

Interim Committee on Government Procurement

LEGISLATION

Statistical Classification of Products

The following EC Council Regulation² has been received from the Commission of the European Communities with the request that it be distributed to the Members of the Interim Committee on Government Procurement for information:

Council Regulation (EEC) No 3696/93 of 29 October 1993 on the statistical classification of products by activity (CPA) in the European Economic Community.

Comité intérimaire des marchés publics

LEGISLATION

Classification statistique des produits

La Commission des Communautés européennes a fait parvenir au secrétariat le règlement du Conseil des Communautés² reproduit ci-après, en lui demandant de le distribuer aux membres du Comité intérimaire des marchés publics pour information:

Règlement (CEE) n° 3696/93 du Conseil, du 29 octobre 1993, relatif à la classification statistique des produits associée aux activités (CPA) dans la Communauté économique européenne.

Comité Provisional de Contratación Pública

LEGISLACIÓN

Clasificación estadística de productos

Se ha recibido de la Comisión de las Comunidades Europeas el siguiente Reglamento del Consejo de la CE², con el ruego de que se distribuya a los miembros del Comité Provisional de Compras del Sector Público, para su información:

Reglamento (CEE) N° 3696/93 del Consejo, de 29 de octubre de 1993, relativo a la clasificación estadística de productos por actividades (CPA) en la Comunidad Económica Europea.

¹Pending decisions on the nomenclature for documents to be used in the WTO, this document was earlier distributed to members of the Interim Committee as an informal document./Le présent document a déjà été distribué aux membres du Comité intérimaire à titre informel, en attendant que des décisions soient prises au sujet de la nomenclature des documents de l'OMC./El presente documento se ha distribuido ya a los miembros del Comité Provisional con carácter informal, en espera de las decisiones sobre la nomenclatura de los documentos de la OMC.

²English only./Anglais seulement./Inglés solamente.

I

(Acts whose publication is obligatory)

COUNCIL REGULATION (EEC) No 3696/93

of 29 October 1993

on the statistical classification of products by activity (CPA) in the European Economic Community

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 100a thereof,

Having regard to the proposal from the Commission ⁽¹⁾,

In cooperation with the European Parliament ⁽²⁾,

Having regard to the opinion of the Economic and Social Committee ⁽³⁾,

Whereas, in order to function, the internal market requires statistical standards applicable to the collection, transmission and publication of national and Community statistics so that undertakings, financial institutions, governments and all other operators in the Single Market can be provided with reliable and comparable statistical data;

Whereas such information is necessary to enable undertakings to assess their competitiveness and is useful to the Community institutions in preventing distortions of competition;

Whereas only if the Member States use product classifications by activity linked to the Community classification will it be possible to provide integrated information with the reliability, speed, flexibility and degree of detail required for the management of the internal market;

Whereas provision should be made for the Member States to be able, in order to meet national requirements, to retain or to insert in their national classifications additional subdivisions based on the classification of products by activity within the European Economic Community;

Whereas the international compatibility of economic statistics requires that the Member States and the Community institutions use product classifications by activity which are directly linked to the United Nations Central Product Classification (CPC);

Whereas the classification of products by activity in the Community should be linked to the classification of economic activities in the Community (NACE Rev. 1);

Whereas the structuring of a product classification in accordance with the production activity involved avoids proliferation of unrelated coding schemes and facilitates the identification by producers of relevant markets;

Whereas there is a need to create a reference framework within which statistical data on production, consumption, external trade and transport can be compared;

Whereas the use of the classification of products by activity within the Community requires that the Commission be assisted by a Management Committee, namely the Statistical Programme Committee set up by Decision 89/382/EEC, Euratom ^(*) on any issue relating to the application of this Regulation, in particular as regards interpretation of that classification, minor amendments thereto and the drafting and updating of explanatory notes;

Whereas within the framework of this Regulation it is desirable to have uniform codes for all the Member States using the same product description and a corresponding alphanumeric code;

Whereas it is vital that the contents of the various categories of the classification of products by activity within the Community be interpreted uniformly in all the Member States;

⁽¹⁾ OJ No C 12, 18. 1. 1993, p. 1.

⁽²⁾ OJ No C 150, 31. 5. 1993, p. 132; and Decision of 22 October 1993 (not yet published in the Official Journal).

