

EN

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Answer given by Executive Vice-President Mînzatu
on behalf of the European Commission
(17.12.2024)

The reference to ‘adequate’ minimum wages in Directive (EU) 2022/2041¹ has to be understood in the context of the aim of its provisions, which seek to promote the adequacy of minimum wages with the aim of achieving decent living and working conditions. However, the Directive also fully respects the competence of Member States to set the level of minimum wages within their territory, in line with Article 153(5) of the Treaty on the Functioning of the European Union² (TFEU).

The Directive establishes a procedural framework for setting and updating statutory minimum wages that requires Member States to define clear criteria (notably taking into account the purchasing power of statutory minimum wages³), to use indicative reference values to guide their assessment of adequacy and to effectively involve social partners in the whole process. In addition, Member States may also use an automatic indexation mechanism provided that the application of such mechanism does not lead to a decrease in statutory minimum wages.

The Directive does not impose statutory minimum wages to the detriment of collective bargaining. It leaves Member States the choice to set statutory minimum wages, to promote access to minimum wage protection provided for in collective agreements, or both. In any event, and as mentioned in Recital (22) of the Directive, well-functioning collective bargaining is an essential factor for achieving adequate minimum wage protection and therefore the Directive requires all Member States to promote it.

¹ Directive (EU) 2022/2041 of the European Parliament and the Council of 19 October 2022 on adequate minimum wages in the European Union (OJ L 275, 25.10.2022, p. 33–47) - <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32022L2041>

² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12008E153>

³ When setting and updating statutory minimum wages, the criteria defined by Member States have to include the following elements: The purchasing power of statutory minimum wages, taking into account the cost of living; the general level of wages and their distribution; the growth rate of wages, and long-term national productivity levels and developments.