Council of the European Union

Brussels, 17 December 2023
(OR. en)

Interinstitutional File: 2021/0414(COD)

16187/23
ADD 2

LIMITE

SOC 838
EMPL 602
MI 1070
DATAPROTECT 344
CODEC 2332

PUBLIC

NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
Subject:	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on improving working conditions in platform work - Four column table

Delegations find in annex the four-column table on the above proposal as at the stage it was at the end of the sixth trilogue on 13 December 2023, 8h47.

ANNEX

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on improving working conditions in platform work (Text with EEA relevance)

2021/0414(COD)
Non-versioned [LATEST TEXT]
13-12-2023 at 08h47

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
1	2021/0414 (COD)	2021/0414 (COD)	2021/0414 (COD)	2021/0414 (COD) Text Origin: Commission Proposal
Proposal Title				
2	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on improving working conditions in platform work (Text with EEA relevance)	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on improving working conditions in platform work (Text with EEA relevance)	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on improving working conditions in platform work (Text with EEA relevance)	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on improving working conditions in platform work (Text with EEA relevance) Text Origin: Commission Proposal
Formula				
3	THE EUROPEAN PARLIAMENT	THE EUROPEAN PARLIAMENT	THE EUROPEAN PARLIAMENT	THE EUROPEAN PARLIAMENT

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	AND THE COUNCIL OF THE EUROPEAN UNION,	AND THE COUNCIL OF THE EUROPEAN UNION,	AND THE COUNCIL OF THE EUROPEAN UNION,	AND THE COUNCIL OF THE EUROPEAN UNION, Text Origin: Commission Proposal
Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 153 (2), point (b), in conjunction with Article 153 (1), point (b), and Article 16(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 153 (2), point (b), in conjunction with Article 153 (1), point (b), and Article 16(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 153 (2), point (b), in conjunction with Article 153 (1), point (b), and Article 16(2) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 153 (2), point (b), in conjunction with Article 153 (1), point (b), and Article 16(2) thereof, Text Origin: Commission Proposal
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission, Text Origin: Commission Proposal
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments, Text Origin: Commission Proposal

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Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ C , , p.	Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ C , , p.	Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ C , , p.	Having regard to the opinion of the European Economic and Social Committee[1], _____ 1. OJ C , , p. Text Origin: Commission Proposal
Citation 5				
8	Having regard to the opinion of the Committee of the Regions[1], _____ 1. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions[1], _____ 1. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions[1], _____ 1. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions[1], _____ 1. OJ C , , p. . Text Origin: Commission Proposal
Citation 6				
9	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure, Text Origin: Commission Proposal
Formula				
10	Whereas:	Whereas:	Whereas:	Whereas:

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				Text Origin: Commission Proposal
Recital 1				
11	(1) Pursuant to Article 3 of the Treaty on European Union, the objectives of the Union are, amongst others, to promote the well-being of its peoples and to work for the sustainable development of Europe based on a highly competitive social market economy, aiming at full employment and social progress.	(1) Pursuant to Article 3 of the Treaty on European Union, the objectives of the Union are, amongst others, to promote the well-being of its peoples and to work for the sustainable development of Europe based on a ***balanced economic growth and a*** highly competitive social market economy, aiming at full employment and social progress.	(1) Pursuant to Article 3 of the Treaty on European Union, the objectives of the Union are, amongst others, to promote the well-being of its peoples and to work for the sustainable development of Europe based on a highly competitive social market economy, aiming at full employment and social progress.	(1) Pursuant to Article 3 of the Treaty on European Union, the objectives of the Union are, amongst others, to promote the well-being of its peoples and to work for the sustainable development of Europe based on ***balanced economic growth and*** a highly competitive social market economy, aiming at full employment and social progress. Text Origin: Auxiliary 3
Recital 2				
12	(2) This Directive respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union ('the Charter'). In particular, Article 31 of the Charter provides for the right of every worker to working conditions which respect his or her health, safety and dignity. Article 27 of the Charter protects the workers' right to information and consultation within	(2) This Directive respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union ('the Charter'). In particular, Article 31 of the Charter provides for the right of every worker to ***fair and just*** working conditions which respect his or her health, safety and dignity. Article 27 of the Charter protects the workers' right to information and	(2) ~~*This Directive respects fundamental rights and observes the principles recognised in particular by*~~***Article 31 of*** the Charter of Fundamental Rights of the European Union ('the Charter')~~*. In particular, Article 31 of the Charter*~~ provides for the right of every worker to working conditions which respect his or her health, safety and dignity. Article 27 of the Charter protects the workers' right to information and	(2) ~~*This Directive respects fundamental rights and observes the principles recognised in particular by*~~***Article 31 of*** the Charter of Fundamental Rights of the European Union ('the Charter')~~*. In particular, Article 31 of the Charter*~~ provides for the right of every worker to ***fair and just*** working conditions which respect his or her health, safety and dignity. Article 27 of the Charter protects the workers' right to

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	the undertaking. Article 8 of the Charter provides that everyone has the right to the protection of personal data concerning him or her. Article 16 of the Charter recognises the freedom to conduct a business.	consultation within the undertaking. Article 8 of the Charter provides that everyone has the right to the protection of personal data ***as well as access to data which has been collected*** concerning him or her ***and the right to have it rectified. Article 12 of the Charter provides that everyone has the right to freedom of assembly and of association at all levels. Article 15 of the Charter recognises that everyone has the right to engage in work and to pursue a freely chosen or accepted occupation as well as to provide services***. Article 16 of the Charter recognises the freedom to conduct a business. ***Article 21 of the Charter provides for the right to non-discrimination.***	consultation within the undertaking. Article 8 of the Charter provides that everyone has the right to the protection of personal data concerning him or her. Article 16 of the Charter recognises the freedom to conduct a business.	information and consultation within the undertaking. Article 8 of the Charter provides that everyone has the right to the protection of personal data concerning him or her. Article ***12 of the Charter provides that everyone has the right to freedom of assembly and of association at all levels. Article*** 16 of the Charter recognises the freedom to conduct a business. ***Article 21 of the Charter provides for the right to non-discrimination.*** Text Origin: Auxiliary 3
Recital 3				
G 13	(3) Principle No 5 of the European Pillar of Social Rights, proclaimed at Gothenburg on 17 November 2017[1], provides that, regardless of the type and duration of the employment relationship, workers have the right to fair and equal treatment regarding working conditions, access to social protection and training; that, in accordance with legislation and	(3) Principle No 5 of the European Pillar of Social Rights ***(the 'Pillar')***, proclaimed at Gothenburg on 17 November 2017[1], provides that, regardless of the type and duration of the employment relationship, workers have the right to fair and equal treatment regarding working conditions, access to social protection and training; ***and*** that~~, in~~	(3) Principle No 5 of the European Pillar of Social Rights, proclaimed at Gothenburg on 17 November 2017[1], provides that, regardless of the type and duration of the employment relationship, workers have the right to fair and equal treatment regarding working conditions, access to social protection and training; that, in accordance with legislation and	(3) Principle No 5 of the European Pillar of Social Rights, proclaimed at Gothenburg on 17 November 2017[1], provides that, regardless of the type and duration of the employment relationship, workers have the right to fair and equal treatment regarding working conditions, access to social protection and training; that, in accordance with legislation and G

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	collective agreements, the necessary flexibility for employers to adapt swiftly to changes in the economic context is to be ensured; and that innovative forms of work that ensure quality working conditions are to be fostered, that entrepreneurship and self-employment are to be encouraged and that occupational mobility is to be facilitated. The Porto Social Summit of May 2021 welcomed the Action Plan accompanying the Social Pillar[2] as guidance for its implementation. _____ 1. Interinstitutional Proclamation on the European Pillar of Social Rights (OJ C 428, 13.12.2017, p. 10). 2. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 'The European Pillar of Social Rights Action Plan', COM(2021) 102 final, 4.3.2021.	~~accordance with legislation and collective agreements, the necessary flexibility for employers to adapt swiftly to changes in the economic context~~ ***innovative forms of work that ensure quality working conditions are to be fostered, that entrepreneurship and self-employment are to be encouraged and that occupational mobility*** is to be ~~ensured; and that innovative forms of work that ensure quality working conditions are to be fostered, that entrepreneurship and self-employment~~***facilitated, thus reaffirming the right under Article 15 of the Charter, and that employment relationships that lead to precarious working conditions*** are to be ~~encouraged and that occupational mobility is to be facilitated~~***prevented, including by prohibiting the abuse of atypical contracts***. The Porto Social Summit of May 2021 welcomed the Action Plan accompanying the Social Pillar[2] as guidance for its implementation. _____ 1. Interinstitutional Proclamation on the European Pillar of Social Rights (OJ C 428, 13.12.2017, p. 10). 2. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 'The European Pillar of Social Rights Action	collective agreements, the necessary flexibility for employers to adapt swiftly to changes in the economic context is to be ensured; ~~and~~ that innovative forms of work that ensure quality working conditions are to be fostered, that entrepreneurship and self-employment are to be encouraged and that occupational mobility is to be facilitated***; and that employment relationships that lead to precarious working conditions are to be prevented, including by prohibiting abuse of atypical contracts***. The Porto Social Summit of May 2021 welcomed the Action Plan accompanying the Social Pillar[2] ~~as guidance for its implementation.~~***.*** _____ 1. Interinstitutional Proclamation on the European Pillar of Social Rights (OJ C 428, 13.12.2017, p. 10). 2. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 'The European Pillar of Social Rights Action Plan', COM(2021) 102 final, 4.3.2021.	collective agreements, the necessary flexibility for employers to adapt swiftly to changes in the economic context is to be ensured; ~~and~~ that innovative forms of work that ensure quality working conditions are to be fostered, that entrepreneurship and self-employment are to be encouraged and that occupational mobility is to be facilitated***; and that employment relationships that lead to precarious working conditions are to be prevented, including by prohibiting abuse of atypical contracts. Principle No 7 of the Pillar provides that workers have the right to be informed in writing at the start of employment about their rights and obligations resulting from the employment relationship and that prior to any dismissal, workers have the right to be informed of the reasons and be granted a reasonable period of notice and the right to access to effective and impartial dispute resolution and, in the case of unjustified dismissal, a right to redress, including adequate compensation. Principle No 10 of the Pillar provides that workers have the right to a high level of protection of their health and safety at work and the right to have their***

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		Plan', COM(2021) 102 final, 4.3.2021.		***personal data protected in the employment context***. The Porto Social Summit of May 2021 welcomed the Action Plan accompanying the Social Pillar[2] ~~*as guidance for its implementation*~~. _____ 1. Interinstitutional Proclamation on the European Pillar of Social Rights (OJ C 428, 13.12.2017, p. 10). 2. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 'The European Pillar of Social Rights Action Plan', COM(2021) 102 final, 4.3.2021. merged between row 12 and row 13a
Recital 3a				
G	13a	***(3a) Principle No 7 of the Pillar provides that workers have the right to be informed in writing at the start of employment about their rights and obligations resulting from the employment relationship, that prior to any dismissal, workers have the right to be informed of the reasons and be granted a reasonable period of notice and the right to access to effective and impartial dispute resolution and, in the case of unjustified dismissal, a***		***(3a) deleted*** Text Origin: Auxiliary 3

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		right to redress, including adequate compensation. Principle No 10 of the Pillar provides that workers have the right to a high level of protection of their health and safety at work and the right to have their personal data protected in the employment context. Principle No 12 of the Pillar provides that regardless of the type and duration of their employment relationship, workers, and, under comparable conditions, the self-employed, have the right to adequate social protection.		
Recital 4				
14	(4) Digitalisation is changing the world of work, improving productivity and enhancing flexibility, while also carrying some risks for employment and working conditions. Algorithm-based technologies, including automated monitoring and decision-making systems, have enabled the emergence and growth of digital labour platforms.	(4) Digitalisation is changing the world of work, improving productivity and enhancing flexibility***. Innovation in digital tools can contribute to growth in times of crisis and recovery. New forms of digital interaction and new technologies in the world of work, including the trend towards remote working in many sectors, if well-regulated and implemented, could create opportunities for access to decent and quality jobs for people who traditionally lacked such access, including persons with***	(4) Digitalisation is changing the world of work, improving productivity and enhancing flexibility, while also carrying some risks for employment and working conditions. Algorithm-based technologies, including automated monitoring ~~and~~***or*** decision-making systems, have enabled the emergence and growth of digital labour platforms.	(4) Digitalisation is changing the world of work, improving productivity and enhancing flexibility, while also carrying some risks for employment and working conditions. Algorithm-based technologies, including automated monitoring ~~and~~***or*** decision-making systems, have enabled the emergence and growth of digital labour platforms***. New forms of digital interaction and new technologies in the world of work, if well-regulated and implemented, can create opportunities for access***

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		disabilities. However, digitalisation also poses ~~*, while also carrying some*~~ risks for employment and working conditions***, for the health and safety of workers and for the protection of their fundamental rights, including the right to privacy, as well as for the effective implementation of applicable national labour and tax law thereby also putting the solidarity based social protection system for current and future generations under pressure***. Algorithm-based technologies, including automated monitoring and decision-making systems, have enabled the emergence and growth of digital labour platforms ***but can produce power imbalances and opacity about decision-making, as well as technology-enabled surveillance which could exacerbate discriminatory practices and entail risks for privacy, workers' health and safety and human dignity and may lead to adverse consequences for working conditions and the exploitation of workers***.		***to decent and quality jobs for people who traditionally lacked such access. However, if unregulated, they can also result in technology enabled surveillance, increase power imbalances and opacity about decision-making, as well as entail risks for decent working conditions, health and safety at work, equal treatment and for the right to privacy.*** Text Origin: Auxiliary 3
Recital 5				
G	15	(5) Platform work is performed by	(5) Platform work is performed by	(5) Platform work is performed by	(5) Platform work is performed by	G

