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l'Union européenne

Bruxelles, le 18 mars 2022
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**Dossier interinstitutionnel:
2020/0310(COD)**

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LIMITE

**SOC 165
EMPL 106
CODEC 309**

NOTE

Origine:	Secrétariat général du Conseil
Destinataire:	Comité des représentants permanents
Objet:	Proposition de DIRECTIVE DU PARLEMENT EUROPÉEN ET DU CONSEIL relative à un cadre pour des salaires minimaux adéquats dans l'Union européenne - Préparation du trilogue

Les délégations trouveront en annexe de cette note la dernière version de table quatre colonnes utilisé par les Co législateurs dans les trilogues sur la proposition de directive sur les salaires minimaux adéquats dans l'Union européenne. La colonne « draft agreement » contient entre autres texte entre crochets []. Ce texte n'a pas encore pu agréé entre les équipes de négociation.

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on adequate minimum wages in the European Union

2020/0310(COD)

Non-versioned [LATEST TEXT]

11-03-2022 at 12h12

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
1	2020/0310 (COD)	2020/0310 (COD)	2020/0310 (COD)	2020/0310 (COD) <small>Text Origin: Commission Proposal</small>
Proposal Title				
2	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on adequate minimum wages in the European Union	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on adequate <u>and fair</u> minimum wages in the European Union	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on <u>a framework for</u> adequate minimum wages in the European Union	

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Formula				
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, Text Origin: Commission Proposal
Citation 1				
4	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	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 153 (2), <u>point (b)</u> , in conjunction with point (b) of Article 153 (1), <u>point (b)</u> , thereof	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	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 153 (2), point (b) , in conjunction with point (b) of Article 153 (1), point (b) , thereof Text Origin: EP Mandate
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission, Text Origin: Commission Proposal
Citation 3				
6	After transmission of the draft legislative act to the national	After transmission of the draft legislative act to the national	After transmission of the draft legislative act to the national	After transmission of the draft legislative act to the national

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	parliaments,	parliaments,	parliaments,	parliaments, <small>Text Origin: Commission Proposal</small>
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee ¹ , <small>1. O J C , , p . .</small>	Having regard to the opinion of the European Economic and Social Committee ¹ , <small>1. O J C , , p . .</small>	Having regard to the opinion of the European Economic and Social Committee ¹ , <small>1. O J C , , p . .</small>	Having regard to the opinion of the European Economic and Social Committee ¹ , <small>1. O J C , , p . .</small> <small>Text Origin: Commission Proposal</small>
Citation 5				
8	Having regard to the opinion of the Committee of the Regions ¹ , <small>1. O J C , , p . .</small>	Having regard to the opinion of the Committee of the Regions ¹ , <small>1. O J C , , p . .</small>	Having regard to the opinion of the Committee of the Regions ¹ , <small>1. O J C , , p . .</small>	Having regard to the opinion of the Committee of the Regions ¹ , <small>1. O J C , , p . .</small> <small>Text Origin: Commission Proposal</small>
Citation 6				
9	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure, <small>Text Origin: Commission Proposal</small>

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Formula				
10	Whereas:	Whereas:	Whereas:	Whereas: <small>Text Origin: Commission Proposal</small>
Recital 1				
11	(1) Pursuant to Article 3 of the Treaty on European Union, the aims of the Union are, inter alia, to promote the well-being of its peoples and to work for the sustainable development of Europe based on a highly competitive social market economy.	(1) Pursuant to Article 3 of the Treaty on European Union, the aims of the Union are, inter alia, to promote <u>equality, solidarity, social justice and</u> the well-being of its peoples and to work for the sustainable development of Europe based on a highly competitive social market economy, <u>aiming to ensure full employment, social progress, a high level of protection and an improvement of the quality of the environment. Pursuant to Article 9 of the Treaty on the Functioning of the European Union (TFEU), the Union is to take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, and the fight against social exclusion.</u>	(1) Pursuant to Article 3 of the Treaty on European Union, the aims of the Union are, inter alia, to promote the well-being of its peoples and to work for the sustainable development of Europe based on a highly competitive social market economy.	(1) Pursuant to Article 3 of the Treaty on European Union, the aims of the Union are, inter alia, to promote the well-being of its peoples and to work for the sustainable development of Europe based on a highly competitive social market economy, aiming to ensure full employment, social progress, a high level of protection and an improvement of the quality of the environment while promoting social justice and equality between women and men. Pursuant to Article 9 of the Treaty on the Functioning of the European Union (TFEU), the Union is to take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, and

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				the fight against social exclusion.
Recital 1a				
G	11a	<i><u>(1a) Article 151 TFEU provides that the Union and the Member States have as their objectives, inter alia, to improve living and working conditions, in order to enable the harmonisation of such conditions while maintaining their improvement, proper social protection and a dialogue between management and labour, in line with the European Social Charter.</u></i>		(1a) Article 151 TFEU provides that the Union and the Member States, having in mind fundamental social rights such as those set out in the European Social Charter, have as their objectives the promotion of employment, improved living and working conditions, so as to make possible their harmonisation while the improvement is being maintained, proper social protection and a dialogue between management and labour.
Recital 2				
Y	12	(2) Article 31 <u>21</u> of the Charter of Fundamental Rights of the European Union ¹ <i><u>(the "Charter") prohibits discrimination on the basis of sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national</u></i>	(2) Article 31 of the Charter of Fundamental Rights of the European Union ¹ provides for the right of every worker to working conditions which respect his or her health, safety and dignity.	
	1. Charter of Fundamental Rights of the European Union, 2012/C 326/02 OJEU		1. Charter of Fundamental Rights of the European Union, 2012/C 326/02 OJEU	

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	C326/391 of 26.10.2012.	<p><u>minority, property, birth, disability, age or sexual orientation. Article 23 of the Charter provides for the right to equality between women and men in all areas, including employment, work and pay. Article 27 of the Charter provides for the right of workers to information and consultation. Article 28 of the Charter provides for the right of workers and employers, or their respective organisations, in accordance with Union law and national law and practice, to negotiate and conclude collective agreements at the appropriate level and, in the case of conflicts of interest, to take collective action to defend their interests, including strike action. Article 31 of the Charter</u> provides for the right of every worker to working conditions which respect his or her health, safety and dignity.</p> <p>1. Charter of Fundamental Rights of the European Union, 2012/C 326/02 OJEU C326/391 of 26.10.2012.</p>	C326/391 of 26.10.2012.	
	Recital 3			
G	13			G

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	<p>(3) The European Social Charter establishes that all workers have the right to just conditions of work. It recognises the right of all workers to a fair remuneration sufficient for a decent standard of living for themselves and their families. Article 4 of the Charter recognises the role of freely concluded collective agreements as well as of statutory minimum wage setting mechanisms, to ensure the effective exercise of this right.</p>	<p>(3) <u>Article 2 of</u> the European Social Charter (<u>the "ESC"</u>) establishes that all workers have the right to just conditions of work. #Article 4 ESC recognises the right of all workers to a fair remuneration sufficient for a decent standard of living for themselves and their families. Article 4 of the Charter<u>It also</u> recognises the role of freely concluded collective agreements as well as of statutory minimum wage setting mechanisms, to ensure the effective exercise of this right. <u>Article 5 ESC recognises the right of workers and employers to organise and Article 6 ESC recognises the right to bargain collectively.</u></p>	<p>(3) The European Social Charter establishes that all workers have the right to just conditions of work. It recognises <i>notably</i> the right of all workers to a fair remuneration sufficient for a decent standard of living for themselves and their families. Article 4 of the Charter recognises the role of freely concluded collective agreements as well as of statutory minimum wage setting mechanisms, to ensure the effective exercise of this right, the <u>right of all workers and employers to freedom of association in national or international organisations for the protection of their economic and social interests and the right to bargain collectively.</u></p>	<p>(3) The European Social Charter (the "ESC") establishes that all workers have the right to just conditions of work. It recognises the right of all workers to a fair remuneration sufficient for a decent standard of living for themselves and their families. Article 4 of the CharterIt also recognises the role of freely concluded collective agreements as well as of statutory minimum wage setting mechanisms, to ensure the effective exercise of this right, the right of all workers and employers to organise in local, national or international organisations for the protection of their economic and social interests and the right to bargain collectively.</p>
Recital 4				
14	<p>(4) Chapter II of the European Pillar of Social Rights, proclaimed at Gothenburg on 17 November 2017, establishes a set of principles to serve as a guide towards ensuring fair working conditions. Principle No 6 of the European Pillar of Social Rights reaffirms the workers' right to fair wages that</p>	<p>(4) Chapter II of the European Pillar of Social Rights (<u>the "Pillar"</u>), proclaimed at Gothenburg on 17 November 2017, establishes a set of principles to serve as a guide towards ensuring fair working conditions. Principle No 6<u>Principles No 2 and 3</u> of the European Pillar of Social</p>	<p>(4) Chapter II of the European Pillar of Social Rights, proclaimed at Gothenburg on 17 November 2017, establishes a set of principles to serve as a guide towards ensuring fair working conditions. Principle No 6 of the European Pillar of Social Rights reaffirms the workers' right to fair wages that</p>	

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	<p>provide for a decent standard of living. It also provides that adequate minimum wages shall be ensured, in a way that provides for the satisfaction of the needs of the worker and his/her family in the light of national economic and social conditions, whilst safeguarding access to employment and incentives to seek work. Furthermore, it recalls that in-work poverty shall be prevented and that all wages shall be set in a transparent and predictable way and respecting the autonomy of the social partners.</p>	<p><i><u>Rights Pillar provide for equality of treatment and opportunities regarding participation in the labour market, terms and conditions of employment and career progression between men and women, regardless of racial or ethnic origin, religion or belief, disability, age or sexual orientation. Principle No 6 of the Pillar</u></i> reaffirms the workers' right to fair wages that provide for a decent standard of living. It also provides that adequate minimum wages shall be ensured, in a way that provides for the satisfaction of the needs of the worker and his/her family in the light of national economic and social conditions, whilst safeguarding access to employment and incentives to seek work. Furthermore, it recalls that in-work poverty shall be prevented and that all wages shall be set in a transparent and predictable way <u>according to national practices</u> and respecting the autonomy of the social partners. <i><u>Principle No 8 of the Pillar ensures the consultation of the social partners on the design and implementation of economic, employment and social policies according to national</u></i></p>	<p>provide for a decent standard of living. It also provides that adequate minimum wages shall be ensured, in a way that provides for the satisfaction of the needs of the worker and his/her family in the light of national economic and social conditions, whilst safeguarding access to employment and incentives to seek work. Furthermore, it recalls that in-work poverty shall be prevented and that all wages shall be set in a transparent and predictable way <u>according to national practices</u> and respecting the autonomy of the social partners.</p>	

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		<u><i>practices and provides that social partners are to be encouraged to negotiate and conclude collective agreements in matters relevant to them, while respecting their autonomy and the right to collective action.</i></u>		
Recital 5				
15	(5) Guideline 5 of Council Decision 2020/ 1512/EU on guidelines for the employment policies of the Member States ¹ calls on Member States to ensure an effective involvement of social partners in wage-setting, providing for fair wages that enable a decent standard of living and allowing for an adequate responsiveness of wages to productivity developments, with a view to upward convergence. The Guideline also calls on Member States to promote social dialogue and collective bargaining on wage setting. It also calls on Member States and the social partners to ensure that all workers have adequate and fair wages by benefitting from collective agreements or adequate statutory minimum wages, and taking into	(5) Guideline 5 of Council Decision 2020/ 1512/EU on guidelines for the employment policies of the Member States ¹ calls on Member States to ensure an effective involvement of <u>and cooperation with</u> social partners in wage-setting, providing for fair wages that enable a decent standard of living and allowing for an adequate responsiveness of wages to productivity developments <u>while paying particular attention to lower and middle income groups</u> , with a view to upward convergence <u>and in order to correct growing inequalities while improving the economic and social development of the Member States</u> . The Guideline also calls on Member States to promote social dialogue and collective bargaining on wage	(5) Guideline 5 of Council Decision 2020/ 1512/EU on guidelines for the employment policies of the Member States ¹ calls on Member States to ensure an effective involvement of social partners in wage-setting , providing for fair wages that enable a decent standard of living and allowing for an adequate responsiveness of wages to productivity developments, with a view to upward convergence. The Guideline also calls on Member States to promote social dialogue and collective bargaining on wage setting. It also calls on Member States and the social partners to ensure that all workers have adequate and fair wages by benefitting from collective agreements or adequate statutory minimum wages, and taking into	

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	<p>account their impact on competitiveness, job creation and in-work poverty. The Annual Sustainable Growth Strategy 2021² states that Member States should adopt measures to ensure fair working conditions. In addition, the Annual Sustainable Growth Strategy 2020³ recalled that in the context of growing social divides, it is important to ensure that each worker earns an adequate wage. Several Country Specific Recommendations have also been issued to some Member States in the field of minimum wages. However, individual countries may be little inclined to improve their minimum wage settings because of the perception that this could negatively affect their external cost competitiveness.</p> <p>1. Council Decision 2020/1512/EU of 13 October 2020 on guidelines for the employment policies of the Member States (OJ L 344, 19.10.2020, p. 22–28). 2. Commission Communication COM(2020) 575 final. 3. Commission Communication COM(2019) 650 final.</p>	<p>setting. It also calls on Member States and the social partners to ensure that all workers have adequate and fair wages by benefitting from collective agreements or adequate statutory minimum wages, and takings<i>should take</i> into account their impact on competitiveness<i>sustainable economic development</i>, job creation and in-work poverty. The Annual Sustainable Growth Strategy 2021² states that Member States should adopt measures to ensure fair working conditions. In addition, the Annual Sustainable Growth Strategy 2020³ recalled that in the context of growing social divides, it is important to ensure that each worker earns an adequate wage. Several Country Specific Recommendations have also been issued to some Member States in the field of minimum wages.However, individual countries may be little inclined to improve their minimum wage settings because of the perception that this could negatively affect their external cost competitiveness<i>with the aim of improving the adequacy of minimum wages to achieve real wage growth and</i></p>	<p>account their impact on competitiveness, job creation and in-work poverty. The Annual Sustainable Growth Strategy 2021² states that Member States should adopt measures to ensure fair working conditions. In addition, the Annual Sustainable Growth Strategy 2020³ recalled that in the context of growing social divides, it is important to ensure that each worker earns an adequate<i>a fair</i> wage. Several Country Specific Recommendations have also been issued to some Member States in the field of minimum wages. However, individual countries may be little inclined to improve their minimum wage settings because of the perception that this could negatively affect their external cost competitiveness.</p> <p>1. <u>[1]</u> Council Decision 2020/1512/EU of 13 October 2020 on guidelines for the employment policies of the Member States (OJ L 344, 19.10.2020, p. 22–28). 2. <u>[2]</u> Commission Communication COM(2020) 575 final. 3. <u>[3]</u> Commission Communication COM(2019) 650 final.</p>	

