



2020/0310(COD)

28.10.2021

COMPROMISE AMENDMENTS

Articles 1-17

Draft report
Dennis Radtke, Agnes Jongerius
(PE689.873v02-00)

Adequate minimum wages in the European Union

Proposal for a directive
(COM(2020)0682 – C9-0337/2020 – 2020/0310(COD))

Compromise 1 - TITLE

Dennis Radtke, Agnes Jongerius

Compromise amendment replacing Amendments 1 (Co-rapp), 88 (Danielsson), 89 (Falcă), 90(Skyttedal)

Proposal for a directive

Title 1

Text proposed by the Commission

Amendment

Proposal for a

Proposal for a

DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL

DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL

on adequate minimum wages in the
European Union

on adequate **and fair** minimum wages in
the European Union,

Or. en

Compromise 2 - ARTICLE 1 (former compromises 2-6)

Dennis Radtke, Agnes Jongerius

Compromise amendment replacing Amendments 27 (Co-rapp), 411 (Demirel), 412 (Satouri), 388 (Semedo), 395 (Satouri), 25 (Co-rapp), 395 (Satouri), 396 (Kanev), 397 (Rondinelli), 398 (Demirel), 26 (Co-rapp), 406 (Demirel), 407 (Satouri), 28 (Co-rapp), 417 (Danielsson), 29(Co-rapp), 420 (Danielsson), 421(Al-Sahlani), 423 (Polfjärd), 425 (Lundgren), 426 Mandl), 427 (Demirel), 484 (Sander) 505(Berger), FEMM 33, FEMM 34, FEMM 35

Proposal for a directive

Article 1 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. With a view to improving working and living conditions in the Union, this Directive establishes a framework for:

1. With a view to improving working and living conditions in the Union **for all workers, and in order to contribute to upward social convergence, and the reduction of wage inequality and the gender pay gap throughout the Union** (27, 411, 412, 388, 395), this Directive establishes a framework for:

Proposal for a directive
Article 1 paragraph 1 – point a

Text proposed by the Commission

(a) setting adequate levels of minimum wages;

Amendment

(a) setting adequate **and fair** levels of minimum wages **in order to ensure at least a decent standard of living of workers and their families** (25, 396, 397, 398)

Or. en

Proposal for a directive
Article 1 – paragraph 1 – point b

Text proposed by the Commission

(b) **access of workers to** minimum wage protection, in the form of **wages set out by collective agreements or in the form of a statutory minimum wage where it exists.**

Amendment

(b) minimum wage protection in the form of **(26, 416):**

- i. **a statutory minimum wage without discrimination where it exists** (407),
- ii. **access to collective bargaining wage setting,**
- iii. **universally applicable collective agreements where they exist;**

Or. en

Proposal for a directive
Article 1 – paragraph 2

Text proposed by the Commission

2. This Directive shall be without prejudice to the choice of the Member States to set statutory minimum wages **or** promote access to minimum wage protection **provided by** collective

Amendment

2. This Directive shall be without prejudice to the choice of the Member States to set statutory minimum wages, promote access to minimum wage protection **in the form of wages arising from** collective agreements, **or both** (28,

agreements.

417)

Or. en

Proposal for a directive Article 1 – paragraph 3

Text proposed by the Commission

3. Nothing in this Directive shall be construed as imposing an obligation on the Member States where wage setting is ensured exclusively via collective agreements to introduce a statutory minimum wage *nor* to make *the* collective agreements universally applicable.

Amendment

3. ***The application of this Directive shall be in full compliance with the freedom of association and the right to collective bargaining, as recognised in the Charter of Fundamental Rights of the European Union, the European Social Charter and the relevant ILO Conventions.*** (423) Nothing in this Directive shall be construed as imposing an obligation on the Member States where ***minimum wage protection*** is exclusively (421, 423, also covers 425, 426) ensured via collective agreements to introduce a statutory minimum wage ***or*** to make collective agreements universally applicable. ***This Directive is without prejudice to the right of social partners to negotiate, monitor and set wages through collective agreements*** (420, 421, 505).

Or. en

Compromise 3 - ARTICLE 2 (former compromise 7)

Dennis Radtke, Agnes Jongerius

Compromise amendment replacing Amendments 434 (Satouri), 436 (Rondinelli), 439 (Benifei), 36 FEMM

Proposal for a directive Article 2 – paragraph 1

Text proposed by the Commission

This Directive applies to workers in the Union who have an employment contract or employment relationship as defined by law, collective agreements or practice in force in each Member State, with

Amendment

This Directive applies to ***all*** workers (434, also covers 436, 439, FEMM 36) in the Union who have an employment contract or employment relationship as defined by law, collective agreements or practice in

consideration to the case-law of the Court of Justice of the European Union.

force in each Member State, with consideration to the case-law of the Court of Justice of the European Union.

