



2023/0323(COD)

15.12.2023

AMENDMENTS

224 - 405

Draft report
Róza Thun und Hohenstein
(PE756.002v01-00)

Combating late payment in commercial transactions

Proposal for a regulation
(COM(2023)0533 – C9-0338/2023 – 2023/0323(COD))

Amendment 224
Virginie Joron, Jean-Lin Lacapelle

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

1. In case of late payment, the debtor shall be liable to pay interest for late payment, except where the debtor is not responsible for the payment delay.

Amendment

1. In case of late payment, the debtor shall be liable to pay interest for late payment, except where the debtor is not responsible for the payment delay ***for reasons of force majeure.***

Or. fr

Amendment 225
Maria Grapini

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

(1) In case of late payment, the debtor shall be liable to pay interest for late payment, except where the debtor is not responsible for the payment delay.

Amendment

(1) In case of late payment, the debtor shall be liable to pay interest for late payment, except where the debtor is not responsible for the payment delay ***for reasons of force majeure.***

Or. ro

Amendment 226
Claude Gruffat, Malte Gallée
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 5 – paragraph 1

Text proposed by the Commission

1. In case of late payment, the debtor shall be liable to pay interest for late payment, except where the debtor is not responsible for the payment delay.

Amendment

1. In case of late payment, the debtor shall be liable to pay interest for late payment ***to the creditor***, except where the debtor is not responsible for the payment

delay.

Or. en

Amendment 227

Adam Bielan

Proposal for a regulation

Article 5 – paragraph 1

Text proposed by the Commission

1. In case of late payment, the debtor shall be liable to pay interest for late payment, except where the debtor ***is not*** responsible for the payment delay.

Amendment

1. In case of late payment, the debtor shall be liable to pay interest for late payment, except where the debtor ***proves not to be*** responsible for the payment delay.

Or. en

Amendment 228

Antonius Manders

Proposal for a regulation

Article 5 – paragraph 1

Text proposed by the Commission

1. In case of late payment, the debtor shall ***be liable to*** pay interest for late payment, except where the debtor is not responsible for the payment delay.

Amendment

1. In case of late payment, the debtor shall pay interest for late payment, except where the debtor is ***evidently*** not responsible for the payment delay.

Or. en

Amendment 229

Andreas Schwab, Christian Doleschal, Geoffroy Didier, Barbara Thaler, Marion Walsmann

Proposal for a regulation

Article 5 – paragraph 1

Text proposed by the Commission

1. In case of late payment, the debtor shall ***be liable to*** pay interest for late payment, except where the debtor is not responsible for the payment delay.

Amendment

1. In case of late payment, the debtor shall pay interest for late payment, except where the debtor is not responsible for the payment delay.

Or. en

Justification

Implications, especially procedural ones, of "shall be liable" are not clear. Given that in the German version the term is translated with "automatic", uncertainties occur.

Amendment 230

Maria da Graça Carvalho

Proposal for a regulation

Article 5 – paragraph 1

Text proposed by the Commission

1. In case of late payment, the debtor ***shall be liable to*** pay interest for late payment, except where the debtor is not responsible for the payment delay.

Amendment

1. In case of late payment, the debtor pays interest for late payment, except where the debtor is not responsible for the payment delay.

Or. en

Amendment 231

Antonius Manders

Proposal for a regulation

Article 5 – paragraph 2 – introductory part

Text proposed by the Commission

2. Interest for late payment shall be automatically due by the debtor to the creditor, ***without the creditor needing to send a reminder***, where the following conditions are ***satisfied***:

Amendment

2. Interest for late payment shall be automatically due by the debtor to the creditor, where the following conditions are ***met***:

Or. en

Justification

Since there is a reference to "automatically", the addition of "without the necessity of a reminder" causes confusion. Deletion of the text would also mean that it is not necessary to send a reminder, without causing confusion about when or in which cases such a reminder should be sent or not.

Amendment 232

Maria da Graça Carvalho

Proposal for a regulation

Article 5 – paragraph 2 – introductory part

Text proposed by the Commission

2. Interest for late payment shall be ***automatically*** due by the debtor to the creditor, without the creditor needing to send a reminder, where the following conditions are satisfied:

Amendment

2. Interest for late payment shall be due by the debtor to the creditor, without the creditor needing to send a reminder, where ***all of*** the following conditions are satisfied:

Or. en

Amendment 233

Eugen Jurzyca

Proposal for a regulation

Article 5 – paragraph 2 – introductory part

Text proposed by the Commission

2. Interest for late payment shall be ***automatically*** due by the debtor to the creditor, without the creditor needing to send a reminder, where the following conditions are satisfied:

Amendment

2. Interest for late payment shall be due by the debtor to the creditor, without the creditor needing to send a reminder, where the following conditions are satisfied:

Or. en

Amendment 234

Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri

Proposal for a regulation

Article 5 – paragraph 2 – introductory part

Text proposed by the Commission

2. Interest for late payment shall be ***automatically*** due by the debtor to the creditor, without the creditor needing to send a reminder, where the following conditions are satisfied:

Amendment

2. Interest for late payment shall be due by the debtor to the creditor, without the creditor needing to send a reminder, where the following conditions are satisfied:

Or. en

Amendment 235

Virginie Joron, Jean-Lin Lacapelle

Proposal for a regulation

Article 5 – paragraph 2 – introductory part

Text proposed by the Commission

2. Interest for late payment shall be ***automatically*** due by the debtor to the creditor, without the creditor needing to send a reminder, where the following conditions are satisfied:

Amendment

2. Interest for late payment shall be due by the debtor to the creditor, without the creditor needing to send a reminder, where the following conditions are satisfied:

Or. fr

Amendment 236

Eugen Jurzyca

Proposal for a regulation

Article 5 – paragraph 2 – point c

Text proposed by the Commission

(c) the creditor has not received the amount due specified in the invoice or the equivalent request for payment, within the contractual or statutory payment period ***as set out in Article 3.***

Amendment

(c) the creditor has not received the amount due specified in the invoice or the equivalent request for payment, within the contractual or statutory payment period.

Or. en

Amendment 237

Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri

Proposal for a regulation

Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. *It shall not be possible for the creditor to waive its right to obtain interest for late payment.* *deleted*

Or. en

Amendment 238

Andreas Schwab, Christian Doleschal, Geoffroy Didier, Barbara Thaler, Marion Walsmann

Proposal for a regulation

Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. *It shall not be possible for the creditor to waive its right to obtain interest for late payment.* *deleted*

Or. en

Justification

No justification on the part of the Commission for interfering in the creditor's private autonomy. This would massively impair the creditors' scope for negotiation and would also have procedural consequences. What happens if a plaintiff does not claim interest in the proceedings? Does the judge then have to award it ex officio? A gross violation of the procedural principle of the application principle, which applies in many member states.

Amendment 239

Virginie Joron, Jean-Lin Lacapelle

Proposal for a regulation

Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. ***It shall not be possible for the creditor to waive its right to obtain interest for late payment.***

deleted

Or. fr

Amendment 240
Antonius Manders

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. It shall not be possible for the creditor to waive its right to obtain interest for late payment.

3. It shall not be possible for the creditor to waive its right to obtain interest for late payment ***in the following cases:***

(a) the public authority is the debtor;

(b) a large undertaking is the debtor;

(c) it is grossly unfair to the creditor.

Or. en

Justification

Flexibility to waive the right to obtain interest for late payment is necessary, but not in cases where there is an imbalance in the bargaining power.

Amendment 241
Svenja Hahn, Nicola Beer, Andreas Glück, Moritz Körner, Jan-Christoph Oetjen, Morten Løkkegaard

Proposal for a regulation
Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. ***It shall not be possible for the creditor to waive its right to obtain interest for late payment.***

3. ***A debtor shall not request the creditor to waive its right to obtain interest for late payment as a precondition for making payments.***

Justification

A waiver of interest or the flat fee compensation is often part of amicable settlements or agreements to regulate outstanding payments with debtors which are in economic difficulties. The prohibition to waive these rights should therefore be targeted to cases where the debtor abuses its power by demanding such a waiver from the creditor, e. g. as a condition for making payments.

Amendment 242**Eugen Jurzyca****Proposal for a regulation****Article 5 – paragraph 3***Text proposed by the Commission*

3. It shall **not** be possible for the creditor to waive its right to obtain interest for late payment.

Amendment

3. It shall be possible for the creditor to waive its right to obtain interest for late payment.

Amendment 243**Maria da Graça Carvalho****Proposal for a regulation****Article 5 – paragraph 6***Text proposed by the Commission*

6. Where the conditions set out in paragraph 2 are satisfied, interest for late payment shall start accruing from the **last one of the** following **events**:

(a) receipt by the debtor of the invoice or an equivalent request for payment;

(b) receipt by the debtor of the goods or services.

Amendment

6. Where the conditions set out in paragraph 2 are satisfied, interest for late payment shall start accruing from the **day** following ***the date or the end of the period for payment fixed in the contract or statutory payment period as set out in Article 3.***

Amendment 244

Claude Gruffat, Malte Gallée

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 5 – paragraph 6 – introductory part

Text proposed by the Commission

6. Where the conditions set out in paragraph 2 are satisfied, interest for late payment shall start accruing **from** the last one of the following events:

Amendment

6. Where the conditions set out in paragraph 2 are satisfied, interest for late payment shall start accruing **30 days after** the last one of the following events:

Or. en

Amendment 245

Antonius Manders

Proposal for a regulation

Article 5 – paragraph 6 – introductory part

Text proposed by the Commission

6. Where the conditions set out in paragraph 2 are **satisfied**, interest for late payment shall start accruing from the last one of the following events:

Amendment

6. Where the conditions set out in paragraph 2 are **met**, interest for late payment shall start accruing from the last one of the following events:

Or. en

Amendment 246

Andreas Schwab, Christian Doleschal, Geoffroy Didier, Barbara Thaler, Marion Walsmann

Proposal for a regulation

Article 5 – paragraph 6 – introductory part

Text proposed by the Commission

6. **Where the conditions set out in**

Amendment

6. **If the requirements of** paragraph 2

paragraph 2 are *satisfied*, interest *for late payment* shall *start accruing from the last one of* the following events:

are *met*, interest *on arrears* shall *commence on the day following* the following events:

Or. en

Amendment 247
Eugen Jurzyca

Proposal for a regulation
Article 5 – paragraph 6 – point a

Text proposed by the Commission

(a) receipt by the debtor of the invoice or an equivalent request for payment;

Amendment

(a) *the number of days agreed as the payment period after the* receipt by the debtor of the invoice or an equivalent request for payment;

Or. en

Amendment 248
Adam Bielan

Proposal for a regulation
Article 5 – paragraph 6 – point a

Text proposed by the Commission

(a) *receipt* by the *debtor of the invoice or an equivalent request for payment*;

Amendment

(a) *the due date of payment agreed upon* by the *parties*;

Or. en

Justification

This amendment aims to rectify the current wording in Article 5(6), which may lead to the unintended consequence of interest being calculated from the date of invoice receipt, rather than from when the payment becomes due as per the agreement between the parties. The intention is to ensure fairness and clarity in the calculation of interest on late payments, aligning the Regulation more closely with the likely intentions of the contracting parties and the typical practices in commercial transactions.

