

**Question for written answer E-006584/2020  
to the Commission**  
Rule 138  
**Guido Reil (ID)**

Subject: Pay policy

On 28 October 2020 the Commission proposed a directive on adequate minimum wages in the EU. This calls on the Member States to introduce country-wide minimum wages in accordance with clear rules, with clear criteria for the level of the minimum wage, reference values for the calculation of its adequacy, and its regular updating.

The Commission states that the proposal is in line with Article 153(5) TFEU. It stresses that the proposal is in line with the case-law of the CJEU and aims neither to harmonise the level of minimum wages across the EU nor to establish a uniform mechanism for setting minimum wages or set a level of pay<sup>1</sup>.

But there are other measures which the EU could take to directly influence setting the level of pay (which is not legal), without leading directly to a harmonisation of pay levels. These include measures to prompt the Member States to establish criteria according to which the minimum wage must be determined<sup>2</sup>.

How does the Commission justify its statement that measures to determine the criteria for setting minimum wages, reference values for calculating their adequacy and regular updating of minimum wages do not impinge directly on the national setting of wages?

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<sup>1</sup> Answer given by Nicolas Schmit, Commissioner for Jobs and Social Rights, to Question No E-003638/2020, 25 August 2020.

<sup>2</sup> See Eduardo Gill-Pedro: 'The Commission's proposal for a European Minimum Wage – another *ultra vires* challenge for the EU?', European Law Blog, 23 June 2020.