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	individuals through the digital infrastructure of digital labour platforms that provide a service to their customers. By means of the algorithms, the digital labour platforms may control, to a lesser or greater extent – depending on their business model – the performance of the work, its remuneration and the relationship between their customers and the persons performing the work. Platform work can be performed exclusively online through electronic tools ('online platform work') or in a hybrid way combining an online communication process with a subsequent activity in the physical world ('on-location platform work'). Many of the existing digital labour platforms are international business actors deploying their activities and business models in several Member States or across borders.	individuals through the digital infrastructure of digital labour platforms that provide a service to their customers. ***It is provided, at least in part, at a distance through electronic means, such as a website or a mobile application, which can even be invisible to the client because it is integrated into the website used by the recipient of the service. It occurs in a wide variety of fields and is characterised by a high level of heterogeneity in the types of digital labour platform, the sectors covered and activities carried out as well as in the profiles of individuals performing platform work.*** By means of the algorithms ***and artificial intelligence***, the digital labour platforms ***supervise, monitor and evaluate*** ~~*may control*~~, to a lesser or greater extent – depending on their business model – the performance of the work, its remuneration and the relationship between their customers and the persons performing the work ***as well as the persons themselves while performing work and, in some cases, also outside their working time, in breach of Regulation (EU) 2016/679 of the European Parliament and of the Council[1]*** and national data protection law.	individuals through the digital infrastructure of digital labour platforms that provide a service to their customers. By means of the algorithms, the digital labour platforms may control, to a lesser or greater extent – depending on their business model – the performance of the work, its remuneration and the relationship between their customers and the persons performing the work. Platform work can be performed exclusively online through electronic tools ('online platform work') or in a hybrid way combining an online communication process with a subsequent activity in the physical world ('on-location platform work'). Many of the existing digital labour platforms are international business actors deploying their activities and business models in several Member States or across borders.	individuals through the digital infrastructure of digital labour platforms that provide a service to their customers. ***It occurs in a wide variety of fields and is characterised by a high level of heterogeneity in the types of digital labour platform, the sectors covered and activities carried out as well as in the profiles of individuals performing platform work.*** By means of the algorithms, the digital labour platforms ~~*may control*~~***organise***, to a lesser or greater extent – depending on their business model – the performance of the work, its remuneration and the relationship between their customers and the persons performing the work. Platform work can be performed exclusively online through electronic tools ('online platform work') or in a hybrid way combining an online communication process with a subsequent activity in the physical world ('on-location platform work'). Many of the existing digital labour platforms are international business actors deploying their activities and business models in several Member States or across borders. Text Origin: Auxiliary 3

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		Traditional regulated liberal professions are in principle free from supervision, direction and control from any other undertaking. Platform work ***is mostly*** ~~*can be*~~ performed exclusively online through electronic tools ('online platform work') or in a hybrid way combining an online communication process with a subsequent activity in the physical world ('on-location platform work'). Many of the existing digital labour platforms are international business actors deploying their activities and business models in several Member States or across borders. _____ ***1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).***		
Recital 6				
16	(6) Platform work can provide opportunities for accessing the labour market more easily, gaining additional income through a secondary activity or enjoying some flexibility in the organisation of	(6) Platform work can provide opportunities for ***employment and for*** accessing the labour market more easily, ***especially for vulnerable groups,*** gaining additional income through a	(6) Platform work can provide opportunities for accessing the labour market more easily, gaining additional income through a secondary activity or enjoying some flexibility in the organisation of	(6) Platform work can provide opportunities for accessing the labour market more easily, gaining additional income through a secondary activity or enjoying some flexibility in the organisation of

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	working time. At the same time, platform work brings challenges, as it can blur the boundaries between employment relationship and self-employed activity, and the responsibilities of employers and workers. Misclassification of the employment status has consequences for the persons affected, as it is likely to restrict access to existing labour and social rights. It also leads to an uneven playing field with respect to businesses that classify their workers correctly, and it has implications for Member States' industrial relations systems, their tax base and the coverage and sustainability of their social protection systems. While such challenges are broader than platform work, they are particularly acute and pressing in the platform economy.	secondary activity or enjoying some flexibility in the organisation of working time. ***Most persons performing platform work have another job or another source of income and tend to be low paid***[1]. Particular attention should be given to young people by ensuring that they enjoy the highest level of social protection when performing platform work. At the same time, platform work brings challenges, as it can ***result in the unpredictability of working hours and*** blur the boundaries between employment relationship and self-employed activity, and the responsibilities of employers and workers. Misclassification of the employment status has consequences for the persons affected, as it is ~~*likely*~~ to restrict access to existing labour and social rights. It ***can also lead to labour exploitation, unfair competition, in particular affecting SMEs, and*** ~~*also leads to*~~ an uneven playing field with respect to businesses that classify their workers correctly, and it has implications for Member States' industrial relations systems, their tax base and the coverage and sustainability of their social protection systems. While such challenges are broader than	working time. At the same time, platform work ~~*brings challenges, as it*~~ ***is rapidly evolving, resulting in new business models and forms of employment that sometimes escape the existing paradigms. Such novelties are exemplified in the field of Union competition law, where the Commission has adopted Guidelines on its application to collective agreements regarding the working conditions of solo self-employed persons. For these reasons, it is important to accompany this process with adequate safeguards for persons performing platform work, irrespective of the nature of the contractual relationship, avoiding discrimination and promoting new opportunities. Notably, platform work*** can blur the boundaries between employment relationship and self-employed activity, and the responsibilities of employers and workers. Misclassification of the employment status has consequences for the persons affected, as it is likely to restrict access to existing labour ~~*and social*~~ rights. It also leads to an uneven playing field with respect to businesses that classify their workers correctly, and it has implications for Member States'	working time. At the same time, ***most persons performing*** platform work ~~*brings challenges, as it can*~~***have another job or another source of income and tend to be low paid, and platform work is rapidly evolving, resulting in new business models and forms of employment that sometimes escape the existing systems of protection. Therefore, it is important to accompany this process with adequate safeguards for persons performing platform work, irrespective of the nature of the contractual relationship. Notably, platform work can result in the unpredictability of working hours and*** blur the boundaries between employment relationship and self-employed activity, and the responsibilities of employers and workers. Misclassification of the employment status has consequences for the persons affected, as it is likely to restrict access to existing labour and social rights. It also leads to an uneven playing field with respect to businesses that classify their workers correctly, and it has implications for Member States' industrial relations systems, their tax base and the coverage and sustainability of their social

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		platform work, they are particularly acute and pressing in the platform economy. _____ ***1. Commission staff working document, Impact Assessment Report, Accompanying the Proposal for a Directive of the European Parliament and of the Council to improve the working conditions in platform work in the European Union, (SWD(2021)396 final/2, p. 6; The Social Protection of Workers in the Platform Economy, Study commissioned by the EMPL Committee, European Parliament, 2017 (https://www.europarl.europa.eu/RegData/etudes/STUD/2017/614184/IPOL_STU(2017)614184_EN.pdf).***	industrial relations systems, their tax base and the coverage and sustainability of their social protection systems. While such challenges are broader than platform work, they are particularly acute and pressing in the platform economy.	protection systems. While such challenges are broader than platform work, they are particularly acute and pressing in the platform economy. Text Origin: Auxiliary 3
Recital 6a				
G 16a		***(6a) The labour and social protection legislation of most Member States is generally unprepared for the challenges of the digital world and, in particular, the digitalised labour market, which causes grave risks both to people who are engaged in digitally based work and to existing solidarity-based healthcare and social security models. If not tackled appropriately, those risks might jeopardise the European social model and the goals of the Pillar, whereas technological progress might also***		***(6a) Deleted*** G

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		provide the solutions for adaptation of the European social model to the realities of the 21st century. Therefore, the proposed solutions should help protect the situation of persons performing platform work and improve their working conditions.		
Recital 7				
17	(7) Court cases in several Member States have shown the persistence of misclassification of the employment status in certain types of platform work, in particular in sectors where digital labour platforms exert a certain degree of control over the remuneration and performance of work. While digital labour platforms frequently classify persons working through them as self-employed or 'independent contractors', many courts have found that the platforms exercise de facto direction and control over those persons, often integrating them in their main business activities and unilaterally determining the level of remuneration. Those courts have therefore reclassified purportedly self-employed persons as workers employed by the platforms.	(7) Court cases in several Member States have shown the persistence of misclassification of the employment status in certain types of platform work, in particular in sectors where digital labour platforms exert a certain degree of ***direction or*** control over the remuneration and performance of work. While digital labour platforms frequently classify persons working through them as self-employed or 'independent contractors', many courts have found that the platforms exercise de facto direction and control over those persons, often integrating them in their main business activities and unilaterally determining the level of remuneration. Those courts have therefore reclassified purportedly self-employed persons as workers employed by the platforms.	(7) Court cases in several Member States have shown the persistence of misclassification of the employment status in certain types of platform work, in particular in sectors where digital labour platforms exert a certain degree of control over the remuneration and performance of work. While digital labour platforms frequently classify persons working through them as self-employed or 'independent contractors', many courts have found that the platforms exercise de facto direction and control over those persons, often integrating them in their main business activities and unilaterally determining the level of remuneration. Those courts have therefore reclassified purportedly self-employed persons as workers employed by the platforms.	(7) Court cases in several Member States have shown the persistence of misclassification of the employment status in certain types of platform work, in particular in sectors where digital labour platforms exert a certain degree of ***direction or*** control over the remuneration and performance of work. While digital labour platforms frequently classify persons working through them as self-employed or 'independent contractors', many courts have found that the platforms exercise de facto direction and control over those persons, often integrating them in their main business activities and unilaterally determining the level of remuneration. Those courts have therefore reclassified purportedly self-employed persons as workers employed by the platforms.

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	However, national case law has resulted in diverse outcomes and digital labour platforms have adapted their business model in various ways, thus increasing the lack of legal certainty over the employment status.	However, national case law has resulted in diverse outcomes and digital labour platforms have adapted their business model in various ways, thus increasing the lack of legal certainty over the employment status ***as well as hampering a level playing field both within the internal market and between digital labour platforms and traditional businesses***.	~~*However, national case law has resulted in diverse outcomes and digital labour platforms have adapted their business model in various ways, thus increasing the lack of legal certainty over the employment status.*~~	~~*However, national case law has resulted in diverse outcomes and digital labour platforms have adapted their business model in various ways, thus increasing the lack of legal certainty over the employment status.*~~ Text Origin: Auxiliary 3
Recital 8				
G 18	(8) Automated monitoring and decision-making systems powered by algorithms increasingly replace functions that managers usually perform in businesses, such as allocating tasks, giving instructions, evaluating the work performed, providing incentives or imposing sanctions. Digital labour platforms use such algorithmic systems as a standard way of organising and managing platform work through their infrastructure. Persons performing platform work subject to such algorithmic management often lack information on how the algorithms work, which personal data are being used and how their behaviour affects decisions taken by	(8) Automated monitoring and decision-making systems powered by algorithms increasingly replace functions that managers usually perform in businesses, such as allocating tasks, ***pricing of individual assignments and working time,*** giving instructions, evaluating the work performed, providing incentives or imposing sanctions. Digital labour platforms ***in particular*** use such algorithmic systems as a standard way of organising and managing platform work through their infrastructure. Persons performing platform work subject to such algorithmic management often ***do not have access to*** ~~*lack*~~ information on how	(8) Automated monitoring ~~*and*~~***or*** decision-making systems powered by algorithms increasingly replace functions that managers usually perform in businesses, such as allocating tasks, giving instructions, evaluating the work performed, providing incentives or imposing sanctions. Digital labour platforms use such algorithmic systems as a standard way of organising and managing platform work through their infrastructure. Persons performing platform work subject to such algorithmic management often lack information on how the algorithms work, which personal data are being used and how their behaviour affects decisions taken by	(8) Automated monitoring and decision-making systems powered by algorithms increasingly replace functions that managers usually perform in businesses, such as allocating tasks, ***pricing of individual assignments, determining working schedules,*** giving instructions, evaluating the work performed, providing incentives or imposing sanctions. Digital labour platforms ***in particular*** use such algorithmic systems as a standard way of organising and managing platform work through their infrastructure. Persons performing platform work subject to such algorithmic management often ~~*lack*~~***do not have*** G

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	automated systems. Workers' representatives and labour inspectorates do not have access to this information either. Moreover, persons performing platform work often do not know the reasons for decisions taken or supported by automated systems and lack the possibility to discuss those decisions with a contact person or to contest them.	the algorithms work, which personal data are being used and how their behaviour affects decisions taken by automated systems. Workers' ***representatives,*** representatives ***of persons performing platform work,*** and labour inspectorates ***and competent supervisory authorities*** do not have access to this information either. Moreover, persons performing platform work often do not know the reasons for decisions taken or supported by automated systems and lack the possibility to ***obtain an explanation for those decisions, to*** discuss those decisions with a contact person or to contest them ***and to seek rectification and, where relevant, redress. Persons performing platform work and their representatives often do not receive timely information or the opportunity to discuss, to be effectively consulted, negotiate and to review the algorithmic systems that nonetheless have a direct impact on their working conditions***.	automated systems. Workers' representatives and labour inspectorates do not have access to this information either. Moreover, persons performing platform work often do not know the reasons for decisions taken or supported by automated systems and lack the possibility to discuss those decisions with a contact person or to contest them.	***access to*** information on how the algorithms work, which personal data are being used and how their behaviour affects decisions taken by automated systems. Workers' representatives***, other representatives of persons performing platform work,*** and labour inspectorates ***and other competent authorities*** do not have access to this information either. Moreover, persons performing platform work often do not know the reasons for decisions taken or supported by automated systems and lack the possibility to ***obtain an explanation for those decisions, to*** discuss those decisions with a contact person or to contest them ***and to seek rectification and, where relevant, redress***. Text Origin: Auxiliary 3
Recital 9				
19	(9) When platforms operate in several Member States or across	(9) When platforms operate in several Member States or across	(9) When platforms operate in several Member States or across	(9) When platforms operate in several Member States or across

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	borders, it is often unclear where the platform work is performed and by whom. Also, national authorities do not have easy access to data on digital labour platforms, including the number of persons performing platform work, their employment status, and their working conditions. This complicates the enforcement of applicable rules, including in respect of labour law and social protection.	borders, it is often unclear where the platform work is performed and by whom***, especially online based platform work***. Also, national authorities do not have easy access to data on digital labour platforms, including the number of persons performing platform work, their employment status, and their working conditions. This complicates the enforcement of applicable ***national and European*** rules, including in respect of labour ***and tax*** law and social protection.	borders, it is often unclear where the platform work is performed and by whom. Also, national authorities do not have easy access to data on digital labour platforms, including the number of persons performing platform work, their employment status, and their working conditions. This complicates the enforcement of applicable rules~~, including in respect of labour law and social protection~~.	borders, it is often unclear where the platform work is performed and by whom***, especially as regards online platform work***. Also, national authorities do not have easy access to data on digital labour platforms, including the number of persons performing platform work, their employment status, and their working conditions. This complicates the enforcement of applicable rules~~, including in respect of labour law and social protection~~. Text Origin: Auxiliary 3
Recital 9a				
G 19a		***(9a) The number of platforms active in the Union increased from 463 in 2016 to 516 in March 2021. The platform economy in the Union increased almost fivefold during the same period, from an estimated EUR 3,4 billion in 2016 to about EUR 14 billion in 2020. The majority of activity of such platforms relates to taxi and food delivery services, both of which were strongly affected by the COVID-19 pandemic (- 35% and +125%, respectively). Platforms that have their origin outside the Union play an important role in the***		***(9a) deleted*** Text Origin: Auxiliary 3