⁽³⁾ OJ No C 19, 25. 1. 1993, p. 60.

^(*) OJ No L 181, 28. 6. 1989, p. 47.

Whereas the introduction of a new classification of products by activity requires a transitional period,

HAS ADOPTED THIS REGULATION:

Article 1

1. The purpose of this Regulation is to establish a classification of products by activity within the Community in order to ensure comparability between national and Community classifications and hence national and Community statistics.

2. The term 'product' shall mean transportable goods, non-transportable goods and services.

3. This Regulation shall apply only to the use of this classification for statistical purposes.

Article 2

1. A common basis for the classification of products by activity within the Community, hereinafter referred to as the 'CPA', is hereby established, comprising:

- a first level consisting of headings identified by an alphabetical code (sections),
- an intermediate level consisting of headings identified by a two-character alphabetical code (subsections),
- a second level consisting of headings identified by a two-digit numerical code (divisions),
- a third level consisting of headings identified by a three-digit numerical code (groups),
- a fourth level consisting of headings identified by a four-digit numerical code (classes),
- a fifth level consisting of headings identified by a five-digit numerical code (categories),
- a sixth level consisting of headings identified by a six-digit numerical code (subcategories).

2. The CPA is annexed to this Regulation.

Article 3

1. The CPA shall be used by the Commission and the Member States as a classification. The CPA may be used for aggregated or detailed Community, national, specific

or functional adaptations based on the subcategories of the CPA.

2. These classifications will be related to the CPA in accordance with the following rules:

- classifications which are more aggregated than the CPA shall consist of precise aggregations of CPA subcategories,
- classifications which are more detailed than the CPA shall consist of subdivisions which are wholly contained within CPA subcategories,
- the classifications which are derived in this way may have separate codification.

3. The Member States wishing to use a national classification derived from the CPA shall adopt as quickly as possible, and by 31 December 1993 at the latest, the measures required for the establishment of a national product classification in compliance with this Article.

Article 4

The Commission shall be assisted by the Statistical Programme Committee (SPC), hereinafter referred to as 'the Committee'.

Article 5

The Committee may examine any questions concerning the CPA raised by the chairman, whether on his own initiative or at the request of a representative of a Member State, which have a bearing on the application of this Regulation, especially as regards:

- (a) the interpretation of the CPA;
- (b) the incorporation of minor amendments to the CPA:
 - designed to take account of technological or economic developments, especially in the field of services,
 - designed to align and clarify texts,
 - resulting from amendments made to other international product classifications, in particular the CPC;
- (c) preparation and coordination of work on revising the CPA;
- (d) drafting and updating of explanatory notes on the CPA;
- (e) examination of problems arising from implementation of the CPA in the Member States' product classifications;
- (f) attempting to prepare, as appropriate, a common position concerning the work of international organizations on product classifications, especially the CPC and its explanatory notes;

- (g) harmonization with NACE Rev. 1, as set out in the Annex to Council Regulation (EEC) 3037/90 of 9 October 1990 on the statistical classification of economic activities in the European Community ⁽¹⁾;
- (h) coordination of work with other committees dealing with classifications, in particular the Harmonized System (HS) and the combined nomenclature (CN);
- (i) extension of the transitional period at the request of a Member State;
- (j) coordination of work with other bodies dealing with more aggregated or more detailed Community, national, specific or functional classifications.

Measures to be taken under (a) to (j) shall be adopted in accordance with the procedure defined in Article 6.

Article 6

1. The representative of the Commission shall submit to the Committee a draft of the measures to be adopted. The Committee shall deliver its opinion on the draft within a time limit which the chairman may lay down according to the urgency of the matter. The opinion shall be delivered by the majority laid down in Article 148 (2) of the Treaty in the case of decisions which the Council is required to adopt on a proposal from the Commission. The votes of the representatives of the Member States within the Committee will be weighted in the manner set out in that Article. The chairman shall not vote.

2. The Commission shall adopt the measures, which shall apply immediately. However, if those measures are not in accordance with the opinion of the Committee, they shall be communicated by the Commission to the

Council forthwith. In that event, the Commission shall defer application of the measures which it has decided upon for three months from the date of such communication.