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		<p><u><i>avoid labour cost competition. Member States should improve minimum wage protection, taking into account national traditions.</i></u></p> <p>1. Council Decision 2020/1512/EU of 13 October 2020 on guidelines for the employment policies of the Member States (OJ L 344, 19.10.2020, p. 22–28). 2. Commission Communication COM(2020) 575 final. 3. Commission Communication COM(2019) 650 final.</p>		
Recital 6				
16	<p>(6) Better working and living conditions, including through adequate minimum wages, benefit both workers and businesses in the Union and are a prerequisite for achieving inclusive and sustainable growth. Addressing large differences in the coverage and adequacy of minimum wage protection contributes to improving the fairness of the EU labour market and promote economic, social progress and upward convergence. Competition in the Single Market should be based on high social standards, innovation and productivity improvements ensuring a level playing field.</p>	<p>(6) Better working and living conditions, including through adequate <u><i>and fair</i></u> minimum wages, benefit <i>both</i> workers and businesses in the Union <u><i>as well as society and the economy in general</i></u> and are a prerequisite for achieving <u><i>fair</i></u>, inclusive and sustainable growth. Addressing large differences in the coverage and adequacy of minimum wage protection contributes to improving the fairness of the EU labour market, <u><i>preventing and reducing wage and social inequalities and combating unfair competition, and to promoting</i></u> <i>and promote</i> economic, social progress and</p>	<p>(6) Better working and living conditions, including through adequate minimum wages, benefit both workers and businesses in the Union and are a prerequisite for achieving inclusive and sustainable growth. Addressing large differences in the coverage and adequacy of minimum wage protection contributes to improving the fairness of the EU labour market and promote economic, social progress and upward convergence. Competition in the Single Market should be based on high social standards, innovation and productivity improvements, <u><i>while</i></u> ensuring a level playing</p>	

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		upward convergence. Competition in the Single Market should be based on high social standards, <u>including a high level of workers' protection, the creation of quality jobs,</u> innovation and <u>sustainable</u> productivity improvements, ensuring a level playing field.	field.	
Recital 7				
17	(7) When set at adequate levels, minimum wages protect the income of disadvantaged workers, help ensure a decent living, and limit the fall in income during bad times, as recognised in Convention 131 of the International Labour Organisation on the establishment of a system of minimum wage fixing. Minimum wages contribute to sustaining domestic demand, strengthen incentives to work, reduce wage inequalities and in-work poverty.	(7) When set at adequate <u>and fair</u> levels, <u>whether by statutory minimum wages or collective bargaining,</u> minimum wages protect the income of <u>all workers, in particular of</u> disadvantaged workers, help ensure a decent living <u>for all,</u> and limit the fall in income during bad times, as recognised in Convention 131 of the International Labour Organisation <u>Organization (ILO)</u> on the establishment of a system of minimum wage fixing. Minimum wages <u>that provide for a decent standard of living</u> contribute to sustaining domestic demand <u>and purchasing power at local, regional and national level,</u> strengthen incentives to work, reduce wage inequalities and <u>the gender pay gap, to help to prevent</u>	(7) When set at adequate levels, minimum wages protect the income of disadvantaged workers, help ensure a decent living, and limit the fall in income during bad times, as recognised in Convention 131 of the International Labour Organisation on the establishment of a system of minimum wage fixing. Minimum wages contribute to sustaining domestic demand, strengthen incentives to work, reduce wage inequalities and in-work poverty.	

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		<i><u>and combat in-work poverty among workers and their families, and to strengthen economic resilience. A consideration of the socio-economic situation of the labour market should address the need to ensure a decent standard of living for workers.</u></i>		
Recital 7a				
17a		<i><u>(7a) In-work poverty in the Union has increased over the past decade and more workers are experiencing poverty¹. During economic turndowns, such as the COVID-19 crisis, the role of adequate and fair minimum wages in protecting low-wage workers is particularly important as they are more vulnerable to the consequences, and is essential for the purpose of supporting a sustainable and inclusive economic recovery which should lead to more quality employment. To ensure a sustainable recovery, it is vital that businesses, in particular micro-enterprises and small enterprises, thrive. Taking into account the effects and duration of the COVID-19 crisis, it is even more important to</u></i>		<i><u>(7a) In-work poverty in the Union has increased over the past decade and more workers are experiencing poverty. During economic turndowns, the role of adequate and fair minimum wages in protecting low-wage workers is particularly important, as they are more vulnerable to the consequences, and is essential for the purpose of supporting a sustainable and inclusive economic recovery which should lead to more quality employment. To ensure sustainable recovery, it is vital that businesses, in particular micro-enterprises and small enterprises, thrive. In view of the effects of the COVID-19 pandemic, it is important to assess the adequacy of wages in</u></i>

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		<p><i><u>reassess the adequacy of wages in low-paid, sectors that have proven to be essential and of great social value during the crisis. Not all Member States have ratified and implemented ILO Convention 131 on Minimum Wage Fixing.</u></i></p> <p><i><u>L.</u></i> https://ec.europa.eu/eurostat/web/products-eurostat-news/-/DDN-20180316-1</p>		<p>low-paid sectors that have proven to be essential and of great social value during the crisis.</p>
Recital 8				
18	<p>(8) Women, young and low-skilled workers and persons with disabilities have a higher probability of being minimum wage or low wage earners than other groups. During economic downturns, such as the Covid-19 crisis, the role of minimum wages in protecting low-wage workers becomes increasingly important and is essential to support a sustainable and inclusive economic recovery. Addressing minimum wage contributes to gender equality, closing the gender pay and pension gap as well as elevating women out of poverty.</p>	<p>(8) Women, <i><u>young and younger and older workers, migrants, single parents,</u></i> low-skilled workers, <i><u>persons with disabilities, and in particular</u></i> and persons with disabilities <i><u>who suffer from multiple forms of discrimination still</u></i> have a higher probability of being minimum wage or low wage earners than other groups. During economic downturns, such as the Covid-19 crisis, the role. <i><u>Ensuring and improving the adequacy and fairness</u></i> of minimum wages in protecting low wage workers becomes increasingly important and is essential to support a sustainable and inclusive economic recovery. Addressing minimum</p>	<p>(8) Women, young and low-skilled workers and persons with disabilities have a higher probability of being minimum wage or low wage earners than other groups. During economic downturns, such as the Covid-19 crisis, the role of minimum wages in protecting low-wage workers becomes increasingly important and is essential to support a sustainable and inclusive economic recovery. Addressing minimum wage contributes to gender equality, closing the gender pay and pension gap as well as elevating women out of poverty.</p>	

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		wage contributes to <u>contributes to reducing the disability pay gap, respecting the needs of all generations,</u> gender equality, closing the gender pay and pension gap as well as elevating women <u>and their families</u> out of poverty. <u>Ensuring equal pay and facilitating a good work-life balance are vital to sustainable economic growth in the Union.</u>		
Recital 9				
19	(9) The Covid-19 pandemic is having a significant impact on the services sector and small firms, which both have a high share of minimum wage earners. In addition, minimum wages are also important in view of the structural trends that are reshaping labour markets and which are increasingly characterised by high shares of non-standard and precarious work. These trends have led to an increased job polarisation resulting in an increasing share of low-paid and low-skilled occupations in most Member States, as well as to higher wage inequality in some of them.	(9) The Covid-19 pandemic is having a significant impact on the services sector, <u>microenterprises</u> and small firms, <u>enterprises</u> which both have a high share of <u>low wage and</u> minimum wage earners. In addition, <u>therefore</u> Minimum wages are <u>therefore</u> also important in view of the structural trends that are reshaping labour markets and which are increasingly characterised by high shares of non-standard and precarious work, <u>often including part-time, seasonal, platform and temporary agency workers.</u> These trends have led, <u>in many cases,</u> to an increased job polarisation resulting in an increasing share of low-paid and	(9) The Covid-19 pandemic is having a significant impact on the services sector and small firms, which both have a high share of minimum wage earners. In addition, minimum wages are also important in view of the structural trends that are reshaping labour markets and which are increasingly characterised by high shares of non-standard and precarious work. These trends have led to an increased job polarisation resulting in an increasing share of low-paid and low-skilled occupations in most Member States, as well as to higher wage inequality in some of them.	(9) The Covid-19 pandemic is having a significant impact on the services sector, microenterprises and small firms, enterprises which both have a high share of low wage and minimum wage earners. In addition, therefore Minimum wages are therefore also important in view of the structural trends that are reshaping labour markets and which are increasingly characterised by high shares of non-standard and precarious work, often including part-time, seasonal, platform and temporary agency workers. These trends have led, in many cases, to an increased job polarisation resulting in an

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		<p>low-skilled occupations <u>and sectors</u> in most Member States, as well as to higher wage inequality in some of them. <u>It is more difficult for workers with non-standard contracts to organise and fight for collective agreements. Strategies such as "union-busting" weaken trade unions and, as a consequence, lead to fewer or hollowed-out collective agreements. In addition, the low or decreasing coverage of employers' organisations is debilitating collective bargaining.</u></p>		<p>increasing share of low-paid and low-skilled occupations and sectors in most Member States, as well as to higher wage inequality in some of them. It is more difficult for workers with non-standard contracts to organise and negotiate for collective agreements.</p> <p><small>Text Origin: EP Mandate</small></p>
Recital 9a				
19a		<p><u>(9a) While labour market flexibility and new forms of employment, including part-time work and work for numerous employers are not generally and necessarily disadvantageous and are sometimes preferred by workers themselves, they should not lead to in-work poverty or the evasion of minimum wage regulations and agreements.</u></p>		
Recital 9b				
19b				

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		<p><i><u>(9b) New technologies, innovative administrative approach and new forms of social dialogue and collective bargaining should therefore be developed, in order to guarantee the minimum wage and protection for all workers in the new social and economic realities of digital economy.</u></i></p>		
Recital 10				
20	<p>(10) While minimum wage protection exists in all Member States, in some that protection stems from legislative provisions (“statutory minimum wages”) and from collective agreements while in others it is provided exclusively, through collective agreements.</p>	<p>(10) While Minimum wage protection exists in all Member States, in some that. Protection stems from legislative provisions (“and from collective agreements. Many Member States have statutory minimum wages”) and from collective agreements while in others it is provided exclusively. <u>In some Member States, social partners have developed well-functioning autonomous bargaining structures for wagesetting. In those Member States, social partners have a high capacity to negotiate and monitor the implementation of concluded agreements. Wage setting through collective agreements contributes to a balanced development of wage formation and reducing in-</u></p>	<p>(10) While minimum wage protection exists in all Member States, in some that protection stems from legislative provisions (“statutory minimum wages”) <u>or administrative provisions</u> and from collective agreements while in others it is provided exclusively, through collective agreements.</p>	

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		<u><i>work poverty and has proven to be beneficial from a socio-economic perspective. The different national traditions in the Member States should be respected.</i></u>		
Recital 11				
21	(11) Minimum wage protection set out by collective agreements in low-paid occupations is adequate in most cases; statutory minimum wages are low compared to other wages in the economy in several Member States. In 2018, the statutory minimum wage did not provide sufficient income for a single minimum-wage earner to reach the at-risk-of-poverty threshold in nine Member States. In addition, the use of reduced minimum wage rates (variations) and deductions from statutory minimum wages negatively affect their adequacy.	(11) Minimum wage protection set out by <u>arising from</u> collective agreements in low-paid occupations is adequate <u>and provide decent standards of living</u> in most cases ; , <u>and has proven to be an effective means by which to tackle in-work poverty.</u> Statutory minimum wages are <u>usually</u> low compared to other wages in the economy in several <u>many</u> Member States. In 2018, the statutory minimum wage did not provide sufficient income for a single minimum-wage earner to reach the at-risk-of-poverty <u>at-risk-of-poverty</u> threshold in nine Member States, <u>which is not in line with the aims of the Union as outlined in Article 9 TFEU.</u> In addition, the use of reduced minimum wage rates (variations) and deductions from statutory minimum wages negatively affect their adequacy <u>and increases the risk of poverty</u>	(11) Minimum wage protection set out by collective agreements in low-paid occupations is adequate in most cases; statutory minimum wages are low compared to other wages in the economy in several Member States. In 2018, the statutory minimum wage did not provide sufficient income for a single minimum-wage earner to reach the at-risk-of-poverty threshold in nine Member States. In addition, the use of reduced minimum wage rates (variations) and deductions from statutory minimum wages negatively affect their adequacy.	

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		<u>of such workers, in the public as well as the private sectors.</u>		
Recital 12				
22	(12) Not all workers in the Union are protected by minimum wages. In some Member States some workers, even though they are covered, receive in practice a remuneration below the statutory minimum wage due to the non-respect of existing rules. In particular, such non-compliance has been found to affect notably women, young workers, people with disabilities and agricultural workers. In Member States where minimum wage protection is provided only through collective agreements, the share of workers not covered is estimated to vary from 2% to 55% of all workers.	(12) Not all workers in the Union are protected by minimum wages. In some Member States some workers, even though they are covered, receive in practice a remuneration below the statutory minimum wage due to the non-respect of existing rules <u>non-compliance with existing rules, or due to current variations of and deductions from the statutory minimum wage. Where they exist, Member States should regularly review variations with a view to assess their impact on vulnerable groups of workers.</u> In particular, such non-compliance has been found to affect notably women, young workers, <u>older workers, low-skilled workers, migrant workers, single parents,</u> people with disabilities, <u>workers with non-standard forms of employment such as platform workers, part-time workers,</u> and agricultural, <u>seasonal and fixed-term</u> workers, <u>which as a consequence drives down wages.</u>	(12) Not all workers in the Union are <u>effectively</u> protected by minimum wages. <u>as</u> in some Member States some workers, even though they are covered, receive in practice a remuneration below the statutory minimum wage due to the non-respect of existing rules. In particular, such non-compliance has been found to affect notably women, young workers, people with disabilities and agricultural workers. In Member States where minimum wage protection is provided only through collective agreements, the share of workers not covered is estimated to vary from 2% to 55% of all workers.	