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		Union's platform economy.		
Recital 10				
20	(10) A body of legal instruments provides for minimum standards in working conditions and labour rights across the Union. This includes in particular Directive (EU) 2019/1152 of the European Parliament and of the Council[1] on transparent and predictable working conditions, Directive 2003/88/EC of the European Parliament and of the Council[2] on working time, Directive 2008/104/EC of the European Parliament and of the Council[3] on temporary agency work, and other specific instruments on aspects such as health and safety at work, pregnant workers, work-life balance, fixed-term work, part-time work, posting of workers, information and consultation of workers, among others. While those instruments provide a level of protection to workers, they do not apply to the genuine self-employed. _____ 1. Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union (OJ L 186, 11.7.2019, p. 105).	(10) A body of legal instruments provides for minimum standards in working conditions and labour rights across the Union. This includes in particular Directive (EU) 2019/1152 of the European Parliament and of the Council[1] on transparent and predictable working conditions, Directive 2003/88/EC of the European Parliament and of the Council[2] on working time, Directive 2008/104/EC of the European Parliament and of the Council[3] on temporary agency work, and other specific instruments on aspects such as health and safety at work, pregnant workers, work-life balance, fixed-term work, part-time work, posting of workers, information and consultation of workers, among others. ***Those legal instruments have been interpreted by the Court of Justice of the European Union (Court of Justice) in particularly relevant case law, according to which 'stand-by' time, during which the worker's opportunities to carry out other activities are significantly restricted, is to be***	(10) A body of legal instruments provides for minimum standards in working conditions and labour rights across the Union. This includes in particular Directive (EU) 2019/1152 ~~*of the European Parliament and of the Council[1] on transparent and predictable working conditions*~~, Directive 2003/88/EC of the European Parliament and of the Council[2] ~~*on working time*~~[1], Directive 2008/104/EC of the European Parliament and of the Council[3] ~~*on temporary agency work*~~[2]~~,~~ and other specific instruments on aspects such as health and safety at work, pregnant workers, work-life balance, fixed-term work, part-time work, posting of workers, ~~*information and consultation of workers,*~~ among others. ~~*While those instruments provide a level of protection to workers, they do not apply to the genuine self-employed.*~~ _____ 1. Directive ~~*(EU) 2019/1152*~~***2003/88/EC*** of the European Parliament and of the Council of ~~*20 June 2019 on transparent and predictable working conditions in the European Union (OJ L 186, 11.7.2019, p.*~~	(10) A body of legal instruments provides for minimum standards in working conditions and labour rights across the Union. This includes in particular Directive (EU) 2019/1152 of the European Parliament and of the Council[1] on transparent and predictable working conditions, Directive 2003/88/EC of the European Parliament and of the Council[2] on working time, Directive 2008/104/EC of the European Parliament and of the Council[3] on temporary agency work, and other specific instruments on aspects such as health and safety at work, pregnant workers, work-life balance, fixed-term work, part-time work, posting of workers, ~~*information and consultation of workers, among others*~~***among others. In addition, the Court of Justice has ruled that 'stand-by' time, during which the worker's opportunities to carry out other activities are significantly restricted, is to be regarded as working time[4]. Directive 2002/14/EC of the European Parliament and of the***

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	2. Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ L 299, 18.11.2003, p. 9). 3. Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work (OJ L 327, 5.12.2008, p. 9).	***regarded as working time[4]. The interpretation of the Court of Justice is particularly relevant for platform workers, who spend 8.9 hours per week[5]*** doing unpaid tasks, such as researching tasks, waiting for assignments, participating in contests to get assignments and reviewing work ads, which is not accounted for as working time when they are incorrectly classified as self-employed. While those instruments provide a level of protection to workers, they do not apply to ~~*the genuine self-employed*~~ ***genuinely self-employed persons***. _____ 1. Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union (OJ L 186, 11.7.2019, p. 105). 2. Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ L 299, 18.11.2003, p. 9). 3. Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work (OJ L 327, 5.12.2008, p. 9). ***4. Judgement of the Court of 21February 2018 in Ville de Nivelles v Rudy Matzak, C-518/15, ECLI: EU:C:2018:82). This line of reasoning was confirmed and elaborated in two 2021 judgments (Judgment of the Court (Grand Chamber) of 9 March 2021 in RJ v Stadt Offenbacham Main, C-580/19,***	~~*105)*~~***4 November 2003 concerning certain aspects of the organisation of working time (OJ L 299, 18.11.2003, p. 9)***. 2. Directive ~~*2003/88/EC*~~***2008/104/EC*** of the European Parliament and of the Council of ~~*4*~~***19*** November ~~*2003 concerning certain aspects of the organisation of working time (OJ L 299, 18.11.2003*~~***2008 on temporary agency work (OJ L 327, 5.12.2008***, p. 9). ~~*3. Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work (OJ L 327, 5.12.2008, p. 9).*~~	***Council[1] establishes a general framework setting out minimum requirements for the right to information and consultation of employees in undertakings or establishments within the Union*** ~~*While those instruments provide a level of protection to workers, they do not apply to the genuine self-employed*~~. _____ 1. Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union (OJ L 186, 11.7.2019, p. 105). 2. Directive 2003/88/EC of the European Parliament and of the Council of 4 November 2003 concerning certain aspects of the organisation of working time (OJ L 299, 18.11.2003, p. 9). 3. Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work (OJ L 327, 5.12.2008, p. 9). ***4. Judgement of the Court of 21February 2018 in Ville de Nivelles v Rudy Matzak, C-518/15, ECLI: EU:C:2018:82). This line of reasoning was confirmed and elaborated in two 2021 judgments (Judgment of the Court (Grand Chamber) of 9 March 2021 in RJ v Stadt Offenbacham Main, C-580/19, ECLI:EU:C:2021:183; Judgement of the Court (Grand Chamber) of 9 March 2021 in -D.J. v Radiotelevizija Slovenija, C-344/19, ECLI:EU:C:2021:182.*** Text Origin: EP Mandate

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		ECLI:EU:C:2021:183; Judgement of the Court (Grand Chamber) of 9 March 2021 in -D.J. v Radiotelevizija Slovenija, C-344/19, ECLI:EU:C:2021:182. ***5. COMMISSION STAFF WORKING DOCUMENT, IMPACT ASSESSMENT REPORT, Accompanying the Proposal for a Directive of the European Parliament and of the Council to improve the working conditions in platform work in the European Union, SWD(2021) 396 final/2.***		
Recital 11				
21	(11) Council Recommendation 2019/C 387/01[1] on access to social protection for workers and the self-employed recommends Member States to take measures ensuring formal and effective coverage, adequacy and transparency of social protection schemes for all workers and self-employed. Member States currently have varying degrees of providing social protection to the self-employed. _____ 1. Council Recommendation of 8 November 2019 on access to social protection for workers and the self-employed (2019/C 387/01) (OJ C 387, 15.11.2019, p. 1).	(11) ***Social protection is a solidarity-based safety net that is beneficial not only to the individual but also to society as a whole.*** Council Recommendation 2019/C 387/01[1] on access to social protection for workers and the self-employed recommends Member States to take measures ensuring formal and effective coverage, adequacy and transparency of social protection schemes for all workers and self-employed. Member States currently have varying degrees of providing social protection to the self-employed. ***It is essential to ensure, and where necessary extend, access to social protection to persons performing platform work including for people transitioning from one status to***	(11) Council Recommendation 2019/C 387/01[1] ~~*on access to social protection for workers and the self-employed*~~ recommends Member States to take measures ensuring formal and effective coverage, adequacy and transparency of social protection schemes for all workers and self-employed. ~~*Member States currently have varying degrees of providing social protection to the self-employed.*~~ _____ 1. Council Recommendation of 8 November 2019 on access to social protection for workers and the self-employed (2019/C 387/01) (OJ C 387, 15.11.2019, p. 1).	(11) Council Recommendation 2019/C 387/01[1] ~~*on access to social protection for workers and the self-employed*~~ recommends Member States to take measures ensuring formal and effective coverage, adequacy and transparency of social protection schemes for all workers and self-employed. ~~*Member States currently have varying degrees of providing social protection to the self-employed.*~~ _____ 1. Council Recommendation of 8 November 2019 on access to social protection for workers and the self-employed (2019/C 387/01) (OJ C 387, 15.11.2019, p. 1). Text Origin: Auxiliary 3

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		another in order to ensure the portability of accumulated social rights and entitlements.		
		_____ 1. Council Recommendation of 8 November 2019 on access to social protection for workers and the self-employed (2019/C 387/01) (OJ C 387, 15.11.2019, p. 1).		
Recital 12				
22	(12) Regulation (EU) 2016/679 of the European Parliament and of the Council[1] ('General Data Protection Regulation') ensures the protection of natural persons with regard to the processing of personal data, and in particular provides certain rights and obligations as well as safeguards concerning lawful, fair and transparent processing of personal data, including with regard to automated individual decision-making. Regulation (EU) 2019/1150 of the European Parliament and of the Council[2] promotes fairness and transparency for 'business users' using online intermediation services provided by operators of online platforms. The European Commission has proposed further legislation laying down harmonised rules for providers and users of artificial intelligence systems[3].	(12) Regulation (EU) 2016/679 of the European Parliament and of the Council[1] ('General Data Protection Regulation') ensures the protection of natural persons with regard to the processing of personal data, and in particular provides certain rights and obligations as well as safeguards concerning lawful, fair and transparent processing of personal data, including with regard to automated individual decision-making. Regulation (EU) 2019/1150 of the European Parliament and of the Council[2] promotes fairness and transparency for 'business users' using online intermediation services provided by operators of online platforms. The European Commission has proposed further legislation laying down harmonised rules for providers and users of artificial intelligence systems[3],	(12) Regulation (EU) 2016/679 of the European Parliament and of the Council[1] ('General Data Protection Regulation') ensures the protection of natural persons with regard to the processing of personal data, and in particular provides certain rights and obligations as well as safeguards concerning lawful, fair and transparent processing of personal data, including with regard to automated individual decision-making. ~~*Regulation (EU) 2019/1150 of the European Parliament and of the Council[2] promotes fairness and transparency for 'business users' using online intermediation services provided by operators of online platforms. The European Commission has proposed further legislation laying down harmonised rules for providers and users of artificial intelligence systems[3].*~~	(12) Regulation (EU) 2016/679 of the European Parliament and of the Council[1] ('General Data Protection Regulation') ensures the protection of natural persons with regard to the processing of personal data, and in particular provides certain rights and obligations as well as safeguards concerning lawful, fair and transparent processing of personal data, including with regard to automated individual decision-making. ~~*Regulation (EU) 2019/1150 of the European Parliament and of the Council[2] promotes fairness and transparency for 'business users' using online intermediation services provided by operators of online platforms. The European Commission has proposed further legislation laying down harmonised rules for providers and users of artificial intelligence systems[3].*~~

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	_____ 1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1). 2. Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57). 3. COM(2021) 206 final, 21.4.2021.	***which will apply without prejudice to the more specific rules set out in this Directive***. _____ 1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1). 2. Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57). 3. COM(2021) 206 final, 21.4.2021.	_____ 1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1). ~~2. Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57).~~ ~~3. COM(2021) 206 final, 21.4.2021.~~	_____ 1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1). ~~2. Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57).~~ ~~3. COM(2021) 206 final, 21.4.2021.~~ Text Origin: Council Mandate
Recital 12a				
G 22a			***(12a) Regulation (EU) 2019/1150 of the European Parliament and of the Council[1] promotes fairness and transparency for 'business users' using online intermediation services provided by operators of online platforms. [The European Commission has proposed further legislation laying down harmonised rules for providers and users of artificial intelligence systems][2].*** _____ ***1. Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and***	***(12a) Regulation (EU) 2019/1150 of the European Parliament and of the Council[1] promotes fairness and transparency for 'business users' using online intermediation services provided by operators of online platforms.*** _____ ***1. Regulation (EU) 2019/1150 of the European Parliament and of the Council of 20 June 2019 on promoting fairness and transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57).*** G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			transparency for business users of online intermediation services (OJ L 186, 11.7.2019, p. 57). ***2. [COM(2021) 206 final, 21.4.2021.]***	In case of conflicting rules in the AI Act - to be adopted - a conflict rule will be needed. Text Origin: Auxiliary 3
Recital 12b				
G	22b		***(12b) Directive 2002/14/EC of the European Parliament and of the Council[1] establishes a general framework setting out minimum requirements for the right to information and consultation of employees in undertakings or establishments within the Union.*** ***1. Directive 2002/14/EU of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community (OJ L 80, 23.3.2002, p. 29).***	***(12b) deleted***
Recital 13				
Y	23	(13) While existing or proposed Union legal acts provide for certain general safeguards, challenges in platform work require some further specific measures. In order to adequately frame the development of platform work in a sustainable manner, it is necessary for the Union	(13) While existing or proposed Union legal acts provide for certain general safeguards, challenges in platform work require some further specific measures. In order to adequately frame the development of platform work in a sustainable manner, it is necessary for the Union	(13) While existing ~~*or proposed*~~ Union legal acts provide for certain general safeguards, challenges in platform work require some further specific measures. In order to adequately frame the development of platform work in a sustainable manner, it is necessary for the Union	(13) While existing ~~*or proposed*~~ Union legal acts provide for certain general safeguards, challenges in platform work require some further specific measures. In order to adequately frame the development of platform work in a sustainable manner, it is necessary for the Union