Amendment 249
Eugen Jurzyca

Proposal for a regulation
Article 5 – paragraph 6 – point b

Text proposed by the Commission

(b) receipt by the debtor of the goods or services.

Amendment

(b) ***the number of days agreed as the payment period after the receipt by the debtor of the goods or services.***

Or. en

Amendment 250
Virginie Joron, Jean-Lin Lacapelle

Proposal for a regulation
Article 5 – paragraph 7

Text proposed by the Commission

7. The interest for late payment shall accrue until payment of the amount due.

Amendment

7. The interest for late payment shall accrue until payment of the amount due.
The interest for late payment shall accrue in the event of late payment in business-to-business transactions and in transactions between businesses and public authorities or legal entities governed by public law.

Or. fr

Amendment 251
Adam Bielan

Proposal for a regulation
Article 5 – paragraph 7

Text proposed by the Commission

7. The interest for late payment shall accrue until payment ***of the amount due.***

Amendment

7. The interest for late payment shall accrue until ***receipt of payment by the creditor.***

Or. en

Amendment 252
Maria Grapini

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

(1) The interest for late payment shall be equal to the reference rate plus **8** percentage points.

Amendment

(1) The interest for late payment shall be equal to the reference rate plus **4** percentage points.

Or. ro

Amendment 253
Antonius Manders

Proposal for a regulation
Article 6 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The currency of the Member State in which the creditor is established shall be the currency to calculate the interest for late payment, unless otherwise set out in the contract.

Or. en

Amendment 254
Claude Gruffat, Malte Gallée
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 6 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. In case of transborder operations, the reference rate shall be the rate set by

the national central bank in which the creditor is established.

Or. en

Amendment 255
Antonius Manders

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

Where payment is done on the basis of schedules providing for instalments, and **any of the instalments** is not paid by the agreed date, interest for late payment referred to in Article 5, shall be calculated on the basis of **any** overdue amount. Compensation shall also be paid in accordance with Article 8.

Amendment

Where payment is done on the basis of schedules providing for instalments, and **an instalment** is not paid by the agreed date, interest for late payment referred to in Article 5, shall be calculated on the basis of **the** overdue amount. Compensation shall also be paid in accordance with Article 8.

Or. en

Amendment 256
Stelios Kouloglou

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. Where interest for late payment becomes payable in accordance with Article 5, a flat fee compensation for recovery costs shall be automatically due by the debtor to the creditor and shall amount to a fixed sum of EUR 50, per every single commercial transaction.

Amendment

1. Where interest for late payment becomes payable in accordance with Article 5, a flat fee compensation for recovery costs shall be automatically due by the debtor to the creditor and shall amount to a fixed sum of EUR 50, per every single commercial transaction **of a value between 0 and EUR 1500, EUR 100 per every single commercial transaction of a value between EUR 1501 and EUR 10 000, and EUR 200 per every single commercial transaction above EUR 10**

000.

Or. en

Amendment 257

Maria Grapini

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

(1) Where interest for late payment becomes payable in accordance with Article 5, a flat fee compensation for recovery costs shall be automatically due by the debtor to the creditor and shall amount to a fixed sum of EUR **50**, per every single commercial transaction.

Amendment

(1) Where interest for late payment becomes payable in accordance with Article 5, a flat fee compensation for recovery costs shall be automatically due by the debtor to the creditor and shall amount to a fixed sum of EUR **100**, per every single commercial transaction.

Or. ro

Amendment 258

Adam Bielan

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

1. Where interest for late payment becomes payable in accordance with Article 5, a flat fee compensation for recovery costs shall be automatically due by the debtor to the creditor and shall amount to a fixed sum of EUR 50, per every single commercial **transaction**.

Amendment

1. Where interest for late payment becomes payable in accordance with Article 5, a flat fee compensation for recovery costs shall be automatically due by the debtor to the creditor and shall amount to a fixed sum of EUR 50, per every single commercial **invoice**.

Or. en

Amendment 259

Adam Bielan

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

2. The flat fee compensation referred to in paragraph 1 shall be payable by the debtor to the creditor as a compensation for the creditor's own recovery costs, without the necessity of a reminder.

Amendment

2. The flat fee compensation referred to in paragraph 1 shall be payable by the debtor to the creditor as a compensation for the creditor's own recovery costs, without the necessity of a reminder. ***The flat fee should be increased annually in accordance with the Union inflation rate and the amount shall be communicated pursuant to Article 11.***

Or. en

Amendment 260
Antonius Manders

Proposal for a regulation
Article 8 – paragraph 2

Text proposed by the Commission

2. The flat fee compensation referred to in paragraph 1 shall be payable by the debtor to the creditor as a compensation for the creditor's own recovery costs, ***without the necessity of a reminder.***

Amendment

2. The flat fee compensation referred to in paragraph 1 shall be payable by the debtor to the creditor as a compensation for the creditor's own recovery costs.

Or. en

Justification

Since paragraph 1 refers to "automatically", the addition of "without the necessity of a reminder" causes confusion. Deletion of the text would also mean that it is not necessary to send a reminder, without causing confusion about when or in which cases such a reminder should be sent or not.

Amendment 261
Andreas Schwab, Christian Doleschal, Geoffroy Didier, Barbara Thaler, Marion Walsmann, Maria da Graça Carvalho

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

Amendment

3. *It shall not be possible for the creditor to waive its right to obtain the flat fee compensation laid down in paragraph 1.* **deleted**

Or. en

Justification

No justification on the part of the Commission for interfering in the creditor's private autonomy. This would massively impair the creditors' scope for negotiation and would also have procedural consequences. What happens if a plaintiff does not claim the compensation in the proceedings? Does the judge then have to award it ex officio? That would represent a gross violation of the procedural principle of the application principle, which applies in many Member States.

Amendment 262
Antonius Manders

Proposal for a regulation
Article 8 – paragraph 3

Text proposed by the Commission

Amendment

3. It shall not be possible for the creditor to waive its right to obtain the flat fee compensation laid down in **paragraph 1**.

3. It shall not be possible for the creditor to waive its right to obtain the flat fee compensation laid down in **the following cases:**

- (a) the public authority is the debtor;**
- (b) a large undertaking is the debtor;**
- (c) it is grossly unfair to the creditor.**

Or. en

Justification

Flexibility to waive the right to obtain the flat fee compensation is necessary, but not in cases where there is an imbalance in the bargaining power.

Amendment 263

Svenja Hahn, Nicola Beer, Andreas Glück, Moritz Körner, Jan-Christoph Oetjen,
Morten Løkkegaard

Proposal for a regulation

Article 8 – paragraph 3

Text proposed by the Commission

3. *It* shall not ***be possible for*** the creditor to waive its right to obtain the flat fee compensation laid down in paragraph 1.

Amendment

3. ***A debtor*** shall not ***request*** the creditor to waive its right to obtain the flat fee compensation laid down in paragraph 1 ***as a precondition for making payments.***

Or. en

Justification

A waiver of interest or the flat fee compensation is often part of amicable settlements or agreements to regulate outstanding payments with debtors, which are in economic difficulties. The prohibition to waive these rights should therefore be targeted to cases where the debtor abuses its power by demanding such a waiver from the creditor, e. g. as a condition for making payments.

Amendment 264

Eugen Jurzyca

Proposal for a regulation

Article 9 – title

Text proposed by the Commission

Null ***and void*** contractual terms and practices

Amendment

Null, ***void and grossly unfair*** contractual terms and practices

Or. en

Amendment 265

Tsvetelina Penkova, Maria Grapini, Brando Benifei, René Repasi, Laura Ballarín
Cereza

Proposal for a regulation

Article 9 – paragraph 1 – introductory part

Text proposed by the Commission

1. The following contractual terms and practices shall be null and void:

Amendment

1. The following contractual terms and practices shall be ***prohibited. Any such terms and practices shall be*** null and void:

Or. en

Amendment 266

Carlo Fidanza

Proposal for a regulation

Article 9 – paragraph 1 – introductory part

Text proposed by the Commission

1. The following contractual terms ***and practices*** shall be null and void:

Amendment

1. The following contractual terms shall be null and void:

Or. it

Amendment 267

Brando Benifei

Proposal for a regulation

Article 9 – paragraph 1 – introductory part

Text proposed by the Commission

1. The following contractual terms ***and practices*** shall be null and void:

Amendment

1. The following contractual terms shall be null and void:

Or. it

Amendment 268

Andreas Schwab, Christian Doleschal, Geoffroy Didier, Barbara Thaler, Maria da Graça Carvalho

Proposal for a regulation

Article 9 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. The following contractual terms ***and practices*** shall be null and void:

1. The following contractual terms shall be null and void:

Or. en

Amendment 269

Eugen Jurzyca

Proposal for a regulation

Article 9 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) ***setting the payment period in breach of Article 3;***

deleted

Or. en

Amendment 270

Eugen Jurzyca

Proposal for a regulation

Article 9 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) excluding ***or limiting*** the right of the creditor to obtain interest for late payment ***provided for in Article 5 or the right to obtain compensation for recovery costs provided for in Article 8;***

(b) excluding the right of the creditor to obtain interest for late payment;

Or. en

Amendment 271

Andreas Schwab, Christian Doleschal, Geoffroy Didier, Barbara Thaler, Marion Walsmann, Lara Comi, Maria da Graça Carvalho

Proposal for a regulation

Article 9 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) intentionally delaying or preventing the moment of sending the invoice.

deleted

Or. en

Justification

inserted in para. 2.

**Amendment 272
Antonius Manders**

**Proposal for a regulation
Article 9 – paragraph 1 – point d**

Text proposed by the Commission

Amendment

(d) intentionally delaying or preventing the moment of sending the invoice.

deleted

Or. en

**Amendment 273
Stelios Kouloglou**

**Proposal for a regulation
Article 9 – paragraph 1 – point d**

Text proposed by the Commission

Amendment

(d) intentionally delaying or preventing the moment of sending the invoice.

(d) postponing or preventing the moment of sending the invoice.

Or. en

**Amendment 274
Adam Bielan**

Proposal for a regulation
Article 9 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) prohibiting or limiting the assignment of receivables to a relevant financial institution.

Or. en

Amendment 275

Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri

Proposal for a regulation
Article 9 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) refusing of, opposing or not consent to the assignment of credits to supervised intermediaries.

Or. en

Amendment 276
Antonius Manders

Proposal for a regulation
Article 9 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) excluding or limiting the right of the creditor to assign credit to a third party.

Or. en

Amendment 277
Claude Gruffat, Malte Gallée
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 9 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) using means of payment altering payment terms.

Or. en

Amendment 278
Eugen Jurzyca

Proposal for a regulation
Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The contractual terms and practices setting the grossly unfair payment period shall be considered grossly unfair. In determining whether a contractual term is grossly unfair all circumstances shall be considered, including:

(a) any gross deviation from good commercial practice, contrary to good faith and fair dealing;

(b) the nature of the product or the service; and

(c) whether the debtor has any objective reason to deviate from the statutory rate of interest for late payment, from the payment period as referred to in Article 3 or from the fixed sum as referred to in Article 8(1).

