



Brussels, **XXX**
[...] (2024) **XXX** draft

PART 1/4

COMMISSION DELEGATED REGULATION (EU) .../...

of XXX

**amending Regulation (EC) No 138/2004 of the European Parliament and of the Council,
as regards references to the statistical classification of economic activities NACE
established by Regulation (EC) No 1893/2006 of the European Parliament and of the
Council**

(Text with EEA relevance)

This draft has not been adopted or endorsed by the European Commission. Any views expressed are the preliminary views of the Commission services and may not in any circumstances be regarded as stating an official position of the Commission.

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

Revision 2 of the common statistical classification of economic activities in the European Union (NACE Rev. 2) was established by Regulation (EC) No 1893/2006, which started to apply on 1 January 2008.

Since NACE Rev. 2 started to apply, globalisation and digitalisation have progressively changed the way in which many economic activities are carried out worldwide. These changes have affected, both internationally and within the EU itself, the statistics that are based on classifications of economic activities.

NACE Rev. 2 needed to be updated because of these changes, to stay comparable and consistent with the standards for classifying economic activities used internationally. Therefore, and also to adapt it to technical and scientific developments, the Commission adopted Commission Delegated Regulation 2023/137 of 10 October 2022 establishing the updated NACE (NACE Rev. 2.1).

Many legal acts concerning various statistical domains contain data transmission requirements referring to specific NACE Rev. 2 sections, divisions, groups or classes. These acts need to be amended, so that they are expressed in terms of requirements that are compatible with NACE Rev. 2.1.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

The Commission conducted the relevant consultations while preparing this delegated act. The informal Commission expert group known as the ‘Standards Working Group’ was consulted on 7 and 8 December 2023.

Moreover, the Commission consulted the informal expert group ‘National Statistical Institutes of the European Statistical System’.

The Commission also kept the European Parliament and the Council informed about the preparation of the delegated act.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

Article 2(2) of Regulation (EC) No 138/2004 sets out the objective of this delegated act, which is to update the content of Annex I to ensure harmonised interpretation and international comparability.

The delegated act amends Annex I to Regulation (EC) No 138/2004.

The delegated act concerns a matter relating to the European Economic Area (EEA) and its application should therefore be extended to the EEA.

The delegated act has no implication for the EU budget.

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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 Community¹, and in particular Article 2(2) thereof,

Whereas:

- (1) Regulation (EC) No 1893/2006 of the European Parliament and of the Council² established a common statistical classification of economic activities in the Union ('NACE Rev. 2'), which started to apply on 1 January 2008.
- (2) After NACE Rev. 2 started to apply, globalisation and digitalisation have progressively changed the way in which many economic activities provide goods and services worldwide.
- (3) As a result of those changes, NACE Rev. 2 had to be updated, to maintain its comparability and consistency with the standards for classifying economic activities used at international level. Accordingly, Commission Delegated Regulation (EU) 2023/137³ amended Regulation (EC) No 1893/2006 and established the updated classification ('NACE Rev. 2.1').
- (4) To enable users to assess the detailed content changes in NACE and to compare the previous version of the classification with the updated version thereof a correspondence table⁴ was made available to the classification users on 1 August 2023, along with explanatory notes⁵.
- (5) The large body of legislation setting out data transmission requirements which refer to specific NACE sections, divisions, groups or classes includes Regulation (EC) No

¹ OJ L 33, 5.2.2004, p. 1, ELI: <http://data.europa.eu/eli/reg/2004/138/oj>.

² 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 (OJ L 393, 30.12.2006, p. 1, ELI: <http://data.europa.eu/eli/reg/2006/1893/oj>).

³ Commission Delegated Regulation (EU) 2023/137 of 10 October 2022 amending Regulation (EC) No 1893/2006 of the European Parliament and of the Council establishing the statistical classification of economic activities NACE Revision 2 (OJ L 19, 20.1.2023, p. 5, ELI: http://data.europa.eu/eli/reg_del/2023/137/oj).

⁴ <https://europa.eu/!f6H9nX>

⁵ <https://europa.eu/!FNRFBB>

138/2004. In order to ensure that those transmission requirements are expressed in terms compatible with the updated classification (NACE Rev. 2.1), Regulation (EC) No 138/2004 should be amended.

- (6) As the granularity of the updated classification is similar to that of the original version of the classification, the amendments to Regulation (EC) No 138/2004 set out in this Regulation would not impose any significant additional burden on Member States or on respondents.
- (7) Compliance with the updated classification should not be required immediately, as a certain period of time is necessary to allow data providers to adapt to the new regulatory requirements. It should be recalled that Delegated Regulation (EU) 2023/137, which amended Regulation (EC) No 1893/2006, sets out deferred dates of application for certain statistical domains. The date of application of this Regulation should thus be equally deferred.
- (8) Regulation (EC) No 138/2004 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 138/2004 is amended as set out in the Annex to this Regulation.

Article 2

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

It shall apply from 1 January 2028, as regards data transmissions to the Commission (Eurostat) relating to each reference period which starts on or after that date.

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

Done at Brussels,

*For the Commission
The President*