



COUNCIL OF
THE EUROPEAN UNION

Brussels, 31 March 2008 (01.04)
(OR. fr)

7633/08

**Interinstitutional File:
2002/0222 (COD)**

**CODEC 377
CONSOM 34
JUSTCIV 52**

"I/A" ITEM NOTE

from : General Secretariat of the Council
to : COREPER/COUNCIL

No. Cion prop. : 12138/02 CONSOM 78 CODEC 1123, 14246/04 CONSOM 77 CODEC 1206,
13193/05 CONSOM 37 CODEC 865

Subject : Proposal for a Directive of the European Parliament and of the Council on credit
agreements for consumers and repealing Council Directive 87/102/EEC
[second reading]
- Approval of the European Parliament's amendments (**LA + S**)

1. On 13 September 2002 the Commission sent the Council the above proposal¹, which is based on Article 95 of the EC Treaty.
2. The European Economic and Social Committee delivered its opinion² on 17 July 2003.
3. The European Parliament delivered its first-reading opinion³ on 20 April 2004, adopting 152 amendments to the Commission proposal.
4. Under Article 250(2) of the EC Treaty, the Commission submitted amended proposals on 29 October 2004⁴ and 10 October 2005⁵.

¹ 12138/02.

² OJ C 234, 30.9.2003, p. 1.

³ 8493/04.

⁴ 14246/04.

⁵ 13193/05.

5. On 20 September 2007 the Council adopted its common position¹ and communicated it, together with a statement of its reasons, to the European Parliament.
6. In accordance with the joint declaration on practical arrangements for the co-decision procedure², informal talks were held between the Council, the European Parliament and the Commission, with a view to reaching agreement at second reading.
7. At its sitting on 16 January 2008 the Parliament adopted, at second reading, an overall compromise amendment to the common position. That amendment reflects the compromise agreement between the three institutions and should therefore be acceptable to the Council³.
8. The Commission issued its opinion on the European Parliament's amendment on 25 February 2008⁴.
9. The Permanent Representatives Committee is therefore invited to confirm its agreement to this amendment and suggest that the Council:
 - approve as an "A" item at a meeting in the near future – with the Netherlands delegation voting against and the Belgian and Luxembourg delegations abstaining – the European Parliament amendment contained in 5264/08, as it appears after legal/linguistic finalisation in PE-3603/08;
 - order that the statements in the Addendum to this note be entered in the minutes of its meeting.
10. As a result of the Council's approval of all the European Parliament amendments, the Directive is deemed to have been adopted in the form of the common position thus amended, in accordance with Article 251(3) of the EC Treaty.

¹ 9948/07.

² OJ C 148, 28.5.1999, p. 1.

³ 5264/08.

⁴ 6948/08.

After being signed by the President of the European Parliament, the President of the Council and the Secretaries-General of the two institutions, the legislative act will be published in the Official Journal of the European Union.