Or. en

Amendment 279
Brando Benifei

Proposal for a regulation
Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Where the clauses referred to in paragraph 1 are in the nature of practices, the conduct in question shall be regarded as unlawful.

Or. it

Amendment 280
Carlo Fidanza

Proposal for a regulation
Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Where the clauses referred to in paragraph 1 are in the nature of practices, the conduct in question shall be regarded as unlawful.

Or. it

Amendment 281
Andreas Schwab, Christian Doleschal, Geoffroy Didier, Barbara Thaler, Marion Walsmann, Lara Comi, Maria da Graça Carvalho

Proposal for a regulation
Article 9 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall ensure that adequate and effective means exist to end **the contractual terms and practices referred to in paragraph 1.**

2. Member States shall ensure that adequate and effective means exist to end contractual practices **like intentionally delaying or preventing the moment of sending the invoice.**

Or. en

Justification

The termination of such contractual clauses is already effected by this Regulation.

Amendment 282

Eugen Jurzyca

Proposal for a regulation

Article 9 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that adequate and effective means exist to end the contractual terms and practices referred to in paragraph 1.

Amendment

2. Member States shall ensure that adequate and effective means exist to ***verify and*** end the contractual terms and practices referred to in paragraph 1 ***and 1a***.

Or. en

Amendment 283

Eugen Jurzyca

Proposal for a regulation

Article 9 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall ensure that, in the interests of creditors and competitors, adequate and effective means exist to prevent the continued use of contractual terms and practices which are grossly unfair.

Or. en

Amendment 284

Eugen Jurzyca

Proposal for a regulation

Article 9 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. The means referred to in paragraph 2 shall include provisions whereby organisations officially recognised as representing undertakings, or organisations with a legitimate interest in representing undertakings may take action according to the applicable national law before the courts or before competent administrative bodies on the grounds that contractual terms or practices are grossly unfair, so that they can apply appropriate and effective means to prevent their continued use.

Or. en

Amendment 285

Eugen Jurzyca

Proposal for a regulation

Article 10

Text proposed by the Commission

Amendment

Article 10

deleted

Retention of title

A creditor shall retain title to goods until they are fully paid for if a retention of title has been expressly agreed between the debtor and the creditor before the delivery of the goods.

Or. en

Amendment 286

Claude Gruffat, Malte Gallée

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 1

Text proposed by the Commission

A creditor shall retain title to **goods** until **they are** fully paid for if a retention of title has been expressly agreed between the debtor and the creditor before the delivery of the goods.

Amendment

A creditor shall retain title to **any good** until **it is** fully paid for if a retention of title has been expressly agreed between the debtor and the creditor before the delivery of the goods.

In case of contracts in which a retention of title has been expressly agreed, such as consignment agreements, the payment period laid down in Article 3 (1) shall start from the date of the receipt of the invoice or an equivalent request for payment by the supplier of goods, provided that the title to such goods has already been transferred to the debtor.

Or. en

Amendment 287

Laura Ballarín Cereza, Tsvetelina Penkova

**Proposal for a regulation
Article 10 – paragraph 1**

Text proposed by the Commission

A **creditor** shall retain title to goods until they are fully paid for if a retention of title has been expressly agreed between the **debtor** and the **creditor** before the delivery of the goods.

Amendment

A **seller** shall retain title to goods until they are fully paid for if a retention of title **such as consignment agreements or deposit of goods** has been expressly agreed between the **buyer** and the **seller** before the delivery of the goods.

Pursuant to Article 1(5), contracts in which a retention of title has been expressly agreed are not subject to the payment terms established under Article 3 of this Regulation.

Or. en

Amendment 288

Claude Gruffat, Malte Gallée

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 11 – title

Text proposed by the Commission

Amendment

Transparency

Transparency *and awareness raising*

Or. en

Amendment 289
Carlo Fidanza

Proposal for a regulation
Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Every year, law enforcement authorities shall publish on their institutional website a list of undertakings against which decisions referred to in Article 14(1)(d) have been taken and which have not been subject to administrative or judicial review by the interested parties or have been backed in reviews of that kind, in accordance with the laws of the Member State. Decisions shall be available free of charge, in compliance with data protection law.

Or. it

Amendment 290
Brando Benifei

Proposal for a regulation
Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Every year, law enforcement authorities shall publish on their institutional website a list of undertakings

against which decisions referred to in Article 14(1)(d) have been taken and which have not been subject to administrative or judicial review by the interested parties or have been backed in reviews of that kind, in accordance with the laws of the Member State. Decisions shall be available free of charge, in compliance with data protection law.

Or. it

Amendment 291
Sandro Gozi

Proposal for a regulation
Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall communicate to the Commission the lists of goods and services subject to the procedure of acceptance or verification set out in Article 3(2).

This information shall be made publicly available via the Single Digital Gateway and the EU Payment Observatory.

Or. en

Amendment 292
Claude Gruffat, Malte Gallée
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall, where appropriate, use professional publications, promotion campaigns or any other functional means to increase

awareness of the remedies for late payment among undertakings.

Or. en

Amendment 293

Eugen Jurzyca

Proposal for a regulation

Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. National enforcement authorities shall publish on their website a list of undertakings against which decisions referred to in Article 14 have been issued.

Or. en

Amendment 294

Brando Benifei

Proposal for a regulation

Article 11 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. By March at the latest, the Commission shall be informed of the lists of undertakings against which decisions referred to in Article 14(1)(d) have been taken and which have not been subject to administrative or judicial review by the interested parties or have been backed in appeals of that kind, in accordance with the rules of the Member State. The Commission shall draw up a single list, which shall be published on a dedicated section of its institutional website and regularly updated. Decisions shall be available free of charge, in compliance with data protection law. The Commission shall ensure that the decisions published are translated into the official languages

of the Union.

Or. it

Amendment 295

Sandro Gozi

Proposal for a regulation

Article 11 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Where applicable, Member States shall communicate to the Commission the sectors, goods and services, subject to derogatory payment period set out in Article 3(1a).

This information shall be made publicly available via the EU Payment Observatory.

Or. en

Amendment 296

Eugen Jurzyca

Proposal for a regulation

Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11a

Transparency obligations

1. Public authorities and large undertakings, as referred to in Article 3(4) of Directive 2013/34/EU shall publish information on their payment practices, including average payment periods for settling invoices and to receive payment for invoices.

2. The report shall include at least:

a. the average payment period for settling invoices and to receive payment for

invoices;

b. the percentage and value of payments settled within 30 days, in 31 to 60 days, and in 61 days or more;

c. the percentage and value of payments made overdue by up to 15 days, in 16 to 30 days, in 31 to 60 days, and in 61 days or more;

d. the percentage and value of payments received within 30 days, in 31 to 60 days, and in 61 days or more;

e. the percentage and value of payments received overdue by up to 5 days, in 6 to 15 days, in 16 to 30 days, in 31 to 60 days, and in 61 days or more.

3. The report shall provide information according to paragraph 2 separately for micro undertakings, small and medium-sized undertakings and large undertakings as referred to Directive 2013/34/EU.

4. The report shall be easily and publicly available on the websites of public authorities and large undertakings.

Or. en

Justification

According to the study for the Commission, the public availability of payment information is expected to discourage late payment by balancing information asymmetry and help businesses choose reliable commercial partners. The mandatory publication of information concerning payment behaviour should also encourage businesses to follow fair practices and perform their monetary obligations on time to avoid damaging their own reputation.
<https://op.europa.eu/en/publication-detail/-/publication/c8b7391b-9b80-11e8-a408-01aa75ed71a1/language-en/format-PDF/source-103408786>

Amendment 297

Adam Bielan

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

1. Creditors shall obtain an enforceable title, including through an expedited procedure and irrespective of the amount of debt, within 90 calendar days of the lodging of the action or application at the court or other competent authority, provided that the debt and the procedure are not disputed.

Amendment

1. Creditors shall obtain an enforceable title, including through an expedited procedure and irrespective of the amount of debt, within 90 calendar days of the lodging of the action or application at the court or other competent authority, provided that the debt and the procedure are not disputed. ***In such cases, each Member State shall provide the right of the creditor to obtain such an enforcement title with a simple written declaration, requiring the debtor to prove that payment has been made. In those Member States that have already implemented an electronic invoicing system, the debtor's acknowledgment of the invoice should be accepted as credible evidence of the credit's existence and the claim. This procedure for recovery should be automatically applicable to interest on late payments and the flat-rate compensation for invoices that have been settled.***

Or. en

Amendment 298

Andreas Schwab, Christian Doleschal, Geoffroy Didier, Barbara Thaler, Marion Walsmann, Lara Comi

**Proposal for a regulation
Article 12 – paragraph 1**

Text proposed by the Commission

1. Creditors shall obtain an enforceable title, including through an expedited procedure and irrespective of the amount of debt, within **90** calendar days of the lodging of the action or application at the court or other competent authority, provided that the debt and the procedure are not disputed.

Amendment

1. Creditors shall obtain an enforceable title, including through an expedited procedure and irrespective of the amount of debt, within **30** calendar days of the lodging of the action or application at the court or other competent authority, provided that the debt and the procedure are not disputed.

Justification

If the claim is uncontested, there is no need for longer periods.

Amendment 299
Antonius Manders

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

1. Creditors shall obtain an enforceable title, including through an expedited procedure and irrespective of the amount of debt, within **90** calendar days of the lodging of the action or application at the court or other competent authority, provided that the debt and the procedure are not disputed.

Amendment

1. Creditors shall obtain an enforceable title, including through an expedited procedure and irrespective of the amount of debt, within **30** calendar days of the lodging of the action or application at the court or other competent authority, provided that the debt and the procedure are not disputed.

Or. en

Amendment 300
Adam Bielan

Proposal for a regulation
Article 12 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Each Member State shall remove any provisions that prevent creditors from receiving adequate judicial protection, including appeals.

Or. en

Amendment 301
Andreas Schwab, Christian Doleschal, Geoffroy Didier, Barbara Thaler, Marion Walsmann, Lara Comi

Proposal for a regulation
Article 12 – paragraph 3

Text proposed by the Commission

3. This Article shall be without prejudice to the provisions of Regulation (EC) 1896/2006.

Amendment

3. This Article shall be without prejudice to the provisions of Regulation (EC) 1896/2006 **and Regulation (EC) No 861/2007.**

Or. en

Justification

In both procedure shorter periods will be introduced by new Article 17a and b.

Amendment 302

Andreas Schwab, Christian Doleschal, Geoffroy Didier, Barbara Thaler, Marion Walsmann, Arba Kokalari, Lara Comi

Proposal for a regulation
Article 13

Text proposed by the Commission

Amendment

Article 13

deleted

Enforcement authorities

- 1. Each Member State shall designate one or more authorities responsible for the enforcement of this Regulation ('enforcement authority').***
- 2. Where appropriate, enforcement authorities shall take measures necessary to ensure that the deadlines for payments are complied with.***
- 3. Enforcement authorities shall cooperate effectively with each other and with the Commission and shall provide each other with mutual assistance in investigations that have a cross-border dimension.***
- 4. Enforcement authorities shall coordinate their activities with other authorities responsible for enforcing***

other Union or national legislation including through exchange of information obligations.

