of Article 6 of Regulation (EEC) n° 1445/72 is replaced by the following :

- "1. Member States can use, as an extension of items of the NIMEXE, Statistical sub-divisions answering national needs in addition to those alluded to in Article 5, paragraph 1, third sub-paragraph. Member States wishing to make use of this facility shall inform the Commission at least 2 months before the date when it is intended such measures as are planned shall take effect. Within 1 month the Commission can call upon the Member State to modify these measures or not to put them into effect, when it considers that these statistical sub-divisions should be the subject of Community-wide provisions under Article 5, paragraph 1, second or third sub-paragraph.
2. Until 31 December 1977 and without prejudice to article 5, Member States can continue to use statistical sub-divisions answering national needs which they were using on the day this Regulation came into force."

Article 5

Preliminary provisions 1 and 2 of the NIMEXE are replaced by the following text :

- "1. The NIMEXE items correspond to positions of the Nomenclature for the Classification of Goods in Customs Tariffs (Brussels Nomenclature, abbreviated BTN), to sub-divisions of the nomenclature of the Common Customs Tariff (abbreviated CCT) to the extent that they are not regrouped or they are not replaced by statistical sub-divisions of the positions of the BTN and the sub-positions of the nomenclature of the CCT. Moreover, some items, outside this framework, answer special needs (for example : goods carried by post, goods declared as ships stores etc).

Among the items of the NIMEXE which correspond to statistical sub-divisions or which answer special needs there are some whose application is optional.

2. Each item of the NIMEXE is characterised by its code number, its description and where appropriate by its supplementary unit. However, the optional items are not provided with code numbers."

#### Article 6

This Regulation shall enter into force on the third day following the date of its publication in the Official Journal of the European Communities.

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

Done at Brussels,

For the Council  
The President