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	to set new minimum standards in working conditions to address the challenges arising from platform work. Persons performing platform work in the Union should be provided with a number of minimum rights aiming at ensuring correct determination of their employment status, at promoting transparency, fairness and accountability in algorithmic management, and at improving transparency in platform work, including in cross-border situations. This should be done with a view to improving legal certainty, creating a level playing field between digital labour platforms and offline providers of services and supporting the sustainable growth of digital labour platforms in the Union.	to set new minimum standards in working conditions to address the challenges arising from platform work~~. Persons performing~~ ***and to protect*** platform ~~*work in the Union*~~ ***workers' rights. Platform workers and, where applicable, persons performing platform work*** should be provided with a number of minimum rights ~~*aiming at ensuring*~~***, the*** correct determination of their ~~*employment*~~ ***contractual*** status, ***as well as fair and just working conditions,*** ~~*at*~~ promoting transparency, fairness ~~*and*~~***,*** accountability ~~*in algorithmic management, and at*~~ ***and non-discrimination, and preventing health and safety risks in algorithmic management,*** improving transparency in platform work, including in cross-border situations***, and ensuring the right to bargain collectively in accordance with national law and practice***. This should be done with a view to improving legal certainty, creating a level playing field between digital labour platforms and offline providers of services and supporting the sustainable growth of digital labour platforms in the Union. ***In order to achieve this, persons working via a digital labour***	to set ~~*new*~~ minimum standards ~~*in working conditions*~~ to address the challenges arising from platform work. ***Measures facilitating the correct determination of the employment status of*** persons performing platform work in the Union should be ~~*provided with a number of minimum rights aiming at ensuring correct determination of their employment status, at promoting transparency, fairness and accountability in algorithmic management, and at improving*~~***introduced, and transparency on platform work should be improved, including in cross-border situations. In addition, persons performing platform work should be provided a number of rights aiming at promoting*** transparency***, fairness and accountability in algorithmic management*** ~~*in platform work, including in cross-border situations*~~. This should be done with a view to improving legal certainty~~*, creating*~~ ***and aiming at*** a level playing field between digital labour platforms and offline providers of services and supporting the sustainable growth of digital labour platforms in the Union.	to set ~~*new*~~ minimum ~~*standards in working conditions*~~***rights for platform workers and rules to improve the protection of personal data of persons performing platform work*** to address the challenges arising from platform work. ***Measures facilitating the correct determination of the employment status of*** persons performing platform work in the Union should be ~~*provided with a number of minimum rights aiming at ensuring correct determination of their employment status,*~~ ***introduced, and transparency on platform work should be improved, including in cross-border situations. In addition, persons performing platform work should be provided rights aiming*** at promoting transparency, fairness and accountability***. These rights should also be aimed at protecting workers and*** ~~*in algorithmic management, and at*~~ improving ~~*transparency in platform work*~~***working conditions in algorithmic management***, including ~~*in cross-border situations*~~***the exercise of collective bargaining***. This should be done with a view to improving legal certainty~~*, creating*~~ ***and aiming at*** a level playing field between digital labour platforms and offline providers of services and

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		platform should be correctly classified in relation to their contractual status in order to access the applicable national labour and social protection law.		supporting the sustainable growth of digital labour platforms in the Union.
Recital 14				
24	(14) The Commission has undertaken a two-stage consultation of the social partners, in accordance with Article 154 of the Treaty on the Functioning of the European Union, on the improvement of working conditions in platform work. There was no agreement among the social partners to enter into negotiations with regard to those matters. It is, however, important to take action at Union level in this area by adapting the current legal framework to the emergence of platform work.	(14) The Commission has undertaken a two-stage consultation of the social partners, in accordance with Article 154 of the Treaty on the Functioning of the European Union, on the improvement of working conditions in platform work. There was no agreement among the social partners to enter into negotiations with regard to those matters. It is, however, important to take action at Union level in this area by adapting the current legal framework to the emergence of platform work ***and of the use of automated monitoring and decision-making systems***.	(14) The Commission has undertaken a two-stage consultation of the social partners, in accordance with Article 154 of the Treaty on the Functioning of the European Union ***(TFEU)***, on the improvement of working conditions in platform work. There was no agreement among the social partners to enter into negotiations with regard to those matters. It is, however, important to take action at Union level in this area by adapting the current legal framework to the emergence of platform work.	(14) The Commission has undertaken a two-stage consultation of the social partners, in accordance with Article 154 of the Treaty on the Functioning of the European Union ***(TFUE)***, on the improvement of working conditions in platform work. There was no agreement among the social partners to enter into negotiations with regard to those matters. It is, however, important to take action at Union level in this area by adapting the current legal framework to the emergence of platform work ***including the use of automated monitoring and decision-making systems***. Text Origin: EP Mandate
Recital 15				
25	(15) In addition, the Commission held extensive exchanges with	(15) In addition, the Commission held extensive exchanges with	(15) In addition, the Commission held extensive exchanges with	(15) In addition, the Commission held extensive exchanges with

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	relevant stakeholders, including digital labour platforms, associations of persons performing platform work, experts from academia, Member States and international organisations and representatives of civil society.	relevant stakeholders, including digital labour platforms, associations of persons performing platform work, ***the social partners,*** experts from academia, Member States and international organisations and representatives of civil society.	relevant stakeholders, including digital labour platforms, associations of persons performing platform work, experts from academia, Member States and international organisations and representatives of civil society.	relevant stakeholders, including digital labour platforms, associations of persons performing platform work, experts from academia, Member States and international organisations and representatives of civil society. Text Origin: Commission Proposal
Recital 15a				
G 25a			***(15a) This Directive aims to improve the working conditions of platform workers and to protect the personal data of persons performing platform work by regulating the use of algorithmic management in the context of platform work. Both objectives are being pursued simultaneously and, whilst mutually reinforcing and inseparably linked, one is not secondary to the other. As regards Article 153(1)(b) TFEU, this Directive sets out rules aimed at supporting the correct determination of the employment status of persons performing platform work and improving transparency on platform work, including in cross-border situations. As regards Article 16***	***(15a) This Directive aims to improve the working conditions of platform workers and to protect the personal data of persons performing platform work. Both objectives are being pursued simultaneously and, whilst mutually reinforcing and inseparably linked, one is not secondary to the other. As regards Article 153(1)(b) TFEU, this Directive sets out rules aimed at supporting the correct determination of the employment status of persons performing platform work and improving working conditions and transparency on platform work, including in cross-border situations, as well as the protection of workers in the context of algorithmic management. As*** G

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			TFEU, this Directive establishes a framework to improve the protection of natural persons performing platform work regarding the processing of their personal data by increasing transparency, fairness and accountability of relevant algorithmic management procedures in platform work.	***regards Article 16 TFEU, this Directive establishes rules to improve the protection of natural persons performing platform work regarding the processing of their personal data by increasing transparency, fairness and accountability of relevant algorithmic management procedures in platform work.***
Recital 16				
26	(16) This Directive should apply to persons performing platform work in the Union who have, or who based on an assessment of facts may be deemed to have, an employment contract or employment relationship as defined by the law, collective agreements or practice in force in the Member States, with consideration to the case-law of the Court of Justice of the European Union. This should include situations where the employment status of the person performing platform work is not clear, so as to allow correct determination of that status. The provisions on algorithmic management which are related to the processing of personal data should also apply to genuine self-employed	(16) This Directive should apply to persons performing platform work in the Union who have, or who based on an assessment of facts may be deemed to have, an employment contract or employment relationship as defined by the law, collective agreements or practice in force in ~~the~~ ***each*** Member ~~States~~ ***State***, with consideration to the case-law of the Court of Justice ~~of the European Union~~. This should include situations where the employment status of the person performing platform work is not clear, so as to allow correct determination of that status. The provisions on algorithmic management which are related to the processing of personal data should also apply to ~~genuine~~***genuinely*** self-	(16) This Directive should apply to persons performing platform work in the Union ~~who have, or who based on an assessment of facts may be deemed to have, an employment contract or employment relationship as defined by the law, collective agreements or practice in force in the Member States, with consideration to the case-law of the Court of Justice of the European Union. This should include situations where the~~***, independently of their*** employment status ~~of the person performing platform work is not clear, so as to allow correct determination of that status. The provisions on algorithmic management which are related to the processing of personal data~~	(16) This Directive should apply to persons performing platform work in the Union who have, or who based on an assessment of facts ~~may be~~***are*** deemed to have, an employment contract or employment relationship as defined by the law, collective agreements or practice in force in ~~the~~***each*** Member ~~States~~***State***, with consideration to the case-law of the Court of Justice ~~of the European Union. This should include situations where the employment status of the person performing platform work is not clear, so as to allow correct determination of that status~~. The provisions on algorithmic management which are related to the processing of personal data should also apply to ~~genuine~~

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	and other persons performing platform work in the Union who do not have an employment relationship.	employed ***persons and to*** ~~and~~ other persons performing platform work in the Union who do not have an employment relationship.	~~should also apply to genuine self-employed and other persons performing platform work in the Union who do not have an employment relationship~~.	~~self-employed and other~~ persons performing platform work ~~in the Union~~ who do not have an ***employment contract or*** employment relationship. Text Origin: Auxiliary 3
Recital 17				
G 27	(17) This Directive should apply to all digital labour platforms, irrespective of their place of establishment and irrespective of the law otherwise applicable, provided that the platform work organised through that digital labour platform is performed in the Union. A targeted set of mandatory rules should be established at Union level to ensure minimum rights on working conditions in platform work.	(17) This Directive should apply to all digital labour platforms, irrespective of their place of establishment and irrespective of the law otherwise applicable, provided that the platform work organised through that digital labour platform is performed in the Union. A targeted set of mandatory rules should be established at Union level to ensure minimum rights on working conditions in platform work.	(17) This Directive should ***establish mandatory rules that*** apply to all digital labour platforms, irrespective of their place of establishment and irrespective of the law otherwise applicable, provided that the platform work organised through that digital labour platform is performed in the Union. ~~A targeted set of mandatory rules should be established at Union level to ensure minimum rights on working conditions in platform work.~~	(17) This Directive should ***establish mandatory rules that*** apply to all digital labour platforms, irrespective of their place of establishment and irrespective of the law otherwise applicable, provided that the platform work organised through that digital labour platform is performed in the Union. ~~A targeted set of mandatory rules should be established at Union level to ensure minimum rights on working conditions in platform work.~~ Text Origin: Council Mandate
Recital 17a				
G 27a		***(17a) Self-employed intermediary persons covered by Council Directive 86/653/EEC[1], who have continuing authority to negotiate the sale or the purchase of goods on***		***deleted***

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		behalf of another person or to negotiate and conclude such transactions on behalf of and in the name of that person, should not fall within the scope of this Directive provided that a digital labour platform does not organise the work of commercial agents or intermediates between such commercial agents and their principals. ***1. Council Directive 86/653/EEC on the coordination of the laws of the Member States relating to self-employed commercial agents (OJ L 382, 31.12.1986, p.17).***		
Recital 17b				
G 27b		***(17b) Taxi dispatch services, as regulated under national law and practice, can be distinguished from ride hailing digital labour platforms, when they are merely an 'add-on' to a pre-existing service and only connect genuinely self-employed licensed taxi drivers with their customers, sending the communications received from persons seeking a taxi service to licensed taxi drivers, provided that they do not exert any type of control or direction, in accordance with this Directive, over the licensed taxi***		***deleted*** G

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		drivers, namely that, inter alia, the service provider does not set and collect the fare for the journey and does not have control over the quality of the vehicles or over the drivers and their performance of the work. Self-employed taxi drivers are usually free to choose how to generate their turnover due to the rights typically received with their license, such as the right to access clients freely by means of street-hailing, dedicated public taxi stops or equivalent ways.		
Recital 17c				
G 27c		***(17c) Crowdwork can be defined as the organising of outsourcing or allocation of tasks potentially provided to a large pool of customers or employers, through online platforms. Crowdwork shares many similarities with other forms of non-standard employment such as temporary work, part-time work or temporary agency work. It is typically performed over the internet through a technological intermediary which is often a platform. Microwork or crowdwork platforms coordinate small online tasks. Those microtask platforms***		***deleted*** G

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		are a type of online digital labour platform that provide businesses and other clients with access to a large, flexible workforce (a "crowd") for the completion of small tasks that can be completed remotely using a computer and internet connection. Tasks are distributed to a large number of individuals - the so-called crowd - who can perform individual activities asynchronously and remotely via their personal computers. Digital labour platforms organising crowdwork should fall within the scope of this Directive.		
Recital 18				
G 28	(18) Digital labour platforms differ from other online platforms in that they organise work performed by individuals at the request, one-off or repeated, of the recipient of a service provided by the platform. Organising work performed by individuals should imply at a minimum a significant role in matching the demand for the service with the supply of labour by an individual who has a contractual relationship with the digital labour platform and who is available to	(18) Digital labour platforms differ from other online platforms in that they organise ***the*** work performed by individuals at ***request of a recipient of a service or by the allocation of work through an open call*** ~~*the request*~~, one-off or repeated, ~~*of the recipient of a service provided by the platform*~~***through electronic means, such as a website or a mobile application***. Organising work performed by individuals should imply at a minimum a significant role in matching the demand for the	(18) Digital labour platforms differ from other online platforms in that they ***use automated monitoring or decision-making systems to*** organise work performed by individuals at the request, one-off or repeated, of the recipient of a service provided by the platform. ***Automated monitoring and decision-making systems collect personal data of persons performing platform work and take or support decisions that affect work conditions.*** Organising work performed by individuals should	(18) Digital labour platforms differ from other online platforms in that they ***use automated monitoring or decision-making systems to*** organise work performed by individuals at the request, one-off or repeated, of the recipient of a service provided by the platform. ~~*Organising work performed by individuals should imply at a minimum a significant role in matching the demand for the service with the supply of labour by an individual who has a contractual relationship with the digital labour*~~ G

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	perform a specific task, and can include other activities such as processing payments. Online platforms which do not organise the work performed by individuals but merely provide the means by which service providers can reach the end-user, for instance by advertising offers or requests for services or aggregating and displaying available service providers in a specific area, without any further involvement, should not be considered a digital labour platform. The definition of digital labour platforms should not include providers of a service whose primary purpose is to exploit or share assets, such as short-term rental of accommodation. It should be limited to providers of a service for which the organisation of work performed by the individual, such as transport of persons or goods or cleaning, constitutes a necessary and essential and not merely a minor and purely ancillary component.	service with the supply of labour by an individual who has a contractual relationship with the digital labour platform***, irrespective of the contractual designation of the relationship between that individual and the natural or legal person providing the service,*** and who is available to perform a specific task, and can include other activities such as processing payments. Online platforms which do not organise the work performed by individuals but merely provide the means ~~*by which service providers can reach the end-user, for instance by*~~ ***for*** advertising offers or requests for services or aggregating and displaying available service providers in a specific area, without any further involvement, should not be considered a digital labour platform. The definition of digital labour platforms should not include providers of a service whose ~~*primary*~~ purpose is to exploit or share assets, such as short-term rental of accommodation~~*. It should be limited to providers of a service for which the organisation of work performed by the individual, such as transport of persons or*~~ ***or to resell*** goods ~~*or cleaning, constitutes a necessary and essential and not merely a minor and purely ancillary*~~	imply at a minimum a significant role in matching the demand for the service with the supply of ~~*labour*~~***work*** by an individual who has a contractual relationship with the digital labour platform and who is available to perform a specific task~~*, and*~~***. This*** can include other activities such as processing payments. Online platforms which do not organise the work performed by individuals but merely provide the means by which service providers can reach the end-user, for instance by advertising offers or requests for services or aggregating and displaying available service providers in a specific area, without any further involvement, should not be considered a digital labour platform. The definition of digital labour platforms should not include providers of a service whose primary purpose is to exploit or share assets, such as short-term rental of accommodation***, or to resell goods or services, nor those who organise the activities of volunteers***. It should be limited to providers of a service for which the organisation of work performed by the individual, such as transport of persons or goods or cleaning, constitutes a necessary and essential and not merely a minor and	~~*platform and who is available to perform a specific task, and can include other activities such as processing payments. Online platforms which do not organise the work performed by individuals but merely provide the means by which service providers can reach the end-user,*~~***Automated monitoring and decision-making systems process personal data of persons performing platform work and take or support decisions that affect, inter alia, working conditions. These features make digital labour platforms a distinct form of organising the service provision by independent professionals compared to more traditional forms of organising service provision, such as traditional forms of ride hailing or transport services dispatch. Furthermore, the increased complexity in the structural organisation of digital labour platforms goes hand in hand with their fast-paced evolution, often creating systems with a "variable geometry" in the organisation of work.*** For instance***, there could be cases where digital labour platforms provide a service whose recipient is the digital labour platform itself or a distinct business***

