

WRITTEN QUESTION E-0019/09  
by Jan Cremers (PSE)  
to the Commission

Subject: Legal status of the self-employed in the EU

In 2006 the Commission published the Green Paper: Modernising labour law to meet the challenges of the 21st century (COM(2006)0708).

In this Green Paper the European Commission discusses the problems concerning the distinction between employees and the independent self-employed. The Commission states that various problems arise as a result of the unclear legal definition of the status of self-employed, amongst which is the problem of persons posing falsely as self-employed workers to circumvent national law:

1. Is the Commission aware of the fact that the unclear definition of the status of self-employment leads, in the context of the free provision of services, to cross-border problems, which cannot be dealt with primarily by Member States themselves?
2. Does the Commission agree that the introduction of a European definition of self-employment could be a solution to the problem with regard to disguised employment?
3. Does the Commission take the view that introducing specific indicators at European level to determine the existence of an employment relationship, as is recommended by the ILO in its Recommendation 198, could be helpful in combating disguised employment?
4. In a study launched by the Commission: *Economically dependent / quasi-subordinate (para-subordinate) employment: legal, social and economic aspects*, by Adalberto Perulli, the author argues that a new form of work category should be introduced; 'a form of work falling within the grey zone between subordinate work and self-employment'. Does the Commission take the view that introducing such a category at European level would be a useful instrument in tackling the problem of disguised employment?
5. Does the Commission think that introducing such a category is legally feasible and desirable?