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		In Member States where minimum wage protection is provided only through arises from collective agreements only , the share of workers not covered is estimated to vary from 2% to 55% of all workers.		
Recital 12a				
Y	22a	<u>(12a) To avoid the proliferation of sheltered employment opportunities that do not comply with minimum wage legislation and to avoid discrimination against persons with disabilities, this Directive should ensure that sheltered employment facilities are governed by the standards, laws or agreements in place in the sector in which they operate.</u>		
Recital 13				
R	23	(13) While strong collective bargaining at sector or cross-industry level contributes to ensuring adequate minimum wage protection, traditional collective bargaining structures have been eroding during the last decades, in part due to structural shifts in the	(13) While strong collective bargaining at sector or cross-industry level contributes to ensuring adequate and fair minimum wage protection in the form of wages arising from collective agreements , traditional collective bargaining structures	(13) While strong collective bargaining at sector or cross-industry level contributes to ensuring adequate minimum wage protection, traditional collective bargaining structures have been eroding during the last decades, in part due to structural shifts in the

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	economy towards less unionised sectors and to the decline in trade union membership related to the increase of atypical and new forms of work.	have been eroding during the last <u>recent</u> decades, <u>due to a decrease in employer association membership, in part due</u> to structural shifts in the economy towards less unionised sectors and to the decline in trade union membership related <u>which is due</u> to the increase of atypical and new <u>precarious and non-standard</u> forms of work. <u>In addition, sectoral and cross-industry level collective bargaining came under severe pressure in the aftermath of the 2008 financial crisis. With the aim of achieving adequate and fair minimum wages, however, sectoral and cross-industry level collective bargaining is essential and therefore needs to be promoted and strengthened.</u>	economy towards less unionised sectors and to the decline in trade union membership related to the increase of atypical and new forms of work.	
Recital 14				
24	(14) The Commission has consulted management and labour in a two-stage process with regard to possible action to address the challenges related to adequate minimum wages protection in the Union, in accordance with Article 154 of the Treaty on the Functioning of the European	(14) The Commission has consulted management and labour in a two-stage process with regard to possible action to address the challenges related to adequate <u>and fair</u> minimum wages protection in the Union, in accordance with Article 154 of the Treaty on the Functioning of the European	(14) The Commission has consulted management and labour in a two-stage process with regard to possible action to address the challenges related to adequate minimum wages protection in the Union, in accordance with Article 154 of the Treaty on the Functioning of the European	

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	Union. There was no agreement among the social partners to enter into negotiations with regard to those matters. It is, however, important to take action at Union level to ensure that workers in the Union are protected by adequate minimum wages, taking into account the outcomes of the social partners' consultation.	Union. There was no agreement among the social partners to enter into negotiations with regard to those matters. It is, however, important to take action at Union level, <u>while respecting the principle of subsidiarity</u> , to ensure that workers in the Union are protected by adequate <u>and fair</u> minimum wages, taking into account the outcomes of the social partners' consultation.	Union. There was no agreement among the social partners to enter into negotiations with regard to those matters. It is, however, important to take action at Union level to ensure <u>promote</u> that workers in the Union are protected by adequate minimum wages, taking into account the outcomes of the social partners' consultation.	
Recital 15				
25	(15) This Directive establishes minimum requirements at Union level to ensure both that minimum wages are set at adequate level and that workers have access to minimum wage protection, in the form of a statutory minimum wage or in the form of wages set under collective agreements as defined for the purpose of this Directive.	(15) <u>With a view to improving working and living conditions, upward social convergence and gender equality in the Union</u> , this Directive establishes minimum requirements at Union level to ensure both that minimum wages are set at adequate level and that workers have access <u>the adequacy and fairness of minimum wages and the access of workers</u> to minimum wage protection, in the form of a statutory minimum wage, <u>where it exists</u> , or in the form of wages set under <u>arising from</u> collective agreements as defined for the purpose of this Directive.	(15) This Directive establishes minimum requirements <u>a framework</u> at Union level to ensure both that <u>promote adequate level of</u> minimum wages, <u>collective bargaining on wage setting, particularly for the benefit of low wage earners, and effective access of workers</u> are set at adequate level and that workers have access to minimum wage protection, <u>to the extent minimum wages exist</u> in the form of a <u>statutory minimum wage</u> wages or in the form of wages set under collective agreements as defined for the purpose of this Directive.	

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Recital 16				
26	<p>(16) In full respect of Article 153(5) of the Treaty on the Functioning of the European Union, this Directive neither aims to harmonise the level of minimum wages across the Union nor to establish a uniform mechanism for setting minimum wages. It does not interfere with the freedom of Member States to set statutory minimum wages or promote access to minimum wage protection provided by collective agreements, according to the traditions and specificities of each country and in full respect of national competences and social partners' contractual freedom. This Directive does not impose an obligation on the Member States where minimum wage protection is ensured exclusively via collective agreements to introduce a statutory minimum wage nor to make the collective agreements universally applicable. Also, this Directive does not establish the level of pay, which falls within the contractual freedom of the social partners at national level and within the relevant competence of Member</p>	<p>(16) In full respect of Article 153(5) of the Treaty on the Functioning of the European Union TFEU, this Directive neither aims to harmonise the level of minimum wages across the Union nor to establish a uniform mechanism for setting minimum wages. It <u>aims to ensure adequate and fair minimum wages as a threshold of decency at national level, to improve living standards and to prevent and reduce poverty in the Union. However, this Directive</u> does not interfere with the freedom of Member States to set statutory minimum wages or promote access to minimum wage protection provided by collective agreements, according to the traditions and specificities of each country and in full respect of national competences and social partners' contractual freedom <u>right to conclude agreements</u>. This Directive does not impose <u>and should not be construed as imposing</u> an obligation on the Member States where minimum wage protection is ensured exclusively via collective</p>	<p>(16) In full respect of <u>Member States' competences preserved by</u> Article 153(5) of the Treaty on the Functioning of the European Union, this Directive neither aims to harmonise the level of minimum wages across the Union nor to establish a uniform mechanism for setting minimum wages. It does not interfere with the freedom of Member States to set statutory minimum wages or promote access to minimum wage protection provided by collective agreements, according to the traditions <u>laws, practices</u> and specificities of each country and in full respect of national competences and social partners' contractual freedom. This Directive <u>sets out obligations of a procedural nature, it</u> does not impose an obligation on the Member States where minimum wage protection is ensured exclusively via collective agreements to introduce a statutory minimum wage nor to make the collective agreements universally applicable. Also, this Directive does not establish the level of pay, which falls within the contractual</p>	

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	States.	agreements to introduce a statutory minimum wage nor to make the collective agreements universally applicable. Also, this Directive does not establish the level of pay, which falls within the <i>contractual freedom right</i> of the social partners <u>to conclude agreements</u> at national level and within the relevant competence of Member States.	freedom of the social partners at national level and within the relevant competence of Member States.	
Recital 17				
27	(17) This Directive should apply to workers who have an employment contract or employment relationship as defined by the law, collective agreements or practice in force in each Member State, with consideration to the criteria established by the Court of Justice of the European Union for determining the status of a worker. Provided that they fulfil those criteria, domestic workers, on-demand workers, intermittent workers, voucher based-workers, bogus self-employed, platform workers, trainees and apprentices could fall within the scope of this Directive. Genuinely self-employed persons do not fall	(17) This Directive should apply to workers who have an employment contract or employment relationship as defined by the law, collective agreements or practice in force in each Member State, with consideration to the criteria established by the Court of Justice of the European Union for determining the status of a worker. Provided that they fulfil those criteria, <u>workers in the public as well as the private sectors, whose pay is calculated on the basis of output, where permitted by national law, seafarers,</u> domestic workers, on-demand workers, intermittent workers, voucher based-workers, <u>voucher-based</u>	(17) <u>While respecting Regulation (EC) 593/2008 of 17 June 2008 on the law applicable to contractual obligations (Rome I),</u> this Directive should apply <u>with regard</u> to workers who have an employment contract or employment relationship as defined by the law, collective agreements or practice in force in each Member State, with consideration to the criteria established by the Court of Justice of the European Union for determining the status of a worker. Provided that they fulfil those criteria, domestic workers, on-demand workers, intermittent workers, voucher based-workers, bogus self-employed, platform	

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	<p>within the scope of this Directive since they do not fulfil those criteria. The abuse of the status of self-employed persons, as defined in national law, either at national level or in cross-border situations, is a form of falsely declared work that is frequently associated with undeclared work. Bogus self-employment occurs when a person is declared to be self-employed while fulfilling the conditions characteristic of an employment relationship, in order to avoid certain legal or fiscal obligations. Such persons should fall within the scope of this Directive. The determination of the existence of an employment relationship should be guided by the facts relating to the actual performance of the work and not by the parties' description of the relationship.</p>	<p><u>workers, workers who are</u> bogus self-employed, platform workers, trainees and apprentices could fall within the scope of this Directive. Genuinely self-employed persons do not <u>workers in sheltered employment, part-time workers, other non-standard workers, trainees and apprentices could</u> fall within the scope of this Directive since they do not fulfil those criteria. The abuse of the status of self-employed persons, as defined in national law, either at national level or in cross-border situations, is a form of falsely declared work that is frequently associated with undeclared work. Bogus self-employment occurs when a person is declared to be self-employed while fulfilling the conditions characteristic of an employment relationship, in order to avoid certain legal or fiscal obligations. Such persons should fall within the scope of this Directive. The determination of the existence of an employment relationship should be guided by the facts relating to the actual performance of the work, and not by the parties' description of the relationship.</p>	<p>workers, trainees and apprentices could fall within the scope of this Directive. Genuinely self-employed persons do not fall within the scope of this Directive since they do not fulfil those criteria. The abuse of the status of self-employed persons, as defined in national law, either at national level or in cross-border situations, is a form of falsely declared work that is frequently associated with undeclared work. Bogus self-employment occurs when a person is declared to be self-employed while fulfilling the conditions characteristic of an employment relationship, in order to avoid certain legal or fiscal obligations. Such persons should fall within the scope of this Directive. The determination of the existence of an employment relationship should be guided by the facts relating to the actual performance of the work and not by the parties' description of the relationship.</p>	

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	Recital 17a			
27a			<p><u>(17a) Genuinely self-employed persons do not fall within the scope of this Directive since they do not fulfil those criteria. The abuse of the status of self-employed persons, as defined in national law, either at national level or in cross-border situations, is a form of falsely declared work that is frequently associated with undeclared work. Bogus self-employment occurs when a person is declared to be self-employed while fulfilling the conditions characteristic of an employment relationship, in order to avoid certain legal or fiscal obligations. Such persons should fall within the scope of this Directive. The determination of the existence of an employment relationship should be guided by the facts relating to the actual performance of the work and not by the parties' description of the relationship.</u></p>	
	Recital 17b			
27b			<p><u>(17b) This Directive takes into account that the Maritime Labour</u></p>	

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			<p><u>Convention, 2006, as amended, lays down a minimum wage setting mechanism with regard to seafarers. For the purposes of this Directive, decisions of the Governing Body of the International Labour Office resulting from such minimum wage setting mechanism and put into practice by a Member State, should be deemed to be collective agreements.</u></p>	
Recital 17a				
27c		<p><u>(17a) In a social market economy, everyone who works should have a decent income and be able to provide for him or herself and his or her family. Solutions to prevent in-work poverty, unfair competition and social inequalities should be in place. Adequate and fair minimum wages are essential in this regard. Member States should ensure compliance with the maximum working hours laid down in national law or collective agreements in the Member States in accordance with Directive 2003/88/EC of the European Parliament and of the Council¹¹,</u></p>		

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		<p><u>as well as other health and safety provisions, to safeguard workers' physical and mental well-being.</u> <u>Member States can take measures against the practice of some employers to raise the output of work or increase the work intensity when minimum wages are implemented or increased because the hourly minimum wages are indirectly lowered and the purpose of this Directive is undermined.</u></p> <p><u>1. Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ L 299, 18.11.2003, p. 9).</u></p>		
Recital 18				
28	<p>(18) Well-functioning collective bargaining on wage setting is an important means to ensure that workers are protected by adequate minimum wages. In the Member States with statutory minimum wages, collective bargaining supports general wage developments and therefore contributes to improving the adequacy of minimum wages. In</p>	<p>(18) <u>Collective bargaining should in any event be in line with ILO Convention 87 on Freedom of Association and Protection of the Right to Organise, ILO Convention 98 on the Right to Organise and Collective Bargaining, ILO Convention 154 on Collective Bargaining, and ILO Recommendation 91 on Collective Agreements, as well as</u></p>	<p>(18) Well-functioning collective bargaining on wage setting is an important means to ensure that workers are protected by adequate minimum wages. In the Member States with statutory minimum wages, collective bargaining supports general wage developments and therefore contributes to improving the adequacy of minimum wages. In</p>	

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	<p>the Member States where minimum wage protection is provided exclusively by collective bargaining, their level as well as the share of protected workers are directly determined by the functioning of the collective bargaining system and collective bargaining coverage. Strong and well-functioning collective bargaining together with a high coverage of sectorial or cross-industry collective agreements strengthen the adequacy and the coverage of minimum wages.</p>	<p><u><i>the Charter and the ESC.</i></u> Well-functioning collective bargaining on wage setting is an important means to ensure that workers are protected by adequate <u><i>and fair</i></u> minimum wages <u><i>that provide for a decent standard of living.</i></u> In the Member States with statutory minimum wages, collective bargaining supports general wage developments and therefore contributes to improving the adequacy <u><i>and fairness</i></u> of minimum wages <u><i>as well as the working and living conditions of workers.</i></u> In the Member States where minimum wage protection is provided exclusively by collective bargaining, <u><i>in the form of wages arising from collective agreements,</i></u> their level as well as the share of protected workers are directly determined by the functioning of the collective bargaining system and collective bargaining coverage. Strong and well-functioning collective bargaining together with a high coverage of sectorial or cross-industry collective agreements strengthen the adequacy and the coverage of minimum <u><i>wage protection in the form of</i></u> wages</p>	<p>the Member States where minimum wage protection is provided exclusively by collective bargaining, their level as well as the share of protected workers are directly determined by the functioning of the collective bargaining system and collective bargaining coverage. Strong and well-functioning collective bargaining together with a high coverage of sectorial or cross-industry collective agreements strengthen the adequacy and the coverage of minimum wages.</p>	