Or. en

Compromise 4 - ARTICLE 3 (former compromises 8-12)

Dennis Radtke, Agnes Jongerius

Compromise amendment replacing Amendments 448 (Dobrev), 449 (Satouri), 450 (Demirel), 451 (Lenaers), 452 (Falcă), 453 (Franssen), Amendments 30 (Co-rapp), 454 (Kanev), 457 (Brunet), 459 (Cañas), 460 (Semedo), 461 (Rondinelli), 462 (Demirel), 463 (Lenaers), 464 (Satouri), 465 (Zalewska), 469 (Zalewska), 470 (Pereira), 471 (Danielsson), 31 (Co-rapp), 479 (Demirel), 445, 446

Proposal for a directive

Article 3 – paragraph 1 – introductory part

Text proposed by the Commission

For the purposes of this Directive, the following definitions apply:

Proposal for a directive

Article 3 – paragraph 1 – point 1

Text proposed by the Commission

(1) ‘minimum wage’ means the minimum remuneration that an employer is required to pay to workers for the work performed during a given period, calculated on the basis of time **or output**;

Proposal for a directive

Article 3 – paragraph 1 – point 2

Text proposed by the Commission

(2) ‘statutory minimum wage’ means a minimum wage set by law, or other binding legal provisions;

Amendment

For the purposes of this Directive, the following definitions apply:

Amendment

(1) ‘minimum wage’ means the minimum remuneration that an employer, **whether private or public**, (448) is required to pay to workers for the work performed during a given period, calculated on the basis of time (449, 450);

Amendment

(2) ‘statutory minimum wage’ means a minimum wage set by law, or other binding legal provisions, **which does not arise from collective bargaining**; (451, 452, 453)

Proposal for a directive
Article 3 – paragraph 1 – point 3

Text proposed by the Commission

(3) ‘collective bargaining’ means all negotiations which take place between an employer, a group of employers or one or more employers’ organisations, on the one hand, and one or more **workers’ organisations**, on the other, for determining working conditions and terms of employment; and/or regulating relations between employers and workers; and/or regulating relations between employers or their organisations and **a worker organisation or worker organisations**;

Amendment

(3) ‘collective bargaining’ means all negotiations which take place between an employer, a group of employers or one or more employers’ organisations, on the one hand, and one or more **trade unions** on the other, for determining working conditions and terms of employment; and/or regulating relations between employers and workers; and/or regulating relations between employers or their organisations and **the trade unions**; (30, 454, 457, 459, 460, 461, 462, 463, 464, 465)

Or. en

Proposal for a directive
Article 3 – paragraph 1 – point 4

Text proposed by the Commission

(4) ‘collective agreement’ means **all agreements in writing** regarding working conditions and terms of employment concluded by the social partners as an outcome of collective bargaining;

Amendment

(4) ‘collective agreement’ means **a written agreement regarding provisions including (471) on** working conditions and terms of employment, **in particular remuneration**, (469, 470) concluded by the social partners as an outcome of collective bargaining;

Or. en

Proposal for a directive
Article 3 – paragraph 1 – point 5

Text proposed by the Commission

(5) ‘collective bargaining coverage’ means the share of workers at national level to whom a collective agreement applies;

Amendment

(5) ‘collective bargaining coverage’ means the share of workers at national level to whom a collective agreement **regulating remuneration** (31, 479) applies;

Or. en

Compromise 5 - ARTICLE 4 (former compromises 13-17)

Dennis Radtke, Agnes Jongerius

Compromise amendment replacing Amendments 32 (Co-rapp), 485 (Lenaers) 489 (Demirel) 490 (Berger), 491 (Kympouropoulos), 492 (Skyttedal), 493 (Pereira), 33 (Co-rapp), 498 (Kanev), 502 (Falcă), 34 (Co-rapp), 506 (Demirel), 35, 36, 3, 40, 42 (Co-rapp), 507 (Satouri), 509 (Demirel), 511 (Satouri), 512 (Demirel), 514 (Demirel), 515 (Demirel), 516 (Satouri), 539 (Rondinelli), 540 (Demirel), 38, 43 (Co-rapp), 522 (Rondinelli), 524 (Kanev), 525 (Semedo), 526 (Brunet), 527 (Demirel), 528 (Satouri), 529 (Casa), 532 (Walsh), 535 (Berger), 536 (Skyttedal), 538 (Danielsson), 545 (Rondinelli), 546 (Demirel), 482

Proposal for a directive

Article 4 – title

Text proposed by the Commission

Amendment

Promotion of collective bargaining on wage setting

Promotion of collective bargaining on wage setting

Proposal for a directive

Article 4 - paragraph 1 - introductory part

Text proposed by the Commission

Amendment

1. With the aim *to increase* the collective bargaining coverage Member States shall take, in *consultation* with the social partners, at least the following measures:

1. With the aim *of ensuring the exercise of the right of collective bargaining on wage setting, the strengthening and extension* (32, 489, 493) *of* (486) the *coverage of* collective bargaining *as well as the access of workers to minimum wage protection in the form of wages arising from collective agreements* (485), Member States shall take, in *cooperation* with the social partners, at least the following measures:

Or. en

Proposal for a directive

Article 4 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage setting at sector or cross-industry level;

(a) promote the building and *further* (33, 498) strengthening of the capacity of the social partners to engage in collective bargaining on wage setting, *in particular*, (502) at sector or cross-industry level;

Proposal for a directive
Article 4 - paragraph 1 - point b

Text proposed by the Commission

(b) encourage constructive, meaningful and informed negotiations on wages **among** social partners;

Amendment

(b) encourage constructive, meaningful and informed negotiations on wages **between** (34, 506) social partners;

Or. en

Proposal for a directive
Article 4 - paragraph 1 - point ba (new)

