

STUDY GUIDE

COUNCIL OF THE EUROPEAN UNION

- European Climate Law
- Adequate Minimum Wages

Council of the European Union Study Guide

European Union Simulation in Ankara (EUROsimA) 2021
www.eurosimA.org

Organised by
Foreign Policy and International Relations Society

Middle East Technical University
Üniversiteler Mah. Dumlupınar Bulvarı No:1
İktisadi ve İdari Bilimler Fakültesi B Binası Zemin Kat

06800, Çankaya, Ankara, Turkey

EUROsimA 2021
Ankara - Turkey, 2021

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Letter from the Secretary-General

Most Distinguished Participants,

My name is Selin Kumbaracı and I am a fourth-year student of Political Science and Public Administration at Middle East Technical University. It is my honor to serve as the Secretary-General of the European Union Simulation in Ankara 2021 and to welcome you to the 17th edition of EUROsimA—the premier European Union simulation in Turkey—on behalf of our esteemed Director-General, Ms. Yasemin Dalli and the entirety of our Academic and Organization Teams.

The focus of EUROsimA 2021 will be centered on the theme, *'The Past, Present, and Future of Europe'* in order to discuss the tumultuous changes taking place in the Union today and the impact current changes will have on the future of the bloc, as well as on the future of the broader region and world. This theme also alludes to the way in which the root of various issues that have a notable impact contemporarily can be traced back to historical developments. Indeed, one cannot hope to understand the present, let alone look toward the future of the EU, without having an understanding of its past.

The Council of the European Union will be debating upon two crucial legal proposals: The Regulation of the European Parliament and of the Council Establishing the Framework for Achieving Climate Neutrality and Amending Regulation (EU) 2018/1999 (European Climate Law), as well as the Directive of the European Parliament and of the Council on Adequate Minimum Wages in the European Union.

I would like to thank the ingenious members of the Academic Team responsible for this study guide, Mr. Talha İdiz and Ms. Doğa Aydın, for the way in which they have provided an incredibly thorough understanding of the two legislative proposals and their impacts on the Member States of the EU. I would like to especially thank the Under-Secretary-General of the Council, Mr. Talha İdiz for his dedication and continuous hard work. I must also express my gratitude for the team spirit, commitment, and diligence of the Council's Academic Assistant, Ms. Doğa Aydın.

I highly recommend the participants of the Council of the European Union to read this document thoroughly and conduct further research on the matter in order to be well prepared for the heated debates and complex policy issues that will be discussed.

Kind Regards,

Selin Kumbaracı

Secretary-General of EUROsimA 2021

Letter from the Under-Secretary-General

Esteemed Participants,

My name is Talha İdiz, and I have the privilege to welcome you to the Council of the European Union in the 17th edition of European Union Simulation in Ankara. It is indeed an indescribable honor for me to serve as the Under-Secretary-General of this committee and conference.

This year, in its seventeenth edition, we have shaped the Council in close cooperation with the European Parliament under the Ordinary Legislative Procedure of the European Union. There is no doubt that this change in the nature of the procedure will promote progress and uniqueness, while also bringing freshness to all participants of both the Council and the Parliament.

In the seventeenth session of EUROsimA, the Council and the Parliament will be discussing two legislations that the European Commission proposed to amend and adopt them. First, there is a Regulation proposal on “Establishing the Framework for Achieving Climate Neutrality and Amending Regulation (EU) 2018/1999 (European Climate Law).” This proposal will be of great importance on the road of the European Union to become climate neutral and reach its short and long-term goals upon the Climate Agenda with all its members if it was adopted by the Council and the Parliament. Secondly, there is the directive on “Adequate Minimum Wages in the European Union.” This proposal is critical for the EU on its way to leave no one behind on providing better living standards to all of its citizens. With the possible adaptation of this directive, the member states of the Union will have a framework under which they will review their laws that regulate the decision-making processes of the minimum wages and improve the accessibility mechanisms to adequate minimum wages for all workers of the Union. Considering the unprecedented challenges that the Covid-19 pandemic has brought, progressing through these two legislations will help the Union express that difficult times can be overcome with strong cooperation and multidimensional approach to solving the issues of the Union and our world.

Now, I want to take this opportunity to thank the Under-Secretaries-General responsible for the European Parliament, Mr. Yavuz and Mr. Akyol for their meticulous work, my Academic Assistant Ms. Aydın for her exceptional sense of mission, and finally the Secretary-General of EUROsimA 2021 Ms. Kumbaracı for her unique enthusiasm and continuous support along the way.

Finally, I highly recommend the Ministers of the Council to read this document thoroughly and do further research whenever necessary to understand the issues revolving around them and contribute to the proceedings of the committee.

Kind Regards,
Talha İdiz

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I. Introduction to the Council of the European Union

The Council of the European Union is also referred to in official documents as ‘the Council’. The Council is one of the seven institutions of the European Union (EU). It is one of the legislative bodies of the EU, and together with the European Parliament, it serves the purpose of amending and approving the proposals of the European Commission (EC), which holds the highest legislative initiative.ⁱ The Council of the European Union alongside the European Council, are the only EU institutions that directly work in an intergovernmental manner.ⁱⁱ

a. History of the Council

The Council was established in the European Coal and Steel Community (ECSC) with the name ‘Special Council of Ministers’ to balance the Commission which was the ultimate authority of the EU back then. In 1957, the Treaties of Rome established two new Councils which are the Council of the European Atomic Energy Community (EAEC), and the Council of the European Economic Community (EEC).ⁱⁱⁱ With the Merger Treaty of 1967, the ECSC's Special Council of Ministers and the Council of the EAEC were merged into a single Council of the European Communities.^{iv} In 1993, the name of the Council evolved into 'Council of the European Union' following the Maastricht Treaty.^v Maastricht Treaty strengthened and further justified the Council by adding more intergovernmentalism into the structure of the EU. At the same time, the Parliament and Commission also had been strengthened to balance the ability of the Council to act independently. Later, with the Treaty of Lisbon, The European Council was declared a separate institution from the Council, and the different Council configurations were also mentioned for the first time.^{vi} The evolution of the Council was often directed by the power of the Parliament, with which the Council had to share its legislative powers in a balance of power. The Parliament has often provided opposition to the Council in its debates, which led to clashes between both bodies, with the intergovernmental nature of the Council contradicting the supranational principles of the Parliament.^{vii}

b. The Mandate of the Council

The primary purpose of the Council is to act as a legislative branch of the EU, alongside the European Parliament. Together they amend, approve, or disapprove the Commission's proposals, which is the only branch with the power to propose laws within the EU.^{viii} The Council represents the member states' governments' ministries and is based in the Europa Building in Brussels.

In light of the procedure of the lawmaking in the legislative branches of the EU, the vast majority of laws are now subject to the Ordinary Legislative Procedure, which works on the principle that approval from both the Council and Parliament are required before a law may be adopted.^{ix}

Under this procedure, the Commission presents a proposal to the Parliament and the Council. Following its first reading in the Parliament, the Parliament may propose amendments. If the Council accepts these amendments, then the legislation is approved. If it does not, it adopts a ‘common position’ and submits that new version to the Parliament.^x At its second reading, if the Parliament approves the text it is adopted. Otherwise, the Parliament may propose further amendments to the proposal. If the Council still does not approve the Parliament's position, then the text is taken to a ‘Conciliation Committee’ composed of the Council members plus an equal number of Parliament members.^{xi} If a Committee manages to adopt a joint text, it must be approved in the third reading by both the Council and Parliament, or the proposal is abandoned.^{xii}

The Council votes in one of three ways; unanimity, simple majority, or qualified majority.^{xiii} In most cases, the Council votes on issues by qualified majority voting, meaning that there must be a minimum of 55% of member states agreeing (which means at least 15) who together represent at least 65% of the EU population. A ‘blocking minority’ can only be formed by at least four member states representing at least 35% of the EU population.^{xiv}

Legally speaking, the Council is a single entity, but it is in practice divided into several different council configurations such as the General Affairs Council, the Foreign Affairs Council, etc. Each council configuration deals with a different functional area, for example, agriculture and fisheries. In these formations, the Council is composed of ministers from each state government responsible for this policy area (such as the ministers of foreign affairs of each member state sitting in the Foreign Affairs Council). The Council meets irregularly throughout the year except for the three significant configurations which meet once a month. As of 2020, there are ten formations; however, in this committee, there will not be any specific formation given to the delegates due to practical considerations. Instead, the delegates will be the Ministers of their countries capable of discussing different fields at once.

c. EU Legal Structure

An introduction to the organizational structure and legislative character of the European Parliament would require an essential understanding of EU law, which isn't based on a codified

constitution, but on a collection of primary and secondary sources instead. Popular votes overturned an attempt to create a written constitution in several member states. However, the de facto ‘constitution’ comprised of different legal material is considered the most binding, all-encompassing judicial source.^{xv} EU's hierarchy of norms places treaties at the top, making them the constituents of primary law. Broadly, treaties are the legal acts that identify the union's aims, set rules, and define the relationship between member states and the union. Primary law, by definition, precedes all other bodies of law. The primary law of the EU is broadly made up of the Treaty on European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU). Secondary law—which includes regulations, directives, recommendations, decisions, and opinions—must be within the boundaries set by treaties. Each of these legal acts has a different degree of imperativeness. Opinions and recommendations, for instance, are not binding and are used as tools for expressing the EU's position on different issues. Regulations and directives on the other hand, which will be the object of study in this guide, are more than being merely guiding acts and are supposed to be implemented by member states in different ways.

Regulations, when approved by EU's legislative mechanisms, are fully binding legal acts that are enforced by countries without the need of transposing them into national law.

Directives, like regulations, make it obligatory for countries to implement the measures in it. However, a directive differs from a regulation because it allows EU members to choose their own way of implementing this legal act. Once directives are integrated into the body of national law, governments are supposed to communicate with the European Commission about how they choose to implement the directives and the adequacy of this method.^{xvi} If a country fails to integrate the directive into its national law within a defined period of time, an infringement process might begin which may result in the penalization of the member state.^{xvii}

d. Ordinary Legislative Procedure

The Ordinary Legislative Procedure is a process through which legislations are adopted or rejected in the European Union. It involves the two essential legislative organs of the EU; the Parliament and the Council of the European Union; and therefore, is a multi-institutional process that can only be finalized when the two legislative institutions of the EU reach an agreement on proposals. The adoption of an act can be achieved when the Parliament and the Council approve each other's positions with or without amendments, which can take up to three

readings. A ‘reading’ is an examination of an institution’s proposal by the other institution in order to agree upon the content of the legislation that has been proposed.^{xviii}

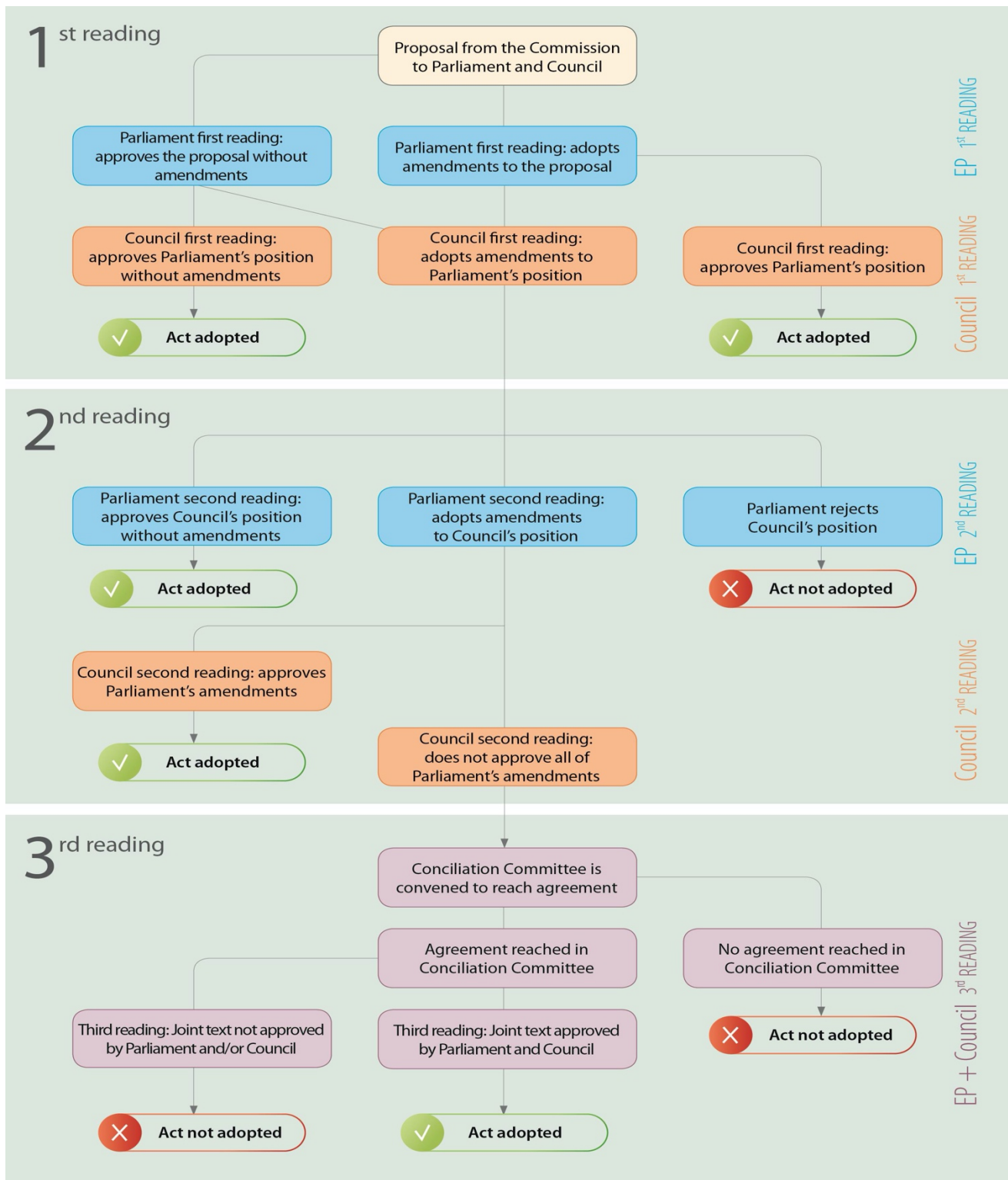


Figure 1: Ordinary Legislative Procedure^{xix}

II. Glossary

a. The Regulation of the European Parliament and of the Council Establishing the Framework for Achieving Climate Neutrality and Amending Regulation (EU) 2018/1999 (European Climate Law)

Anthropogenic: Resulting from or being related to the influence of humans on nature.^{xx}

Biodiversity: Biological diversity in an environment as indicated by numbers of different species of plants and animals.^{xxi}

Carbon neutrality: According to the definition of the Intergovernmental Panel on Climate Change (IPCC), carbon neutrality, or net-zero CO₂ emissions, refers only to CO₂ emissions and is a state of balance between the CO₂ emitted into the atmosphere and the CO₂ removed from the atmosphere.^{xxii}

Carbon sink: An area of forest that is large enough to absorb large amounts of CO₂ from the earth's atmosphere and therefore to reduce the effect of global warming.^{xxiii}

Circular economy: In the linear economy, raw natural resources are taken, transformed into products, and get disposed of. On the opposite, a circular economy model aims to close the gap between the production and the natural ecosystems' cycles, on which humans ultimately depend upon.^{xxiv}

Climate change: Significant and long-lasting change in the Earth's climate and weather patterns.^{xxv}

Climate neutrality: Activities are climate-neutral or CO₂ neutral if they do not put a strain on the climate, i.e., if they do not create greenhouse gases.^{xxvi}

Climate risk: Climate risk refers to risk assessments based on formal analysis of the consequences, likelihoods, and responses to the impacts of climate change and how societal constraints shape adaptation options.^{xxvii}

Co-financing: To join one or more others in providing money or funds for something.^{xxviii}

Fair transition: A just transition means that the burden of change that benefits everyone will not be placed disproportionately on a few. It means that those most vulnerable to change will be protected. It means that the process of change will increase social justice for workers, women, the poor, and all other social groups.^{xxix}

Global warming: Global warming, the phenomenon of increasing average air temperatures near the surface of Earth over the past one to two centuries.^{xxx}

Global temperature: The global temperature record represents an average over the entire surface of the planet. The temperatures we experience locally, and in short periods, can fluctuate significantly due to predictable cyclical events (night and day, summer, and winter) and hard-to-predict wind and precipitation patterns.^{xxxvi}

Green investment: Green investing refers to investing activities aligned with a commitment to the promotion of environmentally friendly business practices and the conservation of natural resources.^{xxxvii}

Greenhouse gas emission: The emission into the earth's atmosphere of any of various gases, especially CO₂, that contribute to the greenhouse effect.^{xxxviii}

Impact assessment: Impact assessment is a structured process for considering the implications, for people and their environment, of proposed actions while there is still an opportunity to modify (or even, if appropriate, abandon) the proposals.^{xxxix}

Land use: Land use in our context refers to the type of activity that the land will be used for such as farming, infrastructure, buildings, etc.

