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NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF
THE COUNCIL on improving working conditions in platform work
- Joint Statement by Belgium, Luxembourg, Malta, the Netherlands,
Portugal, Romania, Slovenia and Spain

Delegations will find attached a joint statement by Belgium, Luxembourg, Malta, the Netherlands, Portugal, Romania, Slovenia and Spain in relation to the abovementioned proposal.

Statement by like-minded Member States for an ambitious platform work directive

The Governments of Belgium, Luxembourg, Malta, the Netherlands, Portugal, Romania, Slovenia and Spain value the efforts and commitment by successive EU Council Presidencies and the European Commission to achieving a general approach on the proposal for a Directive on improving the working conditions in platform work. We congratulate the Swedish Presidency on achieving a general approach today.

We welcome today's general approach as an important step towards better protection of platform workers. The coming negotiations with the European Parliament present a unique opportunity to further guarantee fair and dignified working conditions for digital platform workers across Europe.

This Directive is an important piece of legislation that aims to address the challenges related to the future of work. The EU has the opportunity to be the global leader in improving working conditions for platform workers and setting the benchmark for a fair and inclusive digital transition for millions of workers who should not be excluded from meaningful social dialogue.

From the very beginning of negotiations, it has been our common desire to adopt a Directive with the highest degree of ambition, one that strikes the right balance between achieving a real improvement of the working conditions of people performing platform work, irrespective of their employment status, and a sustainable development of the platform economy. A Directive that, while contributing to a level playing-field in the EU, allows for a correct classification of people who work through digital platforms and entails a real improvement of their working conditions.

The text subject to today's approval in Council includes progress on algorithmic management, the need for human supervision of these processes and workers' information rights, as well as transparency within the digital platform work. These are all important steps that contribute to the rights of all platform workers.

Furthermore, establishing a rebuttable presumption of employment is an important step for the protection of platform workers. Nevertheless, in its current design the rebuttable legal presumption of the employment relationship in today's General Approach is less ambitious and effective than the one proposed by the Commission. The rebuttable legal presumption should be activated under clear and transparent norms and mechanisms, shared by all Members States, that respect the jurisprudence by the Court of Justice of the European Union and national Courts.

Moreover, it is necessary to establish a legal presumption without restrictions or derogations, as this would only perpetuate the existing imbalance today between the digital platforms (including when using intermediaries) and the individuals that perform digital platform work, which has led to the existence of thousands of bogus self-employed workers in Europe and precarious working conditions. We will also aim to extend the scope of the legal presumption to tax, criminal and social security proceedings.

With the aim of keeping the legislative process on track and therefore allowing the start of the negotiations with the European Parliament, and sensitive to the calls for action from several relevant stakeholders, our like-minded group today facilitated, albeit with different voting positions but with a shared desire to improve the text, the adoption of the general approach by the Council.
