Changes to legislation: *There are outstanding changes not yet made to Regulation (EC) No 1893/2006 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Regulation (EC) No 1893/2006 of the European Parliament and of the Council of 20 December 2006 establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains (Text with EEA relevance)

REGULATION (EC) No 1893/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 20 December 2006

establishing the statistical classification of economic activities NACE Revision 2 and amending Council Regulation (EEC) No 3037/90 as well as certain EC Regulations on specific statistical domains

(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 285(1) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Central Bank[(1)],

Acting in accordance with the procedure laid down in Article 251 of the Treaty[(2)],

Whereas:

(1) Council Regulation (EEC) No 3037/90[(3)] established the statistical classification of economic activities in the European Community (hereinafter referred to as 'NACE Rev. 1' or 'NACE Rev. 1.1').

(2) In order to reflect the technological development and structural changes of the economy, an up-to-date classification, called NACE Revision 2, should be established (hereinafter referred to as 'NACE Rev. 2').

(3) An up-to-date classification such as NACE Rev. 2 is central to the Commission's ongoing efforts to modernise the production of Community statistics; it is expected to contribute, through more comparable and relevant data, to better economic governance at both Community and national level.

(4) In order to function, the internal market requires statistical standards applicable to the collection, transmission and publication of national and Community statistics so that businesses, financial institutions, governments and all other operators in the internal market can have access to reliable and comparable statistical data. To this end, it is vital that the various categories for classifying activities in the Community be interpreted uniformly in all the Member States.

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(5) Reliable and comparable statistics are necessary to enable businesses to assess their competitiveness, and are useful to the Community institutions in preventing distortions of competition.

(6) The establishment of a revised common statistical classification of economic activities does not oblige Member States to collect, publish or supply data. Only if the Member States use activity classifications linked to the Community classification is it possible to provide integrated information with the reliability, speed, flexibility and degree of detail required for the management of the internal market.

(7) Provision should be made for the Member States to be able, in order to meet national requirements, to integrate into their national classifications additional categories based on the statistical classification of economic activities in the Community.

(8) The international comparability of economic statistics requires that the Member States and the Community institutions use classifications of economic activities which are directly linked to the International Standard Industrial Classification of all economic activities (ISIC) Rev. 4, as adopted by the Statistical Commission of the United Nations.

(9) Use of the classification of economic activities in the Community requires that the Commission be assisted by the Statistical Programme Committee set up by Council Decision 89/382/EEC, Euratom[(4)] in particular as regards: the examination of problems arising from implementation of NACE Rev. 2; ensuring a fully coordinated transition from NACE Rev. 1 to NACE Rev. 2; and, the preparation of future amendments to NACE Rev. 2.

(10) Council Regulation (EEC) No 2186/93[(5)] established a common framework for setting up statistical business registers with harmonised definitions, characteristics, scope and updating procedures.

(11) The establishment of a revised statistical classification of economic activities makes it necessary to modify specifically various references to NACE Rev. 1 as well as to amend a number of relevant instruments. It is therefore necessary to amend the following instruments: Regulation (EEC) No 3037/90; Council Regulation (EEC) No 3924/91 of 19 December 1991 on the establishment of a Community survey of industrial production[(6)]; Council Regulation (EC, Euratom) No 58/97 of 20 December 1996 concerning structural business statistics[(7)]; Council Regulation (EC) No 1165/98 of 19 May 1998 concerning short term statistics[(8)]; Council Regulation (EC) No 1172/98 of 25 May 1998 on statistical returns in respect of the carriage of goods by road[(9)]; Council Regulation (EC) No 530/1999 of 9 March 1999 concerning structural statistics on earnings and on labour costs[(10)]; Regulation (EC) No 2150/2002 of the European Parliament and of the Council of 25 November 2002 on waste statistics[(11)]; Regulation (EC) No 450/2003 of the European Parliament and of the Council of 27 February 2003 concerning the labour cost index[(12)]; Regulation (EC) No 48/2004 of the European Parliament and of the Council of 5 December 2003 on the production of annual Community statistics on the steel industry for the reference years 2003-2009[(13)]; Regulation (EC) No 808/2004 of the European Parliament and of the Council of 21 April 2004 concerning Community statistics on the information society[(14)]; and, Regulation

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(EC) No 1552/2005 of the European Parliament and of the Council of 7 September 2005 on statistics relating to vocational training in enterprises[(15)].

(12) A number of Community instruments need to be amended, according to the specific procedures applicable to them, before transition to NACE Rev. 2, namely: Council Regulation (EC) No 2223/96 of 25 June 1996 on the European system of national and regional accounts in the Community[(16)]; Regulation (EC) No 138/2004 of the European Parliament and of the Council of 5 December 2003 on the economic accounts for agriculture in the Community[(17)]; and Regulation (EC) No 184/2005 of the European Parliament and the Council of 12 January 2005 on Community statistics concerning balance of payments, international trade in services and foreign direct investment[(18)].

