

Amendment 118

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Report

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Róza Thun und Hohenstein

Combating late payment in commercial transactions
(COM(2023)0533 – C9-0338/2023 – 2023/0323(COD))

Proposal for a regulation**Article 3 – paragraph 1***Text proposed by the Commission**Amendment*

1. In commercial transactions, the payment period shall not exceed 30 calendar days, from the date of the receipt of the invoice or an equivalent request for payment by the debtor, provided that the debtor has received the goods or services. This period shall apply both to the transactions between undertakings and between public authorities and undertakings. The same payment period shall also apply to the supply of non-perishable agricultural and food products on a regular and non-regular basis as referred to in Articles 3(1)(a), point (i), second indent and 3(1)(a), point (ii), second indent of Directive (EU) 2019/633, unless Member States provide for a shorter payment period for such products.

1. In commercial transactions, the payment period shall not exceed 30 calendar days, from the date of the receipt of the invoice or an equivalent request for payment by the debtor, provided that the debtor has received the goods or services. This period shall apply both to the transactions between undertakings and between public authorities and undertakings. ***Undertakings may mutually agree on a longer payment period, except in cases when the debtor is a large undertaking within the meaning of Article 3(4) of Directive 2013/34/EU or a contracting authority and the creditor is a micro, small or medium-sized enterprise (SMEs) within the meaning of Commission Recommendation 2003/361/EC.*** The same payment period shall also apply to the supply of non-perishable agricultural and food products on a regular and non-regular basis as referred to in Articles 3(1)(a), point (i), second indent and 3(1)(a), point (ii), second indent of Directive (EU) 2019/633, unless Member States provide for a shorter payment period for such products.

Justification

Reducing payment terms does not necessarily lead to reducing late payments. While we understand the need for a standard statutory payment term of 30 days, we also recognise the legitimate interests of SMEs to have the flexibility and maintain contractual freedom to be able to mutually agree on longer payments terms, for example for the purpose of providing liquidity for fast-growing SMEs and to allow cash management for SMEs who process their supplies into new products (long production time) or trade in slow moving consumer goods. The Regulation should target the essence of the problem regarding payment terms: the imbalance of negotiating power between large companies and SMEs. Therefore, a strict payment term of 30 days without exceptions should only apply for payments from large companies and public authorities to SMEs, while maintaining more flexibility in other B2B relations.