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		~~component~~.	purely ancillary component.	***entity within the same group of undertakings, or organise work in such a way that it blurs the traditional patterns which are typically recognisable in the systems of provision of services. This might also be the case of microwork or crowdwork platforms, which are a type of online digital labour platform that provide businesses and other clients with access to a large and flexible workforce for the completion of small tasks that can be*** ~~*by advertising offers or requests for services or aggregating and displaying available service providers in a specific area, without any further involvement, should not be considered a digital labour platform. The definition of digital labour platforms should not include providers of a service whose primary purpose is to exploit or share assets, such as short-term rental of accommodation. It should be limited to providers of a service for which the organisation of work*** performed ~~*by the individual*~~***remotely using a computer and internet connection***, such as ~~*transport of persons or goods or cleaning, constitutes a necessary and essential and not merely a minor and purely ancillary component*~~***tagging. Tasks***

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				are split up and distributed to a large number of individuals (the "crowd") who can complete them asynchronously.
Recital 18a				
G 28a				***(18a) Organising work performed by individuals should imply at a minimum a significant role in matching the demand for the service with the supply of work by an individual who has a contractual relationship, regardless of its designation and nature, with the digital labour platform and who is available to perform a specific task. This can include other activities such as processing payments. Online platforms which do not organise the work performed by individuals, but merely provide the means by which service providers can reach the end-user, without any further involvement of the platform, for instance by advertising offers or requests for services or aggregating and displaying available service providers in a specific area should not be considered a digital labour platform. The definition of digital labour platforms should not include providers of a service whose*** G

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				primary purpose is to exploit or share assets, such as short-term rental of accommodation, or to allow individuals who are not professionals to resell goods, nor those who organise the activities of volunteers. It should be limited to providers of a service for which the organisation of work performed by the individual, such as transport of persons or goods or cleaning, constitutes a necessary and essential and not merely a minor and purely ancillary component.
Recital 18b				
G	28b	***(18a) The frequent misclassification of persons performing platform work, together with the lack of a common workplace where platform workers can get to know and communicate with each other, including for the purpose of defending their interests against the employer, make the phenomenon of company trade unions, or workers' representatives that are established or controlled by, and in the interests of, the employer rather than those the workers[1], particularly serious in platform work. Such company trade***		***(18b) Arrangements and processes of workers' representation vary between Member States, reflecting their respective histories, institutions, and economic and political situations. Among the enabling conditions for a well-functioning social dialogue are the existence of strong, independent trade unions and employers' organisations with access to relevant information necessary to participate in social dialogue and respect for the fundamental rights of freedom of association and of collective bargaining.*** G

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		unions or workers' representatives are contrary to Article 2 of International Labour Organization (ILO) Convention No 98 and to Directive 2002/14/EC of the European Parliament and of the Council[2]. When establishing or implementing practical arrangements for information and consultation, employers and the workers' representatives should work in a spirit of cooperation and with due regard for their reciprocal rights and obligations, taking into account the interests both of the undertaking or establishment and of the workers. Digital labour platforms should ensure, together with the most representative trade unions, that elections for workers' representatives comply with fundamental rights and freedoms and are in accordance with applicable national law and practice. _____ *1. Eurofound definition, https://www.eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary/company-union .* *2. Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community - Joint declaration of the European Parliament, the Council and*	PUBLIC	Text Origin: Auxiliary 3

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		the Commission on employee representation (OJ L 80, 23.3.2002, p. 2).		
Recital 18c				
28c		***(18b) Social dialogue and collective bargaining are of utmost importance for achieving the goals of this Directive. The exclusive prerogatives of trade unions should be preserved, such as their right to participate in collective bargaining and to conclude collective agreements. The rights and prerogatives of trade union and other workers' representatives set out in this Directive should be ensured and respected in line with ILO conventions[1], as well as the Council of Europe's European Social Charter.*** ***1. In particular, Convention No 87 on Freedom of Association and Protection of the Right to Organise, ILO Convention No 98 on the Right to Organise and Collective Bargaining, and having due regard to ILO Convention No 135 on Workers' Representatives, ILO Convention No 151 on Labour Relations (Public Service), ILO Convention No 154 on Collective Bargaining and the related ILO Recommendations.***		***(18c) According to the Workers' Representatives Convention 135 of the International Labour Organisation (ILO), currently ratified by 24 Member States, worker representatives can be persons who are recognised as such under national law or practice, whether they are trade union representatives, namely, representatives designated or elected by trade unions or by members of such unions; or elected representatives, namely, representatives who are freely elected by the workers of the undertaking in accordance with provisions of national laws or regulations or of collective agreements and whose functions do not include activities which are recognised as the exclusive prerogative of trade unions in the country concerned. That convention states that where both trade union representatives and elected representatives exist in the same undertaking, such representation is not be used to***

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				undermine the positions of the trade unions concerned or of their representatives, and that cooperation between the elected representatives and the trade unions concerned or their representatives is to be encouraged. Text Origin: Auxiliary 3
Recital 18d				
G 28d				***(18d) Member States have ratified the ILO Right to Organise and Collective Bargaining Convention No 98, according to which acts which are designated to promote the establishment of workers' organisations under the domination of employers or employers' organisations, or to support workers' organisations by financial or other means, with the object of placing such organisations under the control of employers or employers' organisations, are deemed to constitute acts of interference, against which ILO Member States need to protect workers' organisations. It is important that such acts are addressed in order to ensure that when defining or implementing practical arrangements for*** G

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				information and consultation under this directive, employers and the workers' representatives work in a spirit of cooperation and with due regard for their reciprocal rights and obligations, taking into account the interests both of the undertaking or establishment and of the workers.
Recital 18e				
G	28e	***(18c) Automated decision-making and monitoring systems should include any computing mechanism that uses computer science techniques or data sets which can influence working conditions, the organisation of labour, and enable problem-solving actions or recommendations that have a significant impact on the persons performing platform work. Such automated decision-making includes, inter alia, monitoring, performance evaluation, individual profiling, and the assignment of tasks. The use of computer-based applications for the exchange of messages (such as emails) is, in principle, regarded as a means of communication and thus does not imply that those applications are***		***(18e) Deleted*** Sufficiently covered in definitions

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		automated decisions per se.		
Recital 18f				
28f			*(18a) In some cases, persons performing platform work do not have a direct contractual relationship with the digital labour platform, but are in a relationship with an intermediary through which they perform platform work through digital labour platform. Such a way to organize platform work often results in a vast array of different and complex triangular relationships, as well as in blurred responsibilities between the digital labour platform and the intermediaries concerning platform work. Persons performing platform work through intermediaries are exposed to the same risks in terms of misclassification of their employment status and automated monitoring or decision-making systems as persons performing platform work directly for the digital labour platform. Member States should therefore lay down adequate measures, including by establishing systems of joint responsibility, if appropriate, in order to ensure that, under this*	*(18f) In some cases, persons performing platform work do not have a direct contractual relationship with the digital labour platform, but are in a relationship with an intermediary through which they perform platform work. This way of organising platform work often results in a vast array of different and complex multi-party relationships, including subcontracting chains, as well as in blurred responsibilities between the digital labour platform and the intermediaries. Persons performing platform work through intermediaries are exposed to the same risks related to the misclassification of their employment status and the use of automated monitoring or decision-making systems as persons performing platform work directly for the digital labour platform. Member States should therefore lay down appropriate measures in order to ensure that, under this Directive, they enjoy the same level of protection as persons performing*

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			Directive, they enjoy the same level of protection as persons performing platform work who have a direct contractual relationship with the digital labour platform.	***platform work who have a direct contractual relationship with the digital labour platform. Member States should establish which party or parties are responsible for obligations under this Directive in accordance with Union and national law including responsibility systems for controllers, joint controllers and processors as laid down in Regulation EU 2016/679 and ensure effective access to redress, including through joint and several liability mechanisms where appropriate.***
Recital 19				
G 29	(19) To combat false self-employment in platform work and to facilitate the correct determination of the employment status, Member States should have appropriate procedures in place to prevent and address misclassification of the employment status of persons performing platform work. The aim of those procedures should be to ascertain the existence of an employment relationship as defined by national law, collective agreements or practice with	(19) ***A person performing platform work may be either a platform worker or a genuinely self-employed person. In order*** to combat false self-employment in platform work and to facilitate the correct determination of the employment status, Member States should have ~~*appropriate*~~ ***effective*** procedures in place to prevent and address misclassification of the employment status of persons performing platform work. The aim of those procedures should be to	(19) To combat false self-employment in platform work and to facilitate the correct determination of the employment status, Member States should have appropriate procedures in place to prevent and address misclassification of the employment status of persons performing platform work. The aim of those procedures should be to ascertain the existence of an employment relationship as defined by national law, collective agreements or practice with	(19) To combat false self-employment in platform work and to facilitate the correct determination of the employment status, Member States should have appropriate procedures in place to prevent and address misclassification of the employment status of persons performing platform work. The aim of those procedures should be to ascertain the existence of an employment relationship as defined by national law, collective agreements or practice with G

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	consideration to the case-law of the Court of Justice, and, where such employment relationship exists, to ensure full compliance with Union law applicable to workers as well as national labour law, collective agreements and social protection rules. Where self-employment or an intermediate employment status – as defined at national level – is the correct employment status, rights and obligations pursuant to that status should apply.	***ensure the correct determination of the employment status, ascertaining*** ~~*ascertain*~~ the existence of an employment relationship as defined by national ***and applicable international*** law, collective agreements or practice with consideration to the case-law of the Court of Justice, and, where such employment relationship exists, to ensure full compliance with Union law applicable to workers as well as national labour law, collective agreements and social protection rules. Where self-employment ~~*or an intermediate employment status*~~ – as defined at national level – is the correct employment status, rights and obligations pursuant to that status should apply.	consideration to the case-law of the Court of Justice, and~~, where such employment relationship exists, thereby~~ to ensure ~~*full compliance with Union law applicable to workers as well as national labour law, collective agreements and social protection rules*~~***that platform workers enjoy the rights related to that employment relationship deriving from relevant Union law, national law and collective agreements***. Where self-employment or an intermediate employment status – as defined at national level – is the correct employment status, rights and obligations pursuant to that status ~~*should*~~ apply.	consideration to the case-law of the Court of Justice, and~~, where such employment relationship exists, to ensure full compliance with Union law applicable to~~ ***thereby to ensure that platform workers fully enjoy the same employment rights as other*** workers ~~*as well as national labour law, collective agreements and social protection rules*~~***in accordance with relevant Union law, national law and collective agreements***. Where self-employment or an intermediate employment status – as defined at national level – is the correct employment status, rights and obligations pursuant to that status ***apply. When the existence of an employment relationship is established based on facts, the party or parties acting as employer*** should ~~*apply*~~***be clearly identified and should comply with the corresponding employers' obligations under national law and collective agreements applicable in the sector of activity***.
Recital 19a				
29a				***(19a) Where a party is found to be an employer and fulfils the***

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				conditions of being a temporary work agency in accordance with Directive 2008/104/EC, the obligations under that Directive are to apply.
Recital 20				
30	(20) In its case law, the Court of Justice has established criteria for determining the status of a worker[1]. The interpretation by the Court of Justice of those criteria should be taken into account in the implementation of this Directive. The abuse of the status of self-employed persons, as defined in national law, either at national level or in cross-border situations, is a form of falsely declared work that is frequently associated with undeclared work. False self-employment occurs when a person is declared to be self-employed while fulfilling the conditions characteristic of an employment relationship, in order to avoid certain legal or fiscal obligations. _____ 1. Judgments of the Court of Justice of 3 July 1986, Deborah Lawrie-Blum v Land Baden-Württemberg, C-66/85, ECLI:EU:C:1986:284; 14 October 2010, Union Syndicale Solidaires Isère v Premier	(20) In its case law, the Court of Justice has established criteria for determining the status of a worker[1]. The interpretation by the Court of Justice of those criteria should be taken into account in the implementation of this Directive. The abuse of the status of self-employed persons, as defined in national law, either at national level or in cross-border situations, is a form of falsely declared work that is frequently associated with undeclared work. False self-employment occurs when a person is declared to be self-employed while fulfilling the conditions characteristic of an employment relationship, in order to avoid certain legal or fiscal obligations***, creating a situation of unfair competition in respect of law-abiding companies***. ***Such persons should fall within the scope of this Directive.*** _____	(20) In its case law, the Court of Justice has established criteria for determining the status of a worker[1]. The interpretation by the Court of Justice of those criteria should be taken into account in the implementation of this Directive. The abuse of the status of self-employed persons, ~~*as defined in national law,*~~ either at national level or in cross-border situations, is a form of falsely declared work that is frequently associated with undeclared work. False self-employment occurs when a person is declared to be self-employed while fulfilling the conditions characteristic of an employment relationship~~*, in order to avoid certain legal or fiscal obligations*~~***. The Court of Justice has ruled[2] that the classification of a self-employed person under national law does not prevent that person from being classified as a worker within the***	(20) ~~*In its case law, the Court of Justice has established criteria for determining the status of a worker[1]. The interpretation by the Court of Justice of those criteria should be taken into account in the implementation of this Directive. The abuse of the status of self-employed persons, as defined in national law, either at national level or in cross-border situations, is a form of falsely declared work that is frequently associated with undeclared work. False self-employment occurs when a person is declared to be self-employed while fulfilling the conditions characteristic of an employment relationship, in order to avoid certain legal or fiscal obligations.*~~***deleted*** _____ ~~*1. Judgments of the Court of Justice of 3 July 1986, Deborah Lawrie-Blum v Land Baden-Württemberg, C-66/85, ECLI:EU:C:1986:284; 14 October 2010,*~~

