



EUROPEAN COMMISSION

*Brussels, 1.7.2021
C(2021) 5019 final*

Dear President,

The Commission would like to thank the Camera dei Deputati for its Opinion on the proposal for a Directive on adequate minimum wages in the European Union {COM(2020) 682}.

Ensuring that workers in the EU are protected by adequate minimum wages is a priority for the Commission, and part of its ambition for an economy that works for people. In proposing this draft Directive, the Commission delivers on the commitment of President Ursula von der Leyen in her Political Guidelines for 2019-2024, and takes an important step towards the implementation of the European Pillar of Social Rights, jointly proclaimed by the European Parliament, the Council and the Commission in November 2017.

The Commission appreciates that the Camera dei Deputati decided to analyse this proposal. It welcomes the support of the Camera dei Deputati for the choice of the legal instrument as well as for the proposal's general aim to ensure that the workers in the European Union are protected by adequate minimum wages, allowing for a decent living wherever they work.

The Commission would like to refer to the attached Annex in response to the more technical comments in the Opinion, notably as concerns the provisions related to collective bargaining, enforcement and adequacy.

*Mr. Roberto FICO
President of the Camera dei Deputati
Piazza Montecitorio
IT 00100 ROMA*

The Commission hopes that the clarifications provided in this reply address the issues raised by the Camera dei Deputati and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*

*Nicolas Schmit
Member of the Commission*

Collective bargaining

On the promotion of collective bargaining for wage setting, the Opinion states that (i) collective bargaining referred to in the text of the proposal should be determined by the participation of the most representative social partners and that (ii) the proposal should specify the content of the action plans to be presented by the Member States with a collective bargaining coverage below 70%.

The proposed Directive recognises the key role that collective bargaining plays for adequate minimum wage protection and encourages all Member States to take action to promote collective bargaining. Moreover, the Commission promotes and supports the role of social partners at the European level and is also available to further support the Member States in the field of social dialogue, in line with the provisions of the Treaties and with due respect to the autonomy of the social partners.

However, the approach retained in the proposed Directive also aims to ensure that the proposed measures do not call into question the specificities of national systems and traditions and fully respect the principle of subsidiarity and national competencies in this field, the heterogeneity of industrial relations systems at national level and the autonomy of social partners.

The design of the concrete measures related to collective bargaining in a given Member State, including aspects related to the representativeness of social partners, falls under the discretion of the Member State concerned, which will need to shape them in line with their national practice and in such a way that they effectively pursue the aim of the proposed Directive. The Member States should also take into account the relevant international labour standards of the International Labour Organisation ratified at national level.

Effective enforcement of statutory minimum wages

The Commission takes good note of the remarks of the Camera dei Deputati on ensuring effective application of the provisions on statutory minimum wages by strengthening the controls and field inspections carried out by the institutional actors responsible for supervising their application. The Commission recalls that one of the measures that Article 8 of the proposed Directive on effective access of workers to statutory minimum wages asks the Member States to take, in cooperation with social partners, as appropriate, is to strengthen controls and field inspections conducted by labour inspectorates or the bodies responsible for the enforcement of statutory minimum wages.

Concerning the remarks on more extensive training and information for workers, including by strengthening the information requirements on contractual content already provided for in existing legislation, we would like to recall that Article 14 requires Member States to ensure that the national measures transposing the Directive, together

with the relevant provisions already in force, are brought to the attention of workers and employers, including SMEs. These provisions come in addition to the ones of Article 8, on ensuring effective access of workers to statutory minimum wages. Furthermore, as set out in Recital 31, the Technical Support Instrument and the European Social Fund Plus are available to Member States to develop or improve the technical aspects of minimum wage frameworks, including the general capacity building related to the implementation of said frameworks.

Uniform parameters at EU level to define the level of the minimum wage

On the remarks to encourage the introduction of EU-wide parameters to define the level of minimum wages, the Commission notes that, based on the information provided in the Opinion of the Camera dei Deputati, these uniform parameters seem to be the equivalent of introducing a statutory minimum wage.

If this were the intended outcome of the above-mentioned recommendation, the Commission would like to recall the provisions of Article 1 (2) of the proposal, according to which the 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 agreements. Moreover, due to the limitations set by Art 153 (5) TFEU, it is not possible to set a binding minimum wage level across the EU. The decision on the exact level of the minimum wage applicable in the Member States therefore lies at national level, in line with the national competences and practices.

However, the proposed Directive can lay down provisions for statutory minimum wage setting frameworks in order to ensure that they deliver adequate minimum wages. That is, minimum wages that are fair with respect to the wages of other workers in the same country while providing workers with a decent standard of living in that country. To this end, the proposal asks Member States to use at least four specific criteria when setting and updating minimum wages that take into account both social aspects and economic circumstances. Furthermore, the proposal also asks Member States to use indicative reference values to guide their assessment of minimum wage adequacy, such as those commonly used at international level.