5. Enforcement authorities shall forward the complaints received regarding late payments in the agricultural and food sector to the competent enforcement authorities under Directive (EU) 2019/633.

Or. en

Justification

No need for additional administrative proceedings. Courts are already responsible for this. These would be significant sovereign interventions in legal relationships under private law that are alien to the system and would require special justification, which is not given here. The existing legal protection and enforcement options under private law are considered to be sufficient. Instead, companies must be encouraged to make greater use of these instruments. If they are already unaware of the existing simplified procedures, an additional administrative procedure that cannot even legally establish the existing entitlement to remuneration also brings added value.

Amendment 303

Laurence Sailliet, Geoffroy Didier

Proposal for a regulation

Article 13

Text proposed by the Commission

Amendment

Article 13

deleted

Enforcement authorities

- 1. Each Member State shall designate one or more authorities responsible for the enforcement of this Regulation ('enforcement authority').**
- 2. Where appropriate, enforcement authorities shall take measures necessary to ensure that the deadlines for payments are complied with.**
- 3. Enforcement authorities shall cooperate effectively with each other and with the Commission and shall provide each other with mutual assistance in**

investigations that have a cross-border dimension.

4. Enforcement authorities shall coordinate their activities with other authorities responsible for enforcing other Union or national legislation including through exchange of information obligations.

5. Enforcement authorities shall forward the complaints received regarding late payments in the agricultural and food sector to the competent enforcement authorities under Directive (EU) 2019/633.

Or. en

Amendment 304
Maria Grapini

Proposal for a regulation
Article 13 – title

Text proposed by the Commission

Amendment

Enforcement *authorities*

Enforcement *authority*

Or. ro

Amendment 305
Tsvetelina Penkova, Brando Benifei, René Repasi, Laura Ballarín Cereza

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

Amendment

1. Each Member State shall designate one or more authorities responsible for the enforcement of this Regulation ('enforcement authority').

1. Each Member State shall designate one or more authorities responsible for the enforcement of this Regulation ('enforcement authority'). ***Member States shall provide this authority with appropriate human, technical and financial resources to carry out its tasks***

and enforce its powers efficiently.

Or. en

Amendment 306
Stelios Kouloglou

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

1. Each Member State shall designate one or more authorities responsible for the enforcement of this Regulation ('enforcement authority').

Amendment

1. Each Member State shall designate one or more authorities responsible for the enforcement of this Regulation ('enforcement authority'). ***These authorities shall be sufficiently funded.***

Or. en

Amendment 307
Maria Grapini

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

(1) Each Member State shall designate ***one or more authorities*** responsible for the enforcement of this Regulation ('enforcement authority').

Amendment

(1) Each Member State shall designate ***an authority*** responsible for the enforcement of this Regulation ('enforcement authority') ***within 12 months of the publication of this Regulation.***

Or. ro

Amendment 308
Svenja Hahn, Nicola Beer, Andreas Glück, Moritz Körner, Jan-Christoph Oetjen, Morten Løkkegaard, Catharina Rinzema

Proposal for a regulation
Article 13 – paragraph 1

Text proposed by the Commission

Amendment

1. Each Member State shall ***designate one or more authorities responsible for the enforcement of this Regulation ('enforcement authority')***.

1. Each Member State shall ***ensure adequate and effective*** enforcement of this Regulation.

Or. en

Justification

The Commission proposes to establish in all Member States a completely new enforcement system which would consist of administrative authorities that would, however, perform the task of courts. Such an enforcement system would place a considerable burden on the Member States and would lead to additional bureaucracy for businesses as well. The Commission has not provided any evidence that enforcement of late payment through administrative authorities is more effective (i.e. that it results in payments being made faster) than the traditional enforcement through a court system. Member States should therefore be free to develop an enforcement system that fits best with their needs and legal tradition.

Amendment 309

Svenja Hahn, Nicola Beer, Andreas Glück, Moritz Körner, Jan-Christoph Oetjen, Morten Løkkegaard, Catharina Rinzema

Proposal for a regulation

Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall lay down rules setting out the measures applicable to infringements of this Regulation and shall ensure that they are implemented. The measures provided for shall be effective, proportionate and dissuasive.

Or. en

Amendment 310

Virginie Joron, Jean-Lin Lacapelle

Proposal for a regulation

Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Every Member State shall ensure that each designated national authority has the appropriate human, financial and material resources to effectively perform its duties.

Or. fr

Amendment 311

Maria Grapini

Proposal for a regulation

Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(1a) The enforcement authority must be independent from public authorities involved in any way whatsoever with public procurement procedures.

Or. ro

Amendment 312

Carlo Fidanza

Proposal for a regulation

Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Law enforcement authorities shall be independent from public authorities involved in any way in public procurement processes.

Or. it

Amendment 313

Claude Gruffat, Malte Gallée

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Enforcement authorities shall be independent from public authorities involved in public procurement procedures.

Or. en

Amendment 314
Carlo Fidanza

Proposal for a regulation
Article 13 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Each Member State shall ensure that at national level each designated law enforcement authority is provided with the human, financial and means to carry out its functions efficiently. Those authorities should be as accessible as possible to economic operators, including by means of field offices.

Or. it

Amendment 315
Maria Grapini

Proposal for a regulation
Article 13 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

(1b) Each Member State shall ensure that every enforcement authority appointed at national level is provided with sufficient human, financial and

technical resources to carry out its duties effectively. The enforcement authority shall be as accessible as possible to economic operators.

Or. ro

Amendment 316

Claude Gruffat, Malte Gallée

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 13 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Member States shall notify the Commission, without undue delay, of the enforcement authorities designated under paragraph 1. The Commission can require the Member States to prove the independency of such enforcement authorities.

Or. en

Amendment 317

Svenja Hahn, Nicola Beer, Andreas Glück, Moritz Körner, Jan-Christoph Oetjen, Catharina Rinzema

Proposal for a regulation

Article 13 – paragraph 2

Text proposed by the Commission

Amendment

2. Where appropriate, enforcement authorities shall take measures necessary to ensure that the deadlines for payments are complied with.

deleted

Or. en

Amendment 318
Carlo Fidanza

Proposal for a regulation
Article 13 – paragraph 2

Text proposed by the Commission

2. Where appropriate, enforcement authorities shall take measures necessary to ensure that the deadlines for payments are complied with.

Amendment

2. Where appropriate, enforcement authorities shall take measures necessary to ensure that the deadlines for payments are complied with ***and compliance is bolstered. Possible measures include: a) advertising tools; b) a register of ‘bad’ payers; c) dissemination of information; d) training campaigns; e) ratings and/or indices that make it possible to profile clients in terms of creditworthiness.***

Or. it

Amendment 319
Eugen Jurzyca

Proposal for a regulation
Article 13 – paragraph 2

Text proposed by the Commission

2. Where appropriate, enforcement authorities shall take measures necessary to ensure that the deadlines for payments are complied with.

Amendment

2. Where appropriate, enforcement authorities shall take ***proportionate*** measures necessary to ensure that the deadlines for payments are complied with.

Or. en

Amendment 320
Brando Benifei

Proposal for a regulation
Article 13 – paragraph 2

Text proposed by the Commission

2. Where appropriate, enforcement

Amendment

2. Where appropriate, enforcement

authorities shall take measures necessary to ensure that the deadlines for payments are complied with.

authorities shall take measures necessary to ensure that the deadlines for payments are complied with ***and compliance is bolstered.***

Or. it

Amendment 321
Maria Grapini

Proposal for a regulation
Article 13 – paragraph 2

Text proposed by the Commission

(2) Where appropriate, enforcement ***authorities*** shall take measures necessary to ensure that the deadlines for payments are complied with.

Amendment

(2) Where appropriate, ***the*** enforcement ***authority*** shall take measures necessary to ensure that the deadlines for payments are complied with.

Or. ro

Amendment 322
Antonius Manders

Proposal for a regulation
Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Enforcement authorities shall provide for a free, accessible and time efficient notification procedure as required in Article 3(1a).

Or. en

Justification

In order to facilitate transparency, data collection on late payments, and provide for better enforcement, the enforcement authority should be notified when the payment period is extended. The enforcement authorities should provide for a notification procedure that is free, accessible and time efficient, to avoid unnecessary burden or reporting obligations for undertakings.

Amendment 323

Svenja Hahn, Nicola Beer, Andreas Glück, Moritz Körner, Jan-Christoph Oetjen, Catharina Rinzema

Proposal for a regulation

Article 13 – paragraph 3

Text proposed by the Commission

Amendment

3. Enforcement authorities shall cooperate effectively with each other and with the Commission and shall provide each other with mutual assistance in investigations that have a cross-border dimension.

deleted

Or. en

Amendment 324

Claude Gruffat, Malte Gallée
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 13 – paragraph 3

Text proposed by the Commission

Amendment

3. Enforcement authorities shall cooperate effectively with each other and with the Commission and shall provide each other with mutual assistance in investigations that have a cross-border dimension.

3. Enforcement authorities shall cooperate effectively with each other and with the Commission and shall provide each other with mutual assistance in investigations that have a cross-border dimension. ***The Commission shall supervise the effective cooperation of the enforcement authorities.***

Or. en

Amendment 325

Tsvetelina Penkova, Brando Benifei, René Repasi, Laura Ballarín Cereza

Proposal for a regulation

Article 13 – paragraph 3

Text proposed by the Commission

3. Enforcement authorities shall cooperate effectively with each other and with the Commission and shall provide each other with mutual assistance in investigations that have a cross-border dimension.

Amendment

3. Enforcement authorities shall cooperate effectively with each other and with the Commission and shall provide each other with mutual assistance in investigations that have a cross-border dimension. ***The Commission shall oversee the effective cooperation of the enforcement authorities.***

Or. en

Amendment 326
Maria Grapini

Proposal for a regulation
Article 13 – paragraph 3

Text proposed by the Commission

(3) Enforcement ***authorities*** shall cooperate effectively ***with each other and*** with the Commission and shall provide each other with mutual assistance in investigations that have a cross-border dimension.

Amendment

(3) ***The*** enforcement ***authority*** shall cooperate effectively with the Commission and shall provide each other with mutual assistance in investigations that have a cross-border dimension.

Or. ro

Amendment 327
Sandro Gozi

Proposal for a regulation
Article 13 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Enforcement authorities shall make publicly available aggregated information regarding the number of complaints lodged against undertakings and public authorities due to violation of Article 3 of this Regulation.

Amendment 328

Svenja Hahn, Nicola Beer, Andreas Glück, Moritz Körner, Jan-Christoph Oetjen, Catharina Rinzema

Proposal for a regulation

Article 13 – paragraph 4

Text proposed by the Commission

Amendment

4. Enforcement authorities shall coordinate their activities with other authorities responsible for enforcing other Union or national legislation including through exchange of information obligations.

deleted

Amendment 329

Claude Gruffat, Malte Gallée
on behalf of the Verts/ALE Group

Proposal for a regulation

Article 13 – paragraph 4

Text proposed by the Commission

Amendment

4. Enforcement authorities shall coordinate their activities with other authorities responsible for enforcing other Union or national legislation including through exchange of information obligations.