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	ministre and Others, C-428/09, ECLI:EU:C:2010:612; 4 December 2014, FNV Kunsten Informatie en Media v Staat der Nederlanden, C-413/13, ECLI:EU:C:2014:2411; 9 July 2015, Ender Balkaya v Kiesel Abbruch- und Recycling Technik GmbH, C-229/14, ECLI:EU:C:2015:455; 17 November 2016, Betriebsrat der Ruhrlandklinik gGmbH v Ruhrlandklinik gGmbH, C-216/15, ECLI:EU:C:2016:883; 16 July 2020, UX v Governo della Repubblica italiana, C-658/18, ECLI:EU:C:2020:572; and order of the Court of Justice of 22 April 2020, B v Yodel Delivery Network Ltd, C- 692/19, ECLI:EU:C:2020:288.	1. Judgments of the Court of Justice of 3 July 1986, Deborah Lawrie-Blum v Land Baden-Württemberg, C-66/85, ECLI:EU:C:1986:284; 14 October 2010, Union Syndicale Solidaires Isère v Premier ministre and Others, C-428/09, ECLI:EU:C:2010:612; 4 December 2014, FNV Kunsten Informatie en Media v Staat der Nederlanden, C-413/13, ECLI:EU:C:2014:2411; 9 July 2015, Ender Balkaya v Kiesel Abbruch- und Recycling Technik GmbH, C-229/14, ECLI:EU:C:2015:455; 17 November 2016, Betriebsrat der Ruhrlandklinik gGmbH v Ruhrlandklinik gGmbH, C-216/15, ECLI:EU:C:2016:883; 16 July 2020, UX v Governo della Repubblica italiana, C-658/18, ECLI:EU:C:2020:572; and order of the Court of Justice of 22 April 2020, B v Yodel Delivery Network Ltd, C- 692/19, ECLI:EU:C:2020:288.	***meaning of Union law if their independence is merely notional, thereby disguising an employment relationship***. _____ 1. Judgments of the Court of Justice of 3 July 1986, Deborah Lawrie-Blum v Land Baden-Württemberg, C-66/85, ECLI:EU:C:1986:284; 14 October 2010, Union Syndicale Solidaires Isère v Premier ministre and Others, C-428/09, ECLI:EU:C:2010:612; 4 December 2014, FNV Kunsten Informatie en Media v Staat der Nederlanden, C-413/13, ECLI:EU:C:2014:2411; 9 July 2015, Ender Balkaya v Kiesel Abbruch- und Recycling Technik GmbH, C-229/14, ECLI:EU:C:2015:455; 17 November 2016, Betriebsrat der Ruhrlandklinik gGmbH v Ruhrlandklinik gGmbH, C-216/15, ECLI:EU:C:2016:883; 16 July 2020, UX v Governo della Repubblica italiana, C-658/18, ECLI:EU:C:2020:572; and order of the Court of Justice of 22 April 2020, B v Yodel Delivery Network Ltd, C- 692/19, ECLI:EU:C:2020:288. ***2. Judgements of the Court of Justice of 13 January 2004, Debra Allonby v Accrington & Rossendale College, Education Lecturing Services, trading as Protocol Professional and Secretary of State for Education and Employment, C-256/01, ECLI:EU:C:2004:18 ; 11 November 2010, Dita Danosa v LKB Līzings SIA, C-232/09, ECLI:EU:C:2010:674 and 4 December 2014 FNV Kunsten Informatie en Media v Staat der Nederlanden, C-413/13, ECLI:EU:C:2014:2411***	~~*Union Syndicale Solidaires Isère v Premier ministre and Others, C-428/09, ECLI:EU:C:2010:612; 4 December 2014, FNV Kunsten Informatie en Media v Staat der Nederlanden, C-413/13, ECLI:EU:C:2014:2411; 9 July 2015, Ender Balkaya v Kiesel Abbruch- und Recycling Technik GmbH, C-229/14, ECLI:EU:C:2015:455; 17 November 2016, Betriebsrat der Ruhrlandklinik gGmbH v Ruhrlandklinik gGmbH, C-216/15, ECLI:EU:C:2016:883; 16 July 2020, UX v Governo della Repubblica italiana, C-658/18, ECLI:EU:C:2020:572; and order of the Court of Justice of 22 April 2020, B v Yodel Delivery Network Ltd, C- 692/19, ECLI:EU:C:2020:288.*~~ covered in row 32 Text Origin: Council Mandate
Recital 21				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
31	(21) The principle of primacy of facts, meaning that the determination of the existence of an employment relationship should be guided primarily by the facts relating to the actual performance of work, including its remuneration, and not by the parties' description of the relationship, in accordance with the 2006 Employment Relationship Recommendation (No 198) of the International Labour Organisation, is particularly relevant in the case of platform work, where contractual conditions are often unilaterally determined by one party.	(21) The principle of primacy of facts, meaning that the determination of the existence of an employment relationship should be guided primarily by the facts relating to the actual performance of work, including its remuneration, and not by the parties' description of the relationship, in accordance with the 2006 Employment Relationship Recommendation (No 198) of the International Labour Organisation, is particularly relevant in the case of platform work, where contractual conditions are often unilaterally determined by one party.	(21) The principle of primacy of facts, meaning that the determination of the existence of an employment relationship should be guided primarily by the facts relating to the actual performance of work, including its remuneration, and not by the parties' description of the relationship, in accordance with the 2006 Employment Relationship Recommendation (No 198) of the International Labour Organisation, is particularly relevant in the case of platform work, where contractual conditions are often unilaterally determined by one party.	(21) The principle of primacy of facts, meaning that the determination of the existence of an employment relationship should be guided primarily by the facts relating to the actual performance of work, including its remuneration, and not by the parties' description of the relationship, in accordance with the 2006 Employment Relationship Recommendation (No 198) of the International Labour Organisation, is particularly relevant in the case of platform work, where contractual conditions are often unilaterally determined by one party. Text Origin: Commission Proposal
Recital 22				
32	(22) Where the existence of an employment relationship is established based on facts, the party acting as employer should be clearly identified and that party should fulfil all the obligations resulting from its role as employer.	(22) Where the existence of an employment relationship is established based on facts, the party ***or parties*** acting as employer should be clearly identified and ~~*that party should*~~ fulfil all the obligations resulting from ~~*its*~~ ***their*** role as employer ***under national law and relevant national or sectoral collective agreements applicable to the sector of activity, which is to be***	(22) ~~*Where*~~***When*** the existence of an employment relationship is established based on facts, the party acting as employer should be clearly identified and that party should fulfil all the obligations resulting from its role as employer.	(22) ~~*Where the existence of an employment relationship is established based on facts, the party acting as employer*~~***In its case law, the Court of Justice has established criteria for determining the status of a worker[1]. The interpretation by the Court of Justice of those criteria*** should be ~~*clearly identified and that party should fulfil all the*~~ ***taken into account in the implementation of***

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		determined by Member States in cooperation with the social partners, in accordance with national law and practice.		***this Directive. The abuse of the status of self-employed persons, either at national level or in cross-border situations, is a form of falsely declared work that is frequently associated with undeclared work. False self-employment occurs when a person is declared to be self-employed while fulfilling the conditions characteristic of an employment relationship. Such false declaration is often made to avoid certain legal or fiscal*** obligations ~~*resulting from its role as employer*~~***and to create a competitive advantage compared to law-abiding companies.*** ***The Court of Justice has ruled***[2] that the classification of a self-employed person under national law does not prevent that person from being classified as a worker within the meaning of Union law if their independence is merely notional, thereby disguising an employment relationship. ***1. Judgments of the Court of Justice of 3 July 1986, Deborah Lawrie-Blum v Land Baden-Württemberg, C-66/85, ECLI:EU:C:1986:284; 14 October 2010, Union Syndicale Solidaires Isère v Premier ministre and Others, C-428/09, ECLI:EU:C:2010:612; 4 December 2014, FNV Kunsten Informatie en Media v Staat der Nederlanden, C-413/13,***

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				ECLI:EU:C:2014:2411; 9 July 2015, Ender Balkaya v Kiesel Abbruch- und Recycling Technik GmbH, C-229/14, ECLI:EU:C:2015:455; 17 November 2016, Betriebsrat der Ruhrlandklinik gGmbH v Ruhrlandklinik gGmbH, C-216/15, ECLI:EU:C:2016:883; 16 July 2020, UX v Governo della Repubblica italiana, C-658/18, ECLI:EU:C:2020:572; and order of the Court of Justice of 22 April 2020, B v Yodel Delivery Network Ltd, C- 692/19, ECLI:EU:C:2020:288. ***2. Judgements of the Court of Justice of 13 January 2004, Debra Allonby v Accrington & Rossendale College, Education Lecturing Services, trading as Protocol Professional and Secretary of State for Education and Employment, C-256/01, ECLI:EU:C:2004:18 ; 11 November 2010, Dita Danosa v LKB Līzings SIA, C-232/09, ECLI:EU:C:2010:674 and 4 December 2014 FNV Kunsten Informatie en Media v Staat der Nederlanden, C-413/13, ECLI:EU:C:2014:2411*** Text in square brackets to be added to future recital text, in view of covering row 87b
Recital 23				
R	33	(23) Ensuring correct determination of the employment status should not prevent the improvement of working conditions of genuine self-employed persons performing platform work. Where a digital labour platform decides – on a purely voluntary basis	(23) Ensuring correct determination of the employment status should not prevent the improvement of working conditions of ~~*genuine*~~***genuinely*** self-employed persons performing platform work. ***Collective bargaining is a key tool by which to***	(23) Ensuring correct determination of the employment status should not prevent the improvement of ~~*working*~~ conditions of genuine self-employed persons performing platform work. Where a digital labour platform decides – on a purely voluntary basis	(23) Ensuring correct determination of the employment status should not prevent the improvement of ~~*working*~~ conditions of genuine self-employed persons performing platform work. ***The Commission communication of 30 September 2022 containing***

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	or in agreement with the persons concerned – to pay for social protection, accident insurance or other forms of insurance, training measures or similar benefits to self-employed persons working through that platform, those benefits as such should not be regarded as determining elements indicating the existence of an employment relationship.	***improve the working conditions of persons performing*** ~~*Where a digital labour*~~ platform ***work, irrespective of the contractual designation of the relationship and should be encouraged by the Commission and Member States. The Commission communication of 30 September 2022 containing Guidelines on the application of Union competition law to collective agreements regarding the working conditions of solo self-employed*** ~~*decides on a purely voluntary basis or in agreement with the*~~ persons ***can, to that end, serve as useful guidance without prejudice to national law and practice regarding the scope and form of collective representation and provided that those agreements cover genuinely*** ~~*concerned to pay for social protection, accident insurance or other forms of insurance, training measures or similar benefits to*~~ self-employed persons***. Member States should take measures to ensure effective protection to persons performing*** ~~*working through that*~~ platform ***work especially female workers, as well as the most vulnerable workers, young workers, older workers, workers in the informal economy, migrant workers***	or in agreement with the persons concerned – to pay for social protection, accident insurance or other forms of insurance, training measures or similar benefits to self-employed persons working through that platform, those benefits as such should not be regarded as determining elements indicating the existence of an employment relationship.	***Guidelines on the application of Union competition law to collective agreements regarding the working conditions of solo self-persons indicating that, according to the Commission, collective agreements between solo self-employed persons and digital labour platforms relating to working conditions fall outside the scope of Article 101 TFEU can, to that end, serve as useful guidance.*** ***These collective agreements*** ~~*Where a digital labour platform decides on a purely voluntary basis or in agreement with the persons concerned to pay for social protection, accident insurance or other forms of insurance, training measures or similar benefits to self-employed persons working through that platform, those benefits as such*~~ should***, however, not undermine the objectives pursued by this Directive, in particular the correct classification of persons performing platform work with regard to their*** ~~*not be regarded as determining elements indicating the existence of an*~~ employment ~~*relationship*~~***status***.

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		and workers with disabilities*, those benefits as such should not be regarded as determining elements indicating the existence of an employment relationship*.		
Recital 24				
34	(24) When digital labour platforms control certain elements of the performance of work, they act like employers in an employment relationship. Direction and control, or legal subordination, is an essential element of the definition of an employment relationship in the Member States and in the case-law of the Court of Justice. Therefore contractual relationships in which digital labour platforms exert a certain level of control over certain elements of the performance of work should be deemed, by virtue of a legal presumption, to be an employment relationship between the platform and the person performing platform work through it. As a result, that person should be classified as a worker having all the rights and obligations in accordance with that status, as laid down in national and Union law, collective agreements and practice. The legal	(24) When digital labour platforms ***supervise or exert some sort of*** control ***over*** certain elements of the performance of work, they act like employers in an employment relationship. Direction and control, or*legal* subordination, is an essential element of the definition of an employment relationship in the Member States and in the case-law of the Court of Justice. Therefore***,*** ***the*** contractual relationships ***between persons performing platform work and the digital labour platform****in which digital labour platforms exert a certain level of control over certain elements of the performance of work* should be deemed, by virtue of a legal presumption, to be an employment relationship***. National authorities are to apply the presumption when they consider that there might be incorrect classification of persons performing***	(24) *When digital labour platforms control certain elements of the performance of work, they act like employers in an employment relationship.* Direction and control, or legal subordination, is an essential element of the definition of an employment relationship in the Member States and in the case-law of the Court of Justice. *Therefore contractual relationships in which digital labour platforms exert a certain level of control over certain elements of the performance of work should be deemed, by virtue of a legal presumption, to be****Control and direction can be exerted over persons performing platform work by a wide variety of means and in different circumstances, as both national courts and the Court of Justice have ascertained. When digital labour platforms control the execution of work, they act like employers in*** an employment	(24) *When digital labour platforms control certain elements of the performance of work, they act like employers in an employment relationship.* Direction and control, or legal subordination, is an essential element of the definition of an employment relationship in the Member States and in the case-law of the Court of Justice. *Therefore contractual relationships in which digital labour platforms exert a certain level of control over certain elements of the performance of work should be deemed, by virtue of a legal presumption, to be****Control and direction can be exerted over persons performing platform work by a wide variety of means and in different circumstances, as both national courts and the Court of Justice have ascertained. When digital labour platforms control the execution of work, they act like employers in*** an employment