Mitigation: The act of reducing how harmful, unpleasant, or bad something is.^{xl}

Net-zero: Net-zero refers to the balance between the amount of greenhouse gas produced and the amount removed from the atmosphere.^{xli}

Ratification: Ratification is the act of voting on a decision or signing a written agreement to make it official.^{xlii}

Sustainability: The quality of causing little or no damage to the environment and therefore being able to continue for a long time.^{xliii}

Stakeholder: A person such as an employee, customer, or citizen who is involved with an organization, society, etc., and therefore has responsibilities towards it and an interest in its success.^{xliiii}

Strategic plan: Strategic plan is the outcome of formulating business strategies, implementing them, and evaluating their impact on organizational objectives.^{xliiii}

Trajectory: A path, progression, or line of development resembling a physical trajectory.^{xliiii}

Vulnerability: The quality of being vulnerable (able to be easily hurt, influenced, or attacked), or something vulnerable.^{xliiii}

Waste Management: Waste management refers to the various schemes to manage and dispose of wastes. It can be by discarding, destroying, processing, recycling, reusing, or controlling

wastes. The prime objective of waste management is to reduce the number of unusable materials and to avert potential health and environmental hazards.^{xliii}

b. The Directive of the European Parliament and of the Council on Adequate Minimum Wages in the European Union

Collective agreement: “An agreement between an employer and a union usually reached through collective bargaining and establishing wages, hours of work, and working conditions.”^{xliv}

Collective bargaining: “Negotiations between unions and employers leading to a collective agreement.”^{xlv}

Employers’ organization: “An organization of owners of a business for the purpose of concerted action”^{xlvi}

In-work poverty: Lack of a usual or socially acceptable amount of money experienced while in employment.^{xlvii}

Minimum wage: “A wage designated by a legal authority as the least that may be paid either to unemployed persons or a particular category of employed persons.”^{xlviii}

Recital: Recitals indicate the rationale behind the content of the articles of a Regulation or Directive and are introduced by the word ‘Whereas:’.^{xlix}

Social partner: “Social partners is a term generally used in Europe to refer to representatives of management and labor (employer organizations and trade unions) and in some contexts public authorities, that engage in social dialogue.”^l

Social security: “A program of public provision.”^{li}

Statutory: “Enacted, regulated or created by statute.”^{lii}

Workers’ organization: Labor union.

Agenda Item:

**Proposal for a Regulation of
the European Parliament
and of the Council
establishing the framework
for achieving climate
neutrality (European
Climate Law)**

III. Introduction to the Regulation of the European Parliament and of the Council Establishing the Framework for Achieving Climate Neutrality and Amending Regulation (EU) 2018/1999 (European Climate Law)

For at least over 50 years, scientists all around the world have been working on the human influence on the changes in the global and regional climates, and it has been proven as a solid fact that human influence is the biggest reason for such changes and urgent action must be taken. Recently, social movements across the world that draw attention to this human impact on climate change, especially the necessity to reduce greenhouse gasses, have found themselves with great influence when it comes to climate policies at governmental and intergovernmental levels. In a report published by the Global Commission on Adaptation, it is underlined that by taking adaptation measures for climate change, the impacts of weather hazards can be reduced to a minimum and the future generations will benefit from such measures taken today from economic, social, and also ethical perspectives.^{liii} Since the impacts of climate change effects not only one country but the world as a whole, the measures taken must also be global or at least involve as many countries and communities as possible. In light of this argument, the European Union can be considered as a pioneer of climate policies and climate-neutrality solutions. However, it is also an inevitable fact that the Union has a long way to achieve its ultimate goal in taking absolute measures against climate change, especially in forming strong partnerships and regulating industrial and trade characteristics. Today, the European Union's greenhouse gas emissions account for 9,3% of the global total.^{liv}

On the other hand, designing climate policies is not an easy process. Countries or organizations such as the European Union should consider the competitiveness of economies in addition to the well-being, needs, and consent of their citizens. However, the transition from the ways and means that cause climate change to new methods cannot happen overnight with no consequences. Therefore, the characteristics and the speed of the transition path are driven by the national circumstances of countries in the form of energy supply, employment structure, and economic capacities.^{lv}

The decisions of the European Union that determine its long-term policy on the climate objectives are based on the objectives decided in the European Council by consensus. The European Council, in 2019, decided on the collective goal of a climate-neutral EU by 2050 and recognized how this process would require great investment efforts.^{lvi} Many different sectors all around the world are—and will be—affected by the impacts of climate change such as rise in temperature and sea levels, weather hazards, etc. Therefore, in the case of the European

Union, different sectors are also required alongside the governmental institutions to make contributions within their range of ability to the climate neutrality objective.

When it comes to the impacts of different sectors on greenhouse gas emissions, individual fuel emissions are responsible for 54%, fuel emissions for national and international transport for 25%, agriculture for 10%, industrial processes and product use for 8%, and management of waste for 3% of the European Union’s greenhouse gas emissions.^{lvii} Also, reducing the emissions coming from the energy sector is one of the biggest challenges for the Union. However, without the inclusion of all key sectors in the reduction of greenhouse gas emissions, the efforts of the Union or individual states for the transition would be insufficient and unjust.^{lviii}

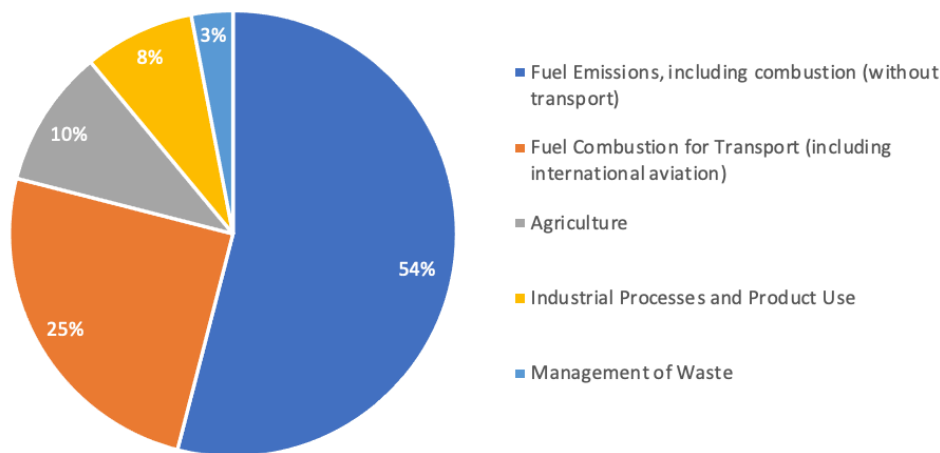


Figure 2: Impact of Different Sectors on Greenhouse Gas Emissions^{lix}

In light of the aforementioned information, the European Commission is responsible for providing guidance for key sectors for greenhouse gas emission reduction within their unique limitations and abilities at the EU level. This would be to ensure the inclusion of different sectors in the pursuit against climate change and greenhouse gas emissions while also pointing out the appropriate measures and a solid plan of investments for key sectors of the European Union and strengthening climate neutrality solutions. Such guidance, therefore, shall be developed through intergovernmental and institutional dialogues, data exchange between the Commission and stakeholders such as worker’s unions, employer’s unions, civil society, and in close cooperation with the Member States.^{lx} These trajectories, however, shall not be the final form, and they could be reviewed when extraordinary circumstances arise, or in case of a significant change in one of the factors on which the trajectories are established, taking into account that businesses need certainty and predictability to base their green investments and decisions on.^{lxi}

a. Subject Matter and Scope

This Regulation mainly aims to establish a framework for the gradual reduction of greenhouse gas emissions and enhancing the carbon sinks in the Union with the objective of removing greenhouse gasses from the atmosphere. This Regulation also establishes binding objectives for climate neutrality for the European Union by 2050, and the pursuit of the temperature and global adaptation goals set out in the Paris Agreement.^{lxii} Finally, the scope of this Regulation is reducing the anthropogenic greenhouse gas emissions within the Union both through the use of carbon sinks, in order to absorb and ‘remove’ emissions from the atmosphere, as well as by reducing the actual emission of greenhouse gasses, namely Carbon Dioxide, Methane, Nitrous Oxide, Sulphur, and Nitrogen as listed in Regulation (EU) 2018/1999.^{lxiii}

A. European Green Deal

a. History

The European Green Deal, in its essence, is a set of policies initiated by the European Commission, aiming to reach the European Union's (EU) 2050 climate neutrality goal. In that sense, the EU aims not only to implement new policies in the crucial areas that facilitate climate neutrality endeavor, but also amend and introduce new legislation on the circular economy, construction, biodiversity, agricultural production, and innovation.^{lxiv} Ursula von der Leyen, the President of the European Commission, emphasized that the European Green Deal is Europe's ‘man on the moon’ moment, and noted that the economy has to be shaped in line with the ecological needs of the planet, and climate change per se is a new growth strategy for the European Union.^{lxv}

On June 20, 2019, the European Council held a meeting, and Climate Change was one of their agenda items. The European Union leaders underlined the necessity of global action in order to reach the objectives of the Paris Agreement. Therefore, the European Council invited the European Commission and the Council of the European Union to work on the necessary policy adoptions and changes to reach a climate-neutral EU by 2050 with a long-term strategy.^{lxvi} On December 12, 2019, the European Council endorsed the climate-neutral EU goal and emphasized that the transition to climate neutrality will create new opportunities for markets, jobs, economic growth, and technological development.^{lxvii} The leaders recognized the importance of a fair transition in which they planned to compensate the affected workers and socio-economic impacts on the society due to this transition with a Just Transition Mechanism, which will be explained in detail below.

On December 19, 2019, one of the formations of the Council of the European Union, the Environment Council, held a meeting and discussed the risk of millions of species' extinction, and reached a conclusion that a coherent and comprehensive 2030 EU biodiversity strategy must be an integral part of the European Green Deal.^{lxxviii} On January 21, 2020, the Economic and Financial Affairs Council discussed the financing of the European Green Deal and reviewed the Commission's Sustainable Europe Investment Plan, as well as the plan to mobilize EUR 1 trillion of investments over 2020-2030. In this plan, the European Investment Bank is also expected to assume a more significant role in financing sustainable projects.^{lxxix} On January 27, 2020, the Agriculture and Fisheries Council discussed that the agricultural economy remains one of the biggest challenges for the transition to a climate-neutral EU. In that sense, they stated the policies have to ensure a fair transition for them with necessary funds and credits.^{lxxx}

The Competitiveness Council of the EU held a meeting on February 27, 2020. They discussed the necessity of an impact assessment of the climate-neutral policies on the enterprises in the EU and emphasized the importance of competitiveness and sustainable, inclusive growth to reach the goals of the European Green Deal.^{lxxxi} Two weeks later, on March 5, 2020, in the Environmental Council meeting, the Council noted that air quality remains one of the most significant factors that cause health problems for the members of the EU, leading to approximately 400,000 deaths each year.^{lxxxii} Ministers of the Environmental Council also argued that the water legislation is needed to be brought in conformity with the expected goals since it is an integral part of the overall agenda.^{lxxxiii}

In the following months, the Council of the European Union, and its configurations continued to address vital areas such as sustainable mobility, eliminating pollution, clean energy, and sustainable industry.^{lxxxiv} At the end of 2020, on December 10, the European Council held a meeting, and they endorsed a new target: for the EU to reduce at least 55% of its greenhouse gas emissions by 2030, compared to 1990.^{lxxxv} Moreover, they also underscored that at least %30 of The Multiannual Financial Framework (MFF)—the long-term budget of the European Union—must be directed to climate action. Furthermore, European Council also invited the European Commission to run a comprehensive assessment of the economic sectors' possible contribution to the 2030 target and an in-depth analysis of the policies' impacts on the member states' societies, economies, and environments.^{lxxxvi}

b. Greenhouse Gas Emission

A Greenhouse Gas (GHG) is a gas that contributes to the greenhouse effect by absorbing infrared radiation. Specifically, human activities with the advent of the Industrial Revolution increased the carbon dioxide concentration in the atmosphere. The majority of this carbon dioxide emission is released with fossil fuels' combustion, such as coal, oil, and natural gas. In essence, higher emission rates lead to higher temperatures globally, also known as global warming. Therefore, the EU initiated a strategic plan, the European Green Deal, to tackle climate change, reduce carbon dioxide concentration in the atmosphere, and achieve net-zero carbon dioxide emissions in the EU.

