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Regulation (EC) No 2195/2002 of the European Parliament and of the Council

of 5 November 2002

on the Common Procurement Vocabulary (CPV)

(Text with EEA relevance)

Introductory Text

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on the Common Procurement Vocabulary (CPV)

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 47(2) and Articles 55 and 95 thereof,

Having regard to the proposal by the Commission,

Having regard to the Opinion of the Economic and Social Committee,

Having regard to the Opinion of the Committee of the Regions,

Acting in accordance with the procedure referred to in Article 251 of the Treaty,

Whereas:

(1) The use of different classifications is detrimental to the openness and transparency of public procurement in Europe. Its impact on the quality of notices and the time needed to publish them is a de facto restriction on the access of economic operators to public contracts.

(2) In its Recommendation 96/527/EC the Commission invited contracting entities and authorities to use the Common Procurement Vocabulary (CPV), developed on the basis of certain existing classifications with a view to gearing them more closely to the particular features of the public procurement sector, when describing the subjects of their contracts.

(3) There is a need to standardise, by means of a single classification system for public procurement, the references used by the contracting authorities and entities to describe the subject of contracts.

(4) The Member States need to have a single reference system which uses the same description of goods in the official languages of the Community and the same corresponding alphanumeric code, thus making it possible to overcome the language barriers at Community level.

(5) A revised version of the CPV therefore needs to be adopted under this Regulation as a single classification system for public procurement, the implementation of which is covered by the Directives on the coordination of procedures for the award of public contracts.

(6) Illustrative tables must also be drawn up showing the correspondence between the CPV and the Statistical Classification of Products by Activity in the EEC (CPA), the Provisional Central Product Classification (CPC Prov.) of the United Nations, the General Industrial Classification of Economic Activities within the European Communities (NACE Rev. 1) and the Combined Nomenclature (CN).

(7) The structure and codes of the CPV may need to be adapted or amended, in the light of developments in the markets and users' needs. A suitable revision procedure must therefore be established.

(8) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission.

(9) Since the objective of the proposed action, namely the drawing up of a classification system for public contracts, cannot be sufficiently achieved by the Member States and can therefore, by reason of the dimensions and effects of the action, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

(10) A Regulation has been chosen rather than a Directive as the establishment of a classification system for public contracts does not require implementation by the Member States.

(11) With a view to familiarising users with a unified classification system that will eventually be compulsory, the implementation of this CPV Regulation should be preceded by a period of adjustment,

HAVE ADOPTED THIS REGULATION:

Article 1

1. A single classification system applicable to public procurement, known as the ‘Common Procurement Vocabulary’ or ‘CPV’ is hereby established.

2. The text of the CPV is set out in Annex I.

3. The illustrative tables showing the correspondence between the CPV and the Statistical Classification of Products by Activity in the EEC (CPA), the Provisional Central Product Classification (CPC Prov.) of the United Nations, the General Industrial Classification of Economic Activities within the European Communities (NACE Rev. 1) and the Combined Nomenclature (CN) are set out in Annexes II, III, IV and V respectively.

Article 2

1. The Chief Minister may make regulations amending the Annexes to this Regulation.

2. Regulations under this Article may make consequential, supplemental, incidental, transitional, transitory or saving provision.

Article 3

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Article 4

This Regulation shall enter into force on 16 December 2003.