Text proposed by the Commission

Amendment

(ba) prohibit and take measures to prevent all acts which undermine the right of workers to join a trade union or obstruct them from doing so, or which discriminate against workers and trade union representatives who participate or wish to participate in collective bargaining on wage setting, and ensure proper access for all workers to necessary information about their rights; (35, 42, 507, 509, 515, 539, 540)

(bb) prohibit all acts aiming to undermine collective bargaining or collective agreements on wage setting;

(bc) ensure effective protection against discriminatory acts related to collective bargaining on wage setting (507);

(bd) ensure that employers, taking into account the size and capacity of the undertaking concerned, provide trade union representatives with appropriate information and facilities, in order to enable them to carry out their functions in respect of collective bargaining on wage setting promptly and efficiently(36, 512)

(be) ensure that trade unions have the right to access the workplace and the workers, including where work is carried

out digitally, to meet and contact workers individually or collectively for the purpose of organising workers, negotiating wages on their behalf and representing them;
(37, 40, 514, 539, 540)

(bf) support compliance with applicable collective agreements on wages (511), respect for the applicable collective agreements on wages along the sub-contracting chains (540), and the provision of collective agreements on wages to employers and workers concerned by them (516).

Proposal for a directive Article 4 - paragraph 2

Text proposed by the Commission

2. Member States where collective bargaining coverage is less than **70%** of the workers *defined within the meaning of Article 2* shall in addition *provide for a framework of* enabling conditions *for* collective bargaining, either by law after *consultation of* the social partners or *by* agreement with them, *and* shall establish an action plan *to promote* collective bargaining. The action plan shall be made public and *shall be* notified to the *European* Commission.

Amendment

2. Member States where *the overall* (535, 536, 538) collective bargaining coverage *regulating remuneration* is less than **80%** (38, 528) of the workers shall, in addition *to the measures provided for in paragraph 1, ensure the* enabling conditions *to promote* collective bargaining, *in the form of an action plan*, either by law after *consulting* (38, 532) social partners or in agreement between them, following a joint request, *or with social partners. The* action plan *shall set out a clear timeline and concrete measures to effectively* (528) *ensure the right to* (38, 529) collective bargaining *to promote and progressively increase the coverage of such collective bargaining* (38, 43, 525, 526, 527) *to at least 80% of the workers.* (38, 522, 524, 528). The action plan shall be *updated at least every two years, after consulting social partners, in agreement with social partners or between them, following a joint request. The action plan shall be* made public and notified to *the* Commission. (38, 527, 528) *The Commission shall monitor progress and inform the European Parliament and the*

Council annually in that regard. (43, 528).
(38, 43, 525, 526, 527, 545, 546)

Compromise 6 - ARTICLE 5 (former compromises 18-26)

Dennis Radtke, Agnes Jongerius

Compromise amendment replacing Amendments 44, 45 (Co-rapp), 549 (Semedo), 555 (Satouri), 557 (Demirel), 558 (Semedo), 559 (Franssen) 561 (Brunet), 563 (Falcă), 565 (Sander), 559 (Franssen), 46 (Co-rapp), 578 (Chaibi), 579 (Satouri), 580 (Falcă), 581 (Demirel), 631 (Demirel), 608 (Zalewska), 612 (Satouri), 587 (Satouri), 592 (Satouri), 609 (Satouri), 47 (Co-rapp), 594 (Brunet), 595 (Satouri), 596 (Demirel), 597 (Lundgren), 598 (Danielsson), 599 (Lenaers), 48 (Co-rapp), 619 (Rondinelli) 621 (Demirel), 623 (Brunet), 624 (Satouri), 633 (Demirel), , 636 (Rondinelli), 637 (Semedo), 638 (Brunet), 644 (Satouri), 646 (Benifei), 647 (Cañas), 649 (Angel), 650 (Kypourouopoulos), 49 (Co-rapp), 653 (Demirel), 655 (Semedo), FEMM 39, 567-571

Proposal for a directive

Article 5 - Title and paragraph 1

Text proposed by the Commission

Adequacy

1. Member States with statutory minimum wages shall take the necessary measures to ensure that the setting and updating of statutory minimum wages are guided by criteria **set to promote** adequacy with the aim **to achieve decent** working and living conditions, social cohesion and upward convergence. Member States shall define those criteria in accordance with their national practices, **either** in relevant national legislation, in decisions of the competent bodies or in tripartite agreements. The criteria shall be defined in a **stable and** clear way.

Amendment

Adequacy **and fairness** (44) **of statutory minimum wages** (549)

1. Member States with statutory minimum wages **that do not arise from collective bargaining** (559) shall **establish** the necessary measures to ensure that the setting and updating of statutory minimum wages, **as a threshold of decency, contribute to preventing and combating poverty, in particular in-work poverty, promote social cohesion and reduce wage inequalities, and** (555) are guided by criteria **to ensure** adequacy **and fairness** with the aim **of achieving decent** working and living conditions, **the eradication of the gender pay gap** (FEMM 39) and upward convergence, **taking into account the socio-economic situation of the labour market concerned, in accordance with the criteria set out in paragraph 2,** (558)(45, 557, 561). Member States shall define those criteria, after consulting **social partners**, in accordance with their national

practices, either in relevant national legislation, in decisions of the competent bodies or in tripartite agreements. The criteria shall be defined in a clear way.

Member States shall ensure that statutory minimum wages are adequate and fair and ensure a decent standard of living.

