

Council Regulation (EEC) No 3924/91 of 19 December 1991 on
the establishment of a Community survey of industrial production

COUNCIL REGULATION (EEC) No 3924/91

of 19 December 1991

on the establishment of a Community survey of industrial production

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 213 thereof,

Having regard to the draft Regulation submitted by the Commission,

Whereas in order to carry out the tasks devolving on it from the Treaties, especially with the prospect of the internal market as provided for pursuant to Article 8a of the Treaty establishing the European Economic Community, the Commission must have full, up-to-date and reliable information on industrial production in the Community;

Whereas companies need such information in order to know their markets; whereas the international dimension of these markets will favour an alignment between production statistics and external trade statistics;

Whereas, if production statistics are to be useful and in order to make such an alignment practicable, they must be drawn up at a level of detail which is close to the first six digits of the combined nomenclature, which also corresponds to the coding used in the Harmonized System;

Whereas the combined nomenclature is a product nomenclature with which companies are already familiar; whereas it is in their interests to refer thereto rather than create a nomenclature specific to production;

Whereas standardized statistics cannot be drawn up with the reliability, speed, flexibility and level of detail required to manage the internal market unless the Member States use survey classification systems derived from the same product list;

Whereas, in order to meet national requirements, Member States may legitimately retain or enter in their national nomenclatures supplementary items not contained in the Community product list,

HAS ADOPTED THIS REGULATION:

Article 1

General

Member States shall carry out a Community statistical survey of industrial production.

Status: Point in time view as at 20/04/2009.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EEC) No 3924/91. 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)

Article 2

Survey field and characteristics

[^{F1}1 The field covered by the survey referred to in Article 1 shall be that of the activities in sections B and C of the classification of economic activities in the European Community (NACE Rev. 2).]

2 The production recorded in this field shall be defined by the list of products, hereinafter referred to as the ‘Prodcom list’, the headings of which shall in principle consist of articles or groups of articles from the combined nomenclature linked with other Community product nomenclatures.

3 The survey shall cover the following information for each heading:

- a the physical volume of production sold during the survey period;
- b the value of production sold during the survey period.

4 In certain cases the information in question shall be replaced by one of the following:

- a the physical volume of actual production during the survey period, including any which is incorporated into the manufacture of other products from the same undertaking;
- b the value and/or physical volume of actual production during the survey period with a view to marketing.

5 In each Member State, the production surveyed shall be only that production actually carried out on its territory; it shall not include production outside its territory on behalf of some of its undertakings.

[^{F2}6 The Prodcom list and the information actually collected for each heading shall be updated by the Commission. Those measures, designed to amend non-essential elements of this Regulation, *inter alia*, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 10(3).]

Textual Amendments

- F1** Substituted by 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).
- F2** Substituted by Regulation (EC) No 219/2009 of the European Parliament and of the Council of 11 March 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny — Adaptation to the regulatory procedure with scrutiny — Part Two.

Article 3

Representativeness

1 The production of all undertakings in the Community must be recorded with sufficient accuracy for each [^{F1}NACE Rev. 2] class.

Status: Point in time view as at 20/04/2009.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EEC) No 3924/91. 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)

2 Member States shall adopt survey methods designed to facilitate the collection of data from undertakings representing at least 90 % of national production per [^{F1}NACE Rev. 2] class. A different threshold may nonetheless be adopted, in exceptional cases, [^{F2}in accordance with the management procedure referred to in Article 10(2)].

3 For the evaluation of production, account shall be taken of all undertakings employing at least 20 people. This threshold shall be reviewed in the light of the requirement of representativeness referred to in paragraph 2.

4 Where the production of Member State's undertakings in a [^{F1}NACE Rev. 2] class represents less than 1 % of the Community total, the data on the headings in that class need not be collected.

[^{F2}5 Detailed rules for applying paragraph 3, including measures for the adjustment to technical progress, shall be adopted, as necessary, by the Commission. Those measures, designed to amend non-essential elements of this Regulation, *inter alia*, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 10(3).]

Textual Amendments

- F1** Substituted by 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).
- F2** Substituted by Regulation (EC) No 219/2009 of the European Parliament and of the Council of 11 March 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny Adaptation to the regulatory procedure with scrutiny — Part Two.

[^{F2}Article 4

Survey periods

The survey shall cover an annual period of one calendar year.

However, for certain headings in the Prodcom list, the Commission may decide that monthly or quarterly surveys are to be conducted. Those measures, designed to amend non-essential elements of this Regulation, *inter alia*, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 10(3).]

