

(English version)

**Priority question for written answer P-003216/26
to the Commission
Kira Marie Peter-Hansen (Verts/ALE)
(6 August 2026)**

Subject: Interpretation of Directive (EU) 2023/970 as regards pay transparency, especially the definition of pay, statistics and monitoring

With reference to recitals 16, 20, 22, Article 9(1) points (a)-(f), and Articles 29(1) and 29(3), point (c) of Directive (EU) 2023/970 ⁽¹⁾, how would the Commission interpret the directive as regards:

1. In order to make it possible to compare the pay gap at different employers, would the Commission recommend that the information referred to in Article 9(1)(a)-(f) is calculated on the basis of a common and consistent concept of pay by all employers, so that the reported gender pay gap figures are comparable across employers?
2. Does the directive require Member States to ensure that the information reported pursuant to Article 9 is calculated using a common methodology or common concept of pay, so that the reported information is comparable across employers?
3. Is it compatible with the objectives of Directive (EU) 2023/970 to use a concept of pay based on remuneration per hour actually worked, where periods of paid leave, including maternity or parental leave, are excluded from the calculation, if this systematically reduces or distorts the reported gender pay gap?

Submitted: 6.8.2026

**Answer given by Ms Lahbib on behalf of the European Commission
(8 September 2026)**

The Commission recalls that only the Court of Justice of the EU can provide a legal interpretation of EU law, which may depend on the specific facts of each case and, where relevant, on national implementing measures, which must be assessed by the competent national authorities and courts.

The Commission however notes that directive (EU) 2023/970 ⁽¹⁾ provides that in each Member State a monitoring body must collect data received from employers and promptly publish the data referred to in an easily accessible and user-friendly manner, allowing for comparison between employers, sectors and regions of the Member State concerned ⁽²⁾.

The Commission also notes that under Directive (EU) 2023/970, the employer must take into account all employees under the reference year ⁽³⁾.

Employees who have taken leave and received no pay or less pay (e.g. because the leave is paid by the state) should still be included in the calculation of the gender pay gap.

The difference in the share of women and men taking leave during the reference year may therefore influence the gender pay gap. As mentioned under Recital 39, employers may wish to accompany the published data by an explanation of any gender pay differences or gaps.

The Honourable Member may find useful information about Directive (EU) 2023/970 on the recently published Frequently Asked Questions document on the Commission's dedicated webpage ⁽⁴⁾.

¹ Directive (EU) 2023/970 of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms (ELI: <http://data.europa.eu/eli/dir/2023/970/oj>).

⁽¹⁾ Directive (EU) 2023/970, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32023L0970>.

⁽²⁾ Article 29(3)(c) of Directive (EU) 2023/970.

⁽³⁾ Article 3(c) of Directive (EU) 2023/970 read with Article 2(2), and Article 9(1), 9(2), 9(3), 9(4).

⁽⁴⁾ https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/equal-pay/eu-action-equal-pay_en.