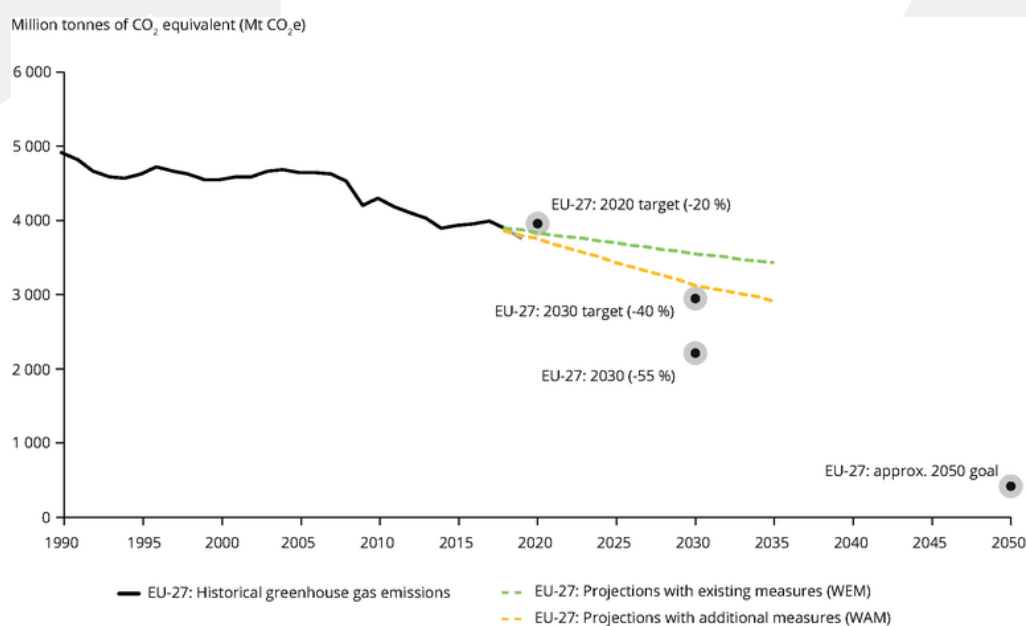


Figure 3: Greenhouse Gas Emissions of the EU Over the Years^{lxxvii}

Many elements of daily life contribute to greenhouse gas emissions, ranging from the coal that is used by factories, to methane gas. It is significant to note that meat production, as well as other agricultural products, contributes a great proportion to methane gas release; as such, the EU Landfill Directive limited methane gas release, previously in 1999.

In order to mitigate the anthropogenic effects of climate change, the EU adopted several measures, and among these measures, reduction of the greenhouse gas emissions also plays an integral part. The EU had targeted reducing its greenhouse gas emissions by 20% by 2020, from the level in 1990, and the Union fulfilled this goal by reducing it by 24%.^{lxxviii} Moreover, the EU plans to reduce its greenhouse gas emissions by 55% from the level in 1990, by 2030, and become climate-neutral by 2050.^{lxxix}

c. Climate Neutrality

Climate neutrality means no net carbon dioxide emissions and other greenhouse gas emissions produced by a country. In that sense, the EU aims to be climate-neutral by 2050, by transforming the economy within the Union into a system that is with net-zero greenhouse gas emissions.^{lxxx} The concept of ‘net-zero emissions’ refers to when the output of emissions is balanced by the removal of emissions from the atmosphere, otherwise known as carbon removal; this involved reducing the emissions produced by humans as much as possible and afterward removing the remaining greenhouse gas emissions—such as by more traditional means like restoring forest areas or through experimental technological processes, like carbon capture and storage (though this is not yet technologically feasible).^{lxxxi}

This objective is at the core of the European Green Deal, and in line with the EU's adherence to global climate action under the Paris Agreement.^{lxxxii} However, as it is mentioned above, the responsible institutions of the European Union also acknowledge that the transition into a climate-neutral bloc is a big challenge that needs to be addressed with the good governance of the member states, and the cooperation of the public and private sectors. Moreover, the EU also recognizes this process as a way to invest in technological innovations, which may bring economic growth and new jobs for the member states' citizens. In that sense, decarbonizing the energy sector, ensuring that buildings and infrastructure become more energy-efficient, and investing in environment-friendly innovative projects, products, and technologies are necessary. Therefore, as it is noted above, climate neutrality is located at the very heart of the European Green Deal, and it is in interaction with almost every action the Union takes—from the EU's attempt to enhance awareness regarding climate change, globally, to the policies that possibly impact the lives of citizens and enterprises.^{lxxxiii} Therefore, for instance, the European Union created a fund to support affected workgroups, enterprises, and individuals due to the impacts of the policies that are in line with the Union's goal to become a climate-neutral bloc.

d. Just Transition Fund

The Just Transition Fund (JTF) is a new instrument that was created in order to alleviate socio-economic challenges arising from the transition toward climate neutrality. With an overall budget of €17.5 billion, the JTF is an essential part of the European Green Deal.^{lxxxiv}

The objective of the Fund is to “alleviate the impact of the transition by financing the diversification and modernization of the local economy and by mitigating the negative

repercussions on employment.”^{lxxxv} In order to put this in practice, the JTF will essentially contribute to three types of project:

- social support,
- economic revitalization, and
- land restoration.^{lxxxvi}

According to The European Commission’s proposal, the funding of JTF will rely on €7.5 billion of ‘fresh money’ that is meant to come from the multiannual financial framework.^{lxxxvii} Initially, €7.5 billion from JTF is expected to be complemented by fund transfers from other EU programs and by co-financing on the national level.^{lxxxviii} The EU countries will have to prepare Territorial Just Transition Plans (TJTPs) in order to receive funding from the JTF. TJTPs are expected to show that the funds are needed and where they will be spent. Governments will also have to show how they plan on fulfilling their climate objectives.^{lxxxix}

e. Previous EU Policies

Environment, as a matter of interest for public administrators of Europe, emerged in the 1970s due to an increase in public concern regarding environmental policy. In 1972, The United Nations Conference on the Human Environment gathered in Stockholm, which was a milestone for international awareness on issues related to human-environment interactions. In addition to mounting pressure from public opinion, European policymakers felt the need to address the issue on a continental level because of possible negative consequences of adopting unilateral environmental regulations on the national level, which would create disproportionate competition standards among members of the European Coal and Steel Community. Therefore, the first regulations to be introduced on a Community-level had economic motives.

Through the Single European Act in 1986, the EU’s attitude towards regulating for the sake of the environment (and not solely for economic purposes) gained a legal basis. Subsequent treaties in the following decade further solidified the EU’s commitment to sustainable development. In an effort to create institutional mechanisms for the EU’s environment policymaking, the European Energy Agency was formed in 1993. Although the agency’s mandate is to provide the public and other EU institutions with information on the environment and not to act as a policy-implementing body^{xc}, the forming of an institution specializing in environmental policy is a vital step to shape a common, Union-wide stance on the issue.^{xcii}

The Treaty of Lisbon, which establishes the constitutional character of the European Union, has a section on the environment, and more specifically, climate change. Article 174 of the

treaty mentions “promoting measures at international level to deal with regional or worldwide environmental problems, and in particular combating climate change.”^{xcii} Treaties precede other EU legislation, and the Treaty of Lisbon is the most all-encompassing one since it defines the underlying principles of the way the EU is to be governed. As a result, the struggle against climate change is constitutionally embedded in the EU and all future decisions must be taken to progress EU’s climate-change response.

f. Climate Target Plan 2030

As part of a global commitment to achieving carbon neutrality manifested in the Paris Climate Accord, certain countries and organizations have made pledges to cut their carbon emissions to net-zero in a designated period of time^{xciii}. The EU currently aims to achieve this by 2050. In its Climate Action 2030, which is a checkpoint in the attempt at carbon neutrality, the EU pledges to curb its greenhouse gas emissions by 55%. While doing so, the Commission has set out three concrete objectives. Firstly, the process must be cost-efficient, meaning that negative fiscal outcomes of emission limitations must not create a burden the economy cannot bear. Secondly, economic growth through the creation of green jobs must be sustained. Lastly, the whole effort must be carried out by encouraging partners to limit the rise of worldwide temperatures by 1.5°C.^{xciv}

1. Paris Agreement

The Paris Agreement is the first-ever international climate treaty that is legally binding and is within the United Nations Framework Convention on Climate Change (UNFCCC). The Agreement, of which the aim is to limit global warming below 2°C, was adopted at the Paris Climate Conference (COP21) in December 2015.^{xcv} In order to achieve the temperature goal that is set out in the Agreement as soon as possible, countries are expected to take immediate measures to reduce carbon emission within their borders. The Agreement covers the period from 2020 onward and it entered into force when 55 parties to the Convention accounting in total for an estimated 55% of the global greenhouse emissions ratified it in 2016.^{xcvi}

The momentum started by the Agreement suffered a setback in 2017 when the United States of America announced its decision to withdraw from the Agreement. After a three-year process, the US, which is single-handedly responsible for 15% of global greenhouse emissions, formally withdrew from the Agreement on 4 November 2020 and became the first nation to do so.^{xcvii} It should be noted, however, that the US will be re-entering the Agreement under the Biden Administration.^{xcviii}

In the Paris Agreement, countries agreed to come together every 5 years to assess the collective progress towards the long-term goal of keeping the global average temperature under 2°C.^{xcix} To ensure transparency, nations also agreed to report each other on how they are implementing the necessary actions.^c Since it was recognized in the Agreement that reducing emission will take longer for the developing countries, the EU and other developed countries agreed to support these nations on their climate action strategies.^{ci}

B. General Provisions of the Proposal

a. Objectives and Basis of the Proposal

The European Commission has put forward particular articles in the context of climate neutrality, which constitute the main objectives and the background of the proposal.

After presenting The European Green Deal, The European Commission, responsible for proposing and enforcing laws as well as managing EU policies, has set a strategy aimed at transforming the Union into a just and welfare society. In accord with the Climate Law, the Commission adopted a competitive economy model in which the economic growth is separated from natural resource us. In other words, there will be no net greenhouse gas emissions in 2050, and the Earth's limited resources will be used in a sustainable way to minimize environmental impact.^{cii} In addition to protecting and strengthening the European Union's stock of natural resources, protecting its citizens from climate risks is also mentioned among the objectives. Even though the aim is to achieve a climate-neutral Union by 2050, the EU has also addressed that this transition would require the support of public and private investment.

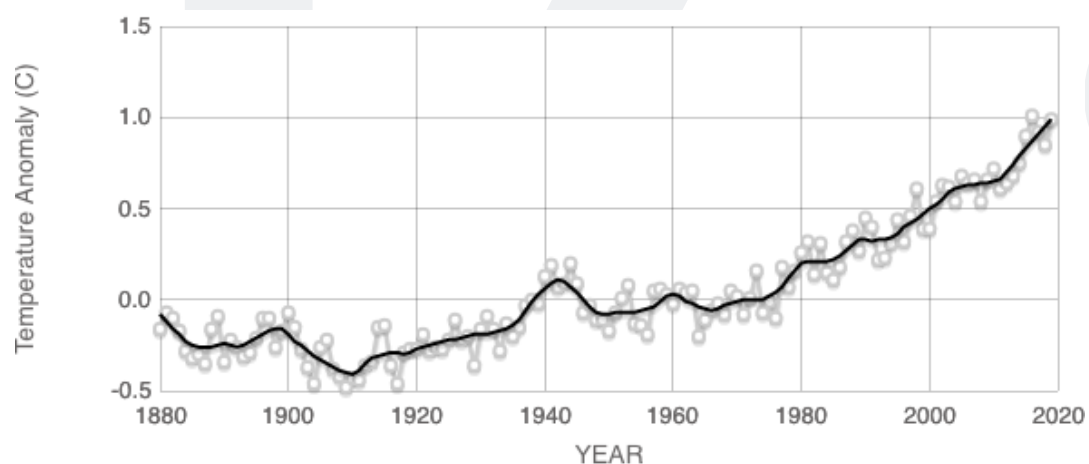


Figure 4: Rise in Temperature Anomaly Over Years^{ciii}

The reports of the Intergovernmental Panel on Climate Change and The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services have provided the European Union with a scientific basis for the climate crisis. According to these reports, greenhouse gas emissions must be urgently reduced, and climate change must be limited to 1.5 °C. At the same time, the reports stated that climate change is a significant factor in reducing biodiversity.

A long-term goal for climate change is necessary to achieve the goals set by the United Nations Sustainable Development Goals, as well as economic and social transformation. In this context, it is necessary to act towards the temperature change target agreed in the Paris Agreement (2015/ entered into force in 2016).^{civ} The Agreement's long-term goal is to keep the global temperature increase to well below 2°C above pre-industrial levels and pursuing efforts to limit the temperature increase to 1.5°C above pre-industrial levels, which could be done by reducing greenhouse gas emissions.^{cv} Within the context of the 2030 Agenda for Sustainable Development and the Paris Agreement, the European Union's actions against climate change are carried out to protect the ecosystem, biodiversity, and society from the harmful effects of climate change and conduct the economic activities accordingly to lower greenhouse gas emissions. Ensuring climate neutrality by reducing greenhouse gas emissions to the extent possible should also be ensured with all economic sectors' contributions. One way to achieve this goal is to transition to an affordable/fair and secure energy system in the domestic energy markets. Additionally, technological developments, which have increased in importance with the digital transformation era, are among the important factors for achieving climate neutrality. The transition process of climate neutrality, as stated in the European Green Deal, aims to be achieved not only by economic and technological means but also by political measures and the joint efforts of all sectors in the society. To increase public awareness and enable individuals to take action for climate neutrality, the Commission should engage with all segments of society. The European Union has also adopted the vision of 'Clean Energy for all Europeans' and a 'Clean Planet for all' to achieve the stated goals and the secure, competitive, sustainable and affordable energy model as mentioned above under the Energy Union strategy.

In addition to the current regulation, the European Union has previously introduced other directions and regulations aimed at reducing greenhouse gas emissions such as:

- Directive 2003/87/EC: A directive about establishing a scheme for greenhouse gas emission allowance trading within the community,^{cvi}

- Regulation 2018/842: A regulation on binding annual greenhouse emission reductions by the Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement,^{cvii}
- Regulation 2018/841: A regulation on the inclusion of greenhouse gas emissions and removals from land use, land-use change, and forestry in the 2030 climate and energy framework.^{cviii}

As a result of all the work done, the European Union has presented itself as a global leader in the transition to climate neutrality and decided to create a global climate change response. In the context of this decision, the Union invited Commission to work on a proposal for its long-term plan to submit for The United Nations Framework Convention on Climate Change's review. In addition, the Union emphasized that the leadership of the EU is essential to ensure the continuity of the guidelines of the Intergovernmental Panel on Climate Change (IPCC), and the targets of the Paris Agreement even after 2050.

As mentioned earlier, the adaptation process is critical for a permanent and long-term goal. For this reason, several decisions have been made based on Article 7 of the Paris Agreement. Article 7 recognizes the adaptation process as a global challenge and emphasizes that countries shall reduce their vulnerability and resistance to climate change and strengthen the adaptation process.^{cix} Therefore, based on this article, the Member States should also adopt comprehensive and national adaptation strategies over time.

To achieve the stated goals, the Union also suggested that an analysis of the 2030 Framework, which addresses climate and energy issues, and, if necessary, amend the framework for a new 2030 target, which includes 50% to 55% emission reduction compared to 1990 levels, should be made.^{cx} The critical issue here is which articles need amendments and how they should be amended to achieve the stated emission reduction by June 30, 2021.

