



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 28 March 2012

**Interinstitutional File:
2012/0060 (COD)**

**8257/12
ADD 6**

**COMER 74
WTO 124
MAP 33
MI 211
CODEC 851**

COVER NOTE

from: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 26 March 2012

to: Mr Uwe CORSEPIUS, Secretary-General of the Council of the European
Union

No Cion doc.: SWD(2012) 57 final - Annex - Part 5/11

Subject: Commission staff working document
Impact assessment
Accompanying the proposal for a Regulation of the European Parliament and of
the Council on the access of third-country goods and services to the Union's
internal market in public procurement and procedures supporting negotiations
on access of Union goods and services to the public procurement markets of
third countries
Annex

Delegations will find attached Commission document SWD(2012) 57 final - Annex - Part 5/11.

Encl.: SWD(2012) 57 final - Annex - Part 5/11



EUROPEAN COMMISSION

Brussels, 21.3.2012
SWD(2012) 57 final

Annex - Part 5/11

COMMISSION STAFF WORKING DOCUMENT

IMPACT ASSESSMENT

Accompanying the document

**Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL**

**establishing rules on the access of third country goods and services to the European
Union's internal market in public procurement and procedures supporting negotiations
on access of European Union goods and services to the public procurement markets of
third countries**

Annex

{COM(2012) 124 final}
{SWD(2012) 58 final}

ANNEX 5 - Analysis of public services according to COFOG

Rest of the world

(Classification of the Functions of Government)

	Government	PP	Major industries affected	Potentially captive industries	Remarks
01 - General public services					
01.1 - Executive and legislative organs, financial and fiscal affairs, external affairs	YES	YES	IT & Business services	-	General administration
01.2 - Foreign economic aid	YES	YES BUT	Construction, medical equipment	Development consulting	Mostly through grants
01.3 - General services	YES	YES	IT & Business services	-	General administration
01.4 - Basic research	YES	YES	IT & Business services	-	General administration
01.5 - R&D General public services	YES	YES	IT, precision equipment	Universities, research centres & precision equipment, supercomputers	EU universities may be bidding for projects abroad
01.6 - General public services n.e.c.	YES	YES	IT & Business services	-	General administration
01.7 - Public debt transactions	YES	YES BUT	Financial services		Not an offensive interest in trade agreements - financial flexibility of central banks
01.8 - Transfers of a general character between different levels of government	YES	NO			
02 - Defence					
02.1 - Military defence	YES	YES	Defence industry	Defence industry	Not an offensive interest in trade agreements - security exemptions

02.2 - Civil defence	YES	YES	Defence industry	Defence industry	Defence industry	Not an offensive interest in trade agreements - security exemptions
02.3 - Foreign military aid	YES	YES	Defence industry	Defence industry	Defence industry	Not an offensive interest in trade agreements - security exemptions
02.4 - R&D Defence	YES	YES	Defence industry	Defence industry	Defence industry	Aerospace industry also affected
02.5 - Defence n.e.c.	YES	YES	Defence industry	Defence industry	Defence industry	Not an offensive interest in trade agreements - security exemptions
03 - Public order and safety						
03.1 - Police services	YES	YES	Defence industry, vehicles	Defence industry	Defence industry	Not an offensive interest in trade agreements - security exemptions
03.2 - Fire-protection services	YES	YES	Firefighting industry	Firefighting industry	Firefighting industry	
03.3 - Law courts	YES	YES	IT & Business services	-	-	General administration
03.4 - Prisons	YES BUT	YES	Defence & security services	Defence industry	Defence industry	WORKS CONCESSIONS
03.5 - R&D Public order and safety	YES	YES	Defence & security services	Defence industry	Defence industry	
03.6 - Public order and safety n.e.c.	YES	YES	Defence & security services	Defence industry	Defence industry	
04 - Economic affairs						
04.1 - General economic, commercial and labour affairs	YES	YES	IT & Business services			General administration
04.2 - Agriculture, forestry, fishing and hunting	YES	NO				Mostly through grants
04.3 - Fuel and energy	YES BUT	YES BUT	-	-	-	Whether purchases are PP depends on the country