4. Enforcement authorities shall coordinate their activities with other authorities responsible for enforcing other Union or national legislation including through exchange of information obligations, ***as well as with those authorities responsible for the allocation of public funds in order not to grant such funds to undertakings which are not in conformity with the maximum payment period set out in Article 3.***

Amendment 330
Laura Ballarín Cereza, Tsvetelina Penkova

Proposal for a regulation
Article 13 – paragraph 4

Text proposed by the Commission

4. Enforcement authorities shall coordinate their activities with other authorities responsible for enforcing other Union or national legislation ***including through exchange of information obligations.***

Amendment

4. Enforcement authorities shall coordinate their activities ***including through exchange of information*** with other authorities responsible for enforcing other Union or national legislation ***as well as with those authorities responsible for the allocation of public funds, in order not to grant such funds to undertakings which are not in conformity with the payment terms set out in Article 3.***

Or. en

Amendment 331
Maria Grapini

Proposal for a regulation
Article 13 – paragraph 4

Text proposed by the Commission

(4) ***Enforcement*** authorities shall coordinate their activities with other authorities responsible for enforcing other Union or national legislation including through exchange of information obligations.

Amendment

(4) ***The*** enforcement ***authority*** shall coordinate their activities with other authorities responsible for enforcing other Union or national legislation including through exchange of information obligations.

Or. ro

Amendment 332
Svenja Hahn, Nicola Beer, Andreas Glück, Moritz Körner, Jan-Christoph Oetjen, Catharina Rinzema

Proposal for a regulation
Article 13 – paragraph 5

Text proposed by the Commission

Amendment

5. Enforcement authorities shall forward the complaints received regarding late payments in the agricultural and food sector to the competent enforcement authorities under Directive (EU) 2019/633.

deleted

Or. en

Amendment 333

Maria Grapini

Proposal for a regulation Article 13 – paragraph 5

Text proposed by the Commission

Amendment

(5) Enforcement **authorities** shall forward the complaints received regarding late payments in the agricultural and food sector to the competent enforcement authorities under Directive (EU) 2019/633.

(5) **The** enforcement **authority** shall forward the complaints received regarding late payments in the agricultural and food sector to the competent enforcement authorities under Directive (EU) 2019/633.

Or. ro

Amendment 334

Eugen Jurzyca

Proposal for a regulation Article 13 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. By [OP: please insert the date = 1 year after the entry into force of this Regulation] and every 3 years thereafter, the Commission shall make publicly available the information regarding enforcement authorities in Member States, the number of complaints and investigations, measures taken according to paragraph 2 of this Article and

identification of best practices.

Or. en

Amendment 335

Claude Gruffat, Malte Gallée

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 13 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Every 2 years, Member States shall submit a report to the Commission specifying the actions carried out in relation to Article 14 (1) and the details of the penalties applied as set out in Article 14 (2). The Commission shall send the report to the EU Payment Observatory and to the EU SME Envoy.

Or. en

Amendment 336

Antonius Manders

Proposal for a regulation

Article 13 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. This Article shall be without prejudice to the provisions of Regulation (EC) 805/2004, (EC) 1896/2006, (EC) 861/2007 and (EU) 1215/2012.

Member States shall ensure that the total cost of judicial claims related to late payment is in proportion to the claims and reasonable.

Or. en

Justification

The mentioned Regulations facilitate judicial claims related to late payment in order to discourage late payment in commercial transactions. The enforcement authority and its powers should not replace the effective facilitation of judicial claims, but should instead focus on the general enforcement of this Regulation, provide assistance and investigate complaints and notifications.

Amendment 337

Pablo Arias Echeverría

Proposal for a regulation

Article 13 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Enforcement authorities shall forward to the Commission every six months a report specifying the number of penalties applied under Article 14(2).

Or. es

Justification

It is crucial to strengthen the penalty procedures, in particular to address non-compliance with payment deadlines. The application of penalties acts as a crucial deterrent, discouraging practices that compromise the integrity of contractual agreements, notably as regards payment periods.

Amendment 338

Svenja Hahn, Nicola Beer, Andreas Glück, Moritz Körner, Jan-Christoph Oetjen, Catharina Rinzema

Proposal for a regulation

Article 14

Text proposed by the Commission

Amendment

Article 14

deleted

Powers of enforcement authorities

1. Enforcement authorities shall have the necessary resources and expertise to perform their duties, and shall

have the following powers:

- (a) the power to initiate and conduct investigations on their own initiative or based on a complaint;*
- (b) the power to require creditors and debtors to provide all necessary information to conduct investigations related to late payments in commercial transactions;*
- (c) the power to carry out unannounced on-site inspections within the framework of their investigations;*
- (d) the power to take decisions finding an infringement of this Regulation and requiring the debtor to pay interest for late payment as provided for in Article 5 or requiring the debtor to compensate the creditor as provided for in Article 8;*
- (e) the power to impose, or initiate proceedings for the imposition of fines and other penalties and interim measures on the subjects responsible for the infringement;*
- (f) the power to require the debtor to bring the infringement to an end;*
- (g) the power to publish its decisions referred to in paragraphs (d), (e) and (f).*

2. Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.

3. Member States shall, [by .../without delay], notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.

Or. en

Proposal for a regulation
Article 14

Text proposed by the Commission

Amendment

Article 14

deleted

Powers of enforcement authorities

1. Enforcement authorities shall have the necessary resources and expertise to perform their duties, and shall have the following powers:

(a) the power to initiate and conduct investigations on their own initiative or based on a complaint;

(b) the power to require creditors and debtors to provide all necessary information to conduct investigations related to late payments in commercial transactions;

(c) the power to carry out unannounced on-site inspections within the framework of their investigations;

(d) the power to take decisions finding an infringement of this Regulation and requiring the debtor to pay interest for late payment as provided for in Article 5 or requiring the debtor to compensate the creditor as provided for in Article 8;

(e) the power to impose, or initiate proceedings for the imposition of fines and other penalties and interim measures on the subjects responsible for the infringement;

(f) the power to require the debtor to bring the infringement to an end;

(g) the power to publish its decisions referred to in paragraphs (d), (e) and (f).

2. Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that

they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.

3. Member States shall, [by .../without delay], notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.

Or. en

Amendment 340

Andreas Schwab, Christian Doleschal, Geoffroy Didier, Barbara Thaler, Marion Walsmann, Arba Kokalari, Lara Comi

Proposal for a regulation

Article 14

Text proposed by the Commission

Amendment

Article 14

deleted

Powers of enforcement authorities

1. Enforcement authorities shall have the necessary resources and expertise to perform their duties, and shall have the following powers:

(a) the power to initiate and conduct investigations on their own initiative or based on a complaint;

(b) the power to require creditors and debtors to provide all necessary information to conduct investigations related to late payments in commercial transactions;

(c) the power to carry out unannounced on-site inspections within the framework of their investigations;

(d) the power to take decisions finding an infringement of this Regulation and requiring the debtor to pay interest for late payment as provided for in Article 5 or requiring the debtor to compensate the creditor as provided for in Article 8;

(e) the power to impose, or initiate proceedings for the imposition of fines and other penalties and interim measures on the subjects responsible for the infringement;

(f) the power to require the debtor to bring the infringement to an end;

(g) the power to publish its decisions referred to in paragraphs (d), (e) and (f).

2. *Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.*

3. *Member States shall, [by .../without delay], notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.*

Or. en

Amendment 341
Maria Grapini

Proposal for a regulation
Article 14 – title

Text proposed by the Commission

Amendment

Powers of enforcement *authorities*

Powers of *the* enforcement *authority*

Or. ro

Amendment 342
Claude Gruffat, Malte Gallée
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 14 – paragraph 1 – introductory part

Text proposed by the Commission

1. Enforcement authorities shall have the necessary resources and expertise to perform their duties, and shall have the following powers:

Amendment

1. Enforcement authorities shall have the necessary **human, financial and technical** resources and expertise to perform their duties **in an effective manner**, and shall have the following powers:

Or. en

Amendment 343

Maria Grapini

Proposal for a regulation

Article 14 – paragraph 1 – introductory part

Text proposed by the Commission

(1) Enforcement **authorities** shall have the necessary resources and expertise to perform their duties, and shall have the following powers:

Amendment

(1) **The** enforcement **authority** shall have the necessary resources and expertise to perform their duties, and shall have the following powers:

Or. ro

Amendment 344

Eugen Jurzyca

Proposal for a regulation

Article 14 – paragraph 1 – introductory part

Text proposed by the Commission

1. Enforcement authorities shall have the necessary resources and expertise to perform their duties, and **shall** have the following powers:

Amendment

1. Enforcement authorities shall have the necessary resources and expertise to perform their duties, and **may** have the following powers:

Or. en

Amendment 345
Antonius Manders

Proposal for a regulation
Article 14 – paragraph 1 – point a

Text proposed by the Commission

(a) the power to initiate and conduct investigations on their own initiative **or** based on a complaint;

Amendment

(a) the power to initiate and conduct investigations on their own initiative, based on a complaint, **or based on a notification as required in Article 3(1a);**

Or. en

Amendment 346
Carlo Fidanza

Proposal for a regulation
Article 14 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) without prejudice to Article 15(3), the power to invite the debtor and the creditor to appear at the premises of the enforcement authority for a conciliation attempt, without prejudice to the use of the mechanisms referred to in Article 16;

Or. it

Amendment 347
Brando Benifei

Proposal for a regulation
Article 14 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) without prejudice to Article 15(3), the power to invite the debtor and the creditor to appear at the premises of the enforcement authority for a conciliation attempt, without prejudice to the use of

the mechanisms referred to in Article 16;

Or. it

Amendment 348

Carlo Fidanza

Proposal for a regulation

Article 14 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) the power to notify the competent authorities referred to in Directive 2013/34/EU of any irregularities in the context of the reporting requirements referred to in Article 29b of that Directive.

Or. it

Amendment 349

Brando Benifei

Proposal for a regulation

Article 14 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) the power to notify the competent authorities referred to in Directive 2013/34/EU of any irregularities in the context of the reporting requirements referred to in Article 29b of that Directive.

Or. it

Amendment 350

Stelios Kouloglou

Proposal for a regulation

Article 14 – paragraph 1 – point d

Text proposed by the Commission

(d) the power to take decisions finding an infringement of this Regulation and requiring the debtor to pay interest for late payment as provided for in Article 5 or requiring the debtor to compensate the creditor as provided for in Article 8;

Amendment

(d) the power to take decisions finding an infringement of this Regulation and requiring the debtor to pay interest for late payment as provided for in Article 5 or requiring the debtor to compensate the creditor as provided for in Article 8 ***or both;***

Or. en

Amendment 351

Brando Benifei

Proposal for a regulation

Article 14 – paragraph 2

Text proposed by the Commission

2. Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.