Or. en

Proposal for a directive

Article 5 – paragraph 2 – introductory part

Text proposed by the Commission

2. The national criteria referred to in paragraph 1 shall include at least the following elements:

Amendment

2. The national criteria referred to in paragraph 1 shall include at least the following elements:

Proposal for a directive

Article 5 – paragraph 2 – point a

Text proposed by the Commission

(a) the purchasing power of statutory minimum wages, taking into account the cost of living ***and the contribution of taxes and social benefits;***

Amendment

(a) the purchasing power of statutory minimum wages, taking into account the cost of living, ***based on a national basket of goods and services at real prices, including VAT, social security contributions and public services*** (578, 579, 608, 631);

Or. en

Proposal for a directive

Article 5 – paragraph 2 – point b

Text proposed by the Commission

(b) the general level of gross wages and their distribution;

Amendment

(b) the general level of gross wages and their distribution (612, also covers 587, 592);

Or. en

Proposal for a directive
Article 5 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the poverty rate, in particular the rate of in-work poverty; (609)

Or. en

Proposal for a directive
Article 5 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) labour productivity developments.

deleted

Proposal for a directive
Article 5 paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall use indicative reference values to guide their assessment of adequacy of statutory minimum wages in relation to the general level of gross wages, such as those commonly used at international level.

3. Member States shall **assess and report on the adequacy of statutory minimum wages and may** use indicative reference values to guide their assessment of adequacy of statutory minimum wages in relation to the general level of gross wages, such as those commonly used at international level **of 60% of the gross median wage and 50% of the gross average wage.**

Or. en

Proposal for a directive
Article 5 - paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall take the necessary measures to ensure **the regular and timely updates** of statutory minimum wages in order to preserve their adequacy.

4. Member States shall take the necessary measures **to update, at least on an annual basis, (633, 636, 644)** statutory minimum wages in **a transparent manner (637) in** order to **ensure and (633, 636)** preserve their adequacy **and fairness.**

Proposal for a directive
Article 5 - paragraph 4a (new)

Text proposed by the Commission

Amendment

4a. *The annual updates of statutory minimum wages referred to in paragraph 4 shall be carried out without prejudice to other income support mechanisms.* (646, 647, 649, 650)

Proposal for a directive
Article 5 - paragraph 5

Text proposed by the Commission

Amendment

5. Member **States** shall establish consultative **bodies** to advise the competent authorities on issues related to statutory minimum wages.

5. **Each Member State** shall establish **or designate a consultative body, which includes the social partners**, to advise the competent authorities on issues related to statutory minimum wages. **That body shall have adequate resources to carry out or commission independent research regarding the economic and social impact of changes to minimum wages** (49, 653, 655).

Compromise 7 - ARTICLE 6 (former compromises 27-28)

Dennis Radtke, Agnes Jongerius

Compromise amendment replacing Amendments

661, 663, 664, 665, 666, 670, 671, 51, 669, 672, 673, FEMM 48, 674, 676, 675, 677, 678, 679, 680, 688, 689, 52, 687, 684, 685, 686, 690, 691, 692, 693 and 694

Proposal for a directive
Article 6 - paragraph 1

Text proposed by the Commission

Amendment

1. Member States **may allow different rates of statutory minimum wage for specific groups of workers**. Member States shall **keep these variations to a minimum, and** ensure that any **variation is non-discriminatory, proportionate, limited in time if relevant, and objectively and reasonably justified by a legitimate aim**.

Deleted

Proposal for a directive
Article 6 - paragraph 2

Text proposed by the Commission

Amendment

2. Member States **may allow** deductions **by law** that reduce the remuneration paid to workers to a level below that of the statutory minimum wage. **Member States shall ensure that these deductions from** statutory minimum wages **are necessary, objectively justified and proportionate.**

Deleted

.

Compromise 8 - ARTICLE 7 (former compromises 29-35)

Dennis Radtke, Agnes Jongerius

Compromise amendment replacing Amendments 53 (Co-rapp), 695 (Satouri), 54 (Co-rapp), 281 (Lenaers), 283 (Brglez), 697 (Gualmini), 699 (Demirel), 702 (Satouri) 722 (Demirel), 55 (Co-rapp), 709 (Demirel), 56 (Co-rapp), 711 (Demirel), 57 (Co-rapp), 712 (Satouri), 713 (Dobrev), 714 (Lundgren), 715 (Demirel), 721 (Falcă), 722 (Demirel), 723 (Satouri), 124 (Dobrev), 725 (Demirel), 726 (Demirel)

Proposal for a directive
Article 7 – title

Text proposed by the Commission

Amendment

Involvement of social partners in statutory minimum wage setting and updating

Involvement (695) of social partners in **the** setting and updating **of statutory minimum wages** (53)

Proposal for a directive
Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

Member States shall take the necessary measures to ensure that the social partners are involved in a timely and effective manner in statutory minimum wage setting and updating, **including through participation in consultative bodies** referred to in Article 5(5) **and notably as**

Member States shall take the necessary measures to ensure that the social partners are involved in **the setting and updating, including through automatic indexation where it exists**, (281, 283, 697), **of** statutory minimum **wages** (54) in a timely and (54, 699, 702) effective manner **which provides**

concerns:

*for their participation in the negotiations and decision-making on a regular basis throughout the process (722), including through participation in **the** consultative **body** (54, 699) referred to in Article 5(5) and **in particular with regard to:** (54)*