To ensure compliance with the goals of the Union and, in particular, member states, the Commission should regularly assess the development processes of countries. If a member state faces an impediment in achieving the goal of climate neutrality and in the adaptation process, or if the measures taken are inconsistent with the goal, the Commission must take the necessary measures in accordance with the agreements and make recommendations to correct the situation. On the other hand, these recommendations should be applied within the framework of an objective assessment based on agreements made, scientific, technical, and socio-economic findings such as IPCC reports; and it should be based on European statistics and

data. In addition, the European Environment Agency should also assist the Commission during these assessments in accordance with the work program.

To provide predictability to all individuals and organizations involved in the economic transition process, it has been proposed to transfer the power to adopt acts to the Commission in accordance with Article 290 of the Treaty on the Functioning of the European Union. It is also suggested that to ensure equality during the process; Member States' experts, the European Parliament, and the Council should have simultaneous access to the required documents and the group meeting regarding the preparation process.

In line with the Commission's Better Law-Making principles, which aim is to improve EU legislative and making sure the legislative better serve citizens, there must be consistency in decisions on reducing greenhouse gas emissions.^{cxix} The regular reporting system and assessments should be harmonized so that Member States provide the necessary information and reports as set out in the 2018 Regulation. Thus, it is proposed that Regulation 2018/1999 be amended to bring the climate neutrality target in line with the relevant provisions.^{cxii}

Overall, achieving the climate neutrality goal by 2050 requires coherent action within the Union. In this context, since it is difficult for member states to achieve their goals alone successfully, they should act as a union in accordance with all the proposals mentioned and in accordance with the powers set out in Article 5 of the Treaty on the European Union.

b. Stakeholder Consultations

'Clean Planet for All' is an important goal not only between Member States and their representatives but also for all citizens and organizations within the European Union. In this context, starting on 17 July 2018, the European Union consulted with various stakeholders and received approximately 3000 responses on this matter.^{cxiii} As mentioned earlier, the 'Clean Planet for All' communication of the EU aims to regulate greenhouse gas emissions and global temperatures and achieve a climate-neutral economy in 2050. In the consultancy activities carried out, it was observed that these goals received tremendous support from citizens and organizations. The summary report of the advisory activities carried out has been put forward and adopted to support the communications and regulations created in the past.

A comprehensive consultation between organizations within the European Union (local authorities, businesses, social partners, etc.) and citizens took place, and thanks to significant participation, the announced decisions became even more mature, and a step towards consensus for the 2050 goal was taken. An event was organized for the Climate Law on 28 January 2020,

and various stakeholders participated in the public event, as in the past. In this event, 3 main sessions were held on the issues of being the world's first climate-neutral continent, implementing policies within the EU in line with climate neutrality, and financing the transition to climate neutrality.^{cxiv} Panelists attending the event not only discussed the contents of the European Climate Law and the Green Deal, especially the social and financial aspects but also held a question-and-answer session with EU citizens.

Frans Timmermans, Vice President of the European Commission, said the following words in his opening speech that summarizes the event:

“Today, we are here to hear your views on the next step for the European Green Deal, which has to be ‘your’ and ‘our’ Green Deal (...) The Climate law, in simple words, is important because it will discipline everyone in this process, especially on the political side, to take the necessary steps, to deliver on this promise to become climate neutral by 2050. In that context, I hope the climate law can be extremely useful, and I hope we do a good job at the Commission to draft a climate law that answers your requirements, hopes, and expectations of the years to come.”^{cxv}

The Commission also published a roadmap for the European Climate Law; open to feedback over some time to increase interaction, and most stakeholders participating in the event submitted their feedback to the Commission (total of 931 feedbacks).^{cxvi} It is essential here to highlight the diversity of sectors, organizations, and citizens that participate and contribute to the roadmap, consultation activities, and panel about achieving climate neutrality by 2050. Contributors included associations and companies representing the industrial sector, non-governmental organizations, citizens as well as certain member states (Denmark, France, Germany, Portugal, Spain, Sweden, and the Netherlands) and Norway, which has not been in the EU since 1994.^{cxvii}

c. Impact Assessment

An impact assessment is a routine part of the European legislative process that seeks to enhance the quality of law-making by analyzing possible consequences of proposals. Impact assessment reports are used to determine whether the propositions should be implemented or not. In certain instances, when a similar report related to the policy issues has already been conducted, for example, EU legislative bodies may decide that an impact assessment is not required.^{cxviii}

In 2018, the European Commission announced its strategic vision, ‘A clean planet for all’, that sets the net-zero greenhouse gas emissions target of the European Union by 2050. The European Commission also published an In-depth Analysis with regards to the impact assessment based on scenario analysis. In summary, the In-depth Analysis focuses explicitly on crucial aspects necessary for an adequate long-term climate strategy; therefore, it provides a robust foundation for the Strategic Vision, though it acknowledges limitations on the actualization of the Strategic Vision. This In-depth analysis builds one baseline scenario and eight mitigation scenarios according to the EU’s current 2030 targets, differentiating slightly in their mitigation focus. Pathways to net-zero emissions cover the relevant sectors and GHGs according to the literature, policy reports, etc. These scenarios with net-zero GHG emissions in 2050 holds that all sectors must pursue emission reductions ambitiously.^{cxxix}

Moreover, if there are any remaining GHG emissions, they must be compensated by combining artificial and natural carbon sinks. Furthermore, another critical issue is the economic and social implications of the mitigation scenarios that project moderate impacts on GDP and labor compared to the other drivers of societal changes but underline the necessity of shift from consumption to investment in mitigation technologies and infrastructure. In this report, international cooperation is also emphasized by stating that it is an integral part of such transition to net-zero GHG emissions.^{cxx}

The in-depth analysis builds upon scientific literature and inputs that are extending from stakeholders to integrated modeling, which allows to better understand the transformation of and complex interactions between the energy, industry, buildings, transport, agriculture, forestry, and waste sectors.^{cxxi} Therefore, considering recent in-depth analysis’ findings and argument which includes a full analysis of the implications of the 2050 climate-neutrality objective and evaluation of the EU adaptation strategy, an impact assessment is not required, because this in-depth analysis per se can be considered as an impact assessment.^{cxxii}

The EU and the Member States have put in place a series of policies that will already have a strong impact on the EU's transformation up to 2030 and will continue to do so subsequently with the demanding energy and climate targets as recently agreed.^{cxxiii} To assess the impact of current policies beyond 2030, a baseline scenario (which will be referred to as ‘the Baseline’) was developed.^{cxxiv} These include policies that are either already agreed upon or the policies that were proposed by the Commission but are still

under discussion in the European Parliament and Council. The Baseline covers projections all the way until 2070 and its main aim is to illustrate the impact of current climate and energy policies and goals.

In addition to the achievement of the 2030 targets that were agreed in 2018, the Baseline also projects reductions in energy demand and CO₂ emissions as well as non-CO₂ emissions beyond 2030. It offers a basis for different pathways that will eventually serve the main target of limiting global warming to below 2°C or 1.5°C.^{cxxv}

C. Detailed Explanation of the Specific Provisions of the Regulation

a. Article 3

Article 3 of the proposal for a Regulation of the European Parliament and Council establishing the framework for achieving climate neutrality, together with Article 9, lays out the trajectory for achieving climate neutrality, which is set in Article 2(1). The trajectory will start from the Union's 2030 target, which is 50% to 55% emission reduction. When recalibrating trajectory, the Commission shall consider cost-effectiveness and economic efficiency, the competitiveness of the Union's economy, energy efficiency, energy affordability, fairness and solidarity between and within the Member States, the need to ensure a just and socially fair transition and the best available and most recent scientific evidence.^{cxxvi}

b. Article 4

Article 4 of the proposal for a Regulation of the European Parliament and Council establishing the framework for achieving climate neutrality ensures that the progress of adaptability to climate change underlines the necessity to strengthen resilience and reduce vulnerability to climate change, per the Paris Agreement. The member states also shall develop necessary strategies to ensure this adaptability, including risk management frameworks.^{cxxvii}

c. Article 5

Article 5 of the proposal for a Regulation establishing the framework for achieving climate neutrality lays out the procedure of the assessment. The Commission shall assess the collective progress of the Member States with respect to the climate-neutrality objective and their adaptability to the process as it is referred to in Article 4. Compatibility of the Member States' actions with the measurements provisioned with the trajectory referred in Article 3 will also be reviewed by the Commission every 5 years. Whenever the Commission finds an inconsistency with the practices in the Member States and the aforementioned goals, it will take necessary

measures that will shape the trajectory in line with the goals.^{cxviii} According to Article 5, by 30 September 2023 and every five years after that, the Commission, which is empowered to supplement and review the Regulation as stated in Article 3(1), will reassess the collective progress about the 2050-net-zero emission plan by regulating and balancing the greenhouse gas emissions across the EU, as set out in Article 2(1).^{cxix} The plan for having net-zero emissions by 2050 will be a collective process, and Article 4(1) shows how the Member States can develop and implement strategies, including risk management, during adaptation to climate change, taking into account the Paris Agreement.^{cxx} The objectives and requirements mentioned are compatible and similar to the European Climate Law, and it is also important to understand these articles in relation to the Paris Agreement, in order to put the proposal in the context of international law. Article 4 of the United Nations Framework Convention on Climate Change (UNFCCC), which is one of the important points mentioned, aims to increase awareness of climate change and to control greenhouse gas emissions and sectors related to waste management, taking into account the Montreal Protocol.^{cxixi} Following this, Article 3 of the Paris Agreement, which recognizes all parties' progress over time and the necessity of supporting developing countries, was another important point mentioned.^{cxixii} In addition to references to the Paris Agreement, Article 4 states that it is among the Member States' responsibilities to reduce vulnerability to change and continuously improve adaptation processes. The articles mentioned above are crucial in terms of the 2050 and 2030 goals of the Union. For this reason, it is also essential to assess the consistency of climate-neutrality targets with Union measures and the adequacy of these measures. However, if the Union measures are inconsistent with the climate-neutrality objectives or the measures are inadequate and lacking in progress, the Commission is expected to review the trajectory upon the authority specified in Article 3. It is also stated in Article 5 that if any draft or legislative proposal comes to achieve the targets, the Commission can evaluate these proposals and announce the result to the public. Another significant aspect of Article 5 is that it is carried out in conjunction with Article 29(5).

d. Article 29(5) of Regulation (EU) 2018/1999

This article assesses whether the Union and its member states have made sufficient progress towards meeting the desired requirements on 31 October 2021 and each year thereafter.^{cxixiii} Although the objectives and requirements mentioned are compatible and similar to the European Climate Law, it is also important to understand these articles, as different points are mentioned. Article 4 of the United Nations Framework Convention on Climate Change (UNFCCC), which is one of the important points mentioned, aims to increase awareness of

climate change and to control greenhouse gas emissions and sectors related to waste management, taking into account the Montreal Protocol.^{cxxxiv} Following this, Article 3 of the Paris Agreement, which recognizes all parties' progress over time and the necessity of supporting developing countries, was another important point mentioned.^{cxxxv} Apart from the objectives and assessments, Article 29(5) indicates that each Member State shall limit its greenhouse emissions by the percentage given to them in 2030, as stated in Article 4 of Regulation (EU) 2018/842 and Article 4 of Regulation (EU) 2018/841.^{cxxxvi}

The Commission presents the results of all the assessments written above together with the Energy Union Status Report, which must be prepared and submitted to the European Parliament and the Council by 31 October in the relevant year.

e. Article 7

In addition to the consistency of the measures stated in Article 6(1)(a), about the National Energy and Climate plans (EU countries' 10-year energy and climate plans) and the Biennial Progress Reports; Article 7 of the Regulation explains the basis of the assessments in Articles 5 and 6.^{cxxxvii} Accordingly, the Commission is expected to base its assessments on certain regulations, statistics, or documents such as:

- Regulation (EU) 2018/1999 on the Governance of the Energy Union and Climate Action: This regulation lays down the legal basis for sustainable and predictable governance in line with the Paris Agreement, UNFCCC, and the Energy Union.^{cxxxviii}
- Reports of the European Environment Agency (EEA): The EEA mainly helps the Commission, the European Parliament, and the Council as well as its member countries by providing assessments and information in the form of reports, short briefings, and articles.^{cxxxix} It is also expected from the EEA to assist the Commission in the preparation phase of the assessments referred to in Articles 5 and 6.^{cxl}
- The scientific reports and evidence of the Intergovernmental Panel on Climate Change (IPCC) as well as the European data, especially on the negativities and losses brought about by climate change.
- Additional information about environmentally sustainable investments that are in line with the Taxonomy Regulation. Taxonomy Regulation is an important document to understand how the economic goals of a sustainable future should be and how the investments to be made can be defined as environmentally sustainable. This regulation

simply establishes an EU-wide framework to provide “*clarity and transparency on environmental sustainability to investors, financial institutions and companies.*”^{cxli}

D. Proposal of the Framework for Climate Neutrality

The necessity of this proposal can be explained on four grounds: requirements to be met in order to reach the European Green Deal’s goals, the added value of the Union’s involvement, lessons learned from the past showing the necessity of a better framework to reach climate goals, and ensuring the compatibility and synergy with other appropriate instruments.

The Commission’s ambition to make Europe the first climate-neutral continent by 2050, which has been endorsed by both the Parliament and the Council, is the main concern of this proposal. It sets the pathway for the relevant institutions and the Member States in order to take the necessary measures. Furthermore, the Commission is also expected to carry out numerous tasks such as revising the target set for 2030 and the proper policy instruments to achieve it, setting a path, carrying out five-yearly assessments in addition to assessing the consistency of the current policy framework, and finally, issuing suggestions and additional measures at EU level.^{cxlii}

‘The added value of Union involvement’ in this context, is the value that will be resulting from Union’s intervention to climate action which would otherwise be created by the Member States alone. Since climate change is a transboundary challenge, it cannot be solved by national efforts. The coordinated action of the Union as a whole can provide the necessary enhancement towards realizing the climate goals.

‘Lessons learned from similar experiences in the past’ refers to the fact that even though the EU has already put in a comprehensive framework to reduce gas emissions, it has only been able to reduce emissions by 23% while the economy grew by 60% between 1990 and 2018.^{cxliii} This, in addition to the projections that estimate the reduction in greenhouse gas emissions by 60% by 2050, proves the fact that much remains to be done to reach climate neutrality by 2050.^{cxliv}

The proposal aims to complement the already existing framework by setting out a long-term trajectory towards the 2050 climate-neutrality objective, complementing transformation efforts, carrying out regular assessments, and setting out a process in case of inconsistencies or insufficiencies. Also, it tasks the Commission with reviewing existing policies and Union

legislation to assess their consistency with the said trajectory. In this sense, the proposal ensures the compatibility and possible synergy with other appropriate instruments of the Union.

E. Amendments to the Previous Regulation (EU) 2018/1999

Under the new Regulation proposal concerning the European Climate Law, Regulation (EU) 2018/1999 is also aimed to be amended in various ways. Most of the amendments to Regulation (EU) 2018/1999 aims to implement the proposed Climate Law proposal into Regulation (EU) 2018/1999, especially in terms of the impacts of Article 2, specifically Article 2(1) which states “Union-wide emissions and removals of greenhouse gases regulated in Union law shall be balanced at the latest by 2050, thus reducing emissions to net zero by that date.” that structuralizes the Climate Neutrality. For instance, this Regulation amends Regulation (EU) 2018/1999 by replacing its Article 1(1), point (a) by adding “implement strategies and measures designed to meet the Union’s climate-neutrality objective as set out in Article 2 of this Regulation...”.