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	presumption should apply in all relevant administrative and legal proceedings and should benefit the person performing platform work. Authorities in charge of verifying the compliance with or enforcing relevant legislation, such as labour inspectorates, social protection bodies or tax authorities, should also be able to rely on that presumption. Member States should put in place a national framework to reduce litigation and increase legal certainty.	***platform work. The presumption*** ~~*between the platform and the person performing platform work through it. As a result, that person*~~ should ***also be applied when a person performing platform work or a trade union acting on behalf or in support of several persons performing platform work dispute their classification in administrative or legal proceedings*** ~~*be classified as a worker having all the rights and obligations in accordance with that status, as laid down in national and Union law, collective agreements and practice*~~. The legal presumption should apply in all relevant administrative ***procedures and administrative*** and legal proceedings and should benefit the person performing platform work. Authorities in charge of verifying the compliance with or enforcing relevant legislation, such as labour inspectorates, social protection bodies or tax authorities, should ~~*also be able to rely on that*~~ ***apply the*** presumption. Member States should put in place a national framework to reduce litigation and increase legal certainty ***that ensures the correct classification of persons performing platform work from the outset of the contractual relationship. The***	relationship. ***In addition, some terms and conditions applicable to persons*** ~~*between the platform and the person*~~ performing platform work ~~*through it. As a result, that person should be classified as a worker having all the rights and obligations in accordance with that status, as laid down in national and Union law, collective agreements and practice. The*~~***are typically determined and imposed unilaterally in practice by the digital labour platform, leaving no possibility for the person performing platform work to influence the substance of such terms and conditions. Therefore, contractual relationships of this kind should be deemed, by virtue of a*** legal presumption***, to be an employment relationship between the platform and*** ~~*should apply in all relevant administrative and legal proceedings and should benefit*~~ the person performing platform work~~. Authorities in charge of verifying the compliance with or enforcing relevant legislation, such as labour inspectorates, social protection bodies or tax authorities, should also be able to rely on that presumption. Member States should put in place a national framework to reduce~~	relationship***. In this sense, some terms and conditions applicable to persons*** ~~*between the platform and the person*~~ performing platform work through it~~. As a result, that person should be classified as a worker having all the rights and obligations in accordance with that status, as laid down in national and Union law, collective agreements and practice. The legal presumption should apply in all relevant administrative and legal proceedings and should benefit the person performing platform work. Authorities in charge of verifying the compliance with or enforcing relevant legislation*~~ ***are actually determined and imposed unilaterally by the digital labour platform, leaving no possibility for the person performing platform work to influence the substance of such terms and conditions. Moreover, some terms and conditions that are genuinely agreed between the parties can also imply that the platform is in a position of power over persons performing platform work, exerting its control and direction on them. Finally, in some cases control and direction is exerted in practice, even if the terms and conditions of the***

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		legal presumption of an employment relationship should not lead to an automatic classification of all persons performing platform work as workers, as the platform always has the possibility to rebut the presumption before a decision of reclassification is made by the competent administrative or legal authority. The presumption should not cover situations where the persons performing platform work are genuinely self-employed. Persons performing platform work who are genuinely self-employed should be allowed to remain so and to be able to access work through platforms. Genuinely self-employed persons are themselves responsible vis-à-vis their customers for how they perform their work and for the quality of their outputs.	~~*litigation and increase legal certainty*~~ ***through it, where a digital labour platform exercises, either through its terms and conditions applicable to the contractual relationship in question or its acting in practice, a certain level of direction and control, expressed by fulfilling at least three of the criteria for triggering the presumption***.	***contract do not allow it. Conversely, digital labour platform might need to enable measures to comply with legal obligations which are required by law*** , ***also applicable to genuine solo self-employed. In such cases, where the digital***~~*such as*~~ labour ~~*inspectorates, social protection bodies or tax authorities, should also be able to rely on that presumption. Member States*~~***platforms takes measures in order to fulfill legal obligations with regard to genuine solo-self employed, this alone*** should ~~*put in place a national framework to reduce litigation and increase*~~***not be understood as indicators of control and direction for triggering the*** legal ~~*certainty.*~~***presumption under this Directive***
Recital 24a				
G 34a			***(24a) When the digital labour platform complies with measures or rules which are required by law or collective agreements, applicable to genuine solo self-employed, this is not as such to be understood as fulfilling one or more criteria for triggering the legal presumption***	***deleted*** G

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			under this Directive.	
Recital 24b				
34b			***(24b) In its guidelines on the application of Union competition law to collective agreements regarding the working conditions of solo self-employed persons, the Commission clarifies that, in its view, collective agreements by solo self-employed persons who are in a situation comparable to that of workers fall outside the scope of Article 101 TFEU. It is important that Member States take into account the opportunities outlined by the Guidelines on the application of Union competition law to collective agreements regarding the working conditions of genuine solo self-employed persons, published by the European Commission[1]. According to the Commission, collective agreements between solo self-employed persons and digital labour platforms relating to working conditions fall outside the scope of Article 101 TFEU, offering the opportunity to improve working conditions of such solo self-employed persons, in particular those performing platform work.***	***(24b) [deleted]***

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			These collective agreements should, however, not undermine the objectives pursued by this Directive, in particular the correct classification of persons performing platform work with regard to their employment status. ***1. C(2022) 6846 final***	
Recital 25				
R	35	(25) Criteria indicating that a digital labour platform controls the performance of work should be included in the Directive in order to make the legal presumption operational and facilitate the enforcement of workers' rights. Those criteria should be inspired by Union and national case law and take into account national concepts of the employment relationship. The criteria should include concrete elements showing that the digital labour platform, for instance, determines in practice and not merely recommends the working conditions or the remuneration or both, gives instructions on how the work is to be performed or prevents the person performing platform work from developing business contacts	(25) ~~*Criteria indicating that a digital labour*~~ ***The authorities and competent institutions determining, based on an objective assessment, the correct classification of persons performing*** platform ~~*controls the performance of work should be included*~~***work regarding the existence of an employment relationship as defined by the applicable law, collective agreements or practice in force*** in the ~~*Directive in order to make the legal presumption operational and facilitate the enforcement of workers' rights*~~***Member State in question, with consideration to the case-law of the Court of Justice, should be guided by factual elements indicating that the digital labour platform exerts control and***	(25) Criteria indicating that a digital labour platform controls the ~~*performance*~~***execution*** of work ***and that a person performing platform work is likely to be in an employment relationship*** should be included in the Directive in order to make the legal presumption operational and facilitate the enforcement of workers' rights. Those criteria should be inspired by Union and national case law ~~*and take into account national concepts of the employment relationship*~~. The criteria should include concrete elements showing that the digital labour platform~~*, for instance, determines in practice and not merely recommends the working conditions or the remuneration or both,*~~ ***determines the upper limits of***	R

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	with potential clients. In order for it to be effective in practice, two criteria should be always fulfilled to trigger the application of the presumption,. At the same time, the criteria should not cover situations where the persons performing platform work are genuine self-employed. Genuine self-employed persons are themselves responsible vis-à-vis their customers for how they perform their work and the quality of their outputs. The freedom to choose working hours or periods of absence, to refuse tasks, to use subcontractors or substitutes or to work for any third party is characteristic of genuine self-employment. Therefore, de facto restricting such discretions by a number of conditions or through a system of sanctions, should also be considered as an element of controlling the performance of work. Closely supervising the performance of work or thoroughly verifying the quality of the results of that work, including through electronic means, which does not merely consist in using reviews or ratings by the recipients of the service, should also be considered as an element of controlling the performance of work. At the same time, digital labour	***direction over the performance of work*** . Those ~~*criteria*~~ ***elements*** should be inspired by Union and national case law ***as well as by the ILO Employment Relationship Recommendation, 2006 (No 198)*** and take into account national concepts of the employment relationship~~. The criteria should include~~ ***, and its constant evolution, also following the evolution of automated monitoring and decision-making systems. Among the*** concrete elements ***that can indicate that the digital labour platform exerts control and direction over the performance of work, there are those*** showing that the digital labour platform, for instance~~,~~***:*** determines in practice~~ and not merely recommends~~ the working conditions or the remuneration or both~~,~~***; issues periodic payments to the worker; requires the respect of rules with regard to appearance or conduct;*** gives instructions on how the work is to be performed~~ or~~***;*** prevents the person performing platform work from developing business contacts with potential clients~~. In order for it to be effective in practice, two criteria should be always fulfilled to trigger the application~~***, including***	***the level of remuneration or its range, requires the respect of rules and*** gives instructions ~~*on how the work is to be performed or prevents the person performing platform work from developing business contacts with potential clients. In order for it to be effective in practice, two criteria should be always fulfilled to trigger the application of the presumption*~~***with regard to appearance, conduct towards the recipient of the service or performance of the work, restricts the discretion to choose working hours or periods of absence, to refuse tasks, to use subcontractors or substitutes or prevents the person performing platform work from developing business contacts with potential clients***~~. At the same time, the criteria should not cover situations where the persons performing platform work are genuine self-employed. Genuine self-employed persons are themselves responsible vis-à-vis their customers for how they perform their work and~~***including by using a number of conditions or through a system of sanctions. The criteria should also comprise concrete elements showing that the digital labour platform closely supervises the***	

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	platforms should be able to design their technical interfaces in a way to ensure good consumer experience. Measures or rules which are required by law or which are necessary to safeguard the health and safety of the recipients of the service should not be understood as controlling the performance of work.	***via controlling or restricting the communication between the person performing platform work and the recipient of goods or services, during and after the performance*** of the ~~*presumption,. At the same time, the criteria should not cover situations where the persons*~~***work; supervises the performance of work, including by electronic means; tracks or supervises the person*** performing platform work ~~*are genuine self-employed. Genuine self-employed persons are themselves responsible vis-à-vis their customers for how they perform their work and the quality of their outputs*~~***while performing the work; controls and organises the business activity linked to the platform work performed by individuals or retains the responsibility for related investment and management; provides the person performing platform work with tools, digital means, materials or machinery that are necessary for the performance of the work; or restricts the freedom of the person performing platform work to choose social protection, accident insurance, pension scheme or other forms of insurance, including through adverse consequences.*** .	***performance of work, also by thoroughly verifying*** the quality of ~~*their outputs. The freedom to choose working hours or periods of absence, to refuse tasks, to use subcontractors or substitutes or to work for any third party is characteristic of genuine self-employment. Therefore, de facto restricting such discretions by a number of conditions or through a system of sanctions, should also be considered as an element of controlling the performance of work. Closely supervising the performance of work or thoroughly verifying the quality of the results of that work, including through electronic means, which does not merely consist in using reviews or ratings by the recipients of the service, should also be considered as an element of controlling the performance of work. At the same time, digital labour platforms should be able to design their technical interfaces in a way to ensure good consumer experience. Measures or rules which are required by law or which are necessary to safeguard the health and safety of the recipients of the service should not be understood as controlling the performance of work*~~***the results of the work of***	

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		The freedom to choose working hours or periods of absence, to refuse tasks, to use subcontractors or substitutes or to work for any third party is characteristic of genuine self-employment, ***while not proving it per se***. Therefore, de facto restricting such discretions ***to organise one's work, in particular the discretion to choose one's working hours or periods of absence, to accept or to refuse tasks or uses subcontractors or substitutes*** by a number of conditions or through a system of ~~*sanctions, should also be considered as an element of controlling the performance of work. Closely supervising*~~***penalties, including restricting access to work, or using customer rating systems as a tool of control and a basis for penalties or as a tool to allocate work assignments should also be taken into consideration as an element indicating control and direction on*** the performance of work~~*or thoroughly*~~. Verifying the quality of the results of that work, including through electronic means, ***should also be taken into consideration as an element indicating control and direction on the performance of work. This list is not exhaustive and***	***persons performing platform work. This includes assessing or regularly taking stock of the work performance or work progress which can also be performed by electronic means, such as camera surveillance, location tracking, counting keystrokes or taking screenshots or using other functions in computers or smartphones. Supervision does not include, on the contrary, the use of electronic tools for matching the person performing platform work and the recipient of the service. At the same time, the criteria should not cover situations where the persons performing platform work are genuine self-employed. Genuine self-employed persons are themselves responsible vis-à-vis their customers for how they perform their work and the quality of their outputs. The freedom to, notably, choose working hours or periods of absence, to refuse tasks, to use subcontractors or substitutes or not to be limited in working for any third party is to be considered one of the characteristics of genuine self-employment. Restricting such freedom can take different forms, considering that the platform economy model is***	

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		any other relevant ~~*which does not merely consist in using reviews or ratings by the recipients of the service, should also be considered as an*~~ element ~~*of controlling the*~~ ***could indicate that the digital labour platform exerts control and direction over the*** performance of work. At the same time, digital labour platforms should be able to design their technical interfaces in a way to ensure ~~*good consumer experience.*~~ ***that*** measures or rules which are required by law ~~*or which are necessary to safeguard the health and safety of the recipients of the service*~~ should not be understood as ~~*controlling*~~ ***supervising*** the performance of work.	***constantly evolving***.	
Recital 25a				
G	35a		***(25a) Member States should, in accordance with their national legal and judicial systems, establish a framework of supporting measures to ensure the effective implementation of the legal presumption. Such implementation is relevant to all parties that have a stake in the correct determination of the employment status, such as***	***(25a) deleted*** First two sentences are redundant with 38 e 38 g

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			the worker, the digital labour platform and social partner organisations. In order for the presumption to be effective in practice, three of the criteria indicating that the person performing platform work is likely to be considered in an employment relationship should be always fulfilled to trigger its application. The purpose of these criteria is to provide a set of easily understandable indications that point to the likely existence of an employment relationship and thus facilitate the access of the person performing platform work to the relevant rights derived from the existence of an employment relationship by means of the legal presumption.	
Recital 25b				
R 35b			***(25b) In line with the objective of this Directive to improve working conditions for platform workers, by correctly determining their employment relationship and thereby ensuring that they enjoy the relevant rights deriving from Union law, national law and collective agreements, the legal presumption***	R

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			should apply in all relevant administrative or judicial proceedings, where the employment status of the person performing platform work is at stake. While this Directive does not impose any obligation on Member States to apply the legal presumption in tax, criminal and social security proceedings, nothing in this Directive should prevent Member States, as a matter of national law, from applying that presumption in those or other administrative or judicial proceedings or from recognising the results of proceedings in which the presumption has been applied for the purposes of providing rights to reclassified workers under other areas of law.	
Recital 26				
G	36	(26) Effective implementation of the legal presumption through appropriate measures, such as disseminating information to the public, developing guidance and strengthening controls and field inspections is essential to ensure legal certainty and transparency for all parties involved. These measures	(26) Effective implementation of the legal presumption through appropriate measures~~, such as~~ ***is essential to ensure legal certainty and transparency for all parties involved. Such measures should include*** disseminating information to the public, developing ***comprehensive*** guidance ***in the form***	*deleted*	(26) ~~*Effective implementation of the legal presumption through appropriate measures, such as disseminating information to the public, developing guidance and strengthening controls and field inspections is essential to ensure legal certainty and transparency for all parties involved. These measures*~~

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	should take into account the specific situation of start-ups to support the entrepreneurial potential and the conditions for the sustainable growth of digital labour platforms in the Union.	***of concrete and practical recommendations,*** ~~*and*~~ strengthening controls***, cooperation between different national authorities, mechanisms for persons performing platform work and digital labour platforms to consult relevant authorities and field inspections*** ~~*and field inspections is essential to ensure legal certainty and transparency for all parties involved*~~. These measures should take into account the specific situation of ***SMEs in the sustainable development of digital labour platforms. In the interest of fairness, the legal presumption should not have as a consequence that some digital labour platforms incorporate a subcontracting undertaking between the platform*** ~~*start-ups to support the entrepreneurial potential*~~ and the ~~*conditions for the sustainable growth of*~~***service providing persons in order to circumvent the obligations set out in this Directive. The*** digital labour ~~*platforms in the Union*~~***platform of which the employer is a subcontractor should be held liable, in addition to or in the place of the employer, for any infringement of the platform workers' rights provided for in this***		~~*should take into account the specific situation of start-ups to support the entrepreneurial potential and the conditions for the sustainable growth of digital labour platforms in the Union.*~~ ***Deleted*** Supporting measures package: Tentative: deleted until "In the interest".

