



26.5.2010

A7-0136/2010/err01

## ERRATUM/ADDENDUM

to the report

on the proposal for a directive of the European Parliament and of the Council on combating late payment in commercial transactions (recast)  
(COM(2009)0126 – C7-0044/2009 – 2009/0054(COD))

Committee on the Internal Market and Consumer Protection

Rapporteur: Barbara Weiler  
A7-0136/2010

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### Insert the following opinion:

Réf. D(2010)23485

Mr Malcolm Harbour  
Chair of the Committee on the Internal Market  
and Consumer Protection  
WIB 06M099  
Brussels

**Subject:** *Proposal for a directive on combating late payment in commercial transactions (recast) - COM(2009)0126 - 2009/0054(COD)*

Dear Chairman,

The Committee on Legal Affairs, which I am honoured to chair, has examined the proposal referred to above, pursuant to Rule 87 on Recasting, as introduced into the Parliament's Rules of Procedure.

Paragraph 3 of that Rule reads as follows:

"If the committee responsible for legal affairs considers that the proposal does not entail any substantive changes other than those identified as such in the proposal, it shall inform the committee responsible.

In such a case, over and above the conditions laid down in Rules 156 and 157, amendments shall be admissible within the committee responsible only if they concern those parts of the proposal which contain changes.

However, if in accordance with point 8 of the Interinstitutional Agreement the committee responsible intends also to submit amendments to the codified parts of the Commission proposal, it shall immediately notify its intention to the Council and to the Commission, and the latter should inform the committee, prior to the vote pursuant to Rule 54, of its position on the amendments and whether or not it intends to withdraw the recast proposal."

Following the opinion of the Legal Service, whose representatives participated in the meetings of the Consultative Working Party examining the recast proposal, and in keeping with the recommendations of the draftsman, the Committee on Legal Affairs considers that the proposal in question does not include any substantive changes other than those identified as such in the proposal or in the opinion of the Consultative Working Party and that, as regards the codification of the unchanged provisions of the earlier acts with those changes, the proposal contains a straightforward codification of the existing texts, without any change in their substance.

Furthermore, pursuant to Rules 87, the Committee on Legal Affairs considered that the technical adaptations suggested in the opinion of the abovementioned Working Party were necessary in order to ensure that the proposal complied with the recasting rules.

At its meeting of 17 May 2010 the Committee on Legal Affairs accordingly decided, unanimously<sup>1</sup>, to recommend to you that your Committee, as the committee responsible, proceed to examine the above proposal in keeping with its suggestions and in accordance with Rule 87.

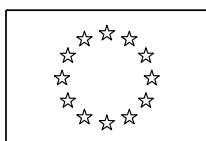
Yours faithfully,

Klaus-Heiner LEHNE

Encl.: Opinion of the Consultative Working Party.

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<sup>1</sup> The following were present for the final vote: Luigi Berlinguer (Acting Chair), Raffaele Baldassarre (Vice-Chair), Evelyn Regner (Vice-Chair), Sebastian Valentin Bodu (Vice-Chair), Françoise Castex, Christian Engström, Marielle Gallo, Kurt Lechner, Eva Lichtenberger, Antonio Masip Hidalgo, Bernhard Rapkay, Francesco Enrico Speroni, Cecilia Wikström, Tadeusz Zwiefka.



GRUPE CONSULTATIF  
DES SERVICES JURIDIQUES

Brussels, 07.05.2009

## OPINION

**FOR THE ATTENTION OF      THE EUROPEAN PARLIAMENT  
THE COUNCIL  
THE COMMISSION**

**Proposal for a directive of the European Parliament and of the Council on combating late payment in commercial transactions  
COM(2009) 126 final of 8.4.2009 - 2009/0054 (COD)**

Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 22 April 2009 for the purpose of examining, among others, the aforementioned proposal submitted by the Commission.

At that meeting<sup>1</sup>, an examination of the proposal for a directive of the European Parliament and of the Council recasting Directive 2000/35/EC of the European Parliament and of the Council of 29 June 2000 on combating late payment in commercial transactions resulted in the Consultative Working Party's establishing, by common accord, that the following parts of the text of the recast proposal should have been identified by using the grey-shaded type generally used for marking substantive changes:

- in recital 15, the proposed replacing of the words "*caused by*" with the word "*regarding*";
- in Article 9(1), the word "*normally*" (having been marked with the "double-strikethrough" adaptation marker);
- in Article 9, the existing wording of Article 5(4) of Directive 2000/35/EC, having been entirely marked with the "double-strikethrough" adaptation marker.

In consequence, examination of the proposal has enabled the Consultative Working Party to conclude, without dissent, that the proposal does not comprise any substantive amendments other than those identified as such therein or in the present opinion. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal contains a straightforward codification of the existing text, without any change in its substance.

C. PENNERA  
Jurisconsult

J.-C. PIRIS  
Jurisconsult

C.-F.DURAND  
Director General

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<sup>1</sup>The Consultative Working Party had at its disposal the English, French and German language versions of the proposal and worked on the basis of the English version, being the master-copy language version of the text under discussion.

*(Affects all language versions.)*