Also following this amendment, the proposal amends Regulation (EU) 2018/1999 by replacing point (7) of Article 2 with, “[projections] means forecasts of anthropogenic greenhouse gas emissions by sources and removals by sinks or developments of the energy system, including at least quantitative estimates for a sequence of six future years ending with 0 or 5 immediately following the reporting year.” This amendment aims to implement the stipulations of the proposed Climate Law Regulation into Regulation (EU) 2018/1999 by stating the GHG emissions and removals by sinks shall be conducted in 6 years with the aim of reducing them to the 0 or 5 by the reporting year. The same type of amendments that aim to implement the climate neutrality towards Article 2 of the current proposal can be seen in Annex I Part 1, Article 3(2) point (f), Article 8(2) point (e), and Article 15(3) point (c).

Finally, the current proposal aims to substantially change Article 11 of Regulation (EU) 2018/1999—which pertains to multilevel climate and energy dialogue. The changes mostly concern the purpose of the multilevel climate dialogues that the article stipulates. Thus, while Regulation (EU) 2018/1999 states, “local authorities, civil society organizations, business community, investors and other relevant stakeholders and the general public are able actively to engage and discuss the different scenarios envisaged for energy and climate policies,”^{exlv} the proposed Regulation on the European Climate Law would make it so that, “local authorities, civil society organization, business community, investors and other relevant stakeholders and the general public are able actively to engage and discuss the **achievement of the Union’s**

climate-neutrality objective set out in Article 2 of Regulation .../... [Climate Law] and the different scenarios envisaged for energy and climate policies.”^{cxlvi} As such, the key change relates to the topic of discussion shifting from just being about different scenarios to also concerning the concrete goal of climate-neutrality. By doing so, the proposal can also be seen as aiming to base the European Climate Law more on a social contract that communicates with all parties that will be affected as well as responsible for reaching the climate neutrality rules set out in Article 2.

F. Country Stances

a. Austria

In the National Energy and Climate Plan of Austria, there is an emphasis on there being a need for additional policies since, “with current measures Austria would miss this target by 20 percentage points.”^{cxlvii} However, Austria also has a very ambitious target for a 100% renewable electricity system by 2030 and for being the first climate-neutral EU country by 2040.^{cxlviii} To achieve these goals, it was observed that the Austrian Green Party had formed a coalition with the Austrian People’s Party, which was also the party in power. As a result of the coalition, Austria will be more active in climate and energy policies and has decided to start work on the further development of this policy, as well as other relevant sectoral measures.

b. Belgium

Belgium has a federal structure, with Wallonia, Flanders, and the Brussels Capital Regions divided in length and detail in the European Climate Law and energy plans' requirements. But overall, Belgium aims to achieve a 13% reduction in emissions, a 35% reduction by 2030, and a 25% contribution to renewable energy.^{cxlix} In terms of political agenda, Belgium has the Groen (Flemish) and Ecolo (French) parties that put climate change and sustainable development into their and Belgium's agenda.^{cl} Therefore, it is also thought that Belgium will fulfill the requirements of the Climate Law and 2030 plans in terms of EU goals.

c. Bulgaria

Although recent polls have shown that most Bulgarian citizens support environmental campaigns and regulations, the government’s political agenda is not closely related to green politics, and the Green Party of Bulgaria does not have any seats in the National Assembly. However, the Bulgarian NECP is well structured according to the Regulation, and more attention has been paid to issues such as decarbonization, energy efficiency, and energy

security.^{cli} The main point to be addressed is that although Bulgaria proposes 25% sustainable energy use in sectors, the target for greenhouse gas emissions is 0%, and the planned levels of specific ratios are not quantified.^{clii}

d. Croatia

The NECP of Croatia underlines that there has been a -7% change in terms of greenhouse gas emissions with the current climate policies.^{cliii} The fact that energy from renewable sources accounts for 36.4%—more than the EU average—indicates that Croatia can meet its 2030 goals.^{cliv} But certain policies still need to be changed and carbon emissions should be reduced to meet the Union goals, especially in the transport sector. In this context, it is important that Green Parties such as Možemo gain more seats and bring these issues to the agenda.

e. Cyprus

Cyprus must first reduce its dependence on fossil fuels, which can be considered the main source of energy, in order to meet its 2030 goals. As an island nation with a location that can significantly observe the adverse effects of climate change, Cyprus, therefore, pays special attention to EU targets, especially greenhouse gas emissions. In this context, according to the authorities' observations, a reduction of 22% by 2030 may not be enough, and the country might have to take a few more measures and negotiate again for EU goals.^{clv}

f. Czechia

Although Czechia, the first country to express its criticism towards the EU goals, argues that the overall goal taken on this issue is unrealistic for the Czech Republic, it has been observed that the country is gradually approaching the EU goal every year, and if the desired support is achieved, it can provide 32% support for the goals from Czechia in 2030.^{clvi} If the Czech Republic, which has been in the European Green Deal and thus received budget support, listens to the people's voice, the country may get even closer to the 2050 target.

g. Denmark

In Denmark, the dominant source of energy in the past was oil and other fossil fuels, while today, more than 30% of its energy needs are provided by renewable energy sources.^{clvii} Denmark, which aims to use renewable energy at a 100% rate by 2050, will significantly reduce greenhouse gas emissions if it meets its goals.^{clviii} But with current measures, the European Commission estimates Denmark will miss that target by 16 percentage points and have a deficit

of 35.6 million tons of CO₂ equivalent over 2021-2030.^{clix} Given all these assessments, it is thought that Denmark will experience positive developments.

h. Estonia

The European Climate Law and the European Green Deal are seen as an opportunity for the Estonian Ministry of Environment, and in this context, Estonia supports the creation of the European Union's long-term climate neutrality framework for 2050. Estonia, which pays particular attention to investments in energy and transportation, aims to increase the use of renewable energy sources and achieve a 13% reduction in emissions, although it is also thought that it may miss the 2030 target by 21%.^{clx}

i. Finland

In addition to the EU targets, Finland, which aims to be carbon neutral by 2035 and carbon-negative thereafter, also aims to reduce greenhouse gas emissions by 80% by 2050.^{clxi} Under the EU's climate and energy legislation, obligations and policy decisions are also binding on Finland. Furthermore, it is seen that the Green Party in Finland has gradually increased its number of votes and, although it is considered as an opposition, it has undertaken work throughout the country when it comes to the EU objectives.

j. France

France, which aims to reduce greenhouse gas emissions by 55% compared to the 1990s, has yet to meet the national targets.^{clxii} In particular, France aims to be carbon neutral by 2050, and it is even envisaged that it could exceed the target by 4% if the country applies the set regulations. In the same way, it is stated that there will be a 32% contribution to the Union in renewable energy on an EU basis.^{clxiii} From a political point of view, it is noted that the Green Party has a significant audience of voters in local polls of major cities, and at the same time, Emmanuel Macron has started working with ministers to set goals.

k. Germany

The NECP of Germany mainly focuses on "Energiewende," which is the energy transition process to low carbon, affordable and renewable energy supplies.^{clxiv} Accordingly, the last nuclear power sources are said to be closed by 2022, and the coal-fired generations will be left by 2038. On the other hand, Germany's target in terms of EU goals is to reduce greenhouse gas emissions by 50% and increase the renewable energy sources by 60% by 2050.^{clxv} It is also

essential to address that the Green Party in Germany has a significant number of seats both in the EP and the national parliament, the Bundestag.

l. Greece

Having understood the seriousness of the climate crisis as a result of the forest fires in the past years, Greece has started to take more precautions in this regard. In this context, the country will implement a new national energy and climate policy, which includes the closure of lignite-fired power plants by 2028 and an increase in the share of renewable sources to 35% by 2030.^{clxvi} However, as stated in the NECP, Greece has reduced its emissions by only 14%.^{clxvii}

m. Hungary

Hungary, despite being one of the countries that accepted the agreements on the 2030 and 2050 targets, fell behind in terms of targets compared to other countries. According to Zsolt Lengyel, President of the European Institute for Energy and Climate, the Hungarian government, which has reduced emissions by only 7%, has shown that it is not serious in its climate neutrality targets policy.^{clxviii} The Hungarian Green Party—though still in opposition with only 8 seats—is predicted to be able to help Hungary reach its EU level goals, if it succeeds in becoming more effective, electorally, in the future.

n. Ireland

According to Ireland's National Energy and Climate Plan, Ireland specifically aims to decarbonize its electricity generation sector and plans to adopt carbon-free agriculture and land use by 2050.^{clxix} For the 2030 target, Ireland aims to reduce emissions by 35% and increase its renewable energy use by 27.7%.^{clxx} Although the Irish Green Party has made successful strides in the climate crisis, either the party needs to win more seats, or the government needs to take more measures on the Climate Act.

o. Italy

The Italian National Energy and Climate Plan is based on its national 2017 plan. Meeting the Union-wide targets in terms of carbon emissions and greenhouse gas emissions, Italy aims to reach 33% and 30%, respectively.^{clxxi} The most important feature that distinguishes Italy from other EU countries is that it provides education on climate change in schools.^{clxxii} However, Italy is still one of the countries without a major Green Party.

p. Latvia

Latvia took its first step towards a sustainable future by approving the 2030 Climate Change Adaptation Plan in July 2019. Today, the government, which started developing Low Carbon Development strategies by 2050, is also working with the Ministry of Economics on changes to the 2021-2030 National Energy and Climate Plan.^{clxxxiii} According to this plan, Latvia, which sets an emission target of 6%, should especially work on greenhouse gas emissions.^{clxxxiv}

q. Lithuania

Alongside four other countries, Lithuania is projected as being the most ambitious country for the 2030 renewable energy targets, as it plans to have “45% of its electricity coming from renewable energy sources by 2030.”^{clxxxv} However, the Commission estimates that Lithuania's plans in its NECP might not be enough, and it might miss the 2030 targets by 15%.^{clxxxvi} From the political point of view, the government supports the National Energy and Climate Plan. Still, the contribution mostly comes from the Lithuanian Union of Farmers and Greens from the Greens-European Free Alliance political group.

r. Luxembourg

Although the government has mainly implemented its energy sector targets for 2030, other issues need to be updated to bring them closer to the targets. This is because the ruling party has not taken any significant steps despite acknowledging the climate crisis. However, two major parties (The Greens & LSAP) in the country are working for Luxembourg's climate targets, and it is believed that the targets set will exceed European standards by 10-15%.^{clxxxvii} Lastly, Luxembourg is planned to reduce greenhouse gas emissions by 40%, which is also above the EU average.^{clxxxviii}

s. Malta

In the NECP factsheet published by the Commission, Malta was criticized thoroughly for numerous reasons, including its rejection to meet the greenhouse gas reduction goal and a lack of emphasis on a just and fair transition.^{clxxxix} On a positive note, the Commission has praised Malta's decarbonization emphasis but noted that it would not be able to meet the 21% provided by the Governance Regulation.^{clxxx} Additionally, Malta's political environment remains unconcerned with environmental politics as the ruling party (Labor) has not honored environmental commitments, though the Nationalist Party (the second largest party) has launched a movement to recognize the climate emergency.^{clxxxxi}

t. Netherlands

The NECP of the Netherlands emphasizes that the country's 2030 goal for reducing greenhouse gas emissions is 36% compared to 2005.^{clxxxii} Even this rate is on the EU average, the major political parties in the Netherlands do not offer a credible response when it comes to the climate crisis.^{clxxxiii} For renewable energy sources, the Netherlands has a national plan called "Energieakkoord", aiming to have a 35% share of renewable energy generation by 2030.^{clxxxiv} Lastly, it is essential to note that the Green parties in the Netherlands have contributed to preparing documents about the climate crisis. If this continues that way, the 2030 goals for the Netherlands will be achieved.

u. Poland

Poland is far behind European standards when it comes to the climate crisis. All political parties in Poland scored below 25% when it comes to recognizing and taking action on the climate crisis, and the ruling party almost completely rejects the climate crisis.^{clxxxv} In this context, the NECP of Poland indicates that the 2030 goal for reducing greenhouse gas emissions is only 7%, compared to 2005—and the planned rate of using renewable energy is %21.^{clxxxvi} This is why Poland remains one of the countries that should make the utmost effort on climate.

v. Portugal

The NECP of Portugal emphasizes that the country's 2030 goal for reducing greenhouse gas emissions is 17% compared to 2005.^{clxxxvii} Although this rate might be low compared to other EU countries, Portugal's ruling party (The Socialist Party) scored 70.1% in support of EU climate action.^{clxxxviii} For renewable energy sources, Portugal aims to exceed the European average by 2030, supplying 47% of its energy from renewable energy sources.^{clxxxix}

w. Romania

Unfortunately, Romania is also one of the countries that are behind the EU average for greenhouse gas emissions, as its NECP emphasizes that the country's 2030 goal for reducing greenhouse gas emissions is only 2%.^{cx} For renewable energy, however, Romania aims to increase the capacity by 35% in 2030.^{cxci} From the political point of view, the ruling party (Social Democratic Party) did not take any remarkable actions for the crisis, and the Romanian Green Party does not have any seats in the Senate.

x. Slovakia

The fact that Slovak national parties have not taken significant steps on the climate crisis is the country's first remarkable case. The ruling party, 'OĽaNO', managed to score only 6% in terms of its measures in fighting the climate crisis.^{excii} In the country's NECP, the 2030 goal for reducing greenhouse gas emissions is 12%, compared to 2005.^{exciii} For using renewable energy sources by 2030, Slovakia plans to supply 18% of its energy from renewable sources.^{exciv}

y. Slovenia

The National Energy and Climate Plan (NECP) of Slovenia emphasizes that Slovenia's 2030 goal concerning greenhouse gas (GHG) emissions is -15% compared to 2005.^{excv} Slovenia's estimated renewable energy share by 2030 is %27, which is significantly below the %37 minimum range that was suggested in the Effort Sharing Regulation (ESR).^{excvi} On the basis of Slovenia's medium and long-term trajectory, a solid final plan is needed and should be underpinned with consistent policies and measures taken by the country if Slovenia is to reach its 2030 targets, as set out in the Climate Law and the Effort Sharing Regulation. Nonetheless, there is significant potential for regional cooperation in the framework of the Central and South-Eastern Europe Energy Connectivity (CESEC) group for Slovenia, which can show the strength of regional cooperation arrangements for the EU in reaching its 2030 targets.^{excvii} Also, while the center-left and the liberals in the country are strong defenders of the Climate Law, the conservative parties still seem to not be aware of the climate policies' urgency.^{excviii}

z. Spain

The National Energy and Climate Plan of Spain emphasizes that Spain's 2030 goal for greenhouse gas (GHG) emissions is -26% compared to 2005.^{excix} Spain plans to overachieve this target by 12% by 2030; therefore, according to European Commission, Spain is on track to be climate neutral by 2030. Spain's national ambition level corresponds to getting 42% of energy from renewable sources in gross final energy consumption in 2030, which is a significant number for both Spain and the EU.^{cc} The majority party today in the country, the Spanish Socialist Party (PSOE), had declared their dedication to the Green New Deal program, which they recently kickstarted.^{cci} Therefore, Spain is a good advocate for a strong European Climate Law. Overall, Spain's comprehensive measures to achieve the national objectives and their Just Transition Strategy provided as part of the Strategic Energy and Climate Framework are notably worthy for all EU Member States to reach their 2030 targets.^{ccii}

aa. Sweden

The National Energy and Climate Plan of Sweden emphasizes that Sweden's 2030 goals for greenhouse gas (GHG) emissions are -40% compared to 2005.^{cciii} According to the European Commission, Sweden will be climate neutral by 2030 if it keeps acting according to the ESR with its existing policies and measures. It is noted by the EU that Sweden's national target for 2030 for emissions is more ambitious than the general provisions of the EU's, which mostly aims to reduce emissions from transport by means of carbon and energy taxes.^{cciv} Also, Sweden's current policies are estimated to result in a 65% share of renewable energy by 2030 in total energy consumption.^{ccv} Sweden also aims to generate 100% its electricity from renewable energy resources by 2040. The major parties in the country, the Swedish Social Democratic Party, the Moderate Party, the Swedish Green Party, and the Christian Democrats also had declared their full dedication to their 2030 goals in 2019.^{ccvi}

G. Conclusion

Over the course of a few decades, climate change has become one of the biggest and most urgent issues countries have to deal with. Consequently, reducing greenhouse gas emissions, meeting the temperature goals adopted by the Paris Agreement, and eventually ensuring climate neutrality by 2050 is high on the EU's agenda. Hence, this regulation must be addressed diligently. The Commission's ambition to reach these goals is being reaffirmed by the European Green Deal;^{ccvii} this regulation aims to provide the necessary framework to ensure that all EU policies are in line and that all sectors and the entirety of society play their parts.

