

**e-invoicing in public procurement
Draft compromise proposals**

(Final v2, 16.12.2013)

**1) Compromise proposal on Article 3, 3a new, 3b new, 3c new and 5a new
(and Recitals 6, 6b new, 6c new, 7, 7a new, 7b new, 8a new, 8b new, 8c new)**
(EPP, S&D, Greens, ALDE, ECR)

Article 3, 3a new, 3b new, 3c new and 5a new

AMs 19, 20, 24, 25, 28, 64, 65, 67, 68, 70, 71, 74, 79 (Collin-Langen), 60 (Tarabella), 61, 73, 75 (Creutzmann), 62 (Harbour), 63 (Thun und Hohenstein/Trzaskowski),

<p>(1) The Commission shall request the relevant European standardisation organisation to draw up a European standard for the semantic data model of the core electronic invoice.</p>	<p>(1) The Commission shall, at the latest by [date three months after the date of the entry into force of this Directive], request the relevant European standardisation organisation to draft a European standard for the semantic data model of the key components of an electronic invoice. <i>The Commission shall set the European standardisation organisation a deadline of 24 months for the elaboration and adoption of the European standard.</i></p>
<p>The Commission shall require that the European standard for the semantic data model of the core electronic invoice <i>be</i> technologically neutral, <i>and guarantee</i> personal data protection in accordance with Directive 95/46/EC.</p>	<p>The Commission shall require that the European standard for the semantic data model of the key components of an electronic invoice <i>contain at least the elements listed in the Annex and satisfies the following requirements:</i></p> <ul style="list-style-type: none"> - <i>be</i> technologically neutral; - <i>be interoperable;</i> - <i>meet the stipulations of Council Directive 2006/112/EC</i> - <i>have regard to the need for</i> personal data protection in accordance with Directive 95/46/EC, <i>to a 'data protection by design' approach and to the principles of proportionality, data minimisation and purpose limitation;</i> - <i>allow for the establishment of practical, user-friendly and flexible e-invoicing systems;</i> - <i>take into account the special needs of small and medium-sized enterprises as well as the sub-central contracting</i>

	<p><i>authorities and contracting entities;</i></p> <ul style="list-style-type: none"> - <i>be suitable for use in commercial transactions between enterprises;</i> - <i>be aligned with relevant international standards on electronic invoicing.</i>
	<p><i>(2) Once the competent European standardisation organisation has adopted the European standard for the semantic data model for the key components of an electronic invoice and the Commission has verified that the standard is consistent with the request, the Commission shall test, within a period of six months, the practical application of the standard, as it shall exist for use by an end user. In so doing, the Commission shall take special account of the respect of the criteria of practicality, user-friendliness and possible implementation costs in accordance with paragraph 1(2). Within one month of completion of the testing procedure, the Commission shall submit a report on the outcome to the European Parliament and the Council.</i></p>
	<p><i>(3) The Commission may dispense with the test procedure if it, or the competent standardisation organisation, has already verified, during the process of drawing up the standard, as referred to in paragraph 1, that the practical application of the standard, as referred to in paragraph 2, meets the relevant requirements.</i></p>
	<p>(4) The request shall be adopted in accordance with the procedure laid down in Article 10(1) to (5) of Regulation (EU) No 1025/2012.</p>
<p>2. Where the European standard drawn up following the request referred to in paragraph 1 satisfies the requirements contained therein, the Commission shall publish the reference to such European standard in the Official Journal of the European Union.</p>	<p><i>(5) Where the European standard, drawn up in accordance with the request referred to in paragraph 1, satisfies the requirements contained therein and where a test phase in accordance with paragraph 2 or 3 has been completed, the Commission shall adopt an implementing act, in which it shall state that the standard satisfies the requirements of the request and that it decides to publish the reference to such standard in the Official Journal of the European Union. If paragraph 2 applies, the Commission shall adopt the</i></p>