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		<u>arising from collective bargaining.</u>		
Recital 18a				
28a		<u>(18a) Minimum wage protection through collective agreements is beneficial to workers and employers as well as businesses. In some Member States there are neither statutory minimum wages nor systems for declaring collective agreements generally binding. Wages, including minimum wage protection, are provided exclusively by collective bargaining between social partners. Average wages in those Member States are among the highest in the Union. Those systems are characterised by very high collective bargaining coverage, as well as high levels of affiliation to both the employer associations and trade unions. In systems where minimum wages arise from collective agreements which are made universally applicable without any discretion of the adopting authority as to the content of the applicable provisions, the minimum wage should not be considered to be a statutory minimum wage.</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 19				
29	<p>(19) In a context of declining collective bargaining coverage, it is essential that the Member States promote collective bargaining to enhance workers' access to minimum wage protection provided by collective agreements. Member States with a high collective bargaining coverage tend to have a low share of low-wage workers and high minimum wages. Member States with a small share of low wage earners have a collective bargaining coverage rate above 70%. Similarly, the majority of the Member States with high levels of minimum wages relative to the median wage have a collective bargaining coverage above 70%. While all Member States should be encouraged to promote collective bargaining, those who do not reach this level of coverage should, in consultation and/or agreement with the social partners, provide for or, where it already exists, strengthen a framework of facilitative procedures and institutional arrangements enabling the</p>	<p>(19) In a context of declining collective bargaining coverage, it is essential that the Member States <u>protect the right to engage in and</u> promote collective bargaining to enhance workers' access to minimum wage protection provided by collective agreements. <u>This applies in particular to Member States with low collective bargaining coverage, and to cases where multinational and large corporations practice social dumping and continue to exploit loopholes in social systems.</u> Member States with a high collective bargaining coverage tend to have a low share of low-wage workers and high minimum wages. Member States with a small share of low wage earners have a collective bargaining coverage rate above 70%. Similarly, the majority of the Member States with high levels of minimum wages relative to the median wage have a collective bargaining coverage above 70%. While all Member States should be encouraged to promote collective bargaining <u>and</u></p>	<p>(19) In a context of declining collective bargaining coverage, it is essential that the Member States promote collective bargaining to <u>and thereby</u> enhance workers' <u>access to minimum wage protection</u> the wage setting provided by collective agreements <u>to improve workers' minimum wage protection</u>. Member States with a high collective bargaining coverage tend to have a low share of low-wage workers and high minimum wages. Member States with a small share of low wage earners have a collective bargaining coverage rate above 70%. Similarly, the majority of the Member States with high levels of minimum wages relative to the median wage have a collective bargaining coverage above 70%. While all <u>Therefore</u>, Member States <u>with a collective bargaining coverage rate below 70%</u> should be encouraged to promote <u>adopt measures with a view to enhancing such</u> collective bargaining. <u>However, in order to respect the autonomy of social</u></p>	

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	<p>conditions for collective bargaining. Such framework should be established by law or by tripartite agreement..</p>	<p><u>progressively increase the collective bargaining coverage with regard to remuneration to at least 80% of the workers</u>, those who do not reach this level of coverage should, in consultation and/or<u>and</u> agreement with the social partners, provide for or, where it already exists, strengthen a framework of facilitative procedures and institutional arrangements enabling the conditions for collective bargaining. Such framework should be established <u>in accordance with national law and practice</u>, by law, <u>after consulting social partners</u>, in-or-by tripartite agreement-<u>with social partners or, following a joint request, between social partners.</u></p>	<p><u>partners, which includes their right to collective bargaining and excludes any obligation to conclude collective agreements, the threshold of 70% of collective bargaining</u> -those who do not reach this level of coverage should, in consultation and/or agreement with the social partners, provide for or, where it already exists, strengthen <u>not be construed as an objective, but is only used as an indicator triggering the obligations to provide for</u> a framework of facilitative procedures and institutional arrangements enabling the conditions for collective bargaining <u>as well as to establish an action plan. Such plan might take any form and it might have been adopted prior to the entry into force of this Directive, provided that it contains actions striving to effectively promote collective bargaining and it was-</u>Such framework should be established by law or by tripartite agreement-<u>in consultation with social partners.</u></p>	
Recital 19a				
R 29a				R

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u><i>(19a) Member States should establish and implement an action plan to promote collective bargaining in cooperation with the social partners. That action plan should be reviewed and revised at least every two years. It should also be notified to the Commission and be made public. Member States' collective bargaining coverage rates vary significantly owing to a number of factors, including national tradition and practice and their historic contexts. This must be taken into account when assessing progress towards a higher collective bargaining coverage particularly with regard to the action plan provided for in this Directive.</i></u></p>		
Recital 20				
30	<p>(20) Sound rules, procedures and practice for setting and updating statutory minimum wages are necessary to deliver adequate minimum wages, while safeguarding jobs and the competitiveness of firms including small and medium-sized enterprises. They include a number</p>	<p>(20) Sound, <u><i>clear</i></u> rules, <u><i>transparent</i></u> procedures and <u><i>effective</i></u> practice for setting and updating statutory minimum wages are necessary to deliver adequate <u><i>and fair</i></u> minimum wages, <u><i>including through automatic indexation where it exists,</i></u> while safeguarding jobs <u><i>existing and</i></u></p>	<p>(20) Sound rules, procedures and practice for setting and updating statutory minimum wages, are necessary to deliver adequate minimum wages, while safeguarding jobs and the competitiveness of firms including small and medium-sized enterprises. They include a number</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>of elements to preserve the adequacy of statutory minimum wages, including criteria and indicators to assess adequacy, regular and timely updates, the existence of consultative bodies and the involvement of social partners. A timely and effective involvement of the latter is another element of good governance that allows for an informed and inclusive decision-making process.</p>	<p><u>creating new quality employment, ensuring equal treatment, a level playing field</u> and the competitiveness of firms including <u>micro</u>, small and medium-sized enterprises. They include a number of elements to <u>ensure and</u> preserve the adequacy <u>and fairness</u> of statutory minimum wages, including criteria and <u>guiding</u> indicators to assess adequacy <u>and fairness</u>, regular and timely updates, the existence<u>contribution</u> of consultative bodies and the involvement of social partners. A timely, <u>comprehensive</u> and effective involvement of the latter <u>is another element of social partners, is a pre-requisite for good governance that allows for an informed and inclusive decision-making process, while taking into account that social and economic realities are not static.</u></p>	<p>of elements<u>components</u> to preserve the adequacy of statutory minimum wages, including criteria <u>to guide Member States in setting and updating minimum wages</u> and indicators to assess <u>their</u> adequacy, regular and timely updates, the existence of consultative bodies and the involvement of social partners. A timely and effective involvement of the latter <u>in the setting and in updating of statutory minimum wages as well as in the establishment or modification of automatic indexation formulas, where they exist</u>, is another element of good governance that allows for an informed and inclusive decision-making process.</p>	
	Recital 20a			
30a			<p><u>(20a) Member States which use an automatic indexation mechanism, including semi-automatic mechanisms in which a minimal obligatory increase of minimum wage is guaranteed,</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p><i>should ensure that, if such a mechanism is part of their framework, the framework also requires timely updates to the statutory minimum wage at regular intervals in order to continue promoting their adequacy. These regular updates should consist of an evaluation of the minimum wage taking into account the guiding criteria, followed, if necessary, by a modification of the amount. The frequency of the automatic indexation on the one hand and the updates of the statutory minimum wages on the other hand might differ.</i></p>	
Recital 21				
31	<p>(21) Minimum wages are considered adequate if they are fair in relation to the wage distribution in the country and if they provide a decent standard of living. The adequacy of statutory minimum wages is determined in view of the national socio-economic conditions, including employment growth, competitiveness as well as regional and sectoral developments. Their adequacy</p>	<p>(21) Minimum wages are considered adequate if they are fair in relation to the <u>to be adequate and fair if they improve</u> wage distribution in the country and if they provide a decent standard of living <u>for workers and their families on the basis of a full time employment contract</u>. The adequacy <u>and fairness</u> of statutory minimum wages is determined in view of the national socio-</p>	<p>(21) Minimum wages are considered adequate if they are fair in relation to the wage distribution in the country and if they provide a decent standard of living. The adequacy of statutory minimum wages is determined <u>and assessed by each Member State</u> in view of theits national socio-economic conditions, including employment growth, competitiveness as well as regional and sectoral</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>should be assessed at least in relation to their purchasing power, to the productivity developments and to their relation to the gross wage levels, distribution and growth. The use of indicators commonly used at international level, such as 60% of the gross median wage and 50% of the gross average wage, can help guide the assessment of minimum wage adequacy in relation to the gross level of wages.</p>	<p>economic conditions, including employment growth, competitiveness as well as regional and sectoral developments. Their adequacy <u>and fairness</u> should be assessed at least in relation to their purchasing power, to the productivity developments and to their relation to the gross wage levels, distribution and growth. The use of indicators commonly used at international <u>internationally recognised</u> level, such as <u>of</u> 60% of the gross median wage and 50% of the gross average wage, can help guide the assessment of minimum wage adequacy in relation to the gross level of wages. <u>Almost all Member States with a statutory minimum wage fall short of those indicators, while all Member States need to take the necessary measures to prohibit exploitatively low level of wages. In addition, a national basket of goods and services at real prices, including adequate housing, healthy food, clothing, communication tools and costs, sustainable transport and energy, personal care, health care and medical supplies, childcare, as well as resources</u></p>	<p>developments. Their adequacy should be assessed at least in relation to their, <u>taking into account the</u> purchasing power, to the productivity developments and to their relation to <u>levels and developments as well as</u> the gross wage levels, <u>their</u> distribution and growth. The use of indicators <u>and associated reference values can help each Member State by guiding its assessment of minimum wage adequacy. These should be chosen by Member States among indicators commonly used at international level and, as appropriate, indicators commonly used at national level. They might include reference values</u> commonly used at international level, such as <u>the ratio of the gross minimum wage to 60% of the gross median wage, the ratio of the gross minimum wage to 50% of the gross average wage and the ratio of the net minimum wage to 50% or 60 % and 50%</u> of the gross <u>net</u> average wage, can help guide the assessment of <u>and reference values associated to indicators commonly used at national level, such as the comparison of the net</u> minimum</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>necessary enabling meaningful participation in society, sports, cultural, educational and social activities, and insurance and savings to protect against unforeseen events, can be instrumental in this regard. Moreover, adequate and fair levels of minimum wages are an important instrument to support a fair transition to a digital and green economy.</u></p>	<p>wage adequacy in relation to the gross level of <u>with the poverty threshold and the purchasing power of minimum</u> wages.</p>	
Recital 22				
32	<p>(22) To promote adequacy of minimum wages for all groups of workers, variations and deductions from statutory minimum wages should be limited to a minimum, while ensuring that social partners are duly consulted in their definition. Some deductions to statutory minimum wages may be justified by a legitimate aim, including overstated amounts paid or deductions ordered by a judicial authority. Others, such as deductions related to the equipment necessary to perform a job or deductions of allowances in kind, such as accommodation, may be unjustified or disproportionate.</p>	<p>(22) To promote <u>and ensure the adequacy and fairness of</u> minimum wages <u>that provide for a decent standard of living</u> for all groups of workers, variations and deductions from <u>it is necessary to apply the principle of equal treatment and the fight against discrimination. The exclusion of any worker from the protection of a statutory minimum wages wage cannot be justified. Nothing in this Directive should be limited to</u> construed as imposing an obligation on Member States to introduce variations of and deductions from minimum, while ensuring that social partners are</p>	<p>(22) To promote adequacy of <u>Member States should involve social partners in case they set different levels of statutory minimum wages (variations) or allow for reductions of the remuneration paid under the level of the statutory minimum wage (deductions). Without prejudice to the Member State competence to set the minimum wage and possible</u> for all groups of workers, variations and deductions, <u>in order to promote adequacy of from</u> statutory minimum wages, <u>it is important to avoid that variations and deductions are used widely and to make sure that these</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p>duly consulted in their definition. Some deductions to wages.</p> <p><u>Variations of statutory minimum wages as well as deductions resulting in levels of wages below the statutory minimum wages may be justified by a legitimate aim, including overstated amounts paid or deductions ordered by a judicial authority. Others, such as deductions related to the wage should be kept to a minimum, since they undermine the principle of equal treatment of workers and the objective of this Directive.</u></p> <p><u>Work-related expenses, such as equipment necessary to perform a job or deductions of the job, or in-kind allowances in-kind, such as accommodation, may be unjustified or disproportionate are not paid by the employer to the worker in return for the work performed and should therefore not be deducted from the minimum wage.</u></p>	<p><u>respect the principles of non-discrimination and proportionality should be limited to a minimum, while ensuring that social partners are duly consulted in their definition.</u> Some deductions to statutory minimum wages may be <u>justified by appropriate as they serve</u> a legitimate aim, including overstated amounts paid or deductions ordered by a judicial <u>or administrative</u> authority. Others, such as deductions related to the equipment necessary to perform a job or deductions of allowances in kind, such as accommodation, may be unjustified or disproportionate <u>negatively impact the adequacy of the minimum wage.</u></p>	
Recital 22a				
32a		<p><u>(22a) Given the over-representation of women in low-paid jobs, minimum wages can make a significant contribution towards lowering the existing</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u><i>gender pay gap, provided that they are established at adequate levels and that there is no discrimination among workers which could perpetuate the undervaluation of women's work. In accordance with this Directive and in line with Article 9 of Regulation (EU) 2016/678 of the European Parliament and of the Council¹¹, Member States should provide the statistics and information, referred to in this Directive, disaggregated by gender and ethnic background where this is relevant to fighting discrimination and inequalities.</i></u></p> <p><u><i>1. Regulation (EU) of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).</i></u></p>		
	Recital 23			
33	(23) An effective enforcement system, including controls and field inspections, is necessary to ensure the functioning of national statutory minimum wage	(23) <u>An effective enforcement system, including reinforced monitoring, controls and field inspections, is necessary to ensure the functioning of and compliance</u>	(23) An effective enforcement system, including controls and field inspections, is necessary to ensure the functioning of national statutory minimum wage	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>frameworks. To strengthen the effectiveness of enforcement authorities, a close cooperation with the social partners is also needed, including to address critical challenges such as those related to sub-contracting, bogus self-employment or non-recorded overtime. Moreover, workers should have easily access to appropriate information on applicable statutory minimum wages to ensure an adequate degree of transparency and predictability as regards their working conditions.</p>	<p><u>with national statutory minimum wage frameworks <i>and the respect for labour standards for all workers. In order to ensure that labour inspections are carried out effectively, Member States should have sufficient labour inspectors, in accordance with ILO Convention 81 on Labour Inspection and ILO Report III on the 95th International Labour Conference in 2006¹, which recommends that there should be one labour inspector per 10 000 workers.</i></u> To strengthen the effectiveness of enforcement authorities, a close cooperation with the social partners is also needed, including to address critical challenges such as those related to <u>abusive</u> sub-contracting, bogus self-employment or non-recorded overtime. Moreover, workers should have <u>easily</u> easy access to appropriate information on applicable statutory minimum wages, <u>including on complaint mechanisms, mediation and redress mechanisms, which should also be available in formats accessible to people with disabilities, in order</u> to ensure an <u>adequate</u> <u>high</u> degree of</p>	<p>frameworks. To strengthen the effectiveness of enforcement authorities, a close cooperation with the social partners is also needed, including to address critical challenges such as those related to sub-contracting, bogus self-employment or non-recorded overtime. Moreover, workers should have easily access to appropriate information on applicable statutory minimum wages to ensure an adequate degree of transparency and predictability as regards their working conditions.</p>	