Amendment

2. Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. ***Member States shall ensure that a significant share of the amounts collected by law enforcement authorities as penalties are allocated to the financing of the measures referred to in Article 17 of this Regulation.***

Or. it

Amendment 352

Claude Gruffat, Malte Gallée

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 14 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall ensure that an adequate portion of the penalties collected by the enforcement authorities contributes to the financing of the measures referred to in Article 17 of this Regulation.

Or. en

Amendment 353
Antonius Manders

Proposal for a regulation
Article 14 – paragraph 3

Text proposed by the Commission

3. Member States shall, **/by** .../without delay/, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.

Amendment

3. Member States shall, without delay, notify the Commission of those rules and of those measures and shall notify it, without delay, of any subsequent amendment affecting them.

Or. en

Amendment 354
Claude Gruffat, Malte Gallée
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 14 a (new)

Text proposed by the Commission

Amendment

Article 14a

Reporting obligations

1. Public authorities and undertakings that do not fall under the definition of micro, small and medium-sized enterprises as defined in Recommendation 2003/361/EC shall

report on a yearly basis on their payment practices. Member States shall transmit their data to the EU Payment Observatory.

2. Reporting obligation referred to in paragraph 1 shall contain, at least:

(a) the amount, in EUR, of invoices paid;

(b) the amount, in EUR, of invoices received;

(c) the average time to pay an invoice.

3. The report referred to paragraph 1 shall be submitted by the undertakings referred to in paragraph 1 to the enforcement authorities referred to in Article 13 and be accessible to the public.

Or. en

Amendment 355
Stelios Kouloglou

Proposal for a regulation
Article 14 a (new)

Text proposed by the Commission

Amendment

Article 14a

Reporting obligations

1. Public authorities and large undertakings, as referred to in Article 3(4) of Directive 2013/34/EU, shall report on a yearly basis on their payment practices.

2. Reporting obligation referred to in paragraph 1 shall contain:

(a) the amount of invoices paid:

- 1 to 30 days after the deadline referred to in Article 3(1) of this Regulation;

- 31 to 60 days after the deadline referred to in Article 3(1) of this Regulation;

- 61 to 90 days after the deadline referred to in Article 3(1) of this Regulation;

- more than 90 days after the deadline referred to in Article 3(1) of this Regulation.

Or. en

Amendment 356

Svenja Hahn, Nicola Beer, Andreas Glück, Moritz Körner, Jan-Christoph Oetjen

**Proposal for a regulation
Article 15**

Text proposed by the Commission

Amendment

Article 15

deleted

Complaints and confidentiality

1. Creditors may address complaints either to the enforcement authority of the Member State in which they are established or to the enforcement authority of the Member States in which the debtor is established. The enforcement authority to which the complaint is addressed shall be competent to enforce this Regulation.

2. Organisations officially recognised as representing creditors or organisations with a legitimate interest in representing undertakings shall have the right to submit a complaint to the enforcement authorities referred to in Article 13 at the request of one or more of their members or, where appropriate, at the request of one or more members of their member organisations, where those members consider that they have been affected by an infringement of this Regulation.

3. Where the complainant so requests, the enforcement authority shall take the necessary measures for the appropriate protection of the identity of the complainant. The complainant shall identify any information for which it requests confidentiality.

4. *The enforcement authority that receives the complaint shall inform the complainant within a reasonable period of time after the receipt of the complaint of how it intends to follow up on the complaint.*

5. *Where an enforcement authority considers that there are insufficient grounds for acting on a complaint, it shall inform the complainant of the reasons of its decision within a reasonable period of time after the receipt of the complaint.*

6. *Where an enforcement authority considers that there are sufficient grounds for acting on a complaint, it shall initiate, conduct and conclude an investigation of the complaint within a reasonable period of time.*

7. *Where an enforcement authority finds that a debtor has infringed this Regulation, it shall require the debtor to bring the illegal practice to an end.*

Or. en

Amendment 357
Laurence Sailliet, Geoffroy Didier

Proposal for a regulation
Article 15

Text proposed by the Commission

Amendment

Article 15

deleted

Complaints and confidentiality

1. *Creditors may address complaints either to the enforcement authority of the Member State in which they are established or to the enforcement authority of the Member States in which the debtor is established. The enforcement authority to which the complaint is addressed shall be competent to enforce this Regulation.*

2. Organisations officially recognised as representing creditors or organisations with a legitimate interest in representing undertakings shall have the right to submit a complaint to the enforcement authorities referred to in Article 13 at the request of one or more of their members or, where appropriate, at the request of one or more members of their member organisations, where those members consider that they have been affected by an infringement of this Regulation.

3. Where the complainant so requests, the enforcement authority shall take the necessary measures for the appropriate protection of the identity of the complainant. The complainant shall identify any information for which it requests confidentiality.

4. The enforcement authority that receives the complaint shall inform the complainant within a reasonable period of time after the receipt of the complaint of how it intends to follow up on the complaint.

5. Where an enforcement authority considers that there are insufficient grounds for acting on a complaint, it shall inform the complainant of the reasons of its decision within a reasonable period of time after the receipt of the complaint.

6. Where an enforcement authority considers that there are sufficient grounds for acting on a complaint, it shall initiate, conduct and conclude an investigation of the complaint within a reasonable period of time.

7. Where an enforcement authority finds that a debtor has infringed this Regulation, it shall require the debtor to bring the illegal practice to an end.

Or. en

Amendment 358

Andreas Schwab, Christian Doleschal, Geoffroy Didier, Barbara Thaler, Marion Walsmann, Arba Kokalari, Lara Comi

Proposal for a regulation

Article 15

Text proposed by the Commission

Amendment

Article 15

deleted

Complaints and confidentiality

1. Creditors may address complaints either to the enforcement authority of the Member State in which they are established or to the enforcement authority of the Member States in which the debtor is established. The enforcement authority to which the complaint is addressed shall be competent to enforce this Regulation.

2. Organisations officially recognised as representing creditors or organisations with a legitimate interest in representing undertakings shall have the right to submit a complaint to the enforcement authorities referred to in Article 13 at the request of one or more of their members or, where appropriate, at the request of one or more members of their member organisations, where those members consider that they have been affected by an infringement of this Regulation.

3. Where the complainant so requests, the enforcement authority shall take the necessary measures for the appropriate protection of the identity of the complainant. The complainant shall identify any information for which it requests confidentiality.

4. The enforcement authority that receives the complaint shall inform the complainant within a reasonable period of time after the receipt of the complaint of how it intends to follow up on the complaint.

5. Where an enforcement authority

considers that there are insufficient grounds for acting on a complaint, it shall inform the complainant of the reasons of its decision within a reasonable period of time after the receipt of the complaint.

6. *Where an enforcement authority considers that there are sufficient grounds for acting on a complaint, it shall initiate, conduct and conclude an investigation of the complaint within a reasonable period of time.*

7. *Where an enforcement authority finds that a debtor has infringed this Regulation, it shall require the debtor to bring the illegal practice to an end.*

Or. en

Amendment 359

Tsvetelina Penkova, Maria Grapini, Brando Benifei, René Repasi, Laura Ballarín Cereza

Proposal for a regulation Article 15 – paragraph 1

Text proposed by the Commission

1. Creditors may address complaints either to the enforcement authority of the Member State in which they are established or to the enforcement authority of the Member States in which the debtor is established. The enforcement authority to which the complaint is addressed shall be competent to enforce this Regulation.

Amendment

1. Creditors may address complaints either to the enforcement authority of the Member State in which they are established or to the enforcement authority of the Member States in which the debtor is established. The enforcement authority to which the complaint is addressed shall be competent to enforce this Regulation. *The enforcement authority shall notify the creditor filing a complaint within 60 calendar days how it intends to follow up on the complaint.*

Or. en

Amendment 360

Claude Gruffat, Malte Gallée

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. By ... [OP: 12 months after the entry into force of this Regulation], the Commission shall provide Member States with templates allowing undertakings to submit complaints. Member States shall make such templates available to the organisations representing undertakings and to the enforcement authorities, which shall ensure that the templates are easily accessible to undertakings, in particular to micro-undertakings and SMEs.

Or. en

Amendment 361
Maria Grapini

Proposal for a regulation
Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(1a) Within 12 months of the publication of this Regulation, the Commission shall provide Member States and the enforcement authority with the specific data templates needed for the submission of such complaints.

Or. ro

Amendment 362
Antonius Manders

Proposal for a regulation
Article 15 – paragraph 3

Text proposed by the Commission

Amendment

3. ***Where the complainant so requests***, the enforcement authority shall take the necessary measures for the appropriate protection of the identity of the complainant. ***The complainant shall identify any information for which it requests confidentiality.***

3. The enforcement authority shall take the necessary measures for the appropriate protection of the identity of the complainant.

Or. en

Justification

More protection for the complainant is necessary, especially since SMEs are heavily affected by negative consequences of late payments, but are also dependent on good business relationships.

Amendment 363

Eugen Jurzyca

Proposal for a regulation

Article 15 – paragraph 3

Text proposed by the Commission

Amendment

3. Where the complainant so requests, the enforcement authority shall take the necessary measures for the appropriate protection of the identity of the complainant. The complainant shall identify any information for which it requests confidentiality.

3. Where the complainant so requests, the enforcement authority shall take the necessary measures for the appropriate protection of the identity of the complainant. The complainant shall identify any information for which it requests confidentiality. ***Complainants may submit a complaint to the enforcement authorities anonymously.***

Or. en

Amendment 364

Tsvetelina Penkova, Maria Grapini, Brando Benifei, René Repasi, Laura Ballarín Cereza

Proposal for a regulation

Article 15 – paragraph 3

Text proposed by the Commission

3. ***Where the complainant so requests***, the enforcement authority shall take the necessary measures for the appropriate protection of the identity of the complainant. The complainant shall identify any information for which it requests confidentiality.

Amendment

3. The enforcement authority shall take the necessary measures for the appropriate protection of the identity of the complainant. The complainant shall identify any information for which it requests confidentiality.

Or. en

Amendment 365
Antonius Manders

Proposal for a regulation
Article 15 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. *The enforcement authority shall provide the option to the complainant to address complaints anonymously.*

Or. en

Amendment 366
Maria Grapini

Proposal for a regulation
Article 15 – paragraph 4

Text proposed by the Commission

Amendment

(4) The enforcement authority that receives the complaint shall inform the complainant within a ***reasonable period*** of time after the receipt of the complaint of how it intends to follow up on the complaint.

(4) The enforcement authority that receives the complaint shall inform the complainant within a ***maximum of 10 days***’ time after the receipt of the complaint of how it intends to follow up on the complaint.

Or. ro

Amendment 367
Antonius Manders

Proposal for a regulation
Article 15 – paragraph 4

Text proposed by the Commission

4. The enforcement authority that receives the complaint shall inform the complainant within ***a reasonable period of time*** after the receipt of the complaint of how it intends to follow up on the complaint.

Amendment

4. The enforcement authority that receives the complaint shall inform the complainant within ***30 days*** after the receipt of the complaint of how it intends to follow up on the complaint.

