

**Question for written answer E-003638/2020  
to the Commission**  
Rule 138  
**Guido Reil (ID)**

Subject: EU-level minimum wage

On 14 January 2020 the Commission published a consultation paper on fair minimum wages.

Article 31 of the Charter of Fundamental Rights lays down that every worker has the right to working conditions which respect his or her health, safety and dignity. The Commission infers from this that it has the right and the duty to ensure a decent wage in the form of an EU minimum wage.

But this is highly questionable from a legal point of view, as the article relates to health and safety at work and the protection of working time. The documents of the conventions for drawing up the Charter of Fundamental Rights also show that no agreement was reached on the issue of pay. In addition, Article 51(2) of the Charter provides that the Charter does not extend the field of application of EU law beyond the powers of the Union <sup>1</sup>.

In accordance with Article 153(5) TFEU, the establishment of a Union-wide minimum wage is not a competence of the Union. This has been explicitly confirmed by the European Court of Justice <sup>2</sup>. The internal market would, by contrast, rather see wage competition.

1. Will the Commission say how it justifies this outcome of the consultation process, both politically and from a legislative perspective, in the light of the case law of the European Court of Justice and the self-perception of the Member States as the 'masters of the Treaties'?
2. What is the basis for the Commission's support for the introduction of an EU minimum wage?

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<sup>1</sup> Petrache, Lavinia / Rudolph, Karen: Europäischer Mindestlohn (European minimum wage), CEPINPUT No 13/2020, 2 June 2020.

<sup>2</sup> European Court of Justice, judgment of 10 June 2010 in Case C-395/08, ECLI:EU:C:2010:329, paragraph 37.