Commission Regulation (EC) No 213/2008 of 28 November 2007 amending Regulation (EC) No 2195/2002 of the European Parliament and of the Council on the Common Procurement Vocabulary (CPV) and Directives 2004/17/EC and 2004/18/EC of the European Parliament and of the Council on public procurement procedures, as regards the revision of the CPV (Text with EEA relevance)

COMMISSION REGULATION (EC) No 213/2008

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(Text with EEA relevance)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to Regulation (EC) No 2195/2002 of the European Parliament and of the Council of 5 November 2002 on the Common Procurement Vocabulary (CPV)[(1)], and in particular Article 2 thereof,

Having regard to Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors[(2)], and in particular Article 70(d) and (e) thereof,

Having regard to Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts[(3)], and in particular Article 79(f) and (g) thereof,

Whereas:

(1) Regulation (EC) No 2195/2002 established the Common Procurement Vocabulary (CPV), a single classification system applicable to public procurement, to standardise the references used by contracting authorities and entities to describe the subject of their contracts.

(2) The structure, codes and descriptions of the CPV should be adapted or amended, in the light of developments in the market and users' needs. Some specific suggestions made by interested parties and CPV users for improvements of the text of the CPV should be taken into account. The structure, codes and descriptions of the CPV should be updated also to make the CPV an efficient tool for electronic public procurement.

(3) To increase the user friendliness of the CPV, it should be made less material-driven and more product-driven. Accordingly, the product characteristics in the Main Vocabulary set out in the current Annex I to Regulation (EC) No 2195/2002, should be transferred to the Supplementary Vocabulary set out in the same Annex and divisions which are

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strongly material driven in the current vocabulary should be redistributed over the other divisions.

(4) Rationalisation of the hierarchy of the CPV by aggregating and redistributing divisions with a limited number of codes, which should partially be considered together, as well as divisions which could cause confusion, should be performed in such a way as to simplify the use of the nomenclature by providing a more coherent and homogenous presentation.

(5) The classification for defence-related equipment and services should be improved by regrouping the existing and scattered codes in new groups and classes for more coherent presentation and by adding new codes such as military research and technology.

(6) The structure of the Supplementary Vocabulary should be entirely revised in order to create a logical structure with sections divided into groups to be used in addition to the Main Vocabulary. For the simplification it can bring, in terms of allowing a complete description of the subject matter of a contract, and in terms of reducing the number of codes of the Main Vocabulary, the Supplementary Vocabulary should also be enriched with characteristics of products and services.

(7) In the interest of clarity Annex I to Regulation (EC) No 2195/2002 should be replaced.

(8) Annex II to Regulation (EC) No 2195/2002 which contains detailed lists of amendments made in 2003 has lost its interest and should therefore be deleted.

(9) As a consequence of the revision of the CPV, it is appropriate to update also the illustrative tables set out in Annexes III, IV and V to Regulation (EC) No 2195/2002 which show the correspondence between the CPV and respectively 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). In the interest of clarity it is appropriate to replace them.

(10) It is appropriate to update on the occasion of the revision of the CPV, the lists of activities and of services with references to the CPV codes set out in the Annexes to Directives 2004/17/EC and 2004/18/EC, so as to be in accordance with the revised CPV, without changing the material scope of those Directives.

(11) To allow sufficient time for technical adaptations of the electronic systems to the new CPV, it is appropriate to provide for the application of this Regulation six months after its publication.

(12) The measures provided for in this Regulation are in accordance with the opinion of the Advisory Committee on Public Contracts,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EC) No 2195/2002 is amended as follows:

1. Annex I is replaced by the text set out in the Annex I to this Regulation.

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2. Annex II is deleted.

3. Annex III is replaced by the text set out in Annex II to this Regulation.

4. Annex IV is replaced by the text set out in Annex III to this Regulation.

5. Annex V is replaced by the text set out in Annex IV to this Regulation.

Article 2

Directive 2004/17/EC is amended as follows:

1. The table set out in Annex XII is replaced by the text set out in Annex V to this Regulation.

2. The table set out in Annex XVIIA is replaced by the text set out in Annex VI to this Regulation.

3. The table set out in Annex XVIIB is replaced by the text set out in Annex VII to this Regulation.

Article 3

Directive 2004/18/EC is amended as follows:

1. The table set out in Annex I is replaced by the text set out in Annex V to this Regulation.

2. In Annex II, the table set out in Annex IIA is replaced by the text set out in Annex VI to this Regulation.

3. In Annex II, the table set out in Annex IIB is replaced by the text set out in Annex VII to this Regulation.

Article 4

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

It shall apply from 15 September 2008

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

Done at Brussels, 28 November 2007.

For the Commission

Charlie McCREEVY

Member of the Commission

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ANNEX I

Common Procurement Vocabulary

Structure of the classification system

1. The CPV consists of a main vocabulary and a supplementary vocabulary.

2. The main vocabulary is based on a tree structure comprising codes of up to nine digits associated with a wording that describes the supplies, works or services forming the subject of the contract.

The numerical code consists of 8 digits, subdivided as follows:
— the first two digits identify the divisions (XX000000-Y),
— the first three digits identify the groups (XXX00000-Y),
— the first four digits identify the classes (XXXX0000-Y),
— the first five digits identify the categories (XXXXX000-Y).

Each of the last three digits gives a greater degree of precision within each category.

A ninth digit serves to verify the previous digits.

3. The supplementary vocabulary may be used to expand the description of the subject of a contract. The items are made up of an alphanumeric code with a corresponding wording allowing further details to be added regarding the specific nature or destination of the goods to be purchased.

The alphanumeric code is made up of:
— a first level comprising a letter corresponding to a section,
— a second level comprising a letter corresponding to a group,
— a third level comprising three digits corresponding to subdivisions.

The last digit serves to verify the previous digits.

MAIN VOCABULARY

CPV code	Description
03000000-1	Agricultural, farming, fishing, forestry and related products
03100000-2	Agricultural and horticultural products
03110000-5	Crops, products of market gardening and horticulture
03111000-2	Seeds
03111100-3	Soya beans
03111200-4	Peanuts
03111300-5	Sunflower seeds
03111400-6	Cotton seeds
03111500-7	Sesame seeds
03111600-8	Mustard seeds
03111700-9	Vegetable seeds

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03111800-0	Fruit seeds
03111900-1	Flower seeds
03112000-9	Unmanufactured tobacco
03113000-6	Plants used for sugar manufacturing
03113100-7	Sugar beet
03113200-8	Sugar cane
03114000-3	Straw and forage
03114100-4	Straw
03114200-5	Forage
03115000-0	Raw vegetable materials
03115100-1	Raw vegetable materials used in textile production
03115110-4	Cotton
03115120-7	Jute
03115130-0	Flax
03116000-7	Natural rubber and latex, and associated products
03116100-8	Natural rubber
03116200-9	Natural latex
03116300-0	Latex products
03117000-4	Plants used in specific fields
03117100-5	Plants used in perfumery or pharmacy, or for insecticidal or similar purposes
03117110-8	Plants used in perfumery
03117120-1	Plants used in pharmacy
03117130-4	Plants used for insecticidal purposes
03117140-7	Plants used for fungicidal or similar purposes
03117200-6	Seeds of plants used in specific fields
03120000-8	Horticultural and nursery products
03121000-5	Horticultural products
03121100-6	Live plants, bulbs, roots, cuttings and slips
03121200-7	Cut flowers
03121210-0	Floral arrangements
03130000-1	Beverage and spice crops
03131000-8	Beverage crops