Or. en

Amendment 368
Maria Grapini

Proposal for a regulation
Article 15 – paragraph 5

Text proposed by the Commission

(5) Where an enforcement authority considers that there are insufficient grounds for acting on a complaint, it shall inform the complainant of the reasons of its decision within a ***reasonable period*** of time after the receipt of the complaint.

Amendment

(5) Where an enforcement authority considers that there are insufficient grounds for acting on a complaint, it shall inform the complainant of the reasons of its decision within a ***maximum of 10 days***’ time after the receipt of the complaint.

Or. ro

Amendment 369
Antonius Manders

Proposal for a regulation
Article 15 – paragraph 5

Text proposed by the Commission

5. Where an enforcement authority considers that there are insufficient grounds for acting on a complaint, it shall

Amendment

5. Where an enforcement authority considers that there are insufficient grounds for acting on a complaint, it shall

inform the complainant of the reasons of its decision within *a reasonable period of time* after the receipt of the complaint.

inform the complainant of the reasons of its decision within **90 days** after the receipt of the complaint.

Or. en

Amendment 370
Maria Grapini

Proposal for a regulation
Article 15 – paragraph 6

Text proposed by the Commission

(6) Where an enforcement authority considers that there are sufficient grounds for acting on a complaint, it shall initiate, conduct and conclude an investigation of the complaint within a *reasonable period* of time.

Amendment

(6) Where an enforcement authority considers that there are sufficient grounds for acting on a complaint, it shall initiate, conduct and conclude an investigation of the complaint within a **maximum** of **30 days**’ time.

Or. ro

Amendment 371
Antonius Manders

Proposal for a regulation
Article 15 – paragraph 6

Text proposed by the Commission

6. Where an enforcement authority considers that there are sufficient grounds for acting on a complaint, it shall initiate, conduct and conclude an investigation of the complaint within *a reasonable period of time*.

Amendment

6. Where an enforcement authority considers that there are sufficient grounds for acting on a complaint, it shall initiate, conduct and conclude an investigation of the complaint within **90 days**.

Or. en

Amendment 372
Tsvetelina Penkova, Maria Grapini, Brando Benifei, René Repasi, Laura Ballarín Cereza

Proposal for a regulation
Article 15 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. European Commission shall design, through an implementing act, a standard complaint form available in all EU languages that shall be available on the website or otherwise provided by the enforcement authority in every Member State.

Or. en

Justification

Companies that want to file a complaint to the enforcement authority of another Member State may struggle to deal with the authorities of another country in a different language. Having a standard EU form for complaints, with standard questions and options, will facilitate the filing of a complaint in another country.

Amendment 373
Antonius Manders

Proposal for a regulation
Article 15 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. The Commission shall make available a standard EU complaint form, which the enforcement authority of the Member State shall provide to the complainant.

Or. en

Justification

To align the complaint forms in the Union and avoid fragmentation.

Amendment 374
Adam Bielan

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

1. Without prejudice to the right of creditors to submit complaints under Article 15, and to the obligations and powers of enforcement authorities laid down in Articles 13, 14, and 15, Member States shall promote the voluntary use of effective and independent alternative dispute resolution mechanisms for the settlement of disputes between debtors and creditors.

Amendment

1. Without prejudice to the right of creditors to submit complaints under Article 15, and to the obligations and powers of enforcement authorities laid down in Articles 13, 14, and 15, Member States shall promote the voluntary use of effective and independent alternative dispute resolution mechanisms for the settlement of disputes between debtors and creditors.

Notwithstanding the provisions of Articles 5(3), 8(3), and 9(1) point (b) of this Regulation, parties, including public entities, may engage in negotiations to reach an amicable settlement regarding disputed debts. Such settlements may involve the adjustment of interest and compensation claims, provided they are in compliance with the principles of fairness and do not unduly disadvantage the creditor.

Or. en

Justification

This amendment aims to ensure that the Regulation does not inadvertently restrict the flexibility of parties, particularly public entities, to resolve disputes amicably. It acknowledges the importance of settlements as a tool for dispute resolution, especially in complex transactions involving public entities.

Amendment 375
Lara Comi, Salvatore De Meo

Proposal for a regulation
Article 16 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission and the Member States shall consider mandatory forms of

adequate compensation, such as offsetting, and other supporting measures, such as, for example, guarantee funds for SMEs and factoring for companies owed money by a public authority, so that they are not forced to go bankrupt because of it.

Member States shall put in place faster and more efficient procedures for the refund of VAT and the recovery of amounts due, especially for SMEs.

Or. en

Amendment 376
Lara Comi, Salvatore De Meo

Proposal for a regulation
Article 16 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In the case of late payment by public authorities, the central government may issue a warning to a local authority if the latter has not paid its suppliers on time and, should late payment persist, may pay the suppliers directly for the goods or services provided, suspending payment allocations to the non-compliant local authority's budget. Such a system, combining reliable monitoring of the public bodies' payment performances with an effective escalation plan, widely communicated when activated, seems to have produced results which deserve further analysis and shall be passed on to Member States as an example of good practice.

Or. en

Amendment 377
Pablo Arias Echeverría

Proposal for a regulation
Article 16 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States may designate their respective chambers of commerce and industry as bodies responsible for alternative dispute resolution.

Or. es

Justification

It is essential to provide alternatives to referring conflicts to the courts in order to avoid, among other things, costly legal proceedings, especially for small and medium-sized enterprises (SMEs).

Amendment 378

Andreas Schwab, Christian Doleschal, Geoffroy Didier, Barbara Thaler, Marion Walsmann

Proposal for a regulation
Article 17 – paragraph 1

Text proposed by the Commission

Amendment

1. ***To the extent possible***, Member States shall use digital tools ***for*** effective enforcement of this Regulation.

1. Member States shall use digital tools ***as soon as possible for the*** effective enforcement of this Regulation ***and of Regulations (EC) No 805/2004, (EC) No 1896/2006, (EC) No 861/2007 and (EU) No 1215/2012. It shall be possible to submit all forms digitally by 2027. Applicants shall be informed of their entitlement to interest on arrears in accordance with Article 5 and compensation for debt collection costs in accordance with Article 8 by means of a separate, clearly recognizable notice as part of the electronic application. In this context, separate reference shall be made to Article 8 (4) and (5).***

Or. en

Amendment 379
Eugen Jurzyca

Proposal for a regulation
Article 17 – paragraph 1

Text proposed by the Commission

1. To the extent *possible*, Member States shall use digital tools for effective enforcement of this Regulation.

Amendment

1. To the extent *it brings added value*, Member States shall use digital tools for effective enforcement of this Regulation.

Or. en

Amendment 380
Antonius Manders

Proposal for a regulation
Article 17 – paragraph 1

Text proposed by the Commission

1. *To the extent possible*, Member States shall use digital tools for effective enforcement of this Regulation.

Amendment

1. Member States shall use digital tools for effective enforcement of this Regulation.

Or. en

Amendment 381
Laurence Salliet, Geoffroy Didier

Proposal for a regulation
Article 17 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that credit management tools and financial literacy trainings are available and accessible to small and medium sized enterprises, including on the use of digital tools for timely payments.

Amendment

2. Member States shall ensure that credit management tools, *including factoring and similar financing services*, and financial literacy trainings are available and accessible to small and medium sized enterprises, including on the use of digital tools for timely payments.

Amendment 382

Claude Gruffat, Malte Gallée

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 17 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that credit management tools **and** financial literacy trainings are available and accessible to small and medium sized enterprises, including on the use of digital tools for timely payments.

Amendment

2. Member States shall ensure that credit management tools, financial literacy trainings **and any other initiatives that tackle late payment** are available and accessible to small and medium sized enterprises, including on the use of digital tools for timely payments.

Or. en

Amendment 383

Antonius Manders

Proposal for a regulation

Article 17 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that credit management tools and financial literacy trainings are available and accessible to small and medium sized enterprises, including on the use of digital tools for timely payments.

Amendment

2. Member States shall ensure that credit management tools, **including financing services**, and financial literacy trainings are available and accessible to small and medium sized enterprises, including on the use of digital tools for timely payments.

Or. en

Amendment 384

Eugen Jurzyca

Proposal for a regulation
Article 17 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that credit management tools and financial literacy trainings are available and accessible to small and medium sized enterprises, including on the use of digital tools for timely payments.

Amendment

2. Member States shall ensure that credit **management tools, invoice** management tools and financial literacy trainings are available and accessible to small and medium sized enterprises, including on the use of digital tools for timely payments.

Or. en

Justification

According to the study for the Commission, invoice management measures can reduce the impact of late payment by improving cash flow and reducing liquidity issues – one of the main causes but also main consequences of late payment. These initiatives can reduce the administrative burden of late payment, since in the case of payment delays, over 80% companies send reminders, and administrative costs are the main impact experienced. Invoice management measures can reduce these administrative inefficiencies and lead to faster settlement of invoices, thus improving cash flow. <https://data.europa.eu/doi/10.2873/500086>

Amendment 385

Tsvetelina Penkova, Maria Grapini, Brando Benifei, René Repasi, Laura Ballarín Cereza

Proposal for a regulation
Article 17 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that credit management tools and financial literacy trainings are available and accessible to small and medium sized enterprises, including on the use of digital tools for timely payments.

Amendment

2. Member States shall ensure that credit management tools, **including factoring** and financial literacy trainings are available and accessible to small and medium sized enterprises, including on the use of digital tools for timely payments.

Or. en

Amendment 386
Adam Bielan

Proposal for a regulation
Article 17 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall provide guidelines on the implementation of the requirements set out in Article 17, including potential funding and support mechanisms to assist Member States, especially those with lower levels of digitalisation.

Or. en

Justification

The intention of this amendment is to ensure that the obligations under Article 17 are feasible and do not impose undue financial burden on Member States, while also promoting uniformity in the application of digital tools across the EU for the effective enforcement of the Regulation.

Amendment 387
Andreas Schwab, Christian Doleschal, Geoffroy Didier, Barbara Thaler

Proposal for a regulation
Article 17 a (new)

Text proposed by the Commission

Amendment

Article 17a

**Amendments to Regulation (EC) No
1896/2006**

**Regulation (EC) No 1896/2006 is
amended as follows:**

(1) Article 7 is amended as follows:

**(a) paragraph 5 is replaced by the
following:**

**"The application shall be submitted
electronically."**

**(b) paragraph 6 is replaced by the
following:**

"The application shall be signed

electronically in accordance with Article [2(2)] of Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market . This signature shall be recognized in the Member State of origin without any further conditions being imposed. Member States shall introduce alternative electronic communication systems that allow secure identification of users. In this case, an electronic signature shall not be required."

