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#### 'I' ITEM NOTE

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 1)
No. Cion doc.:	12976/1/23 REV 1
Subject:	Proposal for a Regulation of the European Parliament and of the Council on combating late payment in commercial transactions - <i>Optional consultation of the Committee of the Regions</i> <sup>1</sup>

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1. On 12 September 2023, the Commission submitted to the Council and the European Parliament a proposal for a Regulation on combating late payment in commercial transactions<sup>1</sup>.
2. The proposal<sup>2</sup> aims to revise the late payment rules, replacing the existing Late Payment Directive<sup>3</sup> with a regulation with binding maximum payment terms of 30 days for all commercial transactions. It would make the payment of compensatory fees and interest automatic in case of late payment and flank these new measures with a robust enforcement framework. It would also make it easier for companies to assert their rights by reducing the burden of, and facilitating access to, effective redress via mediation.

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<sup>1</sup> The sole purpose of this note is to decide on the consultation of another institution/body and not on the substance.

<sup>2</sup> Doc. 12976/1/23 REV 1.

<sup>3</sup> Directive 2011/7/EU of the European Parliament and of the Council of 16 February 2011 on combating late payment in commercial transactions (OJ L 48, 23.2.2011, p. 1).

3. The proposal is based on Article 114 TFEU, which provides for the European Parliament and for the Council to act in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee. Thus, in principle, the opinion of the Committee of the Regions is not required. However, considering the subject matter of the proposal in question and its possible impact for European regions, it would appear appropriate to also consult the Committee of the Regions on this proposal.
  4. The Permanent Representatives Committee is therefore invited to decide, in accordance with Article 19(7)(h) of the Council's Rules of Procedure, to consult the Committee of the Regions on the above-mentioned proposal and to request it to give its opinion as soon as possible.
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