



Council of the
European Union

Brussels, 12 June 2023
(OR. en, fr)

Interinstitutional File:
2021/0414(COD)

10107/23
ADD 3

EMPL 294
SOC 422
CODEC 1011

NOTE

From: General Secretariat of the Council

To: Delegations

Subject: Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF
THE COUNCIL on improving working conditions in platform work
- Statement by France

Delegations will find attached a statement by France in relation to the abovementioned proposal.

Statement by France on the proposal for a Directive of the European Parliament and of the Council on working conditions in platform work

France is committed to the protection of all persons performing platform work, regardless of their status. With this in mind, through national legislation or collective bargaining between recognised social partners, it grants specific rights to self-employed workers who offer platform-based services.

This strong commitment is consistent with the framework set out in the European Commission's 'Guidelines on the application of Union competition law to collective agreements regarding the working conditions of solo self-employed persons' published together with the above proposal for a Directive on 9 December 2021 and adopted in 2022.

France considers that a mechanism of legal presumption of employment to facilitate the correct classification of the employment status of persons performing platform work will only be effective and relevant if it is not applied to genuine self-employed workers. This also requires that this presumption relies on the triggering of clear, transparent and legally predictable procedures.

For these reasons, France considers that Article 4(1), read in conjunction with Article 2(4)(b) and the corresponding recitals, in particular recital (24a), allows for the legal presumption of employment to be triggered only on the basis of an assessment of the measures determined and applied unilaterally by the platforms through their terms and conditions and practices.

Thus, contractual clauses included in the terms and conditions or practices of digital labour platforms which are aimed solely at complying with the requirements of EU law, national legislation or collective agreements should not be taken into account to assess whether any of the criteria listed in Article 4(1) are fulfilled.

This is the only interpretation that allows for a proper link between the mechanism of presumption provided for in the proposal for a Directive and the legal or contractual requirements which otherwise apply to digital labour platforms. France therefore intends to preserve its national model to improve the working conditions of persons performing platform work, regardless of their employment status.