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		<p>transparency and predictability as regards their working conditions, <u>and enforcement of their rights.</u> <u>Member States should ensure this through, inter alia, the establishment of dedicated public websites and awareness-raising campaigns.</u></p> <p><u>I.</u> <u>https://www.ilo.org/public/english/standards/re/m/ilc/ilc95/pdf/rep-iii-1b.pdf</u></p>		
Recital 24				
34	<p>(24) The effective implementation of minimum wage protection set out by legal provisions or provided by collective agreements is essential in the performance of public procurement and concession contracts. Non-respect of collective agreements providing for minimum wage protection in a given sector may indeed occur in the execution of such contracts or in the sub-contracting chain thereafter, resulting in workers being paid less than the wage level agreed in the sectoral collective agreements. To prevent such situations, economic operators have to apply to their workers the wages set by collective</p>	<p>(24) The effective implementation of minimum wage protection set out by legal provisions or provided by collective agreements is essential in the performance of public procurement and concession contracts. Non-respect of <u>The failure to recognise trade unions or the right of workers to organise and participate in collective bargaining, and the failure to respect</u> collective agreements providing for minimum wage protection in a given sector <u>and to comply with the working conditions set in such agreements</u> may indeed occur in the execution of such contracts or in the sub-</p>	<p>(24) The effective implementation of minimum wage protection set out by legal provisions or provided by collective agreements is essential in the performance of public procurement and concession contracts. Non-respect of collective agreements providing for minimum wage protection in a given sector may indeed occur in the execution of such contracts or in the sub-contracting chain thereafter, resulting in workers being paid less than the wage level agreed in the sectoral collective agreements. To prevent such situations, economic operators have to apply to their workers the wages set by collective</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>agreements for the relevant sector and geographical area in order to abide by applicable obligations in the field of labour law, in accordance with Articles 18(2) and 71(1) of Directive 2014/24/EU of the European Parliament and the Council on public procurement¹, Articles 36(2) and 88(1) of Directive 2014/25/EU of the European Parliament and the Council² on procurement by entities operating in the water, energy, transport and postal services sectors and Articles 30(3) and 42(1) of Directive 2014/23/EU of the European Parliament and the Council³ on the award of concession contracts.</p> <p>¹. Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).</p> <p>². Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).</p> <p>³. Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contract (OJ L 94, 28.3.2014, p. 1).</p>	<p>contracting chain thereafter, resulting in workers being paid less than the wage level agreed in the sectoral collective agreements. To prevent such situations, economic operators <u>and their subcontractors</u> have to <u>be informed of the applicable minimum wage protection and working conditions including the right to organise and bargain collectively.</u> <u>Economic operators should be open to negotiate and cooperate with trade unions, to enhance industrial relations and</u> apply to their workers the wages set by collective agreements for the relevant sector and geographical area in order to abide by applicable obligations in the field of labour law, in accordance with Articles 18(2) and 71(1) of Directive 2014/24/EU of the European Parliament and the Council on public procurement¹, Articles 36(2) and 88(1) of Directive 2014/25/EU of the European Parliament and the Council² on procurement by entities operating in the water, energy, transport and postal services sectors and Articles 30(3) and 42(1) of Directive 2014/23/EU of the European</p>	<p><i>agreements for the relevant sector and geographical area in order to abide by applicable obligations in the field of labour law, it is important, that public procurement contracting authorities ensure</i> in accordance with Articles 18(2) and 71(1) of Directive 2014/24/EU of the European Parliament and the Council on public procurement¹, Articles 36(2) and 88(1) of Directive 2014/25/EU of the European Parliament and the Council² on procurement by entities operating in the water, energy, transport and postal services sectors and Articles 30(3) and 42(1) of Directive 2014/23/EU of the European Parliament and the Council³ on the award of concession contracts <u>that economic operators apply to their workers the wages set by collective agreements for the relevant sector and geographical area in order to abide by applicable obligations in the field of labour law, however without this Directive creating any additional obligation in relation to those Directives.</u></p> <p>¹. <u>[1]</u> Directive 2014/24/EU of the European Parliament and of the Council of</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p>Parliament and the Council³³ on the award of concession contracts.</p> <p>1. Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).</p> <p>2. Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).</p> <p>3. Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contract (OJ L 94, 28.3.2014, p. 1).</p>	<p>26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).</p> <p>2. [2] Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).</p> <p>3. [3] Directive 2014/23/EU of the European Parliament and of the Council of 26 February 2014 on the award of concession contract (OJ L 94, 28.3.2014, p. 1).</p>	
	Recital 24a			
R	34a	<p><u>(24a) For applicants of financial support of the funds and programmes of the Union, the rules for public procurement and concessions should be applied adequately with regard to the application of collective agreements and minimum wages, where they exist.</u></p>		
	Recital 25			
R	35			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>(25) Reliable monitoring and data collection are key to ensure the effective protection of minimum wages. The Commission should report every year to the European Parliament and to the Council its assessment of developments in the adequacy and coverage of minimum wages on the basis of annual data and information to be provided by Member States. In addition, progress should be monitored in the framework of the process of economic and employment policy coordination at Union level. In that context, the Employment Committee should examine every year the situation in the Member States on the basis of the reports produced by the Commission and other multilateral surveillance tools such as benchmarking.</p>	<p>(25) Reliable monitoring and data collection are key<u>essential</u> to ensure the effective protection of minimum wages<u>minimum wage protection</u>. The Commission should report every year to the European Parliament and to the Council its assessment of <u>levels and</u> developments in the adequacy and coverage of minimum wages<u>wage protection and the coverage of collective bargaining</u> on the basis of annual data and information to be provided by Member States <u>after consulting social partners</u>. In addition, progress should be monitored in the framework of the process of economic and employment policy coordination at Union level. In that context, the Employment Committee should examine every year the situation in the Member States on the basis of the reports produced by the Commission, <u>taking into account the information provided by the Member States, the European cross-sectoral social partners, Eurofound as well as</u> and other multilateral surveillance tools such as benchmarking.</p>	<p>(25) Reliable monitoring and data collection are key to ensure the effective protection<u>map the developments</u> of minimum wages. <u>Member States might choose the way they collect data. In particular, they might rely on sufficiently representative sample surveys, national databases, EU harmonised data from Eurostat and other publically accessible sources such as the OECD. When the relevant data are not readily available, they might use estimations.</u> The Commission should report every <u>second</u> year to the European Parliament and to the Council its assessment<u>analysis</u> of developments in the adequacy and coverage of minimum wages on the basis of annual data and information to be provided by Member States. In addition, progress should be monitored in the framework of the process of economic and employment policy coordination at Union level. In that context,<u>The Council or the Commission can request</u> the Employment Committee should<u>and the Social Protection Committee, in accordance with Articles 150 and 160 TFEU</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<i>respectively, to</i> examine every year <i>the situation</i> in their respective <i>area of competence the promotion of collective bargaining on wage setting and of the adequacy of minimum wages</i> in the Member States on the basis of the reports <i>report</i> produced by the Commission and other multilateral surveillance tools such as benchmarking.	
Recital 25a				
Y	35a		<i>(25a) Workers should have easy access to appropriate information on applicable minimum wages to ensure an adequate degree of transparency and predictability as regards their working conditions.</i>	Y
Recital 26				
R	36 (26) Workers should be in a position to exercise their right of defence when their rights relating to established minimum wage protection are violated. In order to prevent that workers are deprived from their rights, and without prejudice to specific forms of redress and dispute resolution	(26) Workers <i>and their trade union representatives</i> should be <i>informed about and be</i> in a position to exercise their right of defence when their rights relating to established minimum wage protection are violated. In order to prevent that workers are deprived from their rights, and without	(26) Workers should be in a position to exercise their right of defence when their rights relating to established minimum wage protection <i>established under national law</i> are violated. In order to prevent that workers are deprived from their rights, <i>in case they exist according to national</i>	R

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>provided for in collective agreements, including systems of collective dispute resolution, Member States should take the necessary measures to ensure that they have access to effective and impartial dispute resolution and a right to redress, including to adequate compensation, as well as effective protection from any form of detriment in case they decide to exercise their right of defence.</p>	<p>prejudice to specific forms of redress and dispute resolution provided for in collective agreements, including systems of collective dispute resolution, <u>such as voluntary recourse to mediation</u>, Member States should take the necessary measures to ensure that they have access to effective, <u>timely, efficient, and impartial</u> dispute resolution and a right to redress, <u>which, in accordance with national law and practice, should be free of cost at least for those workers who do not have sufficient means</u>, including to adequate compensation, <u>also throughout the entire chain of subcontractors</u>, as well as effective <u>judicial and administrative</u> protection from any form of detriment in case if they decide to exercise their right of defence. <u>Member States should assess how impartial dispute resolution can be further improved in agreement with social partners. Member States should ensure the effective, timely, proportionate enforcement of this Directive, ensuring anti-discrimination principles and dissuasive penalties in accordance with national law and practice.</u></p>	<p><u>law</u>, and without prejudice to specific forms of redress and dispute resolution provided for in collective agreements, including systems of collective dispute resolution, Member States should take the necessary measures to ensure that they have access to effective and impartial dispute resolution and a right to redress, including to adequate compensation, as well as effective protection from any form of detriment in case they decide to exercise their right of defence.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Recital 26a			
R	36a		<p><u>(26a) Member States should lay down rules on penalties in case of infringement of national provisions providing for minimum wages resulting from national law or collective agreements. Those rules might contain or be limited to a referral to compensation and/or contractual penalties provided for, where applicable, in rules on enforcement of collective agreements.</u></p>	
	Recital 26a			
R	36b	<p><u>(26a) With a view to contributing to a level playing field and a safe work environment, Member States should proactively protect workers, trade union members and trade union representatives against instances of adverse treatment by employers resulting from complaints launched with the aim of enforcing the rights under this Directive. That protection should also cover cases in which workers, trade union members and trade union</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>representatives experience such adverse treatment from third parties on behalf of the employer. Those situations could, inter alia, entail adverse treatment by relatives or business partners of the employer, agents or criminal networks.</i></u>		
Recital 27				
37	(27) The Commission should conduct an evaluation providing the basis for a review on the effective implementation of this Directive. The Council and the European Parliament should be informed of the results of such review.	(27) The Commission should conduct an evaluation providing the basis for a review on the effective implementation of this Directive. The Council and the European Parliament should be informed of the results of such review.	(27) The Commission should conduct an evaluation providing the basis for a review on the effective implementation of this Directive. The Council and the European Parliament should be informed of the results of such review.	(27) The Commission should conduct an evaluation providing the basis for a review on the effective implementation of this Directive. The Council and the European Parliament should be informed of the results of such review. Text Origin: Commission Proposal
Recital 28				
38	(28) The reforms and measures adopted by the Member States to promote adequate minimum wage protection of workers, while being steps in the right direction, have not been comprehensive and systematic. Moreover, individual	(28) The reforms and measures adopted by the Member States to promote adequate minimum wage protection of workers, while being steps in the right direction, have not been comprehensive and systematic. Moreover, <i>individual</i>	(28) The reforms and measures adopted by the Member States to promote adequate minimum wage protection of workers, while being steps in the right direction, have not <u>always</u> been comprehensive and systematic. Moreover,	(28) The reforms and measures adopted by the Member States to promote adequate minimum wage protection of workers, while being steps in the right direction, have not always been comprehensive and systematic. Moreover,

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>countries may be little inclined to improve the adequacy and coverage of minimum wages because of the perception that this could negatively affect their external cost competitiveness. Since the objectives of this Directive cannot be sufficiently achieved by the Member States, but can rather, by reason of their scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.</p>	<p>countries<u>some Member States</u> may be little inclined to improve the adequacy and coverage of minimum wages because of the perception that this could negatively affect their external cost competitiveness. Since the objectives of this Directive cannot be sufficiently achieved by the Member States, but can rather, by reason of their scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.</p>	<p>individual countries may be little inclined to improve the adequacy and coverage of minimum wages because of the perception that this could negatively affect their external cost competitiveness<u>if action at EU level is taken, it can contribute to further improving living and working conditions in the Union and it can mitigate possible concerns about adverse economic impacts resulting from isolated measures of Member States to improve the adequacy and coverage of minimum wages.</u> Since the objectives of this Directive cannot be sufficiently achieved by the Member States, but can rather, by reason of their scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.</p>	<p>individual countries may be little inclinedaction taken at Union level to improve the adequacy and coverage of minimum wages because of the perception that this could negatively affect their external cost competitiveness<u>can contribute to further improving living and working conditions in the Union and mitigating concerns about possible adverse economic effects resulting from isolated measures of Member States.</u> Since the objectives of this Directive cannot be sufficiently achieved by the Member States, but can rather, by reason of their scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.</p> <p><small>Text Origin: Council Mandate</small></p>
	Recital 29			
R	39			R

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(29) This Directive lays down minimum requirements, thus leaving untouched Member States' prerogative to introduce and maintain more favourable provisions. Rights acquired under the existing national legal framework should continue to apply, unless more favourable provisions are introduced by this Directive. The implementation of this Directive cannot be used to reduce existing rights for workers, nor can it constitute valid grounds for reducing the general level of protection afforded to workers in the field covered by this Directive.	(29) This Directive lays down minimum requirements, thus leaving untouched Member States' prerogative to introduce and maintain more favourable provisions, <u>and are encouraged to do so</u> . Rights acquired under the existing national legal framework should continue to apply, unless more favourable provisions are introduced by this Directive. The implementation of this Directive cannot be used to reduce existing rights for workers, nor can it constitute valid grounds for reducing the general level of protection, <u>including, inter alia, the existing levels of statutory minimum wages already</u> afforded to workers in the field covered by this Directive.	(29) This Directive lays down minimum requirements <u>for a procedural framework</u> , thus leaving untouched Member States' prerogative to introduce and maintain more favourable provisions. Rights acquired under the existing national legal framework should continue to apply, unless more favourable provisions are introduced by this Directive. The implementation of this Directive cannot be used to reduce existing rights for workers, nor can it constitute valid grounds for reducing the general level of protection afforded to workers in the field covered by this Directive.	
Recital 30				
40	(30) In implementing this Directive Member States should avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of micro, small and medium-sized enterprises. Member States are therefore invited to assess the	(30) In implementing this Directive Member States should avoid imposing <u>unnecessary</u> administrative, financial and legal constraints in a way which would <u>particular if they</u> hold back the creation and development of micro, small and medium-sized enterprises. Member States are	(30) In implementing this Directive Member States should avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of micro, small and medium-sized enterprises. Member States are therefore invited to assess the	(30) In implementing this Directive Member States should avoid imposing unnecessary administrative, financial and legal constraints in a way which would particular if they hold back the creation and development of micro, small and medium-sized enterprises. Member States are