	<p><i>implementing act at the latest 9 months after the adoption of the standard by the relevant standardisation organisation, and if paragraph 3 applies, at the latest 3 months after the adoption of the standard by the relevant standardisation organisation. The implementing acts referred to in paragraphs 1 and 5a (new) shall be adopted in accordance with the examination procedure referred to in Article 5a(3).</i></p>
	<p><i>Article 3a new</i> <i>Formal objections to the European standard</i></p>
	<p><i>When a Member State or the European Parliament considers that the European standard does not entirely satisfy the requirements set out in Article 3(1) and in the Annex to this Directive, it shall inform the Commission thereof with a detailed explanation, and the Commission shall, after consulting the committee referred to in Article 5a (new), decide:</i></p> <p><i>a) to publish, not to publish, or to publish with restriction the references to the European standard concerned in the Official Journal of the European Union, or;</i></p> <p><i>b) to maintain, to maintain with restriction or to withdraw the references to the European standard concerned in, or from, the Official Journal of the European Union.</i></p> <p><i>c) The Commission shall publish information on its website on the European standard once it has been subject to the decision referred to in paragraph 1.</i></p> <p><i>d) The Commission shall inform the European standardisation organisation concerned of the decision referred to in paragraph 1 and, if necessary, request the revision of the European standard concerned.</i></p> <p><i>e) The decision referred to in paragraph 1(a) of this Article shall be adopted in accordance with the advisory</i></p>

	<p><i>procedure referred to in Article 5a(2).</i></p> <p><i>f) The decision referred to in paragraph 1(b) of this Article shall be adopted in accordance with the examination procedure referred to in Article 5a(3).</i></p>
	<p><i>Article 3b new</i></p> <p><i>Maintenance and further development of the European standard</i></p> <p><i>The Commission may request the relevant European standardisation organisation to revise the European standard for the semantic data model for the key components of an electronic invoice. It shall make such a request in accordance with the procedure referred to in Article 3(1). The deadlines provided for in Article 3(1) shall not apply. The Commission shall, in its request, determine the deadline for the adoption of the revised European standard.</i></p>
	<p><i>Article 3c new</i></p> <p><i>Amendment of the requirements for the European standard</i></p> <p><i>The Commission shall be empowered to adopt delegated acts in accordance with Article 5b new in order to amend the requirements set out in Article 3(1) and in the Annex to this Directive, for the European standard for the semantic data model for the key components of an electronic invoice.</i></p>

Article 5a new

AMs 77 (Collin-Langen), 76 (Tarabella), 78 (Creutzmann)

	<p style="text-align: center;">Article 5a</p> <p style="text-align: center;">Committee procedures</p> <p>(1) The Commission shall be assisted by the committee established under Regulation (EU) No 1025/2012 of the European Parliament and of the Council^{11a}.</p> <p>(1a) The Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.</p>
	<p>(2) Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 of the European Parliament and of the Council shall apply^{11b}.</p>
	<p>(3) Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</p> <hr/> <p style="text-align: right;">^{11a} (OJEU L 316, 14.11.2012, p. 12)</p> <p style="text-align: right;">^{11b} (OJEU L 55, 28.2.2011, p. 13).</p>

Recital 6

AMs 2 (Collin-Langen), 35 - in part (Creutzmann), 36 (Harbour)

<p>The Commission should apply the relevant provisions of Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation³ to request the relevant European standardisation organisation to draft a European standard for the semantic data model of the core electronic invoice. In its request to the relevant European standardisation organisation, the Commission should require that such European standard is technologically neutral, in order to avoid any distortion of competition. Since electronic invoices may contain personal data, the Commission should also require that such European standard guarantees personal data protection in accordance with Directive 95/46/EC of 24 October 1995 on the</p>	<p>The Commission should apply the relevant provisions of Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation³ to request the relevant European standardisation organisation to draft a European standard for the semantic data model of the key elements of the electronic invoice. In its request to the relevant European standardisation organisation, the Commission should require that such European standard is technologically neutral, in order to avoid any distortion of competition. Since electronic invoices may contain personal data, the Commission should also require that such European standard has regard to personal data protection in accordance with Directive</p>
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protection of individuals with regard to the processing of personal data and on the free movement of such data ⁴ . In addition to these minimum requirements, the Commission should determine, in its request to the relevant European standardisation organisation, further requirements as to the content of such European standard and a deadline for its adoption.	95/46/EC of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ⁴ <i>and the principles of data protection by design, proportionality and data minimisation</i> . In addition to these minimum requirements, the Commission should determine, in its request to the relevant European standardisation organisation, further requirements as to the content of such European standard and a deadline <i>of 24 months</i> for its adoption.
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Recital 6 b new

