



057077/EU XXIV.GP
Eingelangt am 20/07/11

**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 3 May 2011

**5708/11
ADD 1**

**PV/CONS 3
AGRI 45
PECHE 19**

ADDENDUM to DRAFT MINUTES

Subject: **3063rd meeting of the COUNCIL OF THE EUROPEAN UNION
(AGRICULTURE AND FISHERIES), held in Brussels, 24 January 2011**

PUBLIC DELIBERATION ITEMS¹

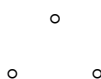
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"A" ITEMS list (doc. 5415/11 PTS A 3)

- Item 1. Proposal for a Directive of the European Parliament and of the Council on consumer rights3
- Item 2. Directive of the European Parliament and of the Council on combating late payment in commercial transactions (Recast).....3

AGENDA (doc. 5440/11 OJ/CONS 2 AGRI 22 PECHE 12)

- Item 4. Presentation of the Presidency work programme4



¹ Deliberations on Union legislative acts (Article 16(8) of the Treaty on European Union), other deliberations open to the public and public debates (Article 8 of the Council's Rules of Procedure).

LEGISLATIVE DELIBERATIONS

(Public deliberation in accordance with Article 16(8) of the Treaty on European Union)

1. Proposal for a Directive of the European Parliament and of the Council on consumer rights

- General approach
16933/10 CONSUM 112 JUSTCIV 212 CODEC 1379
 - + ADD 1 REV 1
 - + REV1 (lv)
 - + COR 1(sk)
 - + COR 2(de)
 - + COR 3(el)
 - + COR 4

The Council agreed on a general approach for a draft directive on consumer rights as set out in document above.

2. Directive of the European Parliament and of the Council on combating late payment in commercial transactions

PE-CONS 57/10 MI 395 COMPET 304 IND 128 ECO 87 FIN 498 CODEC 1104
+REV 1 (hu)

The Council approved the amendment set out in the European's Parliament position in first reading and adopted the proposed act amended accordingly, with the abstention of the German, Italian and Austrian Delegations, pursuant to Article 294(4) of the Treaty on the Functioning of the European Union. (Legal basis: Article 114 of the TFUE)

Statement by Finland

"Finland confirms its full support to the objectives of the recast Directive. Combating late payment in commercial transactions is important in order to ensure the proper functioning of the internal market and to promote the competitiveness of businesses, in particular SMEs.

Surveys show that public authorities often pay invoices very late after the expiration of the applicable payment period. Late payment by public authorities leads to unjustified costs for private undertakings and to inefficiency in general. Therefore, Finland has taken the view that the main target of the recast Directive should have been to enhance prompt payment by public authorities. Regrettably, the outcome of the negotiations satisfies this goal only partially.

When regulating commercial transactions between private undertakings freedom of contract should be regarded as a primary principle. Finland regrets that the recast Directive includes provisions restricting contractual freedom between undertakings which go beyond what is necessary to achieve the objectives of the Directive. The provision in Article 7(2) can be mentioned as an example of such an excessive restriction."

Statement by Latvia

"Latvia fully shares the objective of the draft Directive on combating late payment in commercial transactions to ensure the proper functioning of the internal market via the elimination of related barriers to cross-border commercial transactions and to facilitate access to finance for the European business, especially to the SMEs.

Latvia supports the adoption of the draft Directive. However, Latvia has concerns regarding provisions related to the right for entitlement to interest and compensation for recovery costs for creditors. Although we support in principle strengthening of the rights of creditors, we consider that the rights of debtors should be taken into account. Creditor should be entitled to the right for compensation only if he has taken certain actions to recover the late payment. Therefore, Latvia is of the opinion that the rights for compensation should include the obligation for the creditor to send a reminder.

Latvia would like to invite the European Commission to reassess the abovementioned provisions in the context of review provided within the Article 11."

NON LEGISLATIVE ACTIVITIES - PUBLIC DEBATES

(Public debate pursuant to Article 8 of the Council's Rules of Procedure)

AGENDA ITEMS

4. Work Programme of the Presidency

- Presentation by the Presidency
5449/11 AGRI 24 PECHE 13

The Chair gave a brief presentation on the Hungarian Presidency Work Programme.

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