3. The Council, acting by a qualified majority, may take a different decision within the time limit referred to in paragraph 2.

Article 7

Product classifications used for statistics collected after 31 December 1993 shall be drawn up in accordance with Article 3.

Article 8

1. There shall be a transitional period starting on 1 January 1994 and ending on 31 December 1995.

2. The transitional period may be extended and a Member State may be authorized on the basis of duly substantiated technical or operational reasons, to use a classification not provided for pursuant to Article 3 according to the procedure of Article 5.

3. Six months after the end of the transitional period the Commission shall submit a report to the European Parliament and the Council on the experience acquired with the statistical classification of products by activity; the report shall also cover the revision of the CPC carried out by the United Nations Statistical Office (UNSO).

Article 9

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

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

Done at Brussels, 29 October 1993.

For the Council
The President
 R. URBAIN

⁽¹⁾ OJ No L 293, 24. 10. 1990, p. 1.

ANNEX

Category	Subcategory	Description	References	
			CPC	HS/CN
		SECTION A PRODUCTS OF AGRICULTURE, HUNTING AND FORESTRY		
		DIVISION 01 PRODUCTS OF AGRICULTURE, HUNTING AND RELATED SERVICES		
		Group 01.1 Crops, products of market gardening and horticulture		
		Class 01.11 Cereals and other crops n.e.c. ⁽¹⁾		
01.11.1		Cereals	011a	
	01.11.11	Durum wheat	01110.1	1001.10
	01.11.12	Soft wheat and meslin	01110.2	1001.90
	01.11.13	Maize (corn)	01120	1005
	01.11.14	Rice, not husked	01130	1006.10
	01.11.15	Barley	01150	1003
	01.11.16	Rye, oats	01160	1002, 1004
	01.11.17	Other cereals	01190	1007, 1008
01.11.2		Vegetables	012a	
	01.11.21	Potatoes	01210	0701
	01.11.22	Dried leguminous vegetables, shelled	01220	0713
	01.11.23	Edible roots and tubers with high starch or inulin content	01240	0714
01.11.3		Oil seeds and oleaginous fruit	014	
	01.11.31	Soya beans	01410	1201
	01.11.32	Ground nuts	01420	1202
	01.11.33	Sunflower, sesamum, safflower, rape, colza and mustard seeds	01430	1205, 1206, 1207.40-.60
	01.11.34	Cotton seeds	01440	1207.20
	01.11.35	Oil seeds n.e.c. and oleaginous fruit	01490	1203, 1204, 1207.10, .30, .9
01.11.4		Unmanufactured tobacco	017	
	01.11.40	Unmanufactured tobacco	01700	2401.10, .20
01.11.5		Plants used for sugar manufacturing	018	
	01.11.51	Sugar beet	01810	1212.91
	01.11.52	Sugar cane	01820	1212.92
01.11.6		Straw and forage	019a	
	01.11.60	Straw and forage	01910.1	1213, 1214.90
01.11.7		Raw vegetable materials used in textiles	019b	
	01.11.71	Cotton, whether or not ginned	01921	5201
	01.11.72	Jute and other textile bast fibres, except flax, true hemp and ramie	01922	5303.10
	01.11.73	Flax and true hemp; sisal and other textile fibres, raw	01923	5301.10, 5302.10, 5304.10, 5305.11, .21, .91
01.11.8		Natural rubber	032	
	01.11.80	Natural rubber	03210	4001.10, .2
01.11.9		Plants for perfumery, pharmacy and the like; sugar beet seeds, seeds of forage plants; other raw vegetable materials	019c	
	01.11.91	Plants used primarily in perfumery, in pharmacy, or for insecticidal, fungicidal or similar purposes	01930	1211
	01.11.92	Sugar beet seeds and seeds of forage plants	01940	1209.11, .2
	01.11.93	Other raw vegetable materials	01990	1210, 1212.99

⁽¹⁾ 'n.e.c.' = not elsewhere classified.