AMs 4 (Collin-Langen), 35 - in part (Creutzmann)

	<p><i>(6b) The European standard should define semantic data elements referring to, in particular, complementary seller and buyer data, process identifiers, invoice attributes, invoice item details, delivery information, payment details and terms. The key components of an electronic invoice should accord with Council Directive 2006/112/EC¹ and should be included in every electronic invoice This would ensure clear and uniform application of e-invoicing. Finally, the standard should be compatible with relevant international standards in order to prevent suppliers from third countries encountering technical market access barriers.</i></p> <p>¹ <i>OJ L 347, 11.12.2006, p.1</i></p>
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Recital 6 c new

AM 8 (Collin-Langen)

	<i>(6c) Furthermore, the European standard should also be suitable for use in commercial transactions between enterprises. The Commission should therefore ensure that no specific standard is developed for use only in the area of public procurement, so that any standard which is drawn up can also be used by private economic operators in their business dealings with one another.</i>
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Recital 7

AMs 5 (Collin-Langen), 38 (Harbour)

<p>(7) The European standard for the semantic data model of the core electronic invoice should build on existing specifications, including in particular those developed by European or international organisations such as CEN (CWA 16356 and CWA 16562), ISO (Financial Invoice based on the ISO 20022 methodology), and UN/CEFACT (CII v. 2.0). It should not require electronic signatures. <i>Such European standard should define semantic data elements referring to, in particular, complementary seller and buyer data, process identifiers, invoice attributes, invoice item details, delivery information, payment details and terms.</i> It should also be compatible with the existing standards for payments in order to allow for automatic processing of payments.</p>	<p>(7) The European standard for the semantic data model of the key components of an electronic invoice should build on, and be compatible with, existing specifications, including in particular those specifications developed by European or international organisations such as CEN (CWA 16356-MUG and CWA 16562-CEN BII), ISO (Financial Invoice based on the ISO 20022 methodology), and UN/CEFACT (CII v. 2.0, NDR 2.0, and CCTS 2.01). It should not require electronic signatures. <i>In carrying out the standardisation request, the relevant European standardisation organisation should also take into account the results of Large-Scale Pilot Projects implemented within the framework of the Policy Support Programme of the Competitiveness and Innovation Framework Programme (CIP) and e-invoicing specifications of any other relevant bodies and organisations that are widely used by the business community.</i> It should also be compatible with the existing standards for payments in order to allow for automatic processing of payments</p>
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Recital 7 a neu

AM 41 (Collin-Langen),

	<i>(7a) In the context of implementation, Member States should take into account the needs of small and medium-sized enterprises and small contracting entities and offer both contracting authorities and contracting entities and suppliers the necessary support so that the new European standard can be used. Moreover, training measures should be provided, in particular for small and medium-sized enterprises.</i>
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Recital 7 b new

AMs 40 (Collin-Langen / Rühle), 35 - in part (Creutzmann)

	<i>(7b) In order to ensure that small and medium-sized enterprises can also benefit from electronic invoicing in public procurement, the European standard should be easy to understand, user-friendly and easy to use. Furthermore, the fact that, in particular, small and medium-sized enterprises as well as smaller contracting authorities and contracting entities have only limited staff and financial resources should also be taken into account.</i>
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Recital 8 a new

AMs 10 (Collin-Langen), 42 (Harbour), 63 (Thun und Hohenstein/Trzaskowski)

