

**Question for written answer
to the Commission**

Rule 138

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Subject: On the alignment of RRP and new LPD

President Von der Leyen promised in her 2022 State of the Union's speech¹ that the Commission "will revise the Late Payment Directive".

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

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

The lack of a solid regulatory framework in Spain has hampered -and still does- Directive 2011/7/EU to be effectively operational in Spain. The last assessment from the JRC notes that since "the start of the pandemic, the rate of increase in unpaid invoices has shot up [...] +52% in Spain"⁴.

1) Does the Commission consider that Spain still complies with its RRP even if its resulting law does not regulate mechanisms to combat late payments such as reinforcing law enforcement via a sanction regime?

2) Will the reform of Directive 2011/7/EU include a sanctions regime for Member States that fail to duly comply?

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

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

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

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