04.3.1 - Coal and other solid mineral fuels (CS)	YES BUT	YES BUT	Mining equipment	Mining equipment	Whether purchases are PP depends on the country
04.3.2 - Petroleum and natural gas (CS)	YES BUT	YES BUT	Oil & Gas equipment	Oil & Gas equipment	Whether purchases are PP depends on the country
04.3.3 - Nuclear fuel (CS)	YES BUT	YES BUT	Nuclear energy industry	Nuclear energy industry	Whether purchases are PP depends on the country
04.3.4 - Other fuels (CS)	YES BUT	YES BUT	-	-	Whether purchases are PP depends on the country
04.3.5 - Electricity (CS)	YES BUT	YES BUT	Electricity production equip	Electricity production equip	Whether purchases are PP depends on the country
<i>Production: nuclear</i>	YES BUT	YES BUT	Nuclear energy industry	Nuclear energy industry	Whether purchases are PP depends on the country
<i>Production: hydro-electric</i>	YES BUT	YES BUT	Power generation equipment	Power generation equipment	Whether purchases are PP depends on the country
<i>Production: construction of dams</i>	YES BUT	YES BUT	Construction		
<i>Production: solar, wind & geothermal</i>	YES BUT	YES BUT	Solar & wind power equipment	Solar & wind power equipment	Whether purchases are PP depends on the country
<i>Transmission</i>	YES BUT	YES BUT	Electricity equipment	Electricity equipment	Whether purchases are PP depends on the country
<i>Distribution</i>	YES BUT	YES BUT	Electricity equipment	Electricity equipment	Whether purchases are PP depends on the country
04.3.6 - Non-electric energy (CS)	YES BUT	YES BUT	Gas distribution equipment	Gas distribution equipment	Whether purchases are PP depends on the country
04.4 - Mining, manufacturing and construction	YES BUT	YES BUT	Construction	Public Infrastructure construction	
04.5 - Transport	YES BUT	YES BUT	Transport equipment	-	Not Airlines; other sectors in process of liberalisation
04.5.1 - Road transport (CS)	YES BUT	YES BUT	Buses, Road traffic equipment	Buses, Road traffic equipment	Whether purchases are PP depends on the country
Construction of roads	YES BUT	YES BUT	Construction	Public Infrastructure construction	WORKS CONCESSIONS

04.5.2 - Water transport (CS)	YES BUT	YES BUT	YES BUT	Port equipment	Port equipment	Whether purchases are PP depends on the country
Construction of ports & waterways	YES BUT	YES BUT	YES BUT	Construction	Dredging, port operation	WORKS CONCESSIONS
04.5.3 - Railway transport (CS)	YES BUT	YES BUT	YES BUT	High-speed trains, Rolling stock, signalling equipment, metro & trams	High-speed trains, Rolling stock, signalling equipment, metro & trams	Whether purchases are PP depends on the country
Construction of railways	YES BUT	YES BUT	YES BUT	Construction	Public Infrastructure construction, railway operation	WORKS CONCESSIONS
04.5.4 - Air transport (CS)	YES BUT	YES BUT	YES BUT	Construction, airport operation, ATC equipment	ATC equipment, airport operation	Whether purchases are PP depends on the country - AIRLINES EXCLUDED
Construction of airports	YES BUT	YES BUT	YES BUT	Construction	Public Infrastructure construction	WORKS CONCESSIONS
04.5.5 - Pipeline and other transport (CS)	YES BUT	YES BUT	YES BUT	Oil & Gas equipment	Oil & Gas equipment	Whether purchases are PP depends on the country
Construction of pipelines & other transport	YES BUT	YES BUT	YES BUT	Construction	Public Infrastructure construction	WORKS CONCESSIONS
04.6 - Communication	YES BUT	YES BUT	YES BUT			Whether purchases are PP depends on the country
Postal	YES BUT	YES BUT	YES BUT	Postal equipment	Postal equipment	Whether purchases are PP depends on the country
Telecommunication	YES BUT	YES BUT	YES BUT	Telecom equipment	Telecom equipment	Whether purchases are PP depends on the country
04.7 - Other industries (e.g. hotels, retail & tourism)	NO	NO	NO			

