II

(Acts whose publication is not obligatory)

COMMISSION

COMMISSION RECOMMENDATION

of 30 July 1996

on the use of the Common Procurement Vocabulary (CPV) for describing the subject matter of public contracts

(Text with EEA relevance)

(96/527/EC)

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community, and in particular the second indent of Article 155 thereof,

(1) Whereas the Commission has adopted a communication on administrative simplification in the Community with a view to achieving greater transparency in the transmission of information;

(2) Whereas Council Directives 92/50/EEC [1], 93/36/EEC [2], 93/37/EEC [3] and 93/38/EEC [4] require contracting authorities and contracting entities in all Member States to publish notices in the *Official Journal of the European Communities* so that there is effective competition for public contracts;

(3) Whereas certain items of notices must give a precise description of the subject matter of the contract by reference to various nomenclatures [5];

(4) Whereas it is necessary to harmonize the references made to the different nomenclatures currently used by contracting authorities or by contracting entities operating in the water, energy, transport and telecommunications sectors, to describe the subject matter of contracts to be published in accordance with the Directives relating to public contracts;

(5) Whereas the Common Procurement Vocabulary (CPV) is an adaptation of the CPA established by Council Regulation (EEC) No 3696/93 [6] designed for describing the subject matter of contracts;

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[1] OJ No L 209, 24. 7. 1992, p. 1.
[2] OJ No L 199, 9. 8. 1993, p. 1.
[3] OJ No L 199, 9. 8. 1993, p. 54.
[4] OJ No L 199, 9. 8. 1993, p. 84.
[5] Common product classification (CPC) of the United Nations in Directives 92/50/EEC and 93/38/EEC.
Classification of products by activity (CPA) in Directive 93/36/EEC. Statistical classification of economic activities in the European Community (NACE) in Directives 93/37/EEC and 93/38/EEC.
[6] OJ No L 342, 31. 12. 1993, p. 1.

(6) Whereas the CPA offers a fixed correspondence with the CPC nomenclature of the United Nations and comprises four digits of NACE Rev. 1 (statistical classification of economic activities in the European Communty), of which it retains the sectoral structure;

(7) Whereas it is necessary for contracting authorities and contracting entities to use the CPV to describe the subject matter of public works contracts, instead of the General Public Works Nomenclature recommended hitherto by Commission Recommendation 91/561/EC [1];

(8) Whereas standardization of the information will also:

— boost tranparency in public procurement,

— make it possible to set up an information system for public procurement (Simap project),

— reduce the risks of error in the translation of notices,

— simplify the task of preparing notices, and in particular of describing the subject matter of contracts, for contracting authorities and contracting entities,

— simplify the preparation of statistics on public procurement, including those necessary to fulfil the Community's commitments under the Government Procurement Agreement (GPA) concluded within the framework of the WTO;

(9) Whereas the information provided in contract notices must be adequate to enable candidates or tenderers to determine whether the proposed contracts are of interest to them;

(10) Whereas the Community institutions also require clear information in order to be able to take action to prevent distortions of competition;

(11) Whereas the business community has been consulted on the Vocabulary and has shown interest in it;

(12) Whereas the Vocabulary will be adapted to circumstances since it will be revised regularly,

HEREBY FORMULATES THIS RECOMMENDATION:

1. It is recommended that contracting authorities and contracting entities covered by Directives 92/50/EEC, 93/36/EEC, 93/37/EEC and 93/38/EEC use the terms and codes of the CPV, the text of which is published in the Supplement to the *Official Journal of the European Communities* and which will be updated regularly, to describe the nature and scale of their public contracts in the notices they submit to the Office for Official Publications of the European Communities. As regards notices of public works contracts, it is recommeded that the CPV be used instead of the General Public Works Nomenclature set out in the Supplement to the *Official Journal of the European Communities* No S 217 of 16 November 1991.

2. It is recommended that suppliers of goods, works and services, and their agents, use the CPV to describe contracts of interest to them among the notices published in the Supplement to the *Official Journal of the European Communities* and via the Tenders Electronic Daily (TED) database.

3. It is recommended that Member States take all necessary measures to publicize the CPV and to encourage and facilitate its use by contracting authorities, contracting entities and suppliers.

[1] OJ No L 305, 6. 11. 1991, p. 19.

4. It is recommended that all users, where they find that the CPV does not describe the nature and scale of public contracts with the necessary clarity and precision, inform the Commission thereof and, where possible, propose amendments or additions, using the form annexed to the CPV.

5. This Recommendation replaces Recommendation 91/561/EEC.

Done at Brussels, 30 July 1996.

For the Commission

Mario MONTI

Member of the Commission