(13) 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[(19)].

(14) In particular, power should be conferred on the Commission to amend or supplement NACE Rev. 2 in order to take account of technological or economic developments or to align it with other economic and social classifications. Since these measures are of general scope and designed to amend non-essential elements of this Regulation or to supplement this Regulation by the addition of new non-essential elements, they should be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

(15) Since the objective of this Regulation, namely the creation of common statistical standards that permit the production of harmonised data, cannot be sufficiently achieved by the Member States and can therefore 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 to achieve that objective.

(16) The Statistical Programme Committee has been consulted,

HAVE ADOPTED THIS REGULATION:

SECTION I

GENERAL PROVISIONS

Article 1

Subject matter and scope

1 This Regulation establishes a common statistical classification of economic activities in the European Community, hereinafter referred to as ‘NACE Rev. 2’. This classification ensures that Community classifications are relevant to the economic reality and enhances the comparability of national, Community and international classifications and, hence, of national, Community and international statistics.

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

Article 2

NACE Rev. 2

1 NACE Rev. 2 shall include:

a a first level consisting of headings identified by an alphabetical code (sections);

b a second level consisting of headings identified by a two-digit numerical code (divisions);

c a third level consisting of headings identified by a three-digit numerical code (groups); and

d a fourth level consisting of headings identified by a four-digit numerical code (classes).

2 NACE Rev. 2 is set out in Annex I.

Article 3

Use of NACE Rev. 2

The Commission shall use NACE Rev. 2 for all statistics classified according to economic activities.

Article 4

National classifications of economic activities

1 Member States' statistics presented according to economic activities shall be produced using NACE Rev. 2 or a national classification derived therefrom.

2 The national classification may introduce additional headings and levels and a different coding may be used. Each of the levels, except for the highest, shall consist of either the same headings as the corresponding NACE Rev. 2 level or headings constituting an exact breakdown thereof.

3 Member States shall forward to the Commission, for its approval prior to their publication, the drafts defining or modifying their national classifications. The Commission shall check the conformity of these drafts with paragraph 2 within two months. The Commission shall transmit the approved national classification to the other Member States for information. The Member States' national classifications shall include a table of correspondence between the national classifications and NACE Rev. 2.

4 In the event of incompatibility between certain NACE Rev. 2 headings and the national economic structure, the Commission may authorise a Member State to use an aggregation of NACE Rev. 2 headings in a specific sector.

To obtain such an authorisation, the Member State concerned must provide the Commission with all the necessary information to consider its request. The Commission shall decide within three months.

However, notwithstanding the provisions of paragraph 2, such an authorisation shall not entitle the Member State concerned to subdivide the aggregated headings in a way different from NACE Rev. 2.

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5 The Commission shall, together with the Member State concerned, periodically review the authorisations granted under paragraph 4 to verify whether they remain justified.

Article 5

Commission activities

The Commission, in cooperation with the Member States, shall ensure the dissemination, maintenance and promotion of NACE Rev. 2, in particular by:

(a) drafting, updating and publishing explanatory notes for NACE Rev. 2;

(b) drawing up and publishing guidelines for classifying statistical units in accordance with NACE Rev. 2;

(c) publishing correspondence tables between NACE Rev. 1.1 and NACE Rev. 2 and between NACE Rev. 2 and NACE Rev. 1.1; and

(d) working to improve consistency with other social and economic classifications.

Article 6

[F1Delegated and implementing acts]

1 The following measures for implementing NACE Rev. 2 shall be adopted in accordance with the regulatory procedure referred to in Article 7(2):

a decisions required in case of problems arising from implementation of NACE Rev. 2, including the assignment of economic activities to specific classes; and

b technical measures ensuring a fully coordinated transition from NACE Rev. 1.1 to NACE Rev. 2, especially with respect to issues related to breaks in time series, including double reporting and back-casting of time series.

[F1 2 The Commission is empowered to adopt delegated acts in accordance with Article 6a amending Annex I to take account of technological or economic developments or to align it with other economic and social classifications.**]**

3 Consideration shall be given to the principle that the benefits of updating NACE Rev. 2 must outweigh its costs, and to the principle that additional costs and burdens remain within a reasonable limit.

Textual Amendments

F1 Substituted by Regulation (EU) 2019/1243 of the European Parliament and of the Council of 20 June 2019 adapting a number of legal acts providing for the use of the regulatory procedure with scrutiny to Articles 290 and 291 of the Treaty on the Functioning of the European Union (Text with EEA relevance).