



## EUROPEAN COMMISSION

*Brussels, 09.08.2022*

*C(2022) 5806 final*

*Dear President,*

*The Commission would like to thank the Camera Deputaților for its Opinion on the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — Better working conditions for a stronger social Europe: reaping the full benefits of digitalisation for the future of work {COM(2021) 761 final}.*

*The objective of the Communication is to explain the rationale behind the proposed Directive on improving working conditions in platform work {COM(2021) 762 final}, set the socio-economic and legal context and propose further non-binding measures to different groups of stakeholders which complement the legislative proposal.*

*The Commission welcomes the Camera Deputaților's support for a European legislative framework guaranteeing the rights of platform workers. It also notes its recommendations, notably to support the exchange of experience between Member States, to put in place a favourable legal framework for platforms to develop, to ensure a fair balance between protection of workers and flexibility, to prevent excessive control over platform workers, to facilitate the protection of self-employed people, to establish a permanent dialogue with the business sector, to support research on modern ways of collective representation, to put in place a regulatory framework on teleworking, to support the development of skills needed for the digital transition, and to strengthen international cooperation including with African and South American countries.*

*In the Communication, the Commission calls on the Member States to provide advice and guidance to people working through platforms on the fiscal, social security and labour law obligations of their platform activity. It also calls on Member States to ensure improved transparency for the digital labour platforms on the national rules and to facilitate the development of small and medium-sized digital labour platforms. To this end, the Commission commits itself to support the sharing of good practices among Member States in the context of its mutual learning programme.*

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*The objective of the legislative proposal is to improve the working conditions of persons performing platform work by ensuring a correct determination of their employment status, by promoting transparency, fairness and accountability in algorithmic management, and by improving transparency in platform work, including in cross-border situations, while supporting the conditions for sustainable growth of digital labour platforms in the EU. At the same time, it seeks to clarify the legal framework for digital labour platforms across the EU, thus giving them certainty and levelling the playing field to facilitate their entering, scaling-up and growth in the EU market.*

*The Commission's initiative aims to strike a balance between improving the working conditions in platform work and maintaining flexibility for people working in the platform economy. In fact, out of 28 million people working through digital labour platforms, approximately 5.5 million are currently at risk of misclassification. It is expected that up to 4.1 million will be classified correctly as workers, as a result of the proposed measures, and thus will be able to enjoy the protections that go hand in hand with that status.*

*The way the Commission has chosen to provide labour and social rights to people working through platforms is through a rebuttable presumption of an employment relationship, determined by the principle of the primacy of facts.*

*The Commission continues to strongly support genuine self-employment and entrepreneurship. The proposal ensures that people working through platforms who are genuinely self-employed will remain so, if needed by rebutting the presumption of an employment relationship. Importantly, genuine self-employed should also have the freedoms and autonomy that go with that status. At the same time, worker status does not exclude flexibility as observed in sectors such as hospitality and retail where workers can enjoy flexibility, for instance, by accessing shifts on a short-notice basis.*

*The Commission equally welcomes any measures that Member States may take to ensure access to social protection to all forms of employment, including self-employment, in line with the Council recommendation on access to social protection for workers and the self-employed. Wherever a platform decides to pay for social protection or insurance, those benefits should not be regarded as determining elements indicating the existence of an employment relationship.*

*The Communication underlines the importance of facilitating dialogue in platform work, including by bringing together all interested parties in dedicated events. Specifically, it calls on digital labour platforms to cooperate across industries and develop common IT-based formats and solutions to further improve the transparency and traceability in platform work, for example, by establishing voluntary Codes of Conduct. It calls on Member States to develop bilateral channels to share relevant data and best practices with other Member States to maximize the benefits brought about by the labour platform economy.*

*The Commission has committed itself to continue to invest through EU Programmes (such as Horizon Europe) in research that can identify innovative and high quality forms of work. The aim is also to examine risks and opportunities for people working through digital labour*

*platforms and businesses alike, including identifying modern means and ways of collective representation and organisation.*

*In order to prevent excessive control over platform workers, the legislative proposal stipulates that digital labour platforms must not process any personal data concerning platform workers that are not intrinsically connected to and strictly necessary for the performance of their contract. This includes data on private conversations, on the health, psychological or emotional state of the platform worker, and any data while the platform worker is not offering or performing platform work.*

*The COVID-19 crisis accelerated the digital transformation of the world of work. Telework and hybrid work have become more common. To seize the opportunities of the new forms of work, the Commission is implementing a number of actions as a follow-up to the European Parliament Resolution on the right to disconnect. These actions aim to gather evidence on the social, economic and legal context and potential evolution of telework and the right to disconnect. In addition, the EU social partners committed in their new Work Programme to review and update the 2002 Autonomous Agreement on Telework, in the form of a legally binding agreement implemented via an EU Directive.*

*The digital transformation of the economy and society brings particular challenges for our education systems. Therefore, the Commission sets ambitious, quantitative objectives for upskilling and reskilling in its European Skills Agenda for sustainable competitiveness, social fairness and resilience. The Council Recommendation on individual learning accounts and a Recommendation on micro-credentials for lifelong learning and employability provide the opportunity to all adults to keep building the necessary skills in order to secure sustainable employment in Europe's changing labour market throughout their working life.*

*The EU is committed to working with its global partners to bring about decent working conditions in platform work across the world. It has a strong partnership with the International Labour Organization (ILO), the Organisation for Economic Co-operation and Development (OECD) and other international fora. The Commission will also promote better working conditions in platform work in its bilateral agenda with a view to enhancing international cooperation on platform work.*

*The Commission hopes that these clarifications address the issues raised by the Camera Deputaţilor and looks forward to continuing our political dialogue in the future.*

*Yours faithfully,*

*Věra JOUROVÁ  
Vice-President*