With this regulation, the EU institutions and the Member States are obligated to take required measures both at the EU and national level.^{ccviii} To set a clearer pathway, the Commission has proposed a new EU target for 2030, based on impact assessments, that aims to curb gas emissions by 55%—though there are parties that push for increasing this number to 60%. With the aim of making the transition towards a climate-neutral Europe a swift process, the Commission proposed a Just Transition Fund, which intends to alleviate socio-economic impacts of measures taken to meet climate goals.

Moreover, technological developments and an initial digital transformation will be an important factor in realizing the EU's long-term objectives. However, these developments need to be accompanied by the social and political actors that this regulation also sets out the appropriate framework for. With this in mind, the Commission also plans to regularly assess the Member States' progress and take the necessary measures where they are needed.

In order to achieve the main goal of climate neutrality by 2050, the Union has to act as a whole. Since taking the required measures and transitioning towards being a climate-neutral country is a loaded task for states to handle by themselves, the necessary framework and a certain level of funding will be provided by the EU. These moves will be in accordance with the powers set out by the Treaty on the European Union's Article 5.

H. Possible Matters to Address in the Amendments

- Is 55% the adequate amount of greenhouse emission reduction by 2030? Could policymakers manage a further reduction without harming the dynamism of the European economy? If not, should the number be changed to be more realistic?
- Is the target of reaching net-zero by 2050 realistic? Could other measures be taken to realize this target, or should it be pushed forward in time?
- Looking at Article 3(3), should the Commission consider other factors when setting a trajectory for achieving climate neutrality? Alternatively, should certain factors be removed from being considered when setting this trajectory?
- Looking at Article 4(2), could Member States' adaptation strategies and plans include other factors as well? If not, are their strategies and plans adequate or should there be any changes?
- Looking at Article 6(3)(b), should the Member States be provided with the opportunity of not sharing the progress report within the time stated, or should they be free of reporting their reason if they did not submit such report?
- Looking at Article 7, are the assessment measures stated for the Commission adequate, should there be any additions or reductions to the list?
- How localized should be the climate change responses? Are 'union-wide measures' as stated in the proposal attainable without inflictions to the national sovereignty of member states?

Agenda Item:

**Proposal for a Directive of
the European Parliament
and of the Council on
adequate minimum wages
in the European Union**

IV. Introduction to the Directive of the European Parliament and of the Council on Adequate Minimum Wages in the European Union

President of the European Commission, Ursula von der Leyen, stated in her state of the union address in 2020 that:

“The truth is that for too many people, work no longer pays. Dumping wages destroys the dignity of work, penalizes the entrepreneur who pays decent wages and distorts fair competition in the Single Market. This is why the Commission will put forward a legal proposal to support Member States to set up a framework for minimum wages. Everyone must have access to minimum wages either through collective agreements or through statutory minimum wages.”^{ccix}

Moving on from the words of President von der Leyen, ensuring that the workers in the European Union earn adequate wages is of critical importance to guarantee humane working and living conditions while building “fair and resilient economies and societies” in line with the United Nations 2030 Agenda for Sustainable Development Goals. In light of this cause, the Communication of 14 January 2020 on “Building a Strong Social Europe for Just Transitions” kickstarted the roadmap for the preparation of an Action Plan and confirmed the commitment of the European Union to take action on minimum wages in the Union level.^{ccx} As a result of this Communication and the roadmap, the European Commission had proposed this directive to the European Parliament and the Council.

a. Subject Matter and Scope

The Directive of the European Parliament and of the Council on Adequate Minimum Wages in the European Union aims to establish a framework that will help ensure that both the minimum wages are at an adequate level, and the workers have access to minimum wage protection while also promoting the social groups’ inclusion into the minimum wage setting and updating processes. Also, through this directive, it is aimed to define the criterion for setting and updating adequate minimum wages in the form of statutory minimum wages or wages set by collective agreements. Within its scope, it is stated by the European Commission that *“the Directive 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 national traditions and in full respect of social partners’ contractual freedom.”^{ccxi}* Therefore, the Directive does not impose any direct obligations to the member states, it only lays out a framework for the members of the Union to utilize while ensuring

equal and adequate access to minimum wages for all workers of the European community. The scope of the directive includes workers within the European Union who have an employment contract or any other employment relation within the national laws of the member states or the collective agreements. With regards to the definition of worker for the provisions of the directive, both the standard and non-standard forms of employment types will be covered by the provisions as long as they fulfill the criteria set out by the Court of Justice as ‘worker’.^{ccxii}

A. Minimum Wage in the European Union

a. History

There is no single history of ‘minimum wage’ in Europe since there are multiple forms of regulating minimum wage policies and since European countries have traditionally been reluctant to pursue a common minimum wage setting strategy. In prospective member states of the EU, nationwide legal guarantees regarding minimum wages appeared when a progressive political consensus encouraged governments to offer workers protection against low wages. When the USA’s workforce had approximately 20% minimum wage coverage in 1970, European countries like France and the Netherlands had already implemented national wage policies.^{ccxiii} Even though the concept of minimum wage came under scrutiny as the neoclassical paradigm came to dominate the economics scene, adopting a national minimum wage became a norm in the 1990s. Eight OECD countries without a statutory minimum wage adopted such regulations since the beginning of the 1990s and most other member states which lack statutory regulations have chosen to implement legal measures concerning collective bargaining. As a result, all European countries, although with varied policy choices, currently have minimum wages.^{ccxiv}

An EU-level approach to the issue of minimum-wage setting was officially mentioned for the first time in the EU Charter of the Fundamental Social Rights of Workers of December 1989. The Charter assured to all workers “an equitable wage, that is, a wage sufficient to enable them to have a decent standard of living.”^{ccxv} The debate remained merely conceptual at that time since no practical measures were taken at the Union level.^{ccxvi} In order to make the EU take a concrete stance, the Parliament has made multiple attempts to address the issue. In 2008, in a resolution on poverty reduction, EP encouraged other EU bodies to set a common target for minimum wages.^{ccxvii} A more recent attempt, a monumental resolution named ‘The European Pillar of Social Rights’ called for ‘the establishment of wage floors in the form of a national minimum wage’.^{ccxviii}

b. European Pillar of Social Rights

The European Pillar of Social Rights is a social rights initiative set in motion by the European Commission in 2017. It aims to deliver a European response to demands for furthering welfare, living conditions, and worker's rights; and involves 20 principles divided into three chapters.^{ccxix} One of the chapters concentrate on achieving equality of opportunities and a regulatory framework for labor markets (Principles stated in this chapter are 'education, training and life-long learning; gender equality; equal opportunities; and active support for employment'); and another chapter focuses on inclusive institutions and social protection, whose principles include a wide range of welfare-related issues form healthcare to pensions.^{ccxx} The second chapter's focus is 'Fair working conditions', and the chapter is the most relevant part of the Pillar to the Proposal for a Directive on adequate minimum wages; therefore, principles stated in the chapter should be studied carefully.

Firstly, under the title 'Secure and adaptable employment', the Commission emphasizes the right to equal and fair working conditions. Job market reform aimed at mitigating precocity is advocated under this principle. Furthermore, healthy work environments and work-life balance are among the issues mentioned in the Pillar to address the shortcomings of the European Union's diverse national labor systems. Under the title "Social dialogue and involvement of the workers," the document urges all stakeholders of labor-related agreements to engage in dialogues aspiring to overcome redundancies.^{ccxxi}

On wages and employment conditions, there is a total of five items. The two articles on employment conditions underline the worker's rights to be fully informed about the details of his/her employment relationship and also the reasons for his/her dismissal from work. On wages, the three articles are as follows:

- "Workers have the right to fair wages that provide for a decent standard of living."
- "Adequate minimum wages shall be ensured, in a way that provide 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. In-work poverty shall be prevented."
- "All wages shall be set in a transparent and predictable way according to national practices and respecting the autonomy of the social partners."^{ccxxii}

c. Strategic Agenda for 2019-2024

On 20 June 2019, the Council prepared a 5-year plan to achieve the EU's goals in a changing and increasingly crisis-ridden world.^{ccxxiii} Although this plan has 4 main goals, it is also essential that it reflects the goals for the minimum wage, especially the first two goals. Regulating the minimum wage within the Union and countries ensures that workers being paid with the minimum wage enjoy more of their rights and freedoms. At the same time, when it is considered that this is an economic regulation as well, the development of the minimum wage confirms that the second goal is directly related to the minimum wage.

Four Key Priorities

- Protecting citizens and freedoms;
- Developing the EU's economic base;
- Building a climate-neutral, green, fair and social Europe; and
- Promoting Europe's interests and values in the world.

Figure 5: Four Key Priorities of Strategic Agenda 2019-2024^{ccxxiv}

In November 2017, in line with the Directive on the minimum wage, the Parliament, the Council, and the Commission announced the European Pillar of Social Rights to improve the adequate wage and living conditions of the employees in the Union.^{ccxxv} Thanks to the 2019-2024 agenda, the implementation of the Pillar at the EU and national levels was made necessary. Therefore, it is important to understand the 6th principle of the Pillar as well for minimum wage regulations:

“Workers have the right to fair wages that provide for a decent standard of living. Adequate minimum wages shall be ensured, in a way that provide 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. In-work poverty shall be prevented. All wages shall be set in a transparent and predictable way according to national practices and respecting the autonomy of the social partners.”^{ccxxvi}

Another important part of the 2019-2024 Agenda and other documents is how to develop the minimum wage nationwide. Accordingly, minimum wages will ensure the improvement of the living conditions of workers based on national terms and economic conditions.^{ccxxvii}

B. General Provisions of the Directive

a. Objectives and Basis of the Directive

In November 2017, the EU Parliament, the Council, and the Commission jointly proclaimed the EU Pillar of Social Rights. The 6th principle of the Pillar sets out the ground for adequate minimum wages for workers of the Union as well as calling for transparency throughout the process of minimum wage setting and respect for the autonomy of the social partners.^{ccxxviii}

The Commission that took office in December 2019 echoed this objective, putting the initiative for an EU minimum wage on the agenda.^{ccxxix} Consequently, the Political Guidelines for the Commission 2019-2024 put forward an Action Plan to create an initiative on adequate minimum wages, in addition to fully implementing the Pillar. This call for reform on minimum wages is also a substantial element of the efforts towards building economies and societies in line with the UN's 2030 Agenda for Sustainable Development.

There are generally two ways of ensuring wage protection: to institute a mandatory minimum wage through law (statutory minimum wage); or through collective bargaining between employers and employees.^{ccxxx} In recent decades, the gap between low wages and the rest has been growing in many Member States. Structural trends such as digitalization, globalization, and non-standard forms of work have been reshaping labor markets, causing an increased job polarization which in turn resulted in an increasing share of low-paid occupations.^{ccxxxii} Because of this increase, already existing collective bargaining structures have been exhausted. As of 2020, the rate of workers at risk of poverty was 9% in 27 EU member states.^{ccxxxiii} The fact that 21 out of 27^{ccxxxiii} member states already have statutory minimum wage laws suggests that their effectiveness is limited. In addition, the number of households' already in or edging closer to poverty has been growing due to the pandemic in all member states. This situation made it urgent to open up a discussion on minimum wages. Preventing in-work poverty is possible by setting up an adequate minimum wage. Wage protection is a key to ensure decent living for workers in addition to sustaining domestic demand and strengthening motivation to work.^{ccxxxiv}

However, many workers in the EU don't have adequate wage protection. In Member States with national statutory minimum wages, the minimum wages are lower than 60% of the gross median wage or 50% of the gross average wage in almost all Member States.^{ccxxxv} Moreover,

specific groups of workers are eliminated from statutory minimum wage protection.^{ccxxxvi} Also, in countries relying solely on collective bargaining, some workers do not have access to wage protection either. In four countries, the share of workers not covered is between 10% and 20% while in one country it is 55%.^{ccxxxvii} Against this background, the main objective of the proposed Directive is to ensure minimum wage protections for the workers in the Union, paving the way for decent living standards. To do this, the initiative sets out a framework to improve the sufficiency of minimum wages and give more workers access to wage protection wherever they work. While creating this framework, the directive also takes into account and fully respects the specificities of national systems, national competencies, social partners' autonomy, and contractual freedom.^{ccxxxviii} To reach these objectives, the Directive plans to develop collective bargaining in all Member States, the reason being the lower share of low-wage workers in countries with high collective bargaining coverage.^{ccxxxix} On the other hand, for countries where statutory minimum wages exist, the Directive aims to ensure that they are at adequate levels while taking countries' socio-economic conditions into account.