**Proposal for a directive
Article 7 – paragraph 1 – point a**

Text proposed by the Commission

Amendment

(a) the selection and application of criteria and indicative reference values referred to in Article 5 **(1) (2) and (3)** for the determination of statutory minimum wage **levels**;

(a) the selection and application of criteria and indicative reference values referred to in Article 5 (55, 709) for the determination of **the level of the** (55, 709) statutory minimum wage;

**Proposal for a directive
Article 7 – paragraph 1 – point b**

Text proposed by the Commission

Amendment

(b) the **updates** of statutory minimum wage **levels** referred to in Article 5 **(4)**;

(b) the **updating** of **the** statutory minimum wage referred to in Article 5;

**Proposal for a directive
Article 7 – paragraph 1 – point c**

Text proposed by the Commission

Amendment

(c) **the establishment of variations and deductions in statutory minimum wages referred to in Article 6;**

Deleted

**Proposal for a directive
Article 7 – paragraph 1 - point d**

Text proposed by the Commission

Amendment

(d) the collection of data and the carrying out of studies for the information of statutory minimum wage setting authorities;

(d) The collection of data and the carrying out of studies and **analysis to provide** (721) information **to** authorities **and to the relevant parties involved in** statutory

minimum wage setting;

Proposal for a directive
Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Social partners shall have access to relevant information and the possibility to provide opinions and receive reasoned answers before any proposal is presented and before any decision is taken (722, 723, 724, 725, 726)

Compromise 9 - ARTICLE 8 (former compromises 36-41)

Dennis Radtke, Agnes Jongerius

Compromise amendment replacing Amendments 727 (Semedo), 58 (Co-rapp), 729 (Semedo), 728 (Satouri), 730 Falcă, 731 (Berger), 732 (Skyttedal), 733 (Lenaers), 734 (Demirel), 59 (Co-rapp), 736 (Satouri), 737 (Rondinelli), 738 (Demirel), 739 (Semedo) 741 (Sander), 742 (Satouri), 743 (Semedo), 745 (Dobrev), 746 (Falcă), 60, 61 (Co-rapp), 747 (Satouri), 748 (Kanev), 749 (Demirel), 750 (Hetman), 751 (Benifei), 752 (Angel), 753 (Kypouropoulos), 61 (Co-rapp), FEMM 52

Proposal for a directive
Article 8 – title

Text proposed by the Commission

Amendment

Effective access of workers to statutory minimum wages

Monitoring compliance and effective access of workers to statutory minimum wages

Proposal for a directive
Article 8 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

Member States shall, in cooperation with social partners, take the following measures to enhance the access of workers to statutory minimum wage protection ***as appropriate:***

Member States ***with statutory minimum wages*** (728, 732) in cooperation with social partners, shall take ***at least*** (58, 734) the following measures to enhance the access of workers to statutory minimum wage protection ***and to monitor and ensure compliance with*** (58, 729, 734) ***this Directive:***

Proposal for a directive
Article 8 – paragraph 1 – point 1

Text proposed by the Commission

(1) strengthen **the** controls and field inspections conducted by labour inspectorates or the bodies responsible for the enforcement of statutory minimum wages. **The** controls and inspections **shall be** proportionate and non-discriminatory;

Amendment

(1) **improve and** (741) strengthen controls and **the intensity and frequency of** (59, 737) field inspections conducted by labour inspectorates or the bodies responsible for the enforcement of statutory minimum wages **and ensure the availability of adequate resources in that regard, so that those** (59, 736, 738, 739, FEMM 52) controls and inspections **are effective, dissuasive,** (59, 736, 737, 738) proportionate and non-discriminatory;

Proposal for a directive
Article 8 – paragraph 1 – point 2

Text proposed by the Commission

(2) develop guidance for enforcement authorities to proactively target and pursue non-compliant **businesses**;

Amendment

(2) develop **capacity-building, training and** (743) guidance for enforcement authorities to proactively target and pursue non-compliant **employers,**(745, 746) **particularly in view of routine and unannounced visits, legal proceedings and dissuasive sanctions in case of infringements;** (742)

Proposal for a directive
Article 8 – paragraph 1 – point 3

Text proposed by the Commission

(3) ensure that information on statutory minimum wages is made publicly available in a clear, comprehensive and easily accessible way.

Amendment

(3) ensure that information on statutory minimum wages **and redress mechanisms referred to in Article 11,** (747) is made publicly available in a clear, comprehensive and easily accessible way **and in formats accessible to all, in particular to persons with disabilities and non-native speakers in relevant languages,** (747, 750, 751, 752, 753,

FEMM 53) *and that workers have access to guidance in the event that employers infringe the requirement to pay the statutory minimum wage;* (60, 748, 749)

Proposal for a directive
Article 8 – paragraph 1 – point 3 a (new)

Text proposed by the Commission

Amendment

(3a) provide workers and employers, upon the request of both, with access to mediation or dispute settlement. (61)

Compromise 10 - ARTICLE 9 (former compromise 42)
Dennis Radtke, Agnes Jongerius

Compromise amendment replacing Amendments 62 (Co-rapp), 757 (Kanev), 759 (Satouri), 760 (Demirel), 761 (Falcă), 758 (Semedo), 764 (Hetman), 765 (Danielsson)

Proposal for a directive
Article 9 – paragraph 1

Text proposed by the Commission

Amendment

In accordance with **Directive** 2014/24/EU, **Directive** 2014/25/EU and **Directive** 2014/23/EU, Member States shall take appropriate measures to ensure that in the performance of public procurement or concession contracts economic operators comply with the **wages set out by** collective agreements for the relevant sector and geographical area and with the statutory minimum wages where they exist.

