

Directive 2011/7/EU of the European Parliament and of the Council of 16 February 2011 on combating late payment in commercial transactions (recast) (Text with EEA relevance)

Article 2

Definitions

For the purposes of this Directive, the following definitions shall apply:

- (1) ‘commercial transactions’ means transactions between undertakings or between undertakings and public authorities which lead to the delivery of goods or the provision of services for remuneration;
- (2) ‘public authority’ means any contracting authority, as defined in point (a) of Article 2(1) of Directive 2004/17/EC and in Article 1(9) of Directive 2004/18/EC, regardless of the subject or value of the contract;
- (3) ‘undertaking’ means any organisation, other than a public authority, acting in the course of its independent economic or professional activity, even where that activity is carried out by a single person;
- (4) ‘late payment’ means payment not made within the contractual or statutory period of payment and where the conditions laid down in Article 3(1) or Article 4(1) are satisfied;
- (5) ‘interest for late payment’ means statutory interest for late payment or interest at a rate agreed upon between undertakings, subject to Article 7;
- (6) ‘statutory interest for late payment’ means simple interest for late payment at a rate which is equal to the sum of the reference rate and at least eight percentage points;
- (7) ‘reference rate’ means either of the following:
 - (a) for a Member State whose currency is the euro, either:
 - (i) the interest rate applied by the European Central Bank to its most recent main refinancing operations; or
 - (ii) the marginal interest rate resulting from variable-rate tender procedures for the most recent main refinancing operations of the European Central Bank;
 - (b) for a Member State whose currency is not the euro, the equivalent rate set by its national central bank;
- (8) ‘amount due’ means the principal sum which should have been paid within the contractual or statutory period of payment, including the applicable taxes, duties, levies or charges specified in the invoice or the equivalent request for payment;
- (9) ‘retention of title’ means the contractual agreement according to which the seller retains title to the goods in question until the price has been paid in full;
- (10) ‘enforceable title’ means any decision, judgment or order for payment issued by a court or other competent authority, including those that are provisionally enforceable,

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whether for immediate payment or payment by instalments, which permits the creditor to have his claim against the debtor collected by means of forced execution.