



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 7 April 2014  
(OR. en)**

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**Interinstitutional File:  
2013/0213 (COD)**

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**"I/A" ITEM NOTE**

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From: General Secretariat of the Council  
To: Permanent Representatives Committee/Council

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Subject: Proposal for a Directive of the European Parliament and of the Council on electronic invoicing in public procurement (**first reading**)  
- Adoption of the legislative act (**LA + S**)  
= Statement

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**Joint statement by the Council and the Commission on Article 1: excluded contracts**

The Council and the Commission express their shared opinion that this Directive, pursuant to Article 1 therein, does not apply to electronic invoices issued as a result of the performance of contracts which are excluded under Articles 12 and 13 of directive 2009/81 or to which neither of Directive 2014/24/EU, Directive 2014/25/EU, Directive 2014/23/EU or Directive 2009/81/EC apply pursuant to the relevant provisions of Articles 10 (h), 15,16 and 17 of Directive 2014/24/EU ("classical" procurement Directive), Articles 24 to 27 of Directive 2014/25/EU ("utilities" Directive), and Articles 10 (5) to 10 (7), 21 and 23 of Directive 2014/23/EU ("concessions" Directive) as applicable.