

**Question for written answer E-001724/2023
to the Commission**

Rule 138

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Subject: Platform Work Directive

In 2021, the Commission launched a proposal for a directive on improving the working conditions in platform work (COM(2021)0762).

The current draft of the directive introduces a legal presumption of employment for misclassified 'self-employed' platform workers. It also seeks to regulate algorithmic management in the workplace for the first time at EU level.

The initial Commission proposal left the definition of an employee and a self-employed person up to the Member States, by allowing the rebuttal of the presumption to be based on national criteria. However, Parliament introduced additional criteria in order to determine whether someone is self-employed. Some of these criteria are not well defined and risk causing legal uncertainty when being applied to individual workers.

In the light of the above:

1. Does the Commission believe that the inclusion of criteria beyond existing national definitions for the final determination of employment status will cause legal uncertainty between EU and national provisions?
2. How does it advise Member States to act in the event of a possible contradiction between the transposition of the directive and national legislation or national collective agreements?

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