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		Directive, including with respect to any outstanding remuneration and contributions due to the common funds or institutions of the social partners.		
Recital 26a				
G 36a		***(26a) In order to ensure that labour inspections are carried out effectively, Member States should have sufficient labour inspectors, in accordance with ILO Convention No 81 on Labour Inspection and ILO Report III on the 95th International Labour Conference in 2006, which recommend that there be one labour inspector per 10 000 workers. Member States should determine, every year, a national target for the number of inspections to be carried out in respect of the sectors of activity in which digital labour platforms operate in order to ensure the correct classification of workers. The reclassification of a person performing platform work from self-employed to platform worker should immediately generate an inspection of relevant authorities in order to rapidly verify the status of the other persons performing platform work for the***		***(26a) deleted*** go to additions in row 38f & 38e

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		same digital labour platform.		
Recital 26b				
36b		***(26b) With a view to increasing the effectiveness of inspections for the purposes of applying this Directive, Member States should ensure that national law provides for adequate powers to competent authorities to carry out inspections; that information about false self employment, including the results of previous inspections, is collected and processed for the effective implementation of this Directive; and that sufficient staff are available with the skills and qualifications needed to carry out inspections effectively. Given the high incidence of misclassification, labour inspectors should be required to develop proactive controls.***		***(26b) deleted***
Recital 27				
37	(27) In the interest of legal certainty, the legal presumption should not have any retroactive legal effects before the transposition date of this Directive and should	(27) In the interest of legal certainty, the legal presumption should not have any retroactive legal effects ~~*before the transposition date of this Directive*~~ and should	*deleted*	(27) In the interest of legal certainty, the legal presumption should not have any retroactive legal effects ~~*before the transposition date of this Directive*~~ and should

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	therefore only apply to the period starting from that date, including for contractual relationships entered into before and still ongoing on that date. Claims relating to the possible existence of an employment relationship before that date and resulting rights and obligations until that date should therefore be assessed only on the basis of national law and Union law predating this Directive.	therefore only apply ***starting from the date set in the transposing legislation*** ~~*to the period starting from that date*~~, including for contractual relationships entered into before and still ongoing on that date. Claims relating to the possible existence of an employment relationship before that date and resulting rights and obligations until that date should therefore be assessed only on the basis of national law and Union law predating this Directive ***and in particular on Directive (EU) 2019/1152***.		therefore only apply to the period starting from ~~*that date,*~~ ***the transposition date of this Directive,*** including for contractual relationships entered into before and still ongoing on that date. Claims relating to the possible existence of an employment relationship before that date and resulting rights and obligations until that date should therefore be assessed only on the basis of national law and Union law, ***including Directive (EU) 2019/1152,*** predating this Directive. Text Origin: Auxiliary 3
Recital 28				
R 38	(28) The relationship between a person performing platform work and a digital labour platform may not meet the requirements of an employment relationship in accordance with the definition laid down in the law, collective agreements or practice in force of the respective Member State with consideration to the case-law of the Court of Justice, even though the digital labour platform controls the performance of work on a given aspect. Member States should ensure	(28) The relationship between a person performing platform work and a digital labour platform may not meet the requirements of an employment relationship in accordance with the definition laid down in the law, collective agreements or practice in force of the respective Member State with consideration to the case-law of the Court of Justice, ~~*even though the digital labour platform controls the performance of work on a given aspect. Member States should ensure*~~	(28) The relationship between a person performing platform work and a digital labour platform may not meet the requirements of an employment relationship in accordance with the definition laid down in the law, collective agreements or practice in force of the respective Member State with consideration to the case-law of the Court of Justice, even though ~~*the digital labour*~~***criteria indicate that a person performing*** platform ~~*controls the performance of work on*~~	R

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	the possibility to rebut the legal presumption in legal or administrative proceedings or both by proving, on the basis of the aforementioned definition, that the relationship in question is not an employment relationship. The shift in the burden of proof to digital labour platforms is justified by the fact that they have a complete overview of all factual elements determining the relationship, in particular the algorithms through which they manage their operations. Legal proceedings and administrative proceedings initiated by the digital labour platforms in order to rebut the legal presumption should not have a suspensive effect on the application of the legal presumption. A successful rebuttal of the presumption in administrative proceedings should not preclude the application of the presumption in subsequent judicial proceedings. When the person performing platform work who is the subject of the presumption seeks to rebut the legal presumption, the digital labour platform should be required to assist that person, notably by providing all relevant information held by the platform in respect of that person. Member States should provide the	~~*the possibility*~~***. Member States should ensure the possibility for any of the parties*** to rebut the legal presumption in legal or administrative proceedings or both by proving, on the basis of the aforementioned definition, that the relationship in question is not an employment relationship. The shift in the burden of proof to digital labour platforms is justified by the fact that they have a complete overview of all factual elements determining the relationship, in particular the algorithms through which they manage their operations. ~~*Legal proceedings and*~~***Where a digital labour platform challenges an*** administrative ***or judicial decision determining the employment status of a person performing platform work, proceeding arising from such a challenge*** ~~*proceedings initiated by the digital labour platforms in order to rebut the legal presumption*~~ should not have a suspensive effect on ~~*the application of the legal presumption*~~ ***that decision***. A successful rebuttal of the presumption in administrative proceedings should not preclude the application of the presumption in subsequent judicial proceedings.	~~*a given aspect.*~~ ***work is likely to be in an employment relationship. In judicial or administrative proceedings, where the legal presumption applies,*** Member States should ensure the possibility to rebut the legal presumption ~~*in legal or administrative proceedings or both*~~ by proving, on the basis of the aforementioned definition, that the relationship in question is not an employment relationship. ~~*The shift in the burden of proof to*~~ Digital labour platforms ~~*is justified by the fact that they*~~ have a complete overview of all factual elements determining the ***legal nature of the*** relationship, in particular the algorithms through which they manage their operations. ~~*Legal proceedings and administrative proceedings initiated by the digital labour platforms in order to rebut the legal presumption*~~***Therefore, they*** should ~~*not have a suspensive effect on the application of the legal presumption. A successful rebuttal of the presumption in administrative proceedings should not preclude the application of the presumption in subsequent judicial proceedings.*~~***have the burden of proof where they argue that the contractual relationship in question***	

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	necessary guidance for procedures to rebut the legal presumption.	When the person performing platform work who is the subject of the presumption seeks to rebut the legal presumption, the digital labour platform should be required to assist ***the proceedings*** ~~*that person*~~, notably by providing all relevant information held by the platform in respect of that person. ***Within a common European framework,*** Member States should provide the necessary guidance for procedures to rebut the legal presumption ***and proving that a person performing platform work is genuinely self-employed. This Directive should include some elements indicating control and direction that are to be taken into consideration in the process of the rebuttal. Those criteria should be regularly assessed by Member States, reviewed and, where necessary, complemented, in consultation with the social partners.***	***is not an employment relationship. In addition,*** when the person performing platform work who is the subject of the presumption seeks to rebut the legal presumption, the digital labour platform should be required to assist that person, notably by providing all relevant information held by the platform in respect of that person. ~~*Member States should provide the necessary guidance for procedures to rebut the legal*~~***A successful rebuttal of the presumption in judicial or administrative proceedings should not preclude the application of the*** presumption ***in subsequent judicial proceedings or appeals, in accordance with national procedural law***.	
Recital 28a				
R 38a		***(28a) Member States should have enforcement provisions which ensure the use of favourable presumptions in cases of misclassification of persons***		R

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		performing platform work when reclassifying them, including, where relevant, a presumption that the platform worker has an open-ended employment relationship, that there is no probationary period and that the platform worker has a full-time position in the undertaking.		
Recital 28b				
R	38b		***(28a) While the legal presumption should apply in proceedings initiated by a person performing platform work where the employment status is at stake, Member States might grant competent national administrative authorities in charge of verifying compliance with or enforcing relevant legislation, such as labour inspectorates, a discretion not to apply that presumption, if they act on their own initiative and if it is manifest that the person performing platform work is not a worker as defined by the law, collective agreements or practice in force in the Member State in question, with consideration to the case-law of the Court of Justice. A national framework to reduce litigation and***	R

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			increase legal certainty is important.	
Recital 28c				
Y	38c		***(28b) Member States should be able to provide that judicial or administrative proceedings initiated by the digital labour platforms in order to challenge the decision of a judicial or administrative authority taken on the basis of the application of the legal presumption do not have a suspensive effect on the relevant decision.***	Y
Recital 28d				
G	38d		***(28c) In the interest of legal certainty, the legal presumption should not have any retroactive legal effects before the transposition date of this Directive and should therefore only apply to the period starting from that date, including for contractual relationships entered into before and still ongoing on that date. Claims relating to the possible existence of an employment relationship before that date and resulting rights and obligations***	***(28d) deleted*** G

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			until that date should therefore be assessed only on the basis of national law and Union law predating this Directive.	
Recital 28e				
38e			***(28d) Effective implementation of the legal presumption through appropriate measures, such as disseminating information to the public, developing guidance and providing for effective controls and inspections is essential to ensure legal certainty and transparency for all parties involved. These measures should avoid reclassification of genuine self-employed, take into account the specific situation of start-ups to support the entrepreneurial potential and the conditions for the sustainable growth of digital labour platforms in the Union.***	***(28e) Effective implementation of the legal presumption through a framework of supporting measures is essential to ensure legal certainty and transparency for all parties involved. Such measures should include disseminating comprehensive information to the public, developing guidance in the form of concrete and practical recommendations for digital labour platforms, persons performing platform work, social partners and for competent national authorities and providing effective controls and inspections, in line with national law and practice, including, as appropriate, by establishing targets for such controls and inspections.*** Text Origin: Auxiliary 3
Recital 28f				
38f				***(28f) Member States' competent national authorities should avail***

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				themselves of the collaboration among themselves, including inter alia through exchange of information, as provided for under national law and practice, for the purpose to ensure the correct determination of the employment status of persons performing platform work.
Recital 28g				
Y 38g				***(28g) These measures should support the correct determination of the existence of an employment relationship as defined by the law, collective agreements or practice in force in the Member State in question with consideration to the case law of the Court of Justice, including, if appropriate, the confirmation of a classification as genuine self-employed. To enable those authorities to carry out their tasks in enforcing the provisions of this Directive, while underlining the competence of Member States to decide on the staffing of national authorities, they need to be adequately staffed. This requires adequate human resources for competent national authorities, having the required skills and*** Y

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				access to appropriate training and to provide for the availability of technical expertise in the field of algorithmic management. ILO convention no. 81 provides for indications on how to determine a sufficient number of labour inspectors for the effective discharge of their duties.
Recital 29				
G	39	(29) While Regulation (EU) 2016/679 establishes the general framework for the protection of natural persons with regard to the processing of personal data, it is necessary to lay down rules addressing the concerns that are specific in the processing of personal data in the context of platform work. This Directive provides for more specific rules in the context of platform work, including to ensure the protection of the rights and freedoms in respect of the processing of employees' personal data within the meaning of Article 88 of Regulation (EU) 2016/679. In this context, terms relating to the protection of personal data in this Directive should be understood in light of the definitions set out in	(29) While Regulation (EU) 2016/679 establishes the general framework for the protection of natural persons with regard to the processing of personal data, it is necessary to lay down rules addressing the concerns that are specific in the processing of personal data in the context of platform work. This Directive provides for more specific rules in the context of platform work, including to ensure the protection of the rights and freedoms in respect of the processing of employees' personal data within the meaning of Article 88 of Regulation (EU) 2016/679. In this context, terms relating to the protection of personal data in this Directive should be understood in light of the definitions set out in	(29) ***In the context of platform work, persons performing platform work are often subject to decisions taken through or with the support of automated monitoring or decision-making systems. Consent of persons performing platform work to the processing of personal data is not always freely given, as persons performing platform work not systematically have a genuine free choice or are able to refuse or withdraw consent without detriment concerning their contractual relationship, despite such consent not being necessary to perform platform work, and there is an imbalance between the person performing platform work and the digital labour platform running the automated monitoring or decision-***	(29) While Regulation (EU) 2016/679 establishes the general framework for the protection of natural persons with regard to the processing of personal data, it is necessary to lay down ***specific*** rules addressing the concerns that are ~~*specific in*~~***related to*** the processing of personal data ***by use of automated monitoring or decision-making systems*** in the context of platform work. ~~*This Directive*~~***Article 88 of Regulation (EU) 2016/679 already*** provides ~~*for more specific rules in the context of platform work, including*~~***that Member States may, by law or by collective agreements, provide for more specific rules*** to ensure the protection of the rights and freedoms in respect of the processing of employees' personal

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	Regulation (EU) 2016/679.	Regulation (EU) 2016/679.	***making systems.*** While Regulation (EU) 2016/679 establishes the general framework for the protection of natural persons with regard to the processing of personal data, it is necessary to lay down ***specific*** rules addressing the concerns that are ~~*specific in*~~***related to*** the processing of personal data ***by use of automated monitoring or decision-making systems*** in the context of platform work. ~~*This Directive provides for more specific rules in the context of*~~***In particular, digital labour platforms should not process any personal data on the emotional or psychological state of the person performing*** platform work, ~~*including to ensure the protection of the rights and freedoms in respect of the processing of employees'*~~***process any personal data in relation to their private conversations, and should not collect any*** personal data ~~*within the meaning of Article 88 of Regulation (EU) 2016/679*~~***while the person performing platform work is not offering or performing platform work***. In this context, terms relating to the protection of personal data in this Directive should be understood in light of the definitions set out in Regulation (EU) 2016/679.	data ~~*within the meaning of Article 88 of*~~ ***in the employment context. This Directive provides for more specific safeguards concerning the processing of personal data by means of automated systems in the context of platform work, thereby providing for a higher level of protection of persons performing platform work's personal data. In particular, this Directive establishes