Category	Subcategory	Description	References	
			CPC	HS/CN
		<i>Class 01.12 Vegetables, horticultural specialties and nursery products</i>		
01.12.1		Other vegetables, fresh or chilled	012b	
	01.12.11	Root and tuber vegetables	01230.1	0703, 0706
	01.12.12	Fruit vegetables	01230.2	0702, 0707, 0708, 0807.10
	01.12.13	Other vegetables n.e.c.	01230.3	0704, 0705, 0709.1-.90.2, .90.4-.9
01.12.2		Living plants; cut flowers and flower buds; flower seeds and fruit seeds; vegetable seeds	015	
	01.12.21	Live plants; bulbs, tuber and roots; cuttings and slips; mushroom spawn	01510	0601, 0602
	01.12.22	Cut flowers and flower buds including bouquets, wreaths and the like	01520	0603
	01.12.23	Flower seeds and fruit seeds	01530	1209.30, .99
	01.12.24	Vegetable seeds	01540	1209.19, .91
		<i>Class 01.13 Fruit, nuts, beverage and spice crops</i>		
01.13.1		Grapes	013a	
	01.13.11	Table grapes	01330.1	0806.10.1
	01.13.12	Other grapes, fresh	01330.2	0806.10.9
01.13.2		Other fruit and nuts	013b	
	01.13.21	Dates, figs, bananas, coconuts, brazil nuts, cashew nuts, pineapples, avocados, mangoes, guavas	01310	0801, 0803, 0804
	01.13.22	Citrus fruit	01320	0805
	01.13.23	Other fruit, locust beans	01340	0807.20, 0808-0810, 1212.10
	01.13.24	Olives and other nuts	01360	0709.90.3, 0802
01.13.3		Beverage crops	016a	
	01.13.31	Coffee, not roasted, not decaffeinated	01611	0901.11
	01.13.32	Green tea (not fermented), black tea (fermented) and partly fermented tea, in immediate packing of a content exceeding 3 kg	01612	0902.20, .40
	01.13.33	Maté	01613	0903
	01.13.34	Cocoa beans	01614	1801
01.13.4		Spices, not processed	016b	
	01.13.40	Spices, not processed	01620.1	(0904-0910) ex
		<i>Group 01.2 Live animals and animal products</i>		
		<i>Class 01.21 Bovine cattle, live and their products</i>		
01.21.1		Bovine cattle, live	021a	
	01.21.11	Bovine cattle, live, other than calves	02111.1	0102.10, .90.5-.9
	01.21.12	Calves	02111.2	0102.90.05-.4
01.21.2		Raw milk from bovine cattle	029a	
	01.21.20	Raw milk from bovine cattle	02910.1	0401.20 ex
01.21.3		Bovine semen	029b	
	01.21.30	Bovine semen	02990	0511.10
		<i>Class 01.22 Sheep, goats, horses, asses, mules and hinnies, live, and their products</i>		
01.22.1		Sheep, goats, horses, asses, mules and hinnies, live	021b	
	01.22.11	Sheep, live	02112.1	0104.10
	01.22.12	Goats, live	02112.2	0104.20
	01.22.13	Horses, asses, mules and hinnies, live	02113	0101

Category	Subcategory	Description	References	
			CPC	HS/CN
01.22.2		Raw milk from sheep and goats	029c	
	01.22.21	Raw milk from sheep	02910.2	0401.20 ex
	01.22.22	Raw milk from goats	02910.3	0401.20 ex
01.22.3		Wool and animal hair	029d	
	01.22.31	Shorn wool, greasy, including fleece-washed shorn wool	02961	5101.11
	01.22.32	Fine or coarse animal hair (including horsehair), not carded or combed	02963	0503, 5102
		<i>Class 01.23 Swine, live</i>		
01.23.1		Swine, live	021c	
	01.23.10	Swine, live	02121	0103
		<i>Class 01.24 Poultry, live, and eggs</i>		
01.24.1		Poultry, live	021d	
	01.24.10	Poultry, live	02122	0105
01.24.2		Eggs, in shell	029e	
	01.24.20	Eggs, in shell	02920	0407
		<i>Class 01.25 Other animals, live, and their products</i>		
01.25.1		Other live animals	021e	
	01.25.10	Other live animals	02129	0106
01.25.2		Other animal products	029f	
	01.25.21	Natural honey	02930	0409
	01.25.22	Snails, live, fresh, chilled, frozen, dried, salted or in brine except sea snails; frogs' legs, fresh, chilled or frozen	02940	0208.20, 0307.60
	01.25.23	Edible products of animal origin n.e.c.	02950	0410
	01.25.24	Silk-worm cocoons suitable for reeling	02964	5001
	01.25.25	Insect waxes and spermaceti	02980	1521.90
01.25.3		Raw furskins	029g	
	01.25.31	Raw furskins, except skins of rabbits, hares and fur-bearing lambs	02972	4301.10, .40-.90
	01.25.32	Skins of rabbits, hares and fur-bearing lambs	02973	4301.20, .30
	01.25.33	Raw skins of other animals n.e.c. (fresh or preserved but not further prepared)	02974	4103.20, .90
		<i>Group 01.3 Products of mixed farming</i>	—	(*)
		<i>Class 01.30 Products of mixed farming</i>	—	(*)
		<i>Group 01.4 Agricultural and animal husbandry services, except veterinary services</i>		
		<i>Class 01.41 Agricultural services</i>		
01.41.1		Agricultural services	881a	
	01.41.11	Services incidental to agricultural production	88110.1	
	01.41.12	Planting and maintenance services of gardens, parks and cemeteries	88110.2	
		<i>Class 01.42 Animal husbandry services (except veterinary services)</i>		
01.42.1		Animal husbandry services (except veterinary services)	881b	
	01.42.10	Animal husbandry services (except veterinary services)	88120	