In accordance with **Directives** 2014/24/EU, 2014/25/EU and 2014/23/EU, Member States **and in particular their competent authorities,** (759) shall take appropriate measures, **including the possibility to introduce mandatory awarding and contract performance conditions,** to ensure that in the performance of public procurement or concession contracts economic operators **and their subcontractors** (758, 761) **recognise trade unions in order to promote minimum wage protection, recognise the right of workers to organise, take part in collective bargaining, and** comply with the **remuneration and other working conditions established by law or** (62, 757, 760) collective agreements for the relevant sector **and/or** geographical area and with the statutory minimum wages where they exist, **as well as with Union, national and international labour and social law.** (62,

Compromise 11 - ARTICLE 10 (former compromises 43-51)

Dennis Radtke, Agnes Jongerius

Compromise amendment replacing Amendments 63 (Co-rapp), 770 (Regner), 771 (Hetman), 772 (Sander), 773 (Semedo), 774 (Gálvez Muñoz), 775 (Demirel), 777 (Satouri), 778 (Pereira), 64 & 65 (Co-rapp), 785 (Lundgren), 786 (Satouri), 787 (Demirel), 788 (Falcă), 789 (Zalewska), 791 (Lundgren), 792 (Satouri), 793 (Demirel), 794 (Falcă), 795 (Zalewska), 66 (Co-rapp), 799 (Pereira), Satouri (806), 67 (Co-rapp), 806 (Satouri), 807 (Demirel), 68, 69 & 70 (Co-rapp), 812 (Demirel), 813 (Semedo), 774, 816 (Satouri), 818 (Danielsson), 71 (Co-rapp), 827 (Demirel), 828 (Falcă), 829 (Lundgren), 830 (Regner), 831 (Hetman), 832 (Satouri), 833 (Walsh), 834 (Semedo), 835 (Danielsson), 72 (Co-rapp), 781 (Pereira), 838 (Demirel), 847 (Gálvez Muñoz), 73 (Co-rapp), 844 (Demirel), 845 (Regner), 846 (Rondinelli), 779-781

Proposal for a directive**Article 10 – paragraph 1***Text proposed by the Commission*

1. Member States shall task their competent authorities with **developing** effective data collection tools to monitor the coverage and adequacy of minimum wages.

Amendment

1. Member States shall task their competent authorities with **the development of** (63, 770, 775, 776) effective data collection tools, to monitor the coverage **of minimum wages as well as the coverage of collective bargaining on remuneration** (770, 773) and the adequacy **and fairness of statutory** (770, 778) minimum wages. **Employers, in particular SMEs and microenterprises, shall not bear an unnecessary administrative burden with regard to the implementation of this paragraph. The competent authorities shall involve social partners during the course of the development of those data collection tools.**

Proposal for a directive**Article 10 – paragraph 2 – introductory part***Text proposed by the Commission*

2. Member States shall report the

Amendment

2. Member States shall report the

following data to the Commission on an annual basis, before 1 October of each year:

following data to the Commission on an annual basis, before 1 October of each year:

Proposal for a directive

Article 10 – paragraph 2 – subparagraph 1 – point a – points ii and iii

Text proposed by the Commission

Amendment

- (ii) the existing variations and the share of workers covered by them;
- (iii) the existing deductions;

- (ii) the existing variations, the share of workers covered by them **and the justifications provided (790)**;
- (iii) the existing deductions **and the justifications provided (796)**;

Proposal for a directive

Article 10 – paragraph 2 – subparagraph 1 – point a – point iv

Text proposed by the Commission

Amendment

- (iv) the rate of collective bargaining coverage.

- (iv) the rate **and development (806)** of collective bargaining coverage **with regard to remuneration (66, 799)**;

Proposal for a directive

Article 10 – paragraph 2 – subparagraph 1 – point b - point ii

Text proposed by the Commission

Amendment

- (ii) the rate of collective bargaining coverage;

- (ii) the rate **and development (806)** of collective bargaining coverage **with regard to remuneration (67, 807)** ;

Proposal for a directive

Article 10 – paragraph 2 – subparagraph 1 – point b a (new)

Text proposed by the Commission

Amendment

- (ba) for national action plans:**
 - (i) the progress and effectiveness of the measures and initiatives taken with a view to promoting collective bargaining and increasing the rate of collective**

bargaining coverage in accordance with Article 4(2);

(ii) the impact of public procurement policy on increasing the rate of collective bargaining.

Or. en

**Proposal for a directive
Article 10 – paragraph 2 – subparagraph 2**

Text proposed by the Commission

Member States shall provide the statistics and information referred to in this paragraph disaggregated by gender, age, disability, company size and sector.

Amendment

Member States shall provide the statistics and information referred to in this paragraph, disaggregated by gender (774, 816, FEMM 56), age, disability (818), company size and sector.

Or. en

**Proposal for a directive
Article 10 – paragraph 3**

Text proposed by the Commission

3. Member States shall ensure that information regarding minimum wage protection, including collective agreements and wage provisions therein, is transparent and publicly accessible.