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>impact of their transposition act on small and medium-sized enterprises in order to ensure that they are not disproportionately affected, giving specific attention to micro-enterprises and to the administrative burden, and to publish the results of such assessments. If found that micro, small and medium-sized enterprises are disproportionately affected, Member States should consider introducing measures to support these enterprises to adjust their remuneration structures to the new requirements.</p>	<p>therefore invited<u>encouraged</u> to assess the impact of their transposition act on small and medium-sized enterprises in order to ensure that they are not disproportionately affected, giving specific attention to micro-enterprises and to the administrative burden, and to publish the results of such assessments. If found that micro, small and medium-sized enterprises are disproportionately affected, Member States should consider introducing measures to support these enterprises to adjust their remuneration structures to the new requirements.</p>	<p>impact of their transposition act on small and medium-sized enterprises in order to ensure that they are not disproportionately affected, giving specific attention to micro-enterprises and to the administrative burden, and to publish the results of such assessments. If found that micro, small and medium-sized enterprises are disproportionately affected, Member States should consider introducing measures to support these enterprises to adjust their remuneration structures to the new requirements.</p>	<p>therefore invited<u>encouraged</u> to assess the impact of their transposition act on small and medium-sized enterprises in order to ensure that they are not disproportionately affected, giving specific attention to micro-enterprises and to the administrative burden, and to publish the results of such assessments. If found that micro, small and medium-sized enterprises are disproportionately affected, Member States should consider introducing measures to support these enterprises to adjust their remuneration structures to the new requirements.</p> <p><small>Text Origin: EP Mandate</small></p>
Recital 31				
41	<p>(31) The Technical Support Instrument¹ and the European Social Fund plus² are available to Member States to develop or improve the technical aspects of minimum wage frameworks, including on assessment of adequacy, monitoring and data collection, broadening access, as well as on enforcement and on</p>	<p>(31) The Technical Support Instrument¹ and the European Social Fund plus <u>(ESF+)</u>² are available to Member States to develop or improve the technical aspects of minimum wage frameworks, including on assessment of adequacy, monitoring and data collection, broadening access, as well as on</p>	<p>(31) The Technical Support Instrument¹ and the European Social Fund plus² are available to Member States to develop or improve the technical aspects of minimum wage frameworks, including on assessment of adequacy, monitoring and data collection, broadening access, as well as on enforcement and on</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>general capacity building related to the implementation of said frameworks.</p> <p>1. Proposal for a Regulation of the European Parliament and of the Council of 28 May 2020 on the establishment of the Technical Support Instrument, COM(2020) 409 final</p> <p>2. Proposal for a Regulation of the European Parliament and of the Council on the European Social Fund Plus, COM/2018/382 final.</p>	<p>enforcement and on general capacity building related to the implementation of said frameworks. <i><u>The ESF+ also obliges all Member States to allocate an appropriate amount for the capacity building of social partners, which should be mobilised inter alia to promote collective bargaining coverage.</u></i></p> <p>1. Proposal for a Regulation of the European Parliament and of the Council of 28 May 2020 on the establishment of the Technical Support Instrument, COM(2020) 409 final</p> <p>2. Proposal for a Regulation of the European Parliament and of the Council on the European Social Fund Plus, COM/2018/382 final.</p>	<p>general capacity building related to the implementation of said frameworks.</p> <p>1. <i>[1]</i> Proposal for a Regulation of the European Parliament and of the Council of 28 May 2020 on the establishment of the Technical Support Instrument, COM(2020) 409 final</p> <p>2. <i>[2]</i> Proposal for a Regulation of the European Parliament and of the Council on the European Social Fund Plus, COM/2018/382 final.</p>	
Recital 31a				
41a		<p><i><u>(31a) The Commission and the Member States should make every effort to ensure that the implementation of this Directive does not have negative consequences in terms of increased bogus self-employment, atypical contracts or undeclared work. Information on the impact of this Directive on these aspects should be included in the review</u></i></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>report on its implementation.</u>		
Formula				
G	42 HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE: <small>Text Origin: Commission Proposal</small>
CHAPTER I				
G	43 CHAPTER I GENERAL PROVISIONS	CHAPTER I GENERAL PROVISIONS	CHAPTER I GENERAL PROVISIONS	CHAPTER I GENERAL PROVISIONS <small>Text Origin: Commission Proposal</small>
Article 1				
G	44 Article 1 Subject matter	Article 1 Subject matter	Article 1 Subject matter	Article 1 Subject matter <small>Text Origin: Commission Proposal</small>
Article 1(1), introductory part				
R	45 1. With a view to improving working and living conditions in the Union, this Directive	1. With a view to improving working and living conditions in the Union <u>for all workers, and in</u>	1. With a view to improving working and living conditions in the Union, <u>in particular the</u>	

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	establishes a framework for:	<u>order to contribute to upward social convergence, and the reduction of wage inequality and the gender pay gap throughout the Union</u> , this Directive establishes a framework for:	<u>adequacy of minimum wages</u> , this Directive establishes a framework for:	
Article 1(1), point (a)				
R	46	(a) setting adequate levels of minimum wages;	(a) setting <u>promoting</u> adequate levels of <u>statutory</u> minimum wages;	
Article 1(1), point (aa)				
R	46a		<u>(aa) promoting collective bargaining on wage setting;</u>	
Article 1(1), point (b)				
R	47	(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.	(b) access of workers to minimum wage protection; in the form of: <u>i. a statutory minimum wage without discrimination, where statutory minimum wages exist,</u> <u>ii. access to collective bargaining wage setting,</u> <u>iii. universally applicable</u>	(b) <u>enhancing effective</u> 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.

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		<u>collective agreements</u> , wages set out by collective agreements or in the form of a statutory minimum wage where it exists <u>universally applicable collective agreements exist</u> ;		
Article 1(1), first paragraph				
Y	48 This Directive shall be without prejudice to the full respect of the autonomy of social partners, as well as their right to negotiate and conclude collective agreements.	This Directive shall be without prejudice to the full respect of the autonomy of social partners, as well as their right to negotiate and conclude collective agreements.	This Directive shall be without prejudice to the full respect of the autonomy of social partners, as well as their right to negotiate and conclude collective agreements.	
Article 1(1a)				
Y	48a		<u>1a. This Directive shall be without prejudice to the competence of Member States in setting the level of minimum wages and to the full respect of the autonomy of social partners, as well as their right to negotiate and conclude collective agreements.</u>	
Article 1(2)				
Y	49 2. This Directive shall be without prejudice to the choice of the	2. This Directive shall be without prejudice to the choice of the	2. This Directive shall be without prejudice to the choice of the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Member States to set statutory minimum wages or promote access to minimum wage protection provided by collective agreements.	Member States to set statutory minimum wages or ; promote access to minimum wage protection provided by <u>in the form of wages arising from</u> collective agreements, <u>or both</u> .	Member States to set statutory minimum wages, to or promote access to minimum wage protection provided by collective agreements <u>or to combine these two approaches</u> .	
Article 1(3)				
50	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.	3. <u>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, the ESC and the relevant ILO Conventions.</u> Nothing in this Directive shall be construed as imposing an obligation on the Member States where <u>minimum wage protection is</u> wage setting is ensured exclusively <u>ensured</u> via collective agreements to introduce a statutory minimum wage nor <u>or</u> to make the collective agreements universally applicable. <u>This Directive is without prejudice to the right of social partners to negotiate, monitor and set wages through collective agreements.</u>	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.	
Article 1(3a)				

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R	50a		<u>(a) on the Member States where wage setting is ensured exclusively via collective agreements to introduce a statutory minimum wage.</u>	
Article 1(3b)				
R	50b		<u>(b) on any Member State to make any collective agreements universally applicable.</u>	
Article 2				
G	51	Article 2 Scope	Article 2 Scope	Article 2 Scope <small>Text Origin: Commission Proposal</small>
Article 2, first paragraph				
R	52	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 consideration to the case-law of the	This Directive applies to <u>all</u> 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 consideration to the case-law of the	This Directive applies <u>shall apply with regard</u> 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 consideration to the case-law of the

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	Court of Justice of the European Union.	Court of Justice of the European Union.	Court of Justice of the European Union.	
Article 3				
53	Article 3 Definitions	Article 3 Definitions	Article 3 Definitions	Article 3 Definitions <small>Text Origin: Commission Proposal</small>
Article 3, first paragraph, introductory part				
54	For the purposes of this Directive, the following definitions apply:	For the purposes of this Directive, the following definitions apply:	For the purposes of this Directive, the following definitions apply:	For the purposes of this Directive, the following definitions apply: <small>Text Origin: Commission Proposal</small>
Article 3, first paragraph, point (1)				
55	(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;	(1) ‘minimum wage’ means the minimum remuneration that an employer, <u>whether public or private</u> , is required to pay to workers for the work performed during a given period, calculated on the basis of time or output ;	(1) ‘minimum wage’ means the minimum remuneration that an employer is required to pay to workers, <u>according to national law or collective agreements</u> , for the work performed during a given period, calculated on the basis of time or output;	(1) ‘minimum wage’ means the minimum remuneration set by law or collective agreements that an employer, including in the public sector , is required to pay to workers for the work performed during a given period, calculated on the basis of time or output ; <small>Text Origin: Commission Proposal</small>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 3, first paragraph, point (2)				
G	56	(2) ‘statutory minimum wage’ means a minimum wage set by law, or other binding legal provisions;	(2) ‘statutory minimum wage’ means a minimum wage set by law, or other binding legal provisions, <u>which does not arise from collective bargaining</u> ;	(2) ‘statutory minimum wage’ means a minimum wage set by law, or other binding legal provisions, with the exclusion of those minimum wages set by a collective agreement made universally applicable without any discretion of the adopting authority as to the content of the applicable provisions ; Text Origin: Council Mandate
Article 3, first paragraph, point (3)				
R	57	(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	(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 , <u>trade unions</u> 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	(3) ‘collective bargaining’ means all negotiations which take place <u>according to national laws and practices in each Member State</u> 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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	organisation or worker organisations;	and a worker organisation or worker organisations <u>the trade unions</u> ;	relations between employers or their organisations and a worker organisation or worker organisations, <u>whose intended outcome is a collective agreement</u> ;	
Article 3, first paragraph, point (4)				
58	(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;	(4) ‘collective agreement’ means all agreements in writing regarding <u>a written agreement regarding provisions including on</u> working conditions and terms of employment, <u>in particular remuneration</u> , concluded by the social partners as an outcome of collective bargaining;	(4) ‘collective agreement’ means all agreements <u>any agreement</u> in writing regarding working conditions and terms of employment concluded by the social partners as an outcome of <u>parties referred to in paragraph 3, including those that are made universally applicable. A minimum wage setting arrangement adopted in accordance with the Maritime Labour Convention and put into practice by a Member State, shall be deemed to be a</u> collective bargaining <u>agreement in that Member State.</u>	
Article 3, first paragraph, point (5)				
59	(5) ‘collective bargaining coverage’ means the share of workers at national level to whom a collective agreement applies;	(5) ‘collective bargaining coverage’ means the share of workers at national level to whom a collective agreement <u>regulating</u>	(5) ‘collective bargaining coverage’ means the share of workers at national level to whom a collective agreement applies ₇ ;	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>remuneration</u> applies;	<u>calculated as the ratio of:</u>	
Article 3, first paragraph, point (5a)				
R	59a		<u>(a) the number of workers covered by collective agreements, including those agreements that do not contain provisions on wages, to</u>	R
Article 3, first paragraph, point (5b)				
R	59b		<u>(b) the number of workers whose working conditions may be regulated by collective agreements in accordance with national laws and practices.</u>	R
Article 4				
G	60	Article 4 Promotion of collective bargaining on wage setting	Article 4 Promotion of collective bargaining on wage setting	Article 4 Promotion of collective bargaining on wage setting Text Origin: Commission Proposal
Article 4(1), introductory part				
R	61	1. With the aim to increase the	1. With the aim to increase the of	1. With the aim to increase the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	collective bargaining coverage Member States shall take, in consultation with the social partners, at least the following measures:	<u>ensuring the exercise of the right of collective bargaining on wage setting, the strengthening and extension of 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</u> , Member States shall take, in consultation <u>cooperation</u> with the social partners, at least the following measures:	collective bargaining coverage Member States shall take and thereby enhance the wage setting provided by collective agreements, Member States , in consultation with the social partners, at least the following measures: <u>and in accordance with national laws and practices, shall</u>	
	Article 4(1), point (a)			
y	62 (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 <u>further</u> strengthening of the capacity of the social partners to engage in collective bargaining on wage setting, <u>in particular</u> , at sector or cross-industry level;	(a) promote the building and strengthening of the capacity of the social partners to engage in collective bargaining on wage setting, <u>including</u> at sector or cross-industry level; <u>and</u>	
	Article 4(1), point (b)			
g	63 (b) encourage constructive, meaningful and informed negotiations on wages among social partners;	(b) encourage constructive, meaningful and informed negotiations on wages among <u>between</u> social partners;	(b) encourage constructive, meaningful and informed negotiations on wages among social partners;	(b) encourage constructive, meaningful and informed negotiations on wages among <u>between</u> social partners; Text Origin: EP Mandate
	Article 4(1), point (ba)			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
63a		<p><u>(ba) (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;</u></p> <p><u>(bb) prohibit all acts aiming to undermine collective bargaining or collective agreements on wage setting;</u></p> <p><u>(bc) ensure effective protection against discriminatory acts related to collective bargaining on wage setting;</u></p> <p><u>(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</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>setting promptly and efficiently;</u></p> <p><u>(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;</u></p> <p><u>(bf) support compliance with applicable collective agreements on wages, respect for the applicable collective agreements on wages along the sub-contracting chains, and the provision of collective agreements on wages to employers and workers concerned by them.</u></p>		
Article 4(2)				
64	<p>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</p>	<p>2. Member States where <u>the overall</u> collective bargaining coverage <u>regulating remuneration</u> is less than 70%<u>80%</u> of the workers defined within the meaning of Article 2 shall in addition provide for a framework of<u>shall, in addition to the</u></p>	<p>2. <u>In addition,</u> Member States <u>shall</u> where collective bargaining coverage is less than 70% of the workers defined within the meaning of Article 2 shall in addition<u>below a threshold of 70%</u> provide for a framework of enabling conditions for collective</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>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.</p>	<p><u>measures provided for in paragraph 1, ensure the</u> enabling conditions for<u>to promote</u> collective bargaining, either<u>in the form of an action plan</u>, by law after consultation of the<u>consulting social partners, in agreement with social partners or, following a joint request, between social partners.</u> The by agreement with them, and shall establish an action plan <u>shall set out a clear timeline and concrete measures to effectively ensure the right to collective bargaining</u> to promote <u>and progressively increase the coverage of such</u> collective bargaining <u>to at least 80% of the workers</u>. The action plan shall be made public and<u>updated at least every two years, after consulting social partners, in agreement with social partners or, following a joint request, between social partners. The action plan</u> shall be <u>made public and</u> notified to the European<u>Commission. The Commission shall monitor progress and inform the European Parliament and the Council annually in that regard.</u></p>	<p>bargaining, either by law after consultation of the social partners or by agreement with them, and shall, <u>in consultation with social partners</u>, establish an action plan to promote collective bargaining. The action plan shall be made public and shall be notified to the European Commission.</p>	
CHAPTER II				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G	65	CHAPTER II STATUTORY MINIMUM WAGES	CHAPTER II STATUTORY MINIMUM WAGES	CHAPTER II STATUTORY MINIMUM WAGES Text Origin: Commission Proposal
Article 5				
R	66	Article 5 Adequacy	Article 5 Adequacy <u>and fairness of statutory minimum wages</u>	Article 5 <u>Promotion of statutory minimum wages</u> adequacy
Article 5(1)				
R	67	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	1. Member States with statutory minimum wages <u>that do not arise from collective bargaining</u> shall take establish the necessary measures to ensure that the setting and updating of statutory minimum wages, <u>as a threshold of decency, contribute to preventing and combating poverty, in particular in-work poverty, promote social cohesion and reduce wage inequalities, and</u> are guided by criteria set to promote to ensure adequacy <u>and fairness</u> with the aim to achieve <u>of achieving</u> decent working and living conditions,	1. Member States with statutory minimum wages shall take establish the necessary measures to ensure that <u>the framework for</u> setting and updating of the statutory minimum wages. <u>Such setting and updating shall be</u> 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

