



## Competition: The European Commission launches a process to address the issue of collective bargaining for the self-employed

Brussels, 30 June 2020

The European Commission is launching today a process to ensure that the EU competition rules do not stand in the way of collective bargaining for those who need it. The initiative seeks to ensure that working conditions can be improved through collective agreements not only for employees, but also for those self-employed who need protection.

Stakeholders from the public and private sector, including competition authorities and government bodies, academia, as well as legal and economic practitioners trade unions and employers organisations are invited to participate to the on-going public [consultation on the Digital Services Act](#) Package (section V of the consultation, on "Self-employed individuals and platforms"). The replies will feed into the on-going reflections for this initiative. In parallel to the on-going public consultation, the Commission is also engaging closely with social partners - trade unions and employers organisations.

Executive Vice-President Margrethe **Vestager**, in charge of competition policy, said: *"The Commission has committed to improving the working conditions of platform workers during this mandate. So today we are launching a process to ensure that those who need to can participate in collective bargaining without the fear of breaking EU competition rules. As already stressed on previous occasions the competition rules are not there to stop workers forming a union but in today's labour market the concept "worker" and "self-employed" have become blurred. As a result, many individuals have no other choice than to accept a contract as self-employed. We therefore need to provide clarity to those who need to negotiate collectively in order to improve their working conditions."*

President **Von der Leyen's** mission letters addressed to Executive Vice-President Margrethe **Vestager** and Commissioner Nicolas **Schmit** underlined the importance in this mandate to "ensure the working conditions of platform workers are addressed." This particular initiative forms part of the actions seeking to address this issue, which will be presented during this mandate.

The Court of Justice of the European Union has long recognised that collective bargaining with workers falls outside the scope of the application of EU competition rules. Concerns arise, however, when attempts are made to extend collective bargaining to groups of professionals who, at least formally, are not employees, such as the self-employed.

According to EU competition law, such professionals are considered "undertakings" and agreements they enter into (such as collective bargaining) may therefore be captured by the EU competition rules.

To define the scope of the self-employed who need to participate in collective bargaining is a challenge. Self-employed activities are very diverse, they can cover a wide range of activities and their situation varies during time.

The European Commission is therefore now assessing whether it is necessary to adopt measures at EU level in order to address the issues raised by this situation and improve the conditions of these individuals.

### Next steps

The Commission will publish this autumn the inception impact assessment setting out the initial options for future actions and then launch the public consultation.

### Background

Article 101 of the TFEU prohibits anticompetitive agreements and decisions of associations of undertakings that prevent, restrict or distort competition within the EU's Single Market.

## For More Information

Public [consultation on the Digital Services Act](#) (see section V of the consultation, on “Self-employed individuals and platforms”).

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