04.8 - R&D Economic affairs	YES	YES BUT	YES BUT						Universities, research centres, specialised economic consulting	EU universities may be bidding for projects abroad
04.9 - Economic affairs n.e.c.	NO	NO	NO							
05 - Environmental protection										
05.1 - Waste management	YES BUT	YES	YES	Waste & water industry & mgmt	Waste & water industry & mgmt	Waste & water industry & mgmt	Whether purchases are PP depends on the country			
05.2 - Waste water management	YES BUT	YES	YES	Waste & water industry & mgmt	Waste & water industry & mgmt	Waste & water industry & mgmt	Whether purchases are PP depends on the country			
05.3 - Pollution abatement	YES	YES	YES	Specialised env. services industry	Specialised env. services industry	Specialised env. services industry				
05.4 - Protection of biodiversity and landscape	YES	YES	YES	Specialised env. services industry	Specialised env. services industry	Specialised env. services industry				
05.5 - R&D Environmental protection	YES	YES	YES	-	-	-	-			
05.6 - Environmental protection n.e.c.	YES	YES	YES	-	-	-	-			
06 - Housing and community amenities										
06.1 - Housing development	YES BUT	YES BUT	YES BUT	Construction	Construction	-				
06.2 - Community development	YES BUT	YES BUT	YES BUT	Construction	Construction	-				
06.3 - Water supply	YES BUT	YES	YES	Waste & water industry	Waste & water industry	Waste & water industry	Whether purchases are PP depends on the country			
06.4 - Street lighting	YES	YES	YES	Street lighting	Street lighting	Street lighting				
06.5 - R&D Housing and community amenities	YES	YES	YES	-	-	-	-			
06.6 - Housing and community amenities n.e.c.	YES BUT	YES	YES	-	-	-	-			

07 - Health								
07.1 - Medical products, appliances and equipment	NO	NO	-					By COFOG definition - obtained by prescriptions - outside of scope
07.2 - Outpatient services	YES BUT	YES BUT	Pharma & Medical equipment	Pharma & Medical equipment	Pharma & Medical equipment			Public hospitals / depends from MS
07.3 - Hospital services	YES BUT	YES BUT	Pharma & Medical equipment	Pharma & Medical equipment	Pharma & Medical equipment			Public hospitals / depends from MS
07.4 - Public health services	YES BUT	YES BUT	Pharma & Medical equipment	Pharma & Medical equipment	Pharma & Medical equipment			Public hospitals / depends from MS
07.5 - R&D Health	YES BUT	YES BUT	Pharma & Medical equipment	Pharma & Medical equipment	Universities, research centres & precision equipment			EU universities may be bidding for projects abroad
07.6 - Health n.e.c.	YES BUT	YES BUT	-	-	-			Public hospitals / depends from MS
08 - Recreation, culture and religion								
08.1 - Recreational and sporting services	YES BUT	YES BUT	Sport equipment					If public yes / depends from MS
<i>Construction of sport facilities</i>	YES BUT	YES BUT	Construction					
08.2 - Cultural services	YES BUT	YES BUT	-					If public yes / depends from MS
08.3 - Broadcasting and publishing services	YES BUT	YES BUT	Radio & TV equipment					If public yes / depends from MS
08.4 - Religious and other community services	YES BUT	YES BUT	-					If public yes / depends from MS
08.5 - R&D Recreation, culture and religion	YES BUT	YES BUT	-					If public yes / depends from MS
08.6 - Recreation, culture and religion n.e.c.	YES BUT	YES BUT	-					If public yes / depends from MS

09 - Education							
09.1 - Pre-primary and primary education	YES BUT	YES BUT	IT equipment	-	If public yes / depends from MS		
09.2 - Secondary education	YES BUT	YES BUT	IT equipment	-	If public yes / depends from MS		
09.3 - Post-secondary non-tertiary education	YES BUT	YES BUT	IT equipment	-	If public yes / depends from MS		
09.4 - Tertiary education	YES BUT	YES BUT	IT, precision equipment	-	If public yes / depends from MS		
09.5 - Education not definable by level	YES BUT	YES BUT	-	-	If public yes / depends from MS		
09.6 - Subsidiary services to education	YES BUT	YES BUT	-	-	If public yes / depends from MS		
09.7 - R&D Education	YES BUT	YES BUT	-	-	If public yes / depends from MS		
09.8 - Education n.e.c.	YES BUT	YES BUT	-	-	If public yes / depends from MS		
10 - Social protection							
10.1 - Sickness and disability	YES	NO	-	-	Grants not PP; Grants authorities PP is covered		
10.2 - Old age	YES	NO	-	-	Grants not PP; Grants authorities PP is covered		
10.3 - Survivors	YES	NO	-	-	Grants not PP; Grants authorities PP is covered		
10.4 - Family and children	YES	NO	-	-	Grants not PP; Grants authorities PP is covered		
10.5 - Unemployment	YES	NO	-	-	Grants not PP; Grants authorities PP is covered		
10.6 - Housing	YES	NO	-	-	Grants not PP; Grants authorities PP is covered		
10.7 - Social exclusion n.e.c.	YES	NO	-	-	Grants not PP; Grants		

								authorities PP is covered
10.8 - R&D Social protection	YES	NO	-	-				Grants not PP; Grants authorities PP is covered
10.9 - Social protection n.e.c.	YES	NO	-	-				Grants not PP; Grants authorities PP is covered