b. Stakeholder Consultations

The consultations were carried out by the Employment Committee and the Social Protection Committee, which are part of the Council. During the Directive preparation period, social actors relevant to the issues addressed were integrated into the legislative preparation process; and the actors involved can be categorized into two groups: employers' organizations and workers' organizations. Both groups have expressed aligning and contradicting positions since the two often oppose each other in the context of wage setting. Stakeholders made similar remarks in favor of the proposal's objectives and found mutual ground on the need for autonomy of relevant social parties and respect for diverse national systems. Some employers' organizations questioned the necessity of expanding the EU's regulatory framework due to possible conflicts with various national frameworks' decision-making spheres. Workers' and employers' interest groups differed on the issue of binding, EU-wide minimum requirements. While workers were advocating for the need for such requirements, as the Directive proposes, employers were not in favor of implementing the requirements.^{ccxi}

c. Impact Assessment

The Commission has conducted an impact assessment of policy options on Better Regulation. This impact assessment was presented to the Regulatory Scrutiny Board (RSB). The RSB then made four recommendations. First, the RSB emphasized further elaborating the proposal by

outlining problems, specific objectives, proposed solutions, and the proposal's impact on the different minimum wage systems. Second, an analysis on the assessment of 'inadequacy' of the minimum wages in the Member States is necessary. Third, compatibility of this proposal with the proportionality and subsidiarity principles. Fourth and last, an elaborate explanation of the rationale behind the policy packages. During the Impact Assessment process, a variety of measures aimed to point out inadequacies and gaps regarding minimum wages were considered. Therefore, the Impact Assessment examined three differently composed and combined policy packages. Among these three, one was identified as the preferred package on the basis of its effectiveness, coherence, and efficiency.^{ccxli}

The preferred package, in simplest terms, calls for support from the Member States to be given to collective bargaining on minimum wage setting, especially in those cases when such collective bargaining is low. Moreover, for the Member States that already have minimum wage practices, the preferred package will provide a clear and stable criterion when it comes to wage setting.^{ccxlii}

The abovementioned package is assessed to be the most effective, efficient, and coherent one. The quantitative analysis is based on a scenario that, hypothetically, sees an increase of 60% of the minimum wage would improve the minimum wages in half of the Member States, benefitting 10-20 million workers. This improvement is also expected to improve work incentives and reduce the gender pay gap by approximately %5, considering that 60% of the minimum wage earners are women in the EU. The employment rate aspects are expected not to be statistically significant by only changing 0.5% of total employment. Moreover, this package also leaves room for the Member States to improve minimum wages' adequacy in case of economic and political risks.^{ccxliv}

C. Detailed Explanation of the Specific Provisions of the Directive

First, the directive contains provisions that aim to lay down the basis for the later specific provisions. Therefore, before moving onto the specific provisions to be set, the previous groundwork must be examined. First, the Directive states in Recital 8 that women, young and low-skilled workers, and persons with disabilities are more vulnerable to economic downturns such as the Covid-19 crisis.^{ccxlv} Therefore, the Directive suggests that it is necessary to be implemented. However, the question of whether the statement, "women, young and low-skilled workers and persons with disabilities" is comprehensive enough and whether it could include more social groups are yet to be answered by the discussions to be held upon the directive.

Later, in Recitals 25 and 27, the evaluation processes for the implementation of the Directive is touched upon, and it states the Commission shall conduct an evaluation and a report every year on the Member States' implementation of the Directive.^{ccxlv} Even though this is a normal procedure for the monitoring of the effects of the Directive, the questions of whether the evaluation and the reports should be on an annual base, or whether it should be in longer or shorter time periods, are still up to the discussions to be held upon the Directive. Also, another point relates to whether there will be an opportunity for national authorities to negotiate on the time periods for evaluations and reports on their implementation of the Directive. Finally, Recital 31 states that the Technical Support Instrument and the European Social Fund Plus will be the available means the Member States can benefit from while improving their minimum wage frameworks, such as by conducting assessments on the adequacy of their minimum wage policies, monitoring of such policies, broadening access to all citizens, policy enforcement to the market and the general capacity building for providing adequate minimum wages to their citizens overall.^{ccxlvii} However, the questions of whether these two instruments will be enough for undertaking the aforementioned actions for Member States or not, and whether there may be more opportunities to make available for Member States in implementing the Directive fully are yet to be decided based on the discussions to be held upon the Directive.

The Directive also contains articles that must be specifically discussed and detailed, changed, or revised when necessary.

a. Article 4

This article aims to increase the collective bargaining coverage for the Union's workers. In that sense, member states are required to promote the capacity of their social partners to get involved in collective bargaining on wage-setting through constructive, adequate, and meaningful negotiations on adequate wages.^{ccxlviii} More specifically, it requires member states in which collective bargaining does not cover 70% of the workers, to prepare and provide a framework for collective bargaining and implement an action plan to reach the minimum of 70%.^{ccxlviii} Also, the article states that such an action plan shall be shared with the public. Therefore, the questions are whether the phrasing, "The action plan shall be made public" should be constructed with "shall"—which is stricter than other possible variations such as 'may' or 'should'—and whether the cap of 70% is adequate in collective bargaining coverage, in addition to how social partners engagement in collective bargaining on wage negotiations can be promoted.

b. Article 5

This article requires Member States with statutory minimum wages to provide a national criterion for wage setting, share the updated information regarding these minimum wages, and establish consultative bodies.^{ccxlix} The national criteria should contain “the purchasing power of minimum wages, the general level of gross wages and their distribution, the growth rate of gross wages, and labor productivity developments.”^{ccl} However, these criteria shall be defined in accordance with Member States’ practices, either in terms of national legislation, competent bodies, or decisions of tripartite agreements.^{ccli} In that sense, Member States are requested to use reference values to assess the adequacy of their statutory minimum wages.

In light of these, one of the questions regarding this article that ought to be discussed can be whether or not the criteria stated are enough (and if not, then what changes are necessary). Another such question could relate to how the indicative reference values will be determined (for example, will they be taken as the average of member states or the reference values of the International Labor Organization) as well as how Member States will be supported by the Union in implementing the aforementioned provisions. Finally, Member States must discuss the “regular and timely” updates that are required from them regarding their implementation of these measures—specific discussion may relate to whether these updates will be done on an annual, semi-annual basis or with different intervals.

c. Article 6

The provisions of this article give Member States the allowance to provide different rates of statutory minimum wages for different groups of workers. However, it is also stated that these variations must be, “as little as possible, and shall be non-discriminatory, proportionate, limited in time if relevant, and objectively and reasonably justified by a legitimate aim.”^{cclii} Also, Member States may be allowed to pass laws that allow for deductions to be made to a level below the statutory minimum wage.^{ccliii} For example deductions to statutory minimum wages can be made in the case of an order by a judicial authority, but they cannot be made under circumstances such as deductions related to equipment necessary for the worker’s job or accommodation. At this point, the Ministers can discuss whether these provisions give too much legal opportunity for Member States to drift away from providing equal access to adequate minimum wages and whether Member States with statutory minimum wages can use these provisions to create a further gap between the members of the Union when it comes to an equal approach to adequate minimum wages.

d. Article 7

This article aims to specify the involvement of social partners in the wage-setting and updating process for statutory minimum wages, including their engagement in the consultative bodies that were stated in Article 5. This article requires member states to involve their social partners in definition processes of the national criterion laid out in Article 5, alongside their involvement in establishing and revising the deductions and variations mentioned in Article 6. This article overall aims to include all parties of the EU in the processes related to adequate minimum wage setting, updating, and revising. The question on the matter can be whether all Member States would accept and implement these provisions without exception, and how to promote establishing such mechanisms for all Member States if there is none traditionally.

e. Article 8

This article specifically focuses on the inspections and monitoring of the provisions set in the aforementioned articles to ensure that the statutory minimum wages are accessible and adequate for all in a proportional and non-discriminatory manner. However, the article states that these inspections shall be conducted by “labor inspectorates and bodies responsible for the enforcement of statutory minimum wage”^{cciv} In this sense, the question of whether the national decision on the inspectorates and the bodies that will monitor the enforcement of statutory minimum wages will be enough to ensure access to adequate minimum wage coverage across the Union is an important point to be discussed and elaborated upon. Also, the Ministers may discuss whether national authorities should be allowed to request assistance from the relevant bodies of the Union for field inspections and if sharing the information periodically with the rest of the Union would help see the overall progress made in ensuring adequate minimum wage coverage for all workers of the European Union.

f. Article 9

This article specifically lays out the necessary steps to be taken in order to ensure that there is no exception to the statutory minimum wage legislation and equal access for all workers to adequate minimum wage coverage within public procurement or concession contracts. It states that Member States shall take appropriate measures to ensure the enforcement of statutory minimum wage coverage and access to workers in such circumstances are applied, while the contrary actions may result in the execution of such contracts by the Member States by consulting the necessary labor laws of the Union.^{cciv} However, in this section, the question is on what the appropriate measures are to ensure the enforcement of statutory minimum wage

coverage and access to workers in such circumstances, and whether they may vary or get suspended in specific cases based on judicial orders.

g. Article 10

In this article, the process in which the Member States will share data with the Commission about the progress of Member States regarding the provisions of this Directive. First, it is stated that the data sharing will be conducted on an annual basis, at the end of each year after the Directive enters into power. The matters which are going to be shared are:

For statutory minimum wages:

- the level of the statutory minimum wage and the share of workers covered by it,
- the existing variations and the share of workers covered by them,
- the existing deductions,
- the rate of collective bargaining coverage.

For minimum wage protection provided only by collective agreements:

- the distribution in deciles of such wages weighted by the share of covered workers,
- the rate of collective bargaining coverage,
- 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.^{ccclvi}

At this point, the amendments on this article may focus on the question of whether the statement in the article of data sharing must be disaggregated by company size and sector applies for all countries since there may be different minimum wage levels for different job groups.^{ccclvii} Also, the ministers can focus on specific parts of the article to amend it so that it may be more applicable to their countries' contexts. Finally, the article gives the Commission the power of further investigating the application of the provisions of the Directive on a case-by-case basis when seen necessary. Regarding this provision, it may be discussed whether it is necessary to give such an option to Commission or move on with only the regular data sharing process provided by the Member States themselves.

h. Article 12

This article states that Member States shall set rules and penalties on the possible infringements of the provisions of this Directive and their national provisions.^{ccclviii} However, this article may be further detailed mentioning what are the effective, proportionate, and dissuasive measures

stated in the article, and whether it could be feasible to consult the laws of the Union instead of national laws on possible rules and penalties.

i. Article 15

In this article, it is stated that the European Commission shall conduct an overall evaluation of the effectiveness of the Directive after 5 years of its entry into force and report to the Parliament and the Council on the progress and propose amendments if found necessary.^{cclix} However, the question is whether 5 years is the right time for this evaluation and if it would be better for the Union to shorten or lengthen this period of time to see the outcomes better.

j. Article 17

This article, following Article 15's provision, states that Member States shall implement all the necessary measures to comply with the provisions of this Directive within 2 years after the date of the Directive's entry into force.^{cclx} Therefore, the question is first on the matter that whether 2 years are enough for all member states to fully implement necessary measure to comply with this Directive, considering that not all Member States will have the same roadmap and the same number of changes they need to do to comply with the provisions of this Directive.

D. Country Stances

a. Austria

Although there is no statutory minimum wage in Austria, a negotiation in January 2017 put forward a minimum wage of 1,500 euros, which applies to all industries.^{cclxi} Although the dates of implementation of this number of sectors vary, it is known that in 2020 all sectors comply with this minimum wage amount and thus the minimum wage in the country is above the EU average. Paying wages below the minimum level or undercutting minimum rates of pay have some heavy penalties, as the employer may be subject to a monetary penalty in the range of 1,000-20,000 euros in proportion to the number of workers.^{cclxii}

b. Belgium

In Belgium, minimum wages vary depending on profession and industry, but in industries where no minimum levels have been determined, the national minimum wage amount is put into effect. Belgium, which had a rise of 2% between 2010-2021, now has a minimum wage of 1,625.7 Euros.^{cclxiii} A fine of 2,000 Euros per person has been decided by the current

coalition government if the minimum wage is not provided or the worker is not paid, except for decisions made by industries.^{cclxiv}

c. Bulgaria

The minimum wage set in Bulgaria is at a fixed rate, regardless of industry, age, or occupation, while the minimum insurance rate generally depends on the profession. As of January 2021, Bulgaria has the lowest minimum wage among EU countries, the EU statistics agency said in a statement on Bulgaria.^{cclxv} At the same time, in Bulgaria, which has seen an increase of only 7% since 2010, the government has decided to increase it by 6.6% from January 1st until the end of the year, taking these situations into account.^{cclxvi} For non-compliance with the legislation and the wage set by the government, on the other hand, authorities may impose sanctions of 7,700 Euros at the highest.^{cclxvii}

d. Croatia

Croatia is also one of the countries in which the minimum wage is set at the national level. According to this, most employees are subject to wages as set out under the Croatian Minimum Wage Act, although a small fraction receive wages lower than the specified amount.^{cclxviii} But regardless, when an employee is given less than 95% of the specified salary, they face a fine of 1,300 Euros.^{cclxix} Although the minimum wage is below the EU average, according to Prime Minister Andrej Plenkovic, work has begun to raise the minimum wage as of January 2021.^{cclxx}

e. Cyprus

Although the minimum wage level in Cyprus varies annually, there is no national minimum wage other than certain professions (nursery, salesman, security, etc.). Despite the efforts of the alliance of Ecologists and Citizens' Alliance in 2018, the 2009 Minimum Wage Decree is still being implemented throughout Cyprus, and the minimum wage across the country remains below the EU average.^{cclxxi}

f. Czechia

In Czechia, the minimum wage is set by law and there are certain wages according to working hours. Looking from 2010 to today, the minimum wage in the country has increased by only 1%.^{cclxxii} In response to this situation, although the Social-Democrats wanted to increase the wage for 2021, the negotiations between the government, trade unions, and employers were unsuccessful.^{cclxxiii} Consequently, according to the press release, it was stated that COVID-19 was already a huge financial loss for companies, and they do not want to be under another

burden. Today, the minimum wage in Czechia has remained constant at 579.2 Euros for this reason.^{cclxxiv}

g. Denmark

Although Denmark does not have a legal minimum wage, it has a unique labor market regulation system under the name of the Danish Model. According to this model, wages and working conditions in the country are determined by agreements between unions and employers' organizations.^{cclxxv} Additionally, Denmark is criticized for its "flexibility" model; however, though employers have the right to dismiss workers easily, the high level of social security and financial support received by unemployed people respond to these criticisms. The lowest employee wage in the country corresponds to 14.79 Euros per hour.^{cclxxvi}

h. Estonia

Estonia is one of the countries in which the minimum wage is set at the national level. Although the minimum wage amount has not changed for 2 years (€ 584), there is a 7% increase compared to 2019.^{cclxxvii} As can be seen in the statements made by the Estonian government on the Commission's decisions, the government noticed that this increase was below the EU average and reported that the Estonian government started to work for this reason.

i. Finland

In Finland, which has not set a national minimum wage, the minimum wage is regulated by the Law on Collective Agreements between Finnish employers' associations and trade unions. Although this law does not specify the minimum wage, it consists of articles such as not falling below the lowest wage or giving the employee a vacation.^{cclxxviii} Although there is no government law, the lowest wage is 1,190 Euros on average, indicating that the minimum wage in Finland is above the Union average.^{cclxxix}

j. France

In France, the minimum wage is established both at the national level and through agreements determined by industry. France, which continuously increased the minimum wage during the period after the Yellow Vest protest, ranked 9th in the EU minimum wage ranking^{cclxxx} and has the potential to be in the top 3 when the annual change is taken into account (change of 12% from 2011 to 2021).^{cclxxxi} On the social dimension of the minimum wage, France ranks equally high among EU countries since the minimum wage is considered to be provided if the wages are 'taxable, a fixed amount, subject to social security' and such.^{cclxxxii}

k. Germany

Germany, which did not have a legal minimum wage regulation until 2015, is in 7th place in the ranking today, despite having an increase of approximately 2% since this period.^{cclxxxiii} Today, according to the draft law prepared by the Minister of Labor, the minimum wage is planned to increase hourly to € 9.60 in June 2021 and € 10.45 in June 2022.^{cclxxxiv} If this increase goes as planned, it is thought that Germany will surpass countries such as Luxembourg and become the 1st in the EU ranking.

