



Brussels, 5 January 2022
EMPL.F.2/DC/em (2022)28902

Subject: Your application for access to documents – GESTDEM 2021/6941

Dear Mr Syrovatka,

I refer to your e-mail dated 15 November 2021 in which you make a request for access to documents, registered on the same day under the above mentioned reference number.

You request access to:

- all minutes (and other notes) of discussions with (representatives of) BusinessEurope, the Institute of International Finance, the European Roundtable of Industrialists (ERT) and the "LisbonCouncil" respective the draft minimum wage directive (COM(2020) 682 final) in the timeframe between January 2020 and November 2021;
- correspondence with (representatives of) BusinessEurope, the Institute of International Finance, the European Roundtable of Industrialists (ERT) and the "LisbonCouncil" respective the draft minimum wage directive (COM(2020) 682 final) in the timeframe between January 2020 and November 2021;
- documents submitted by (representatives of) BusinessEurope, the Institute of International Finance, the European Roundtable of Industrialists (ERT) and the "LisbonCouncil" respective the draft minimum wage directive (COM(2020) 682 final) in the timeframe between January 2020 and November 2021;
- all documents and protocols of InterService Consultations (CisNet-Documents) related to the draft minimum wage directive (COM(2020) 682 final) in the timeframe between January 2020 and November 2021; and
- all position papers and non-papers related to the draft Minimum Wage Directive (COM(2020) 682 final) in the period between January 2020 and November 2021 that are available to the Commission and of which it has knowledge.

Dr. Felix Syrovatka
Freie Universität Berlin
Institut für Arbeitsrecht
Van't-Hoff-Straße 8
14195 Berlin

Having examined the documents requested under the provisions of Regulation (EC) No 1049/2001 regarding public access to documents, I have come to the conclusion that the documents in the Annex to this letter can be shared at this stage.

The exceptions laid down in Article 4(3) of Regulation (EC) No 1049/2001 apply, unless there is an overriding public interest in disclosure of the document/documents. My services have examined whether there could be an overriding public interest in disclosure, but have not been able to identify such an interest.

Please note that the Annex does not include the following documents:

- documents submitted to the European Commission by third parties that are already publicly available,
- documents and protocols of inter-service consultations related to the draft minimum wage Directive. They relate to a matter that is subject to ongoing negotiations by the EU institutions, and therefore their disclosure at this stage would in the view of the European Commission seriously undermine the decision-making process.

Please note that documents originating from third parties are disclosed to you based on Regulation (EC) No 1049/2001. However, this disclosure is without prejudice to the rules on intellectual property, which may limit your right to reproduce or exploit the released documents without the agreement of the originator, who may hold an intellectual property right on them. The European Commission does not assume any responsibility from their reuse.

Moreover, a complete disclosure of some documents is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) No 1049/2001, because they contain the names of Commission staff members not pertaining to the senior management and/or the names and contact details of other natural persons.

The document named ‘Flash report EESC hearing on Decent minimum wages across Europe, 30 June 2020, reference Basis CAB SCHMIT/230’ was drawn up for internal use under the responsibility of the relevant service of the Directorate-General for Employment, Social Affairs & Inclusion. It solely reflects the service’s interpretation of the interventions made and does not set out any official position of the third parties to which the document refers, which were not consulted on its content. It does not reflect the position of the Commission and cannot be quoted as such.

In accordance with Article 7(2) of Regulation (EC) No 1049/2001, you are entitled to make a confirmatory application requesting the Commission to review this position.

Such a confirmatory application should be addressed within 15 working days upon receipt of this letter to the Secretary-General of the Commission at the following address:

European Commission
Secretariat-General
Transparency, Document Management & Access to Documents (SG.C.1)
BERL 7/076
B-1049 Brussels
or by email to: sg-acc-doc@ec.europa.eu