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	shall be defined in a stable and clear way.	social cohesion <u>the eradication of the gender pay gap</u> and upward convergence, <u>taking into account the socio-economic situation of the labour market concerned, in accordance with the criteria set out in paragraph 2.</u> Member States shall define those criteria, <u>after consulting social partners,</u> 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 <u>clear way.</u> <u>Member States shall ensure that statutory minimum wages are adequate and fair and ensure a decent standard of living.</u>	the competent bodies or in tripartite agreements. The criteria shall be defined in a stable and clear way.	
Article 5(2), introductory part				
68	2. The national criteria referred to in paragraph 1 shall include at least the following elements:	2. The national criteria referred to in paragraph 1 shall include at least the following elements:	2. The national criteria referred to in paragraph 1 shall include at least the following elements, <u>whose relevance and relative weight may be decided by Member States in accordance with their prevailing national socio-economic conditions:</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 5(2), point (a)			
R	69	(a) the purchasing power of statutory minimum wages, taking into account the cost of living and the contribution of taxes and social benefits;	(a) the purchasing power of statutory minimum wages, taking into account the cost of living, <u>based on a national basket of goods and services at real prices, including VAT, and the contribution of taxes and social benefits</u> security contributions and public services ;	(a) the purchasing power of statutory minimum wages, taking into account the cost of living and the contribution of taxes and social benefits;
	Article 5(2), point (b)			
Y	70	(b) the general level of gross wages and their distribution;	(b) the general level of gross wages and their distribution;	(b) the general level of gross wages and their distribution;
	Article 5(2), point (c)			
Y	71	(c) the growth rate of gross wages;	(c) the growth rate of gross wages;	(c) the growth rate of gross wages;
	Article 5(2), point (ca)			
R	71a		<u>(ca) the poverty rate, in particular the rate of in-work poverty;</u>	
	Article 5(2), point (d)			
R	72	(d) labour productivity developments.	(d) labour productivity developments <u>deleted</u>	(d) labour productivity <u>productivity levels and</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			developments.	
Article 5(2a)				
72a			<u>2a. In addition to the obligations set out in paragraphs 1, 2 and 4, Member States may use an automatic indexation mechanism for adjusting statutory minimum wages based on any appropriate criteria and in accordance with national laws or practices.</u>	
Article 5(3)				
73	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 <u>assess and report on the adequacy of statutory minimum wages and may</u> 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 <u>of 60% of the gross median wage and 50% of the gross average wage.</u>	3. Member States shall use <u>commonly used</u> 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.	
Article 5(4)				
74	4. Member States shall take the	4. Member States shall take the	4. Member States shall take the	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	necessary measures to ensure the regular and timely updates of statutory minimum wages in order to preserve their adequacy.	necessary measures to ensure the regular and timely updates <u>of update, at least on an annual basis</u> , statutory minimum wages in <u>a transparent manner in</u> order to <u>ensure and</u> preserve their adequacy <u>and fairness</u> .	necessary measures to ensure the regular and timely updates of statutory minimum wages in order to preserve <u>continue promoting</u> their adequacy.	
Article 5(4a)				
74a		<u>4a. The annual updates of statutory minimum wages referred to in paragraph 4 shall be carried out without prejudice to other income support mechanisms.</u>		
Article 5(5)				
75	5. Member States shall establish consultative bodies to advise the competent authorities on issues related to statutory minimum wages.	5. <u>Each</u> Member States <u>State</u> shall establish <u>or designate a</u> consultative bodies <u>body, which includes the social partners</u> , to advise the competent authorities on issues related to statutory minimum wages. <u>That body shall have adequate resources to carry out or commission independent research regarding the economic and social impact of changes to minimum wages.</u>	5. Member States shall establish <u>ensure that</u> consultative bodies <u>are in place</u> to advise the competent authorities on issues related to statutory minimum wages.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 6				
76	Article 6 Variations and deductions	Article 6 Variations and deductions	Article 6 Variations and deductions	
Article 6(1)				
77	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.	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. <u>deleted</u>	1. <u>Where</u> Member States may allow <u>allow for</u> 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 <u>or for deductions that reduce the remuneration paid to a level below that of the relevant statutory minimum wage, they shall ensure that these variations and deductions respect the principles of non-discrimination and proportionality.</u>	
Article 6(2)				
78	2. Member States may allow deductions by law that reduce the	2. Member States may allow deductions by law that reduce the	deleted	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	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. <u>deleted</u>		
Article 7				
79	Article 7 Involvement of social partners in statutory minimum wage setting and updating	Article 7 Involvement of social partners in statutory minimum wage the setting and updating <u>of statutory minimum wages</u>	Article 7 Involvement of social partners in statutory minimum wage setting and updating	
Article 7, first paragraph, introductory part				
80	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 concerns:	Member States shall take the necessary measures to ensure that the social partners are involved in <u>the setting and updating, including through automatic indexation where it exists, of statutory minimum wages in</u> a timely and effective manner in statutory minimum wage setting and updating <u>which provides for their participation in the negotiations and decision-making on a regular basis throughout the process,</u> including through	Member States shall take the necessary measures to ensure that <u>enable the involvement of</u> 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 concerns:	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		participation in <u>the</u> consultative bodies <u>body</u> referred to in Article 5(5) and notably as concerns <u>in particular with regard to</u> :		
	Article 7, first paragraph, point (a)			
R	81	(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 (1) (2) and (3) <u>for the determination of the level of the</u> statutory minimum wage levels ;	(a) the selection and application of criteria and indicative reference values referred to in Article 5 (1) (2) and (3) <u>and (2)</u> for the determination of statutory minimum wage levels;
	Article 7, first paragraph, point (aa)			
R	81a		<u>(aa) the establishment of an automatic indexation formula and its modification, where such a formula exists;</u>	
	Article 7, first paragraph, point (ab)			
R	81b		<u>(bb) the selection and application of indicative reference values referred to in Article 5 (3);</u>	
	Article 7, first paragraph, point (b)			
Y	82			Y

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(b) the updates of statutory minimum wage levels referred to in Article 5 (4);	(b) the updates of <u>updating of the</u> statutory minimum wage levels referred to in Article 5 (4) ;	(b) the updates of statutory minimum wage levels referred to in Article 5 (4);	
Article 7, first paragraph, point (c)				
R	83 (c) the establishment of variations and deductions in statutory minimum wages referred to in Article 6;	(c) the establishment of variations and deductions in statutory minimum wages referred to in Article 6; <u>deleted</u>	(c) the establishment of variations and deductions in statutory minimum wages referred to in Article 6;	R
Article 7, first paragraph, point (d)				
Y	84 (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 for the <u>and analysis to provide</u> information of <u>to authorities and to the relevant parties involved in</u> statutory minimum wage setting authorities ;	(d) the collection of data <u>decisions on the data collection</u> and the carrying out of studies for the information of statutory minimum wage setting authorities;	Y
Article 7, first paragraph a				
Y	84a	<u>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.</u>		Y
Article 8				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
85	Article 8 Effective access of workers to statutory minimum wages	Article 8 <u>Monitoring compliance and</u> effective access of workers to statutory minimum wages	Article 8 Effective access of workers to statutory minimum wages	
Article 8, first paragraph, introductory part				
86	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 shall, with statutory <u>minimum wages</u> in cooperation with social partners, <u>shall take at least</u> take the following measures to enhance the access of workers to statutory minimum wage protection as appropriate <u>and to monitor and ensure compliance with this Directive:</u>	Member States shall, in <u>consultation or</u> cooperation with social partners, take the following measures <u>where appropriate</u> , to enhance the access of workers to statutory minimum wage protection as appropriate .	
Article 8, first paragraph, point (1)				
87	(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;	(1) <u>improve and strengthen controls and the intensity and frequency of</u> the controls and field inspections conducted by labour inspectorates or the bodies responsible for the enforcement of statutory minimum wages. The <u>and ensure the availability of adequate resources in that regard, so that those</u> controls and inspections shall be <u>effective, dissuasive,</u> proportionate and non-	(1)(a) strengthen the <u>provide for appropriate</u> controls and field inspections conducted by labour inspectorates or the bodies responsible for the enforcement of statutory minimum wages. The; <u>those</u> controls and inspections shall be proportionate and non-discriminatory; <u>and</u>	

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		discriminatory;		
Article 8, first paragraph, point (2)				
88	(2) develop guidance for enforcement authorities to proactively target and pursue non-compliant businesses;	(2) develop <u>capacity building, training and</u> guidance for enforcement authorities to proactively target and pursue non-compliant businesses <u>employers, particularly in view of routine and unannounced visits, legal proceedings and dissuasive sanctions in the case of infringements;</u>	(2) (b) develop guidance for enforcement authorities to proactively target and pursue non-compliant businesses <u>employers;</u>	
Article 8, first paragraph, point (3)				
89	(3) ensure that information on statutory minimum wages is made publicly available in a clear, comprehensive and easily accessible way.	(3) ensure that information on statutory minimum wages <u>and redress mechanisms referred to in Article 11</u> 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, and that workers have access to guidance in the event that employers infringe the requirement to pay the statutory minimum wage;	<i>deleted</i>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 8, first paragraph, point (3a)			
R	89a	<u>(3a) provide workers and employers, upon the request of both, with access to mediation or dispute settlement.</u>		
	CHAPTER III			
G	90	CHAPTER III HORIZONTAL PROVISIONS	CHAPTER III HORIZONTAL PROVISIONS	CHAPTER III HORIZONTAL PROVISIONS Text Origin: Commission Proposal
	Article 9			
G	91	Article 9 Public procurement	Article 9 Public procurement	Article 9 Public procurement Text Origin: Commission Proposal
	Article 9, first paragraph			
R	92	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 accordance with Directive <u>Directives</u> 2014/24/EU, Directive 2014/25/EU and Directive 2014/23/EU, Member States <u>and in particular their</u>	<u>Member States shall take appropriate measures.</u> in accordance with Directive 2014/24/EU, Directive 2014/25/EU and Directive 2014/23/EU,

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	<u>competent authorities</u> , shall take appropriate measures, <u>including the possibility to introduce mandatory awarding and contract performance conditions</u> , to ensure that in the performance of public procurement or concession contracts economic operators <u>and their subcontractors recognise trade unions in order to promote minimum wage protection, recognise the right of workers to organise, take part in collective bargaining, and</u> comply with the wages set out by <u>remuneration and other working conditions established by law or</u> collective agreements for the relevant sector and <u>and/or</u> geographical area and with the statutory minimum wages where they exist, <u>as well as with Union, national and international labour and social law</u> .	Member States shall take appropriate measures to ensure that in the performance of public procurement or concession contracts economic operators, <u>and their subcontractors</u> , comply with the <u>applicable obligations regarding</u> wages set out by collective agreements for the relevant sector and geographical area and with the statutory minimum wages where they exist <u>in the field of labour law established by Union law, national law, collective agreements or by international labour law provisions</u> .	
Article 10				
93	Article 10 Monitoring and data collection	Article 10 Monitoring and data collection	Article 10 Monitoring and data collection	Article 10 Monitoring and data collection Text Origin: Commission Proposal
Article 10(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
R	94	1. Member States shall task their competent authorities with developing effective data collection tools to monitor the coverage and adequacy of minimum wages.	1. Member States shall task their competent authorities with developing <u>the development of</u> effective data collection tools, to monitor the coverage <u>of minimum wages as well as the coverage of collective bargaining on remuneration and the</u> and adequacy <u>and fairness of statutory</u> of minimum wages. <u>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.</u>	1. Member States shall task their competent authorities with developing effective data collection tools to monitor the coverage and adequacy of minimum wages.	
Article 10(2), introductory part					
R	95	2. Member States shall report the following data to the Commission on an annual basis, before 1 October of each year:	2. Member States shall report the following data to the Commission on an annual basis, before 1 October of each year:	2. Member States shall report the following data <u>and information</u> to the Commission on an annual basis <u>every second year</u> , before 1 October of each <u>the reporting</u> year:	
Article 10(2), point (-a)					
Y	95a		<u>(a0) the rate of collective</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u>bargaining coverage;</u>	
Article 10(2), point (a), introductory part				
G	96	(a) for statutory minimum wages:	(a) for statutory minimum wages:	(a) for statutory minimum wages: Text Origin: Commission Proposal
Article 10(2), point (a)(i)				
G	97	(i) the level of the statutory minimum wage and the share of workers covered by it;	(i) the level of the statutory minimum wage and the share of workers covered by it;	(i) the level of the statutory minimum wage and the share of workers covered by it; Text Origin: Commission Proposal
Article 10(2), point (a)(ii)				
R	98	(ii) the existing variations and the share of workers covered by them;	(ii) the existing variations and the share of workers covered by them <u>and the justifications provided;</u>	(ii) the existing variations and the share of workers covered by them <u>a description of the existing variations and deductions;</u>
Article 10(2), point (a)(iii)				
R	99	(iii) the existing deductions;	(iii) the existing deductions ; <u>and the justifications provided</u>	deleted
Article 10(2), point (a)(iv)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Y	100	(iv) the rate of collective bargaining coverage.	(iv) the rate <u>and development</u> of collective bargaining coverage- <u>with regard to remuneration;</u>	<i>deleted</i>	Y
Article 10(2), point (b), introductory part					
G	101	(b) for minimum wage protection provided only by collective agreements:	(b) for minimum wage protection provided only by collective agreements:	(b) for minimum wage protection provided only by collective agreements: Text Origin: Commission Proposal	G
Article 10(2), point (b)(i)					
R	102	(i) the distribution in deciles of such wages weighted by the share of covered workers;	(i) the distribution in deciles of such wages weighted by the share of covered workers;	(i) the distribution in deciles of such wages weighted by <u>lowest pay rates set by collective agreements covering low-wage earners or an estimation thereof and</u> the share of <u>workers covered</u> workers by them <u>or an estimation thereof</u> ;	R
Article 10(2), point (b)(ii)					
R	103	(ii) the rate of collective bargaining coverage;	(ii) the rate <u>and development</u> of collective bargaining coverage <u>with regard to remuneration;</u>	<i>deleted</i>	R
Article 10(2), point (b)(iii)					