l. Greece

Greece is one of the member states with statutory minimum wage, meaning that the government decides on a minimum wage and enforces it for all sectors. As of 2021, the minimum wage is set by law at 758 euros per month.^{cclxxxv} The minimum wages of all workers in the country are determined by the government with the support of the terms provided by the National General Collective Labor Agreement (NGCLA).^{cclxxxvi} In Greece, when an employer fails to pay at least the minimum wage or the due wage to an employee fully and regularly, the employee may file a complaint to a labor inspectorate (SEPE).^{cclxxxvii} This inspectorate is responsible for the monitoring and implementation of all labor legislation including access to minimum wages. In such circumstances, the job of the worker and the worker's wages for the period within which s/he is not paid is secured by the legislation in Greece.

m. Hungary

Hungary is one of the Member States using a statutory minimum wage, meaning that the government decides on a minimum wage and enforces it for all sectors. As of 2021, there are two different minimum wages for different groups of workers. The lowest minimum wage belongs to the general worker category: 457 euros per month, and the highest minimum wage belongs to the professional worker category: 598 euros per month.^{cclxxxviii} In Hungary, the minimum wage and guaranteed wage are determined by the government in consultation with the Permanent Consultation Forum of the Competitive Sector that has members from the Government, workers, and employers.^{cclxxxix} The matters discussed in this forum are minimum wage, guaranteed wage, employment policies, and labor law reforms.

n. Italy

Italy does not use statutory minimum wage, therefore there is no government-mandated minimum rate of pay for workers. However, workers agree directly with the employer or through their unions through collective agreements. These agreements are done every year through bargaining rounds between the unions on a sector-by-sector basis in the country. As of 2021, the lowest minimum wage in Italy belongs to the agriculture sector by approximately 875 euros per month.^{ccxc} On the other hand, in Rome for example, the average minimum wage among all the sectors is 1450 euros per month.^{ccxc} Also as of 2021, there are ongoing talks to implement an official minimum salary for all categories in Italy, however, consensus on the matter has not yet been reached.

o. Ireland

Ireland is one of the member states who use statutory minimum wage, meaning that the government decides on a minimum wage and enforces it for all sectors. The minimum wage that is set by the government has 4 variations for groups of workers under the age of 18 by 7.14 euros per hour, workers of age 18 by 8.16 euros per hour, workers of age 19 by 9.18 euros per hour, and finally workers above the age 20 with 2 years of work experience by 10.20 euros per hour.^{ccxcii} The minimum wage of Ireland is set by the Ministry for Enterprise, Trade and Employment with incremental updates resulting from constant recommendations from the Low Pay Commission which includes independent experts, and representatives from employee and employer unions.^{ccxciii}

p. Latvia

Latvia is one of the Member States using statutory minimum wages—the government decides on a minimum wage and enforces it for all sectors. The minimum wage set by law in Latvia, as of 2021, is 500 euros per month.^{ccxciv} However, it is also possible that sectoral collective agreements can set different minimum wages with the condition of the minimum wage being above the minimum wage set by the government. Latvian state also consults the National Tripartite Cooperation Council while setting the minimum wage annually that has members from Cabinet ministers, Trade Union Confederation and Employers' Confederation.^{ccxcv}

q. Lithuania

Lithuania is one of the member states who use statutory minimum wage, meaning that the government decides on a minimum wage and enforces it for all sectors. The minimum wage

set by law in Lithuania, as of 2021, is approximately 650 euros per month.^{ccxcvi} However, it is also possible that sectoral collective agreements can set different minimum wages with the condition of the minimum wage being above the minimum wage set by the government. Lithuanian state also consults the Tripartite Council while setting the minimum wage and defines different variations for different sectors annually with members including Cabinet ministers, employee and employer representatives, and three independent experts.^{ccxcvii}

r. Luxembourg

Luxembourg is one of the member states who use statutory minimum wage, meaning that the government decides on a minimum wage and enforces it for all sectors. However, Luxembourg has an exceptional method in setting the minimum wage for workers that can be explained as setting a minimum wage for 4 main groups of workers: skilled worker, workers above the age of 18, workers between the ages of 17-18, and finally the workers between the ages of 15-17.^{ccxcviii} The highest minimum wage belongs to the skilled worker group by 2,642 euros and the lowest minimum wage belongs to the 15-17 age group workers by 1,651 euros.^{ccxcix} Minimum wages in Luxembourg may also vary through collective bargaining, however, the minimum wage set by collective agreements cannot be less than the national minimum wage. The only exception to the minimum wage in Luxembourg can be when a company's financial position does not allow it to pay even minimum wage, a temporary order by the Minister of Labor may allow the company to pay a lower wage than the national minimum wage.^{ccc}

s. Malta

Malta is one of the member states with statutory minimum wage, meaning that the government decides on a minimum wage and enforces it for all sectors. As of 2021, there are 3 variations regarding minimum wage definitions. One of them belongs to those workers below the age of 17, who are subjected to a minimum wage of 171 euros per week.^{ccci} Secondly, the workers at the age of 17 are subjected to a minimum wage of 174 euros per week.^{cccii} Finally, the workers at and above the age of 18 are subjected to a minimum wage of 181 euros per week.^{ccciii} The minimum wage in Malta is set with consultation from the Employment Relations Board which has representatives from different social partners.^{ccciv} There may be different variations of the minimum wage and wage guarantee at a sectoral level. Therefore, even though the minimum wage in Malta is set by the statutory minimum wage, there can

also be collective bargaining within sectors unless it expresses a lower wage than the national minimum wage set annually.

t. The Netherlands

The Netherlands is one of the member states with statutory minimum wage, however, the minimum wage rates are specified by the government by different age and sector variations. The statutory minimum wage has 7 variations based on age; there is a different minimum wage applied for the following age groups: 15, 16, 17, 18, 19, 20, and those 21 and older. The lowest minimum wage is set for 15 years old workers: approximately 546 euros per month with a holiday bonus; the highest minimum wage is set for the 21-years-and-older group: approximately 1820 euros per month with a holiday bonus.^{cccv} The national minimum wage for all age groups is decided by the government, however, employees usually have employment contracts with their employers. Therefore, the minimum wages throughout different sectors are decided upon via collective bargaining by sectoral collective agreements with the condition of the minimum wage given not being lower than the national minimum wage set.^{cccvi}

u. Poland

Poland is one of the member states with statutory minimum wage, meaning that the government decides on a minimum wage and enforces it for all sectors. The minimum wage set by law in Poland, as of 2021, is approximately 610 euros per month.^{cccvii} Portugal sets minimum wages annually through negotiations at the forum of Tripartite Commission for Social and Economic Affairs.^{cccviii} If there is no consensus in this forum amongst the government members and the social partners, the government sets the minimum wage alone, which is the case most of the time. Therefore, the minimum wage can also be set by collective agreements unless it indicates a lower pay than the national minimum wage.

v. Portugal

Portugal is one of the member states with a statutory minimum wage, meaning that the government decides on a minimum wage and enforces it for all sectors. The minimum wage set by law in Poland has 3 variations. One of them is the national minimum wage for the mainland of 665 euros per month.^{cccix} Secondly, there is the minimum wage set for the autonomous region of the Azores of 698 euros per month.^{cccx} Finally, there is the minimum wage set for the autonomous region of Madeira of 682 euros per month.^{cccxi} The minimum wage is updated annually by government legislation in consultation with social partners. This is done through consultation with the Committee for the Social Consultation of

The Social and Economic Council, which includes government, employee, and employer representatives in it.^{cccxi} The minimum wage may also be set through collective bargaining as long as the pay rate that is decided through these agreements does not fall below the nationally set minimum wage rates.

w. Romania

Romania is one of the member states with statutory minimum wage, meaning that the government decides on a minimum wage and enforces it for all sectors. The minimum wage set by law in Romania, as of 2021, is approximately 470 euros per month.^{cccxiii} The minimum wage in Romania is set by the government by consulting different employee's and employer's unions. It is also possible to set minimum wages through collective bargaining. However, the minimum wages set through collective agreements cannot be lower than the nationally set minimum wage. Finally, the minimum wage set by the government applies to workers of all sectors in the country.^{cccxiv}

x. Slovenia

Slovenia is one of the member states with statutory minimum wage, meaning that the government decides on a minimum wage and enforces it for all sectors. The minimum wage set by law in Slovenia, as of 2021, is 1,024 euros per month.^{cccxv} The national minimum wage in Slovenia is decided upon by the labor ministry annually in consultation with social partners.^{cccxvi} There is also legislative room for collective agreements, which are more common for most sectors in Slovenia. There is only one nationally set minimum wage in Slovenia, therefore no collective agreements or any employer who prefers statutory minimum wage can deter from paying workers below the minimum wage set by the government of Slovenia.

y. Slovakia

Slovakia is one of the member states with statutory minimum wage, meaning that the government decides on a minimum wage and enforces it for all sectors. The minimum wage set by law in Slovakia, as of 2021, is 623 euros per month.^{cccxvii} The national minimum wage is set by the Economic and Social Council of Slovakia annually in consultation with the experts, employer and employee representatives, and government officials.^{cccxviii} If the social partners cannot provide consensus on the same level of minimum wage, the government decides on the minimum wage unilaterally by consulting the growth rate of the average monthly minimum wage in the previous year.^{cccxix} It is also possible to set minimum wages in all

sectors through collective bargaining as long as the collective agreement does not provide the workers with a minimum wage that is lower than the nationally set minimum wage.

z. Spain

Spain is one of the member states that uses a statutory minimum wage. The Spanish government decides on the minimum wage, and those who do not comply are subjected to punishment set out by national labor laws. The minimum monthly wage grew around 60 percent from 2000 to 2021 in Spain.^{cccxx} With the Socialist Workers' Party (PSOE) passing a decree in 2019, the national minimum wage has received a boost of 164 euros, standing today at 950 euros per month.^{cccxxi} The annual minimum wage is calculated by multiplying the monthly minimum wage of 950 by 14. In case a worker does not get 14 minimum wages per year, the monthly minimum wage must be set to 1050 euros based on Spanish law.^{cccxxii}

aa. Sweden

Sweden does not use statutory minimum wage, therefore there is no government-mandated minimum rate of pay for workers. However, workers agree directly with the employer or through their unions through collective agreements. These agreements are done every year through bargaining rounds between unions on a sector-by-sector basis in the country. For a reference point, in 2021, the salary for a McDonald's cashier stands at 13 euros per hour, or—in general—in the hospitality and restaurant industry, the minimum monthly wage is around 2400 euros.^{cccxxiii}

E. Conclusion

Although the minimum wage is seen as a requirement today, how to ensure and maintain this requirement after it is achieved still poses a global problem. With regard to the European Union, discussions on minimum wage adjustments first took place in the Charter of the Fundamental Social Rights of Workers, and with the work done since then, each member state has been brought to a position with its own minimum wage adjustments. However, even if this requirement is met, most workers in the EU do not have adequate wage protection, and certain groups are exempt from the minimum wage, as mentioned earlier. For this reason, in light of all the articles, agreements, and documents explained (notably the European Pillar of Social Rights, the Strategic Agenda for 2019-2024, and the SDGs), the publication of this Directive—which aims to ensure that the minimum wages are at a sufficient level and that workers have

equal and adequate access to the minimum wage, without harming any national targets and interests throughout the Union—was made necessary. On the face of it, the Directive's importance comes from ensuring justice in the distribution of income within the Union and increasing the level of welfare; however, it is also essential for the EU to not just leave the European Pillar of Social Rights, SDGs, and the Strategic Agenda as policies which exist solely 'on paper'. Therefore, discussing and amending the current proposal at hand will benefit employers, employees, and lawmakers equally.

F. Possible Matters to Address in the Amendments

- Is the statement in Recital 8, “women, young and low-skilled workers and persons with disabilities”, comprehensive enough, and could it include more social groups?
- Should the evaluation and the reports that are stated in Recitals 25 and 27 be on an annual basis, or should they be in longer or shorter time periods?
- Recital 31 states that member states can benefit from the Technical Support Instrument and the European Social Fund Plus while improving their minimum wage frameworks. Would these two instruments be enough for member states to undertake the actions mentioned in the Article or not, and would there be more opportunities to make available to member states for them to be able to implement the directive fully?
- In Article 4, should the phrasing, “The action plan shall be made public” be constructed with ‘shall’ which is stricter than other possible variations, such as ‘may’ or ‘should’? Additionally, is the cap of 70% adequate in collective bargaining coverage, and how can social partners be included in collective bargaining on wage negotiations?
- In Article 5, are the criterion stated sufficient or should there be any changes? How will the indicative reference values be determined? For instance, should these reference values be taken as the average of member states or as the reference values of the International Labor Organization? Also, should the “regular and timely” updates be referring to an annual, semi-annual, or a different interval?
- In Article 6, do the provisions give too much legal opportunity for member states to drift away from providing equal access to adequate minimum wages? If so, how can the provisions limit such cases?
- In Article 7, would all member states accept and implement these provisions, with no exception? How can establishing such mechanisms be promoted for all member states, including those that have no such mechanism, traditionally speaking?

- In Article 8, would the national decision on the inspectorates and the bodies that will monitor the enforcement of statutory minimum wages be enough to ensure access to adequate minimum wage coverage across the Union? Should the national authorities be encouraged to request assistance from the relevant bodies of the Union for field inspections? Would sharing such information periodically with the rest of the Union help to see the progress made overall in ensuring adequate minimum wage coverage for all workers of the European Union?
- In article 9, what are the appropriate measures to ensure the enforcement of statutory minimum wage coverage and access to workers in such circumstances, and should they be allowed to vary or get suspended in specific cases based on judicial orders?
- In Article 10, should the statement in the article regarding data sharing be disaggregated according to company size and sector, since there may be different minimum wage levels for different job groups in some member states? Also, should the Commission be given the choice of investigating member states on a case-by-case basis if it found it necessary, or would the regular monitoring and data sharing procedures be sufficient?
- In Article 12, could further details be added to explain what the effective, proportionate, and dissuasive measures are? Would it be feasible to decide on common rules and penalties for the subject matter within the EU, instead of national laws on possible rules and penalties?
- In Article 15, is “5 years” the right time for the evaluation of the directive, and would it be better for the Union to shorten or lengthen this period of time to see the outcomes better?
- In Article 17, is “2 years” enough for all member states to fully implement the necessary measures to comply with this Directive, considering that not all member states will have the same roadmap and the same number of changes they need to implement to comply with the provisions of this Directive?

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