Yours faithfully,



Joost KORTE

Enclosure: List of disclosed documents

Annex: list of disclosed documents

- Bundesverband Spedition und Logistik’s (DSLVL) response to the European Commission’s First phase consultation of Social Partners under Article 154 TFEU on a possible action addressing the challenges related to fair minimum wages, addressee: European Commission, 24 February 2020, Ares(2020)1185568;
- Confederation of European Security Services’ (CoESS) response to the European Commission’s Second phase consultation of Social Partners under Article 154 TFEU on a possible action addressing the challenges related to fair minimum wages, 3 September 2020, addressee: European Commission, reference Ares(2021)657142;
- Council of European Municipalities and Regions’ (CEMR) response to the European Commission’s First phase consultation of Social Partners under Article 154 TFEU on a possible action addressing the challenges related to fair minimum wages, addressee: European Commission, reference Ares(2020)1178812;
- European Chemical Employers Group’s (ECEG) response to the European Commission’s First phase consultation of Social Partners under Article 154 TFEU on a possible action addressing the challenges related to fair minimum wages, (ECEG), addressee: European Commission, 24 February 2020, reference Ares(2020)1157131;
- European Chemical Employers Group’s (ECEG) response to the European Commission’s Second phase consultation of Social Partners under Article 154 TFEU on a possible action addressing the challenges related to fair minimum wages, addressee: European Commission, 4 September 2020, reference Ares(2021)657582;
- European Cleaning and Facility Services Industry’s (EFCI) response to the European Commission’s Second phase consultation of Social Partners under Article 154 TFEU on a possible action addressing the challenges related to fair minimum wages, addressee: European Commission, 4 September 2020, reference Ares(2021)657550;
- European Confederation of Woodworking Industries’ (CEI-Bois) response to the European Commission’s First phase consultation of Social Partners under Article 154 TFEU on a possible action addressing the challenges related to fair minimum wages, addressee: European Commission 25 February 2020, reference Ares(2020)1198347;
- European Confederation of Woodworking Industries’ (CEI-Bois) response to the European Commission’s Second phase consultation of Social Partners under Article 154 TFEU on a possible action addressing the challenges related to fair minimum wages, addressee: European Commission, 3 September 2020, reference Ares(2021)657226;
- European Employers’ Group of Professional Agricultural Organisations’ (GEOPA-COPA) response to the European Commission’s Second phase consultation of Social Partners under Article 154 TFEU on a possible action

addressing the challenges related to fair minimum wages, addressee: European Commission, 31 August 2020, reference Ares(2021)658116;

- European Furniture Industries Confederation’s (EFIC) response to the European Commission’s First phase consultation of Social Partners under Article 154 TFEU on a possible action addressing the challenges related to fair minimum wages, addressee: European Commission, 24 February 2020, reference Ares(2021)657342;
- Flash report EESC hearing on Decent minimum wages across Europe, 30 June 2020, reference Basis CAB SCHMIT/230;
- Graphical Sector’s (INTERGRAF) response to the European Commission’s First phase consultation of Social Partners under Article 154 TFEU on a possible action addressing the challenges related to fair minimum wages, addressee: European Commission, February 2020, reference Ares(2020)1173956;
- Graphical Sector’s (INTERGRAF) response to the European’ Commission’s Second phase consultation of Social Partners under Article 154 TFEU on a possible action addressing the challenges related to fair minimum wages, addressee: European Commission, September 2020, reference Ares(2021)657302;
- Gröna arbetsgivare’s (Swedish Federation of Green Employers) response to the European Commission’s Second phase consultation of Social Partners under Article 154 TFEU on a possible action addressing the challenges related to fair minimum wages, addressee: European Commission, reference Ares(2021)657018;
- Hospitality Europe’s (HOTREC) response to the European Commission’s First phase consultation of Social Partners under Article 154 TFEU on a possible action addressing the challenges related to fair minimum wages, addressee: European Commission, reference Ares(2020)1157408;
- Hospitality Europe’s (HOTREC) response to the European Commission’s Second phase consultation of Social Partners under Article 154 TFEU on a possible action addressing the challenges related to fair minimum wages, addressee: European Commission, reference Ares(2021)656714;
- Pearle Live Performance Europe’s response to the European Commission’s First phase consultation of Social Partners under Article 154 TFEU on a possible action addressing the challenges related to fair minimum wages, addressee: European Commission, reference Ares(2020)1143555.