



STATUTORY INSTRUMENTS.

S.I. No. 281 of 2016



EUROPEAN COMMUNITIES (LATE PAYMENT IN COMMERCIAL
TRANSACTIONS) (AMENDMENT) REGULATIONS 2016

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I, MARY MITCHELL O'CONNOR, Minister for Jobs, Enterprise and Innovation, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving further effect to Directive 2011/7/EU of 16 February 2011¹, hereby make the following regulations:

1. These Regulations may be cited as the European Communities (Late Payment in Commercial Transactions) (Amendment) Regulations 2016.

2. In these Regulations, "Principal Regulations" means the European Communities (Late Payment in Commercial Transactions) Regulations 2012 (S.I. No. 580 of 2012).

3. Regulation 2 of the Principal Regulations is amended, in paragraph (1)—

(a) in the definition of "contractual or statutory period of payment", by the substitution of "the contract or" for "the contact or", and

(b) in the definition of "relevant payment date" by—

(i) the substitution of the following paragraph for paragraph (a):

“(a) the date, or end of the period for payment, specified in the contract, provided that—

(i) in the case of a commercial transaction between undertakings, where that date, or the duration of that period, exceeds 60 calendar days, that date, or the duration of that period, shall—

(I) be expressly agreed in that contract, and

(II) not be grossly unfair, within the meaning of Regulation 6, to the supplier,

or

(ii) in the case of a commercial transaction between an undertaking and a public authority, that date, or the duration of that period, shall not exceed 30 calendar days;”, and

¹OJ L 48, 23.2.2011, p.1

(ii) the deletion of paragraph (d).

4. Notwithstanding the amendment, by these Regulations, to the Principal Regulations, nothing in these Regulations shall operate to affect a contract referred to in the definition of “relevant payment date” which was made before, and is in force on, the day on which these Regulations come into operation.



GIVEN under my Official Seal,
25 May 2016.

MARY MITCHELL O’CONNOR,
Minister for Jobs, Enterprise and Innovation.

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