(*) No reference to HS/CN as the products are covered elsewhere, see 01.1 to 01.2.

Category	Subcategory	Description	References	
			CPC	HS/CN
01.50.1	01.50.10	Group 01.5 Hunting, trapping, game propagation and related services		
		Class 01.50 Hunting, trapping, game propagation and related services		
		Hunting, trapping, game propagation and related services	881c	
		Hunting, trapping, game propagation and related services	88130	
		DIVISION 02 PRODUCTS OF FORESTRY, LOGGING AND RELATED SERVICES		
02.01.1	02.01.10	Group 02.0 Products of forestry, logging and related services		
		Class 02.01 Wood in the rough; natural gums; natural cork; other forestry products		
		Wood in the rough	031	
		02.01.11 Logs of coniferous wood	03110	4403.20
		02.01.12 Logs of non-coniferous wood	03120.1	4403.9
02.01.2	02.01.13	02.01.13 Logs of tropical wood	03120.2	4403.3
		02.01.14 Fuel wood	03130	4401.10
		02.01.15 Other wood in the rough (including split poles and pickets)	03190	4404
		Natural gums	032b	
		02.01.21 Balata, gutta-percha, guavula, chicle and similar natural gums	03220	4001.30
02.01.3	02.01.22	02.01.22 Lac, natural gums, resins, gum-resins and balsams	03230.1	1301
		Natural cork, raw or simply prepared	039a	
		02.01.30 Natural cork, raw or simply prepared	03910	4501.10
		Other forestry products	039b	
		02.01.41 Parts of plants, grasses, mosses and lichens suitable for ornamental purposes	03920	0604
02.01.4	02.01.42	02.01.42 Vegetable materials n.e.c., for plaiting, stuffing, padding, dyeing or tanning; vegetable products n.e.c.	03930	1401-1403, 1404.10, .90
		Forest trees nurseries services	881d	
		02.01.50 Forest trees nurseries services	88140.1	
		Class 02.02 Services incidental to forestry and logging		
		Services incidental to forestry and logging	881e	
02.02.1	02.02.10	Services incidental to forestry and logging	88140.2	
		SECTION B FISH		
		DIVISION 05 FISH AND OTHER FISHING PRODUCTS, SERVICES INCIDENTAL TO FISHING		
		Group 05.0 Fish and other fishing products, services incidental to fishing		
		Class 05.00 Fish and other fishing products		
05.00.1	05.00.10	Fish, live, fresh or chilled	041	
		05.00.11 Fish, live	04110	0301
		05.00.12 Fish, fresh or chilled	04120	0302.1-.6
		Crustaceans, not frozen; oysters; other aquatic invertebrates, live, fresh or chilled	042	
		05.00.21 Crustaceans, not frozen	04210	0306.2
05.00.2	05.00.22	05.00.22 Oysters	04220	0307.10
		05.00.23 Other molluscs or shellfish and aquatic invertebrates, live, fresh or chilled	04230	0307.21, .31, .41, .51, .91