

**Question for written answer E-001721/2023  
to the Council**

Rule 138

**Rosa Estaràs Ferragut (PPE), Gabriel Mato (PPE), Javier Zarzalejos (PPE), Francisco José Millán Mon (PPE), José Manuel García-Margallo y Marfil (PPE), Antonio López-Istúriz White (PPE), Isabel Benjumea Benjumea (PPE), Pablo Arias Echeverría (PPE), Leopoldo López Gil (PPE), Pilar del Castillo Vera (PPE), Dolors Montserrat (PPE), Juan Ignacio Zoido Álvarez (PPE), Esteban González Pons (PPE)**

Subject: Platform Workers Directive

In 2021, the Commission announced a legislative initiative on improving the working conditions in platform work.

The directive introduces a legal presumption of 'employed' status for platform workers, who were previously misclassified as 'self-employed'. It also seeks to regulate algorithmic management in the workplace at an EU level for the first time.

The Commission's initial proposal left Member States to create their own definition of an employee and a self-employed person, by allowing the presumption of employment to be rebutted based on national criteria. However, Parliament has included additional criteria in order to demonstrate that someone is self-employed. Some of these criteria are not well defined and risk causing legal uncertainty when being applied to individual workers.

Based on the above:

1. Does the Council believe that including criteria that go beyond existing national definitions for determining employment status causes legal uncertainty between the directive and national provisions?
2. How does the Council believe Member States should deal with a possible contradiction between the transposition of the directive and national legislation or national collective agreements?

Submitted: 30.5.2023