	<i>(8a) The standard to be developed should guarantee the interoperability of the applications based on the existing technical standards. With a view to ensuring that adjustments in line with the rapid technological developments in the ICT sector are carried out, the Commission should be empowered to take measures to maintain, review and update the European standard, and to clear the way for the mapping of appropriate technical formats.</i>
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Recital 8 b new

AM 8 (Collin-Langen)

	<i>(8b) Prior to the introduction, in the Member States, of the European standard for the semantic data model of the key components of an electronic invoice the practical application of the standard should be sufficiently tested. The practical application of the standard should be thoroughly assessed through a separate testing phase or, alternatively, during the process of drawing up the standard. The assessment should involve end users, address aspects of practicality and user-friendliness in particular and demonstrate that the standard can be implemented in a cost efficient and proportionate manner.</i>
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Recital 8 c new

AMs 10, 37 (Collin-Langen), 42 (Harbour), 63 (Thun und Hohenstein/Trzaskowski)

	<i>(8c) In order to amend the requirements for the European standard for the semantic data model of the key components of an electronic invoice, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of adjustments to relevant technical and legal developments in the field. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.</i>
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Annex new
AM 33 (Collin-Langen)

	<p style="text-align: center;"><i>Annex (new)</i></p> <p style="text-align: center;"><i>Requirements to be met by the semantic data model: key components of the electronic invoice</i></p> <ol style="list-style-type: none"> <i>1. The date of issue;</i> <i>2. a sequential number, based on one or more series, which uniquely identifies the invoice;</i> <i>3. the VAT identification number referred to in Article 214 of Directive 2006/112/EC under which the taxable person supplied the goods or services;</i> <i>4. the customer's VAT identification number, as referred to in Article 214 of Directive 2006/112/EC, under which the customer received a supply of goods or services in respect of which he is liable for payment of VAT, or received a supply of goods as referred to in Article 138 of Directive 2006/112/EC;</i> <i>5. the full name and address of the taxable person and of the customer;</i> <i>6. the quantity and nature of the goods supplied or the extent and nature of the services rendered;</i> <i>7. the date on which the supply of goods or services was made or completed or the date on which the payment on account referred to in points (4) and (5) of Article 220 of Directive 2006/112/EC was made, in so far as that date can be determined and differs from the date of issue of the invoice;</i> <i>8. the taxable amount per rate or exemption, the unit price exclusive of VAT and any discounts or rebates if they are not included in the unit price;</i> <i>9. the VAT rate applied;</i> <i>10. the VAT amount payable, except where a special arrangement is applied under which, in accordance with Directive 2006/112/EC, such a detail is excluded;</i> <i>11. in the case of an exemption or where the customer is liable for payment of VAT: reference to the applicable provision of this Directive, or to the corresponding national provision, or any other reference indicating</i>
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	<p><i>that the supply of goods or services is exempt or subject to the reverse charge procedure;</i></p> <p><i>12. supplies of new means of transport carried out in accordance with the conditions specified in Article 138(1) and (2)(a) of Directive 2006/112/EC; the details referred to in Article 2(2)(b) of Directive 2006/112/EC;</i></p> <p><i>13. in the case of the application of a special rule for travel agencies: reference to Article 306 of Directive 2006/112/EC or to the corresponding national provisions or another reference to the act that this rule was applied:</i></p> <p><i>14. in the case of the application of special arrangements to second-hand goods, works of art, collectors' items and antiques: reference to Article 313, 326 or 333 of Directive 2006/112/EC or to the corresponding national provisions or another reference to the act that one of these arrangements was applied:</i></p> <p><i>15. where the taxable person is a tax representative within the meaning of Article 204 of Directive 2006/112/EC: VAT identification number within the meaning of Article 214 of Directive 2006/112/EC, full name and address of the tax representative.</i></p>
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2) Compromise proposal on Article 4 (and Recital 9)

(EPP, S&D, Greens, ALDE, ECR)

Article 4 (in combination with Recital 9)

AMs 27 (Collin-Langen), 72 (Harbour)

