

**Question for written answer E-000055/2023
to the Commission**

Rule 138

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Subject: Alignment of the RRP and the new LPD

President Von der Leyen promised in her 2022 State of the Union speech¹ that the Commission would revise the Late Payment Directive (LPD).

Responding to question E-002150/2021², the Commission stated that in June 2021 it had adopted 'a positive assessment of Spain's Recovery and Resilience Plan (RRP) which envisages the implementation of measures to improve the effectiveness of the implementation of Directive 2011/7/EU on combating late payment in commercial transactions between businesses'.

Law 18/2022 ('Ley Crea y Crece')³ still does not include a sanctions regime for late payers. Micro-enterprises and MSMEs and the self-employed urgently need liquidity and to be paid on time. The Spanish legislative proposal regulating a sanctions regime is currently at a standstill.

The lack of a solid regulatory framework in Spain has and continues to hamper the effective operation of Directive 2011/7/EU. The last assessment from the Joint Research Centre notes that since 'the start of the pandemic, the rate of increase in unpaid invoices has shot up [...] +52 % in Spain'⁴.

1. Does the Commission consider that Spain is still complying with its RRP even if its resulting law does not regulate mechanisms to combat late payments such as reinforcing law enforcement via a sanction regime?
2. Will the reform of Directive 2011/7/EU include a sanctions regime for Member States that fail to comply?

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¹ https://state-of-the-union.ec.europa.eu/document/download/04c3ccc9-1237-4029-ae0e-039709a0fb53_en?filename=SOTEU_2022_Address_EN.pdf.

² https://www.europarl.europa.eu/doceo/document/E-9-2021-002150-ASW_EN.html.

³ https://www.boe.es/diario_boe/txt.php?id=BOE-A-2022-15818.

⁴ <https://publications.jrc.ec.europa.eu/repository/handle/JRC130247>.