Amendment

Member States shall ensure that information regarding **statutory** (830, 835) minimum wage protection, including **universally applicable** (830, 832, 833, 834) collective agreements and wage provisions therein, is transparent and publicly accessible, **including to persons with disabilities** (831). **Member States may, after consulting social partners and in accordance with national law and practice, maintain or introduce further transparency requirements. (830)**

Or. en

**Proposal for a directive
Article 10 – paragraph 4**

Text proposed by the Commission

4. The Commission shall assess the

Amendment

4. The Commission shall assess the

data transmitted by the Member States in the reports referred to in paragraph 2, and shall report **annually** to the European Parliament and to the Council.

data transmitted by the Member States in the reports referred to in paragraph 2, and shall **submit a** report to the European Parliament and to the Council **in November each year. The Commission shall, simultaneously (781), publish the data referred to in paragraph 2.**

Or. en

Proposal for a directive Article 10 – paragraph 5

Text proposed by the Commission

5. ***On the basis of the report issued by the Commission, the Employment Committee set up in accordance with Article 150 TFEU shall carry out every year an examination of the promotion of collective bargaining on wage setting and of the adequacy of minimum wages in the Member States.***

Amendment

5. The Employment Committee referred to (73) in Article 150 TFEU shall carry out an **annual (73) examination of the Commission reports referred to in paragraph 4 in order to assess (73) the extent of and the respect for the right to collective bargaining, the promotion of collective bargaining on wage setting, the rate of increase in collective bargaining coverage regulating remuneration, and the fairness (73) and adequacy of statutory (73) minimum wages in the Member States, in accordance with this Directive (73). The Employment Committee shall, while carrying out the examination, ensure the participation of European cross-sectoral social partners representatives, ensuring six participants from each side of industry (844, 845, 848, 851, 852, 853).**

Or. en

Compromise 12 - ARTICLE 11 (former compromises 52, 53)

Dennis Radtke, Agnes Jongerius

Compromise amendment replacing Amendments 74 (Co-rapp), 860 (Demirel), 865 (Pereira), 866 (Satouri), 867 (Semedo), 870 (Satouri), 872, 881 (Satouri), 75 (Co-rapp), 874 (Demirel),

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that, without prejudice to specific forms of redress and dispute resolution provided for, **where applicable, in** collective agreements, workers, including those whose employment relationship has ended, have access to effective and impartial dispute resolution and a right to redress, including adequate compensation, in the case of infringements of their rights relating to statutory minimum wages or minimum wage protection provided by collective agreements.

Amendment

1. Member States **with statutory minimum wages** shall ensure that workers, including those whose employment relationship has ended, **and representatives acting on their behalf**, (881) have access to effective, **timely** (74, 860) and impartial dispute resolution and a right to redress, including adequate compensation **and the recovery of remuneration due** (870), in the case of infringements of their rights, **including the right to organise in order to take collective action and bargain collectively on remuneration, as well as their rights** (860) relating to statutory minimum wages or minimum wage protection provided by **universally applicable** collective agreements, **without prejudice to specific forms of compensation, redress and dispute resolution provided for in those collective agreements** (867).

Or. en

Proposal for a directive
Article 11 – paragraph 2

Text proposed by the Commission

2. Member States shall take the measures necessary to protect workers, including **those who** are workers' representatives, from any adverse treatment by the employer and from any adverse consequences resulting from a complaint lodged with the employer or resulting from any proceedings initiated with the aim of enforcing compliance with the rights relating to statutory minimum wages or

Amendment

2. Member States shall take the measures necessary to protect workers, including workers' representatives **or the members and representatives** (75, 875, 874, 878) **of trade unions**, from any adverse treatment by the employer **or by related third parties engaging in adverse treatment** and from any adverse consequences resulting from a complaint lodged with the employer or resulting from

minimum wage protection provided by collective agreements.

any proceedings initiated with the aim of enforcing (876, 877, 879, 880) ***their rights to organise, in order to take part in collective action and negotiate their remuneration collectively, as well as*** (860, 874) compliance with ***national law and collective agreements within in the scope of this Directive*** (75, 875).

Or. en

Compromise 13 - ARTICLE 12 (former compromise 54)

Dennis Radtke, Agnes Jongerius

Compromise amendment replacing Amendments 869 (Satouri), 886 (Danielsson) 888 (Semedo), 889 (Falcã)

Proposal for a directive

Article 12 – paragraph 1

Text proposed by the Commission

Member States shall lay down the rules on penalties applicable to infringements of national provisions. The penalties provided for shall be effective, proportionate and dissuasive.

Amendment

Member States shall, ***without prejudice to specific forms of contractual penalties provided for, where applicable, in rules on the enforcement of collective agreements,*** (886) lay down the rules on penalties applicable to infringements of national ***measures transposing this Directive, or of relevant provisions already in force or collective agreements concerning the rights which are within the scope of this Directive.*** The penalties provided for shall be effective, proportionate and dissuasive.

Or. en

Compromise 14 - ARTICLE 13 (former compromise 55)

Dennis Radtke, Agnes Jongerius

Compromise amendment replacing Amendments 76 (Co-rapp), 892 (Semedo), 893 (Demirel),

Proposal for a directive
Article 13 – paragraph 1

Text proposed by the Commission

Member States may entrust the social partners with the implementation of this Directive, where the social partners jointly request to do so. In so doing, the Member States shall take all necessary steps to ensure that ***the results sought by*** this Directive are ***guaranteed*** at all times.