Textual Amendments

- F2** Substituted by Regulation (EC) No 219/2009 of the European Parliament and of the Council of 11 March 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny Adaptation to the regulatory procedure with scrutiny — Part Two.

Status: Point in time view as at 20/04/2009.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EEC) No 3924/91. 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)

Article 5

Collection of data

[^{F2}1 The required information shall be collected by the Member States using survey questionnaires the content of which shall comply with the arrangements defined by the Commission. Those measures, designed to amend non-essential elements of this Regulation, *inter alia*, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 10(3).]

2 The undertakings called upon by Member States to supply information shall be obliged to give true and complete information within the prescribed periods.

3 The survey may be waived where Member States already have information from other sources which is at least equivalent as regards precision and quality.

4 Where the Statistical Office so requests, Member States shall send it any information, in particular concerning methodology, necessary for the implementation of this Regulation.

Textual Amendments

F2 Substituted by Regulation (EC) No 219/2009 of the European Parliament and of the Council of 11 March 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny Adaptation to the regulatory procedure with scrutiny — Part Two.

[^{F2}Article 6

Processing of results

Member States shall process the completed questionnaires referred to in Article 5(1) or the information from other sources referred to in Article 5(3) in accordance with the detailed rules adopted by the Commission. Those measures, designed to amend non-essential elements of this Regulation, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 10(3).]

Textual Amendments

F2 Substituted by Regulation (EC) No 219/2009 of the European Parliament and of the Council of 11 March 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny Adaptation to the regulatory procedure with scrutiny — Part Two.

Article 7

Transmission of results

1 Member States shall send the findings relating to a one-year period to the Statistical Office of the European Communities within six months after the end of the reference year. These

Status: Point in time view as at 20/04/2009.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EEC) No 3924/91. 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)

findings shall include data which are confidential under national law; their confidential nature shall be explicitly stated.

2 Findings concerning headings with a survey period shorter than a year shall be sent under the arrangements adopted [F²] in accordance with the management procedure referred to in Article 10(2)].

3 Findings transmitted to the Statistical Office of the European Communities shall be treated as confidential as required by Regulation (Euratom, EEC) No 1588/90⁽¹⁾.

4 The first survey shall cover 1993. Together with the data for 1993 the Member States shall send retrospective information relating to 1992 using national statistics which correspond as closely as possible to the Prodcom list.

Textual Amendments

F² Substituted by Regulation (EC) No 219/2009 of the European Parliament and of the Council of 11 March 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny Adaptation to the regulatory procedure with scrutiny — Part Two.

Article 8

Transitional period

Articles 1 to 7 shall be the subject of progressive implementing measures for the surveys covering 1993 and 1994.

F³ Article 9

[F³Committee]

Textual Amendments

F³ Deleted by Regulation (EC) No 219/2009 of the European Parliament and of the Council of 11 March 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny Adaptation to the regulatory procedure with scrutiny — Part Two.

F² Article 10

Committee procedure

1 The Commission shall be assisted by the Statistical Programme Committee established by Council Decision 89/382/EEC, Euratom⁽²⁾.

2 Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

Status: Point in time view as at 20/04/2009.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EEC) No 3924/91. 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)

The period laid down in Article 4(3) of Decision 1999/468/EC shall be set at three months.

3 Where reference is made to this paragraph, Article 5a(1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.]

Textual Amendments

F2 Substituted by Regulation (EC) No 219/2009 of the European Parliament and of the Council of 11 March 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny Adaptation to the regulatory procedure with scrutiny — Part Two.

Article 11

Entry into force

This Regulation shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

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

Status: Point in time view as at 20/04/2009.

Changes to legislation: There are outstanding changes not yet made to Council Regulation (EEC) No 3924/91. 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)

- (1) [OJ No L 151, 15.6.1990, p. 1.](#)
- (2) [\[^{F2}OJ L 181, 28.6.1989, p. 47.\]](#)

Textual Amendments

F2 Substituted by [Regulation \(EC\) No 219/2009 of the European Parliament and of the Council of 11 March 2009 adapting a number of instruments subject to the procedure referred to in Article 251 of the Treaty to Council Decision 1999/468/EC with regard to the regulatory procedure with scrutiny](#)
[Adaptation to the regulatory procedure with scrutiny — Part Two.](#)

Status:

Point in time view as at 20/04/2009.

Changes to legislation:

There are outstanding changes not yet made to Council Regulation (EEC) No 3924/91. Any changes that have already been made to the legislation appear in the content and are referenced with annotations.