*(2) Article 12(1) is amended as follows:
"If the conditions set out in Article 8 are fulfilled, the court shall issue a European order for payment using form E as set out in Annex V within 14 days of the lodging of an application. In calculating the 14-day period, the time taken by the claimant to complete, correct or amend the application shall not be taken into account."*

*(3) Article 16(2) is amended as follows:
"The statement of opposition shall be sent to the defendant within 14 days from the date of service of the order for payment."*

Or. en

Amendment 388

Tsvetelina Penkova, Maria Grapini, Brando Benifei, René Repasi, Laura Ballarín Cereza

**Proposal for a regulation
Article 17 a (new)**

Text proposed by the Commission

Amendment

Article 17a

European Observatory of late payment

1. The Commission shall set up an Observatory of Late Payment (The Observatory) by ... [OP: date of

application of this Regulation].

2. The Observatory shall monitor payment as well as late payment practices within the Union in order to collect and share expertise, best practices and identify potential harmful practices with a view to provide the Commission with advice and expertise on the evolution of payment and late payment practices.

3. The Observatory shall be able to issue opinions or written contributions related to the implementation of this Regulation.

4. The Observatory shall be chaired by the Commission and shall be composed of representatives of relevant experts and stakeholders. The composition of the board shall ensure a balanced representation of all interested stakeholders.

Or. en

Amendment 389

Andreas Schwab, Christian Doleschal, Geoffroy Didier, Barbara Thaler

Proposal for a regulation

Article 17 b (new)

Text proposed by the Commission

Amendment

Article 17b

**Amendments to Regulation (EC) No
861/2007**

**Regulation (EC) No 861/2007 is amended
as follows:**

(1) Article 7 is amended as follows:

**(a) paragraph 1 is replaced by the
following:**

**"Within 14 days of receiving the
defendant's or claimant's replies within
the time limit laid down in Article 5(3) or
(6), the court shall give judgment or
proceed as follows:**

(a) invite the parties to provide further information relating to the claim within a specified period, which shall not exceed 14 days;

(b) take evidence in accordance with Article 9;

c) summon the parties to an oral hearing, which shall take place within 14 days of the summons."

(b) paragraph 2 shall be replaced by the following:

"Member States shall introduce alternative electronic communication systems that allow secure identification of users. In this case, an electronic signature shall not be required."

2. The following paragraph 5 shall be added to Article 13:

"5. The documents referred to in Article 5(2) and (6) and judgments given in accordance with Article 7 shall be served by electronic means from 1 January 2027. Service shall be evidenced by an acknowledgement of receipt stating the date of receipt. All correspondence other than that referred to in paragraph 1 between the court and the parties or other persons involved in the proceedings shall be transmitted by electronic means with acknowledgement of receipt. Member States shall provide the technical means necessary for this by 1 January 2027."

3. Article 18(2) is amended as follows;

"The time limit for requesting a review of the judgment shall be 14 days. It shall commence on the day on which the defendant actually became aware of the content of the judgment and was in a position to act accordingly, but no later than the day of the first enforcement measure that resulted in the defendant's assets being wholly or partially withdrawn from his disposal. An extension of this period is excluded."

Amendment 390
Antonius Manders

Proposal for a regulation
Article 18 – title

Text proposed by the Commission

Report

Amendment

Report *and evaluation*

Amendment 391
Claude Gruffat, Malte Gallée
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission

By [OP: please insert the date = **4years** after the entry into force of this Regulation], the Commission shall submit a report on the implementation of this Regulation to the European Parliament and the Council.

Amendment

By [OP: please insert the date = **3 years** after the entry into force of this Regulation], the Commission shall submit a report on the implementation of this Regulation to the European Parliament and the Council ***and every 3 years thereafter.***

The report shall assess the impact of this Regulation on specific sectors, in particular in sectors where goods have a low turnover rate, and it shall assess the impact on business models, in particular on the contractual agreements based on the retention of title.

Amendment 392
Laura Ballarín Cereza, Tsvetelina Penkova

Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission

By [OP: please insert the date = **4years** after the entry into force of this Regulation], the Commission shall submit a report on the implementation of this Regulation to the European Parliament and the Council.

Amendment

By [OP: please insert the date = **3 years** after the entry into force of this Regulation], **and 2 years thereafter**, the Commission, **with the input of the EU Payment Observatory**, shall submit a report on the implementation of this Regulation to the European Parliament and the Council.

Or. en

Amendment 393
Antonius Manders

Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission

By [OP: please insert the date = **4years** after the entry into force of this Regulation], the Commission shall submit a report on the implementation of this Regulation to the European Parliament and the Council.

Amendment

By [OP: please insert the date = **4 years** after the entry into force of this Regulation], the Commission shall submit a report on the implementation of this Regulation to the European Parliament and the Council.

Or. en

Amendment 394
Eugen Jurzyca

Proposal for a regulation
Article 18 – paragraph 1

Text proposed by the Commission

By [OP: please insert the date = **4years** after the entry into force of this Regulation], the Commission shall submit a report on the **implementation** of this

Amendment

By [OP: please insert the date = **4 years** after the entry into force of this Regulation], the Commission shall submit a report on the **application** of this

Regulation to the European Parliament and the Council.

Regulation to the European Parliament and the Council.

Or. en

Amendment 395

Eugen Jurzyca

Proposal for a regulation

Article 18 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The report shall assess the following:

- a) the impact of this Regulation on the proper functioning of the Union's internal market, including the competitiveness and growth;***
- b) the impact of this Regulation on additional cash flow to the market ;***
- c) the impact of this Regulation on costs to consumers within the Union;***
- d) the payment culture, trends, average payment times, regulatory measures and their effectiveness in third countries and comparison of their effectiveness to this Regulation;***
- e) the effectiveness of allowing executions of public authorities that do not pay on time;***
- f) the long-term impact of restricting freedom of contracts on the competitiveness of the Union;***
- g) the effectiveness to off-set overdue payments by tax or social security payments where the debtor is a public authority;***
- h) the total number and the market share of voluntary market initiatives promoting payment culture per Member State, including assessment of their effectiveness;***

- i) whether any EU voluntary prompt payment code is needed to effectively improve payment culture;*
- j) whether any changes are needed to the requirements on information set out in Article 11a on Transparency reporting obligations, including cost-benefit analysis of requirements in Article 11a;*
- k) whether it is user-friendly to find the information set out in Article 11a;*
- l) the application of penalties and other administrative measures and, in particular, any need to further harmonise the administrative penalties provided for infringements of this Regulation;*
- m) the costs of complying with this Regulation for undertakings per size category, including additional financing costs, as a percentage of operational costs;*
- n) the number and amount of administrative fines and criminal penalties imposed according to or in relation with this Regulation classified by Member States;*
- o) list of measures introduced in Member States according to Article 17, including analysis of effectiveness and identification of best practices.*

Or. en

Amendment 396
Antonius Manders

Proposal for a regulation
Article 18 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

2. By [OP – please insert the date – 4 years after the date of application of this Regulation], the Commission shall submit an evaluation of the impact of this

Regulation and shall submit a report to the European Parliament and to the Council.

The evaluation shall assess at least:

(a) the impact of the measures implemented, in particular regarding the payment periods as laid down in Article 3;

(b) the effectiveness of the enforcement authorities as laid down in Articles 14, 15 and 16;

(c) the impact of the scope as laid down in Article 1;

(d) the possibilities to bring the total costs of judicial claims related to late payment in proportion to the claims as laid down in Article 13(5a);

(e) the effectiveness and possibilities to make electronic invoicing mandatory.

Member States shall provide the Commission with the necessary information for the preparation of that report, including information regarding the investigations, inspections, decisions, proceedings and publications of the enforcement authorities referred to in Article 14(1).

The report shall include an evaluation of the impact of the EU Observatory of Payments in Commercial Transactions (EU Payment Observatory).

The report shall be accompanied by a legislative proposal, if necessary and appropriate.

Or. en

Justification

As this Regulation introduces major changes compared to the previous Directive, it is justified to have the Commission assess the impact of this Regulation extensively.

Amendment 397
Stelios Kouloglou

Proposal for a regulation
Article 18 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The evaluation referred to in paragraph 1 shall be carried out, in particular, with a view to assessing the need to gradually introduce mandatory e-invoicing.

Or. en

Amendment 398
Claude Gruffat, Malte Gallée
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 19 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

However, from [the date of application of this Regulation] until [24 months after the entry into force of this Regulation], it shall continue to apply to the situations where micro-undertakings referred to in Article 2(3) of the Annex to Recommendation 2003/361/EC are debtors.

Or. en

Amendment 399
Eugen Jurzyca

Proposal for a regulation
Article 20 – paragraph 2

Text proposed by the Commission

Amendment

2. It shall apply from [OP: please insert the date = **12** months after the date of entry into force of this Regulation].

2. It shall apply from [OP: please insert the date = **24** months after the date of entry into force of this Regulation].

Amendment 400
Adam Bielan

Proposal for a regulation
Article 20 – paragraph 2

Text proposed by the Commission

2. It shall apply from [OP: please insert the date = **12** months after the date of entry into force of this Regulation].

Amendment

2. It shall apply from [OP: please insert the date = **24** months after the date of entry into force of this Regulation].

Or. en

Amendment 401
Antonius Manders

Proposal for a regulation
Article 20 – paragraph 2

Text proposed by the Commission

2. It shall apply from [OP: please insert the date = **12** months after the date of entry into force of this Regulation].

Amendment

2. It shall apply from [OP: please insert the date = **24** months after the date of entry into force of this Regulation].

Or. en

Amendment 402
Virginie Joron, Jean-Lin Lacapelle

Proposal for a regulation
Article 20 – paragraph 2

Text proposed by the Commission

2. It shall apply from ... [OP: Please insert the date = **12** months from the date of entry into force of this Regulation].

Amendment

2. It shall apply from ... [OP: Please insert the date = **36** months from the date of entry into force of this Regulation].

Or. fr

Amendment 403

Alessandra Basso, Marco Campomenosi, Antonio Maria Rinaldi, Isabella Tovaglieri

Proposal for a regulation

Article 20 – paragraph 2

Text proposed by the Commission

2. It shall apply from [OP: please insert the date = **12** months after the date of entry into force of this Regulation].

Amendment

2. It shall apply from [OP: please insert the date = **24** months after the date of entry into force of this Regulation].

Or. en

Amendment 404

Andreas Schwab, Christian Doleschal, Geoffroy Didier, Barbara Thaler, Lara Comi

Proposal for a regulation

Article 20 – paragraph 3

Text proposed by the Commission

3. **Commercial transactions carried out** after the date of application of this Regulation shall be subject to the provisions of **the present** Regulation, **including when the underlying contract has been** concluded before **that date**.

Amendment

3. **Contracts concluded** after the date of application of this Regulation shall be subject to the provisions of **this** Regulation. **Long-term contracts** concluded before **the date of application of this Regulation shall be subject to the provisions of this Regulation for the part of the remuneration to be paid after its entry into force for transactions concluded before the entry into force of this Regulation for the part of the remuneration invoiced after its entry into force**.

Or. en

Amendment 405

Tom Vandenkendelaere

Proposal for a regulation

Article 20 – paragraph 4

Text proposed by the Commission

This Regulation shall be ***binding in its entirety and directly applicable in all Member States***.

Amendment

Commercial transactions carried out after the date of application of this Regulation shall be subject to the provisions of this Regulation only if the underlying contract has been concluded after that date.

Or. en