

EN
E-004181/2025
Answer given by Mr McGrath
on behalf of the European Commission
(19.12.2025)

Detention issues are primarily within the responsibility of the Member States. To complement and support Member States' policies, on 8 December 2022, the Commission presented the Recommendation on the procedural rights of suspects and accused in pre-trial detention and on material detention conditions¹, a legally non-binding instrument. One of the guiding principles of this Recommendation is that Member States are encouraged to manage detention in such a way as to facilitate the social rehabilitation of detainees. Paragraphs 47 and 48 of the Recommendation provide specific guidance on the work of detainees to promote their reintegration into society. The Commission will publish a report in 2026 assessing the national measures taken by Member States to implement the Recommendation.

It is primarily the responsibility of the Member States to ensure the correct application of the relevant legal provisions applicable to inmates, including where inmates may classify as workers.

As regards minimum wages, the Minimum Wage Directive² applies to imprisoned persons as long as they have an employment relationship as defined by national law, with consideration to the case-law of the Court of Justice. In these cases, Article 6 of the Directive requires Member States to ensure that variations of the statutory minimum wage for this specific group of workers, if they exist, respect the principles of non-discrimination and proportionality.

¹ Commission Recommendation (EU) 2023/681 of 8 December 2022 on procedural rights of suspects and accused persons subject to pre-trial detention and on material detention conditions, OJ L 86, 24.3.2023, pp. 44–57.

² Directive (EU) 2022/2041 of the European Parliament and of the Council of 19 October 2022 on adequate minimum wages in the European Union, OJ L 275, 25.10.2022, pp. 33–47.