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Y	104	(iii) the level of wages for workers not having minimum wage protection provided by collective agreements and its relation to the level of wages of workers having such minimum protection.	(iii) the level of wages for workers not having minimum wage protection provided by collective agreements and its relation to the level of wages of workers having such minimum protection.	(ii) the level of wages for paid to workers not having minimum wage protection provided <u>covered</u> by collective agreements and its relation to the level of wages of paid to workers having such minimum protection <u>covered by collective agreements</u> .	
Article 10(2), first paragraph -a					
R	104a			<u>Member states are not obliged to report the data referred to in Article 10(2)(b)(i) for firm level collective agreements.</u>	
Article 10(2), point (ba), introductory part					
R	104b		<u>(ba) for national action plans:</u>		
Article 10(2), point (ba)(i)					
R	104c		<u>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);</u>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 10(2), point (ba)(ii)			
Y	104d	<u>ii the impact of public procurement policy on increasing the rate of collective bargaining;</u>		
	Article 10(2), first paragraph			
R	105	Member States shall provide the statistics and information referred to in this paragraph disaggregated by gender, age, disability, company size and sector.	Member States shall provide the statistics and information referred to in this paragraph disaggregated by gender, age, disability, company size and sector.	Member States shall provide the statistics and information referred to in this paragraph disaggregated by gender sex, age, disability, company size and sector <u>as far as available.</u>
	Article 10(2), second paragraph			
G	106	The first report shall cover years [X, Y, Z: the three years preceding the transposition year] and shall be delivered by [1 st of October YY: year after transposition]. The Member States may omit statistics and information which are not available before [date of transposition].	The first report shall cover years [X, Y, Z: the three years preceding the transposition year] and shall be delivered by [1 st of October YY: year after transposition]. The Member States may omit statistics and information which are not available before [date of transposition].	The first report shall cover years [X, Y, Z: the three years preceding the transposition year] and shall be delivered by [1 st of October YY: year after transposition]. The Member States may omit statistics and information which are not available before [date of transposition]. <u>Text Origin: Commission Proposal</u>
	Article 10(2), third paragraph			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
107	The Commission may request Member States to provide further information on a case by case basis where it considers such information necessary for monitoring the effective implementation of this Directive.	The Commission may request Member States to provide further information on a case by case basis where it considers such information necessary for monitoring the effective implementation of this Directive.	<i>deleted</i>	
<i>Article 10(3)</i>				
108	3. Member States shall ensure that information regarding minimum wage protection, including collective agreements and wage provisions therein, is transparent and publicly accessible.	3. Member States shall ensure that information regarding <u>statutory</u> minimum wage protection, including <u>universally applicable</u> collective agreements and wage provisions therein, is transparent and publicly accessible, <u>including to persons with disabilities.</u> <u>Member States may, after consulting social partners and in accordance with national law and practice, maintain or introduce further transparency requirements.</u>	<i>deleted</i>	
<i>Article 10(4)</i>				
109	4. The Commission shall assess the data transmitted by the Member States in the reports referred to in paragraph 2, and shall report	4. The Commission shall assess the data transmitted by the Member States in the reports referred to in paragraph 2, and shall report	4. The Commission shall assess <u>analyse</u> the data <u>and information</u> transmitted by the Member States in the reports	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	annually to the European Parliament and to the Council.	annually <u>submit a report</u> to the European Parliament and to the Council <u>in November each year.</u> <u>The Commission shall, simultaneously, publish the data referred to in paragraph 2.</u>	referred to in paragraph 2, and shall report annually <u>thereof every second year</u> to the European Parliament and to the Council.	
Article 10(5)				
110	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.	5. On the basis of the report issued by <u>The Employment Committee referred to in Article 150 TFEU shall carry out an annual examination of</u> the Commission; the Employment Committee set up in accordance with Article 150 TFEU shall carry out every year an examination of <u>reports referred to in paragraph 4 in order to assess the extent of and the respect for the right to collective bargaining,</u> the promotion of collective bargaining on wage setting, <u>the rate of increase in collective bargaining coverage regulating remuneration, and</u> and <u>of</u> the adequacy <u>and fairness of statutory</u> of minimum wages in the Member States, <u>in accordance with this Directive. The Employment Committee shall, while carrying out the examination, ensure the</u>	deleted	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
		<u>participation of Union cross-sectoral social partners representatives, ensuring six participants from each side of industry.</u>			
Article 10a					
y	110a		<u>Article 10a</u> <u>Information on minimum wage protection</u>	y	
Article 10a, first paragraph					
y	110b		<u>Member States shall ensure that information regarding minimum wage protection is publicly available in a comprehensive and easily accessible way. This does not apply to firm-level collective agreements.</u>	y	
Article 11					
g	111	Article 11 Right to redress and protection against adverse treatment or consequences	Article 11 Right to redress and protection against adverse treatment or consequences	Article 11 Right to redress and protection against adverse treatment or consequences Text Origin: Commission Proposal	g

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 11(1)			
112	<p>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.</p>	<p>1. Member States shall ensure that, without prejudice to specific forms of redress and dispute resolution provided for, where applicable, in collective agreements, <u>with statutory minimum wages shall ensure that</u> workers, including those whose employment relationship has ended, <u>and representatives acting on their behalf,</u> have access to effective, <u>timely</u> and impartial dispute resolution and a right to redress, including adequate compensation <u>and the recovery of remuneration due,</u> in the case of infringements of their rights, <u>including the right to organise in order to take collective action and bargain collectively on remuneration, as well as their rights</u> relating to statutory minimum wages or minimum wage protection provided by <u>universally applicable collective agreements, without prejudice to specific forms of compensation, redress and dispute resolution provided for in those</u> collective agreements.</p>	<p>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 <u>in case</u> rights relating to statutory minimum wages or minimum wage protection <u>are</u> provided by for in <u>national law or in</u> collective agreements <u>and have been infringed.</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
Article 11(2)					
R	113	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 minimum wage protection provided by collective agreements.	2. Member States shall take the measures necessary to protect workers, including those who are workers' <u>workers' representatives or the members and representatives of trade unions,</u> from any adverse treatment by the employer <u>or by related third parties engaging in adverse treatment</u> 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 minimum wage protection provided by <u>their rights to organise, in order to take part in collective action and negotiate their remuneration collectively, as well as compliance with national law and</u> collective agreements <u>within in the scope of this Directive.</u>	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 in <u>case</u> rights relating to <u>minimum wage protection are provided for in national law or statutory</u> minimum wages or minimum wage protection provided by collective agreements <u>and have been infringed.</u>	
Article 12					
G	114	Article 12 Penalties	Article 12 Penalties	Article 12 Penalties	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Article 12, first paragraph				
115	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.	Member States shall, <u>without prejudice to specific forms of contractual penalties provided for, where applicable, in rules on the enforcement of collective agreements</u> , lay down the rules on penalties applicable to infringements of national <u>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</u> . The penalties provided for shall be effective, proportionate and dissuasive.	Member States shall lay down the rules on penalties applicable to infringements of <u>rights and obligations relating to minimum wages, to the extent that these rights and obligations are provided for in national provisions</u> law or in collective agreements . The penalties provided for shall be effective, proportionate and dissuasive.	
CHAPTER IV				
116	CHAPTER IV FINAL PROVISIONS	CHAPTER IV FINAL PROVISIONS	CHAPTER IV FINAL PROVISIONS	CHAPTER IV FINAL PROVISIONS Text Origin: Commission Proposal
Article 13				
117				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 13 Implementation	Article 13 Implementation	Article 13 Implementation	Article 13 Implementation Text Origin: Commission Proposal
Article 13, first paragraph				
118	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.	Member States <u>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</u> 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 <u>obligations laid down in</u> this Directive are guaranteed <u>complied with</u> at all times.	Member States may entrust the social partners with the implementation of this Directive, <u>in all or in part, including the establishment of the action plan according to article 4 (2)</u> , 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 <u>obligations set</u> by this Directive are guaranteed <u>complied with</u> at all times.	Text Origin: EP Mandate
Article 14				
119	Article 14 Dissemination of information	Article 14 Dissemination of information	Article 14 Dissemination of information	Article 14 Dissemination of information Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 14, first paragraph				
Y	120	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.	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, <u>as well as the general public.</u>	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.
Article 15				
G	121	Article 15 Evaluation and review	Article 15 Evaluation and review	Article 15 Evaluation and review Text Origin: Commission Proposal
Article 15, first paragraph				
G	122	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	The Commission shall conduct an evaluation of the <u>this</u> Directive by [five years after the date of transposition]. The Commission shall, <u>after consulting the Member States and the social partners at Union level,</u> submit thereafter a report to the European Parliament	The Commission shall, after consulting the Member States and the social partners at Union level, conduct an evaluation of the <u>this</u> Directive by [five years after the date of transposition]. The Commission shall submit thereafter a report to the European Parliament

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	and propose, where appropriate, legislative amendments.	and the Council reviewing the implementation of the Directive and propose, where appropriate, legislative amendments.	Directive and propose, where appropriate, legislative amendments.	and the Council reviewing the implementation of the this Directive and propose, where appropriate, legislative amendments. Text Origin: EP Mandate
Article 16				
123	Article 16 Non-regression and more favourable provisions	Article 16 Non-regression and more favourable provisions	Article 16 Non-regression and more favourable provisions	Article 16 Non-regression and more favourable provisions Text Origin: Commission Proposal
Article 16(1)				
124	1. This Directive shall not constitute valid grounds for reducing the general level of protection already afforded to workers within Member States.	1. This Directive shall not constitute valid grounds for reducing the general level of protection already afforded to workers within Member States, <u>in particular with regard to the lowering or abolition of minimum wages and shall not be construed as preventing Member States from increasing statutory minimum wages.</u>	1. This Directive shall not constitute valid grounds for reducing the general level of protection already afforded provided to workers within Member States.	1. This Directive shall not constitute valid grounds for reducing the general level of protection already afforded provided to workers within Member States, in particular with regard to the lowering or abolition of minimum wages. Text Origin: Council Mandate
Article 16(2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G	125	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.	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.	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. It shall not be construed as preventing Member States from increasing statutory minimum wages. Text Origin: Commission Proposal
Article 16(3)				
Y	126	3. This Directive is without prejudice to any other rights conferred on workers by other legal acts of the Union.	3. This Directive is without prejudice to any other rights conferred on workers by other legal acts of the Union.	3. This Directive is without prejudice to any other rights conferred on workers by other legal acts of the Union. Text Origin: EP Mandate
Article 16(3a)				
R	126a		<u><i>3a. This Directive shall not affect the right of social partners to negotiate and conclude collective agreements. Nothing in this</i></u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i><u>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.</u></i>		
Article 17				
127	Article 17 Transposition	Article 17 Transposition	Article 17 Transposition	Article 17 Transposition Text Origin: Commission Proposal
Article 17(1), introductory part				
128	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.	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.	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.	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. Text Origin: Commission Proposal
Article 17(1), first paragraph				
129	When Member States adopt those	When Member States adopt those	When Member States adopt those	When Member States adopt those

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	measures, they shall contain a reference to this Directive or be accompanied by such reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	measures, they shall contain a reference to this Directive or be accompanied by such reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	measures, they shall contain a reference to this Directive or be accompanied by such reference on the occasion of their official publication. Member States shall determine how <u>The methods of making</u> such reference is to be made <u>shall be laid down by Member States</u> .	measures, they shall contain a reference to this Directive or be accompanied by such reference on the occasion of their official publication. Member States shall determine how <u>The methods of making</u> such reference is to be made <u>shall be laid down by Member States</u> . Text Origin: Council Mandate
Article 17(2)				
130	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.	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. <u>They shall also communicate the manner in which the social partners have been involved in the development and implementation of those measures.</u>	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.	Text Origin: Council Mandate
Article 18				
131	Article 18 Entry into force	Article 18 Entry into force	Article 18 Entry into force	Article 18 Entry into force Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 18, first paragraph				
132	This Directive shall enter into force on the twentieth day following its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following its publication in the Official Journal of the European Union. Text Origin: Commission Proposal
Article 19				
133	Article 19 Addressees	Article 19 Addressees	Article 19 Addressees	Article 19 Addressees Text Origin: Commission Proposal
Article 19, first paragraph				
134	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	This Directive is addressed to the Member States. Text Origin: Commission Proposal
Formula				
135	Done at Brussels,	Done at Brussels,	Done at Brussels,	Done at Brussels, Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
136	For the European Parliament	For the European Parliament	For the European Parliament	For the European Parliament Text Origin: Commission Proposal
Formula				
137	The President	The President	The President	The President Text Origin: Commission Proposal
Formula				
138	For the Council	For the Council	For the Council	For the Council Text Origin: Commission Proposal
Formula				
139	The President	The President	The President	The President Text Origin: Commission Proposal