



Opinion in Case C-19/23 – Denmark v Parliament & Council

Advocate General Emiliou proposes that the Court of Justice should annul in full the Directive on adequate minimum wages

Denmark, supported by Sweden, asked the Court to annul the EU's 2022 directive on adequate minimum wages (AMW Directive). They argue that the EU lacked the authority to adopt the directive under Article 153 of the Treaty, which allows for setting minimum standards for working conditions but explicitly excludes matters related to "pay."

In today's Opinion, **Advocate General Emiliou argues that the EU legislature cannot use Article 175 TFEU (focused on allocating funds) as a legal basis for the AMW Directive**, because doing so would bypass the Treaty's clear prohibition on EU regulation of "pay" matters in Article 153(5) TFEU. Using Article 175 TFEU in this way would circumvent the specific exclusion of "pay" issues. By relying on Article 175 TFEU, the EU legislature would have relied on a broader provision with a view to 'taking back' a competence which Article 153(5) TFEU has expressly sought to exclude from the sphere of EU competences and adopting an instrument whose very object is to regulate the matters covered by that exclusion.

Advocate General Emiliou thus proposes that **the Court of Justice should annul in full Directive (EU) 2022/2041 on adequate minimum wages.**

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The full text of the Opinion is available on the Curia website

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