Member States shall ensure that contracting authorities and contracting entities <i>do not refuse to receive</i> electronic invoices which comply with the European standard whose reference has been published pursuant to Article 3(2).	Member States shall ensure that contracting authorities and contracting entities <i>are able to receive and to process</i> , electronic invoices which comply with the European standard <i>for the semantic data model for the core section of an electronic invoice</i> whose reference has been published pursuant to Article 3(5a). <i>A refusal may not be justified on the sole ground that the invoice does not comply with other additional technical requirements.</i>
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Recital 9 (in combination with Article 4)

AMs 11 (Collin-Langen), 43 (Harbour)

(9) Contracting authorities and contracting entities should not <i>refuse</i> the reception of electronic invoices which comply with such common European standard on the grounds of non-compliance with other technical requirements (for example national or sector specific requirements).	(9) Contracting authorities and contracting entities should <i>be in a position to receive and process</i> electronic invoices which comply with the common European standard. <i>Once the deadline laid down in this Directive has passed, reception of invoices should not be refused</i> on the grounds of non-compliance with other <i>additional</i> technical requirements (for example national or sector specific requirements). <i>Other compelling grounds for refusal (e.g. relating to contracts) should not be affected by this obligation. Contracting authorities and contracting entities should remain free to verify, before paying the invoice, whether the content of the electronic invoice correctly reflects all the details of the business transaction. The obligation to not refuse electronic invoices in accordance with this Directive is without prejudice to Article 4 of Directive 2011/7/EU of the European Parliament and of the Council on combating late payment in commercial transactions.</i>
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3) Compromise proposal on Article 6 (and Recital 18)

(EPP, S&D, Greens, ALDE, ECR)

Article 6

AMs 49, 80 (Collin-Langen), 81, 84 (Creutzmann), 82 (Tarabella), 83 (Thun und Hohenstein/Trzaskowski), 85 (Schwab)

(1) Member States <i>shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 48 months following the entry into force at the latest.</i> They shall forthwith <i>communicate to the Commission the text of those provisions.</i>	(1) Member States <i>shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [51 months following the entry into force of this directive] at the latest.</i> They shall <i>immediately inform</i> the Commission <i>thereof.</i>
	<i>Member States may provide that these laws, regulations and administrative provisions shall apply to sub-central government authorities and contracting entities from the first day of the 67th month following the entry into force of the directive</i>
When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	When Member States adopt those provisions, they shall contain a reference to this Directive or <i>shall</i> be accompanied by such reference on the occasion of their official publication. Member States shall determine how such reference is to be made.
(2) Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive	(2) Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive. <i>The Commission shall inform the other Member States thereof.</i>

Recital 18

AMs 13, 49 (Collin-Langen), 50 (Creutzmann)

(18) In order to allow contracting authorities and contracting entities to take the technical measures that, following the establishment of the European standard, are necessary to comply with the provisions of this Directive, a transposition deadline of 48 months is justified.	(18) In order to allow contracting authorities and contracting entities to take the technical measures that, following the establishment of the European standard, are necessary to comply with the provisions of this Directive, a transposition deadline of 51 months is justified. <i>Member States should be allowed to delay application of the national provisions necessary to comply with this Directive for sub-central contracting authorities and contracting entities until the first day of the 67th month from entry into force of this Directive.</i>
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4) Compromise proposal on Article 7
(EPP, S&D, Greens, ALDE, ECR)

Article 7

AMs 32 (Collin- Langen), 86 (Harbour)

The Commission shall review the effects of this Directive on the internal market and on the uptake of electronic invoicing in public procurement and report thereon to the European Parliament and the Council by 30 June 2023 . Where appropriate, the report shall be accompanied by <i>a legislative proposal</i> .	The Commission shall review the effects of this Directive on the internal market and on the uptake of electronic invoicing in public procurement and report thereon to the European Parliament and the Council by 30 June 2021 . Where appropriate, the report shall be accompanied by a <i>cost-benefit analysis relating to the need of a further action</i> .
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