Amendment

Member States ***shall ensure the timely consultation and effective involvement of social partners with regard to the development and implementation of national measures transposing this Directive and*** may entrust the social partners with the implementation of this Directive, where the social partners jointly request to do so. In so doing, the Member States shall take all necessary steps to ensure that ***the obligations laid down*** (895, 896, 897) ***in*** this Directive are ***complied with*** (895, 896, 897) at all times.

Or. en

Compromise 15 - ARTICLE 14 (former compromise 56)

Dennis Radtke, Agnes Jongerius

Compromise amendment replacing Article 14, 898 (Satouri), 899 (Semedo)

Proposal for a directive
Article 14 – paragraph 1

Text proposed by the Commission

Member States shall ensure that the national measures transposing this Directive, together with the relevant provisions already in force relating to the subject matter as set out in Article 1, are brought to the attention of workers and employers, including SMEs.

Amendment

Member States shall ensure that the national measures transposing this Directive, together with the relevant provisions already in force relating to the subject matter as set out in Article 1, are brought to the attention of workers and employers, including SMEs, ***as well as the general public*** (898, 899).

Compromise 16 - ARTICLE 15 (former compromise 57)

Dennis Radtke, Agnes Jongerius

Compromise amendment replacing Amendments 77 (Co-rapp), 900 (Semedo), 901 (Demirel),

Proposal for a directive
Article 15 – paragraph 1

Text proposed by the Commission

The Commission shall conduct an evaluation of **the** Directive by [five years after the date of transposition]. The Commission shall submit thereafter a report to the European Parliament and the Council reviewing the implementation of the Directive and propose, where appropriate, legislative amendments.

Amendment

The Commission shall conduct an evaluation of **this** Directive by [five years after the date of transposition]. The Commission shall, **after consulting the Member States and the social partners at Union level**, submit thereafter a report to the European Parliament and the Council reviewing the implementation of the Directive and propose, where appropriate, legislative amendments.

Or. en

Compromise 17 - ARTICLE 16 (former compromises 58-61)

Dennis Radtke, Agnes Jongerius

Compromise amendment replacing Amendments 78 (Co-rapp), 645 (Demirel), 648 (Rondinelli) 904 (Demirel), 905 (Brunet), 910 (Polfjärd), 903 (Danielsson), 909 (Satouri), 912 (Demirel), 902

Proposal for a directive
Article 16 – title

Text proposed by the Commission

Non-regression and more favourable provisions

Amendment

Non-regression and more favourable provisions

Proposal for a directive
Article 16 – paragraph 1

Text proposed by the Commission

1. This Directive shall not constitute valid grounds for reducing the general level of protection already afforded to workers within Member States.

Amendment

1. This Directive shall not constitute valid grounds for reducing the general level of protection already afforded to workers within Member States, **in particular with regard to the lowering or**

***abolition of minimum wages (904, 905)
and shall not be construed as preventing
Member States from increasing statutory
minimum wages (645, 648).***

Or. en

**Proposal for a directive
Article 16 – paragraph 2**

Text proposed by the Commission

2. This Directive shall not affect Member States' prerogative to apply or to introduce laws, regulations or administrative provisions which are more favourable to workers or to encourage or permit the application of collective agreements which are more favourable to workers.

Amendment

2. This Directive shall not affect Member States' prerogative to apply or to introduce laws, regulations or administrative provisions which are more favourable to workers or to encourage or permit the application of collective agreements which are more favourable to workers.

Or. en

**Proposal for a directive
Article 16 – paragraph 3**

Text proposed by the Commission

3. This Directive is without prejudice to any ***other*** rights conferred on workers by other legal acts of the Union.

Amendment

3. This Directive is without prejudice to any (910) rights conferred on workers by other legal acts of the Union.

Or. en

**Proposal for a directive
Article 16 – paragraph 3 a (new)**

Text proposed by the Commission

Amendment

3a. This Directive shall not affect the right of social partners to negotiate and conclude collective agreements (903). Nothing in this Directive shall be interpreted as restricting or adversely affecting the rights of both workers and trade unions as recognised by Union or international law or by international

agreements to which the Union or the Member States are party. (909, 912)

Or. en

Compromise 18 - ARTICLE 17 (former compromise 62)

Dennis Radtke, Agnes Jongerius

Compromise amendment replacing Amendments 79 (Co-rapp), 915 (Demirel), 914

Proposal for a directive

Article 17 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall adopt the measures necessary to comply with this Directive by [two years from the date of entry into force]. They shall immediately inform the Commission thereof.

Amendment

1. Member States shall adopt the measures necessary to comply with this Directive by [two years from the date of entry into force]. They shall immediately inform the Commission thereof.

Proposal for a directive

Article 17 – paragraph 2

Text proposed by the Commission

2. Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive.

Amendment

2. Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive. ***They shall also communicate the manner in which the social partners have been involved in the development and implementation of those measures.***

Or. en

Compromise 19 - Legal basis [more exact reference]

Dennis Radtke, Agnes Jongerius

Compromise amendment replacing Amendment 92

Proposal for a directive

Citation 1

Text proposed by the Commission

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 153 (2), in conjunction with point (b) of Article 153 (1) thereof

Amendment

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 153 (2) **(b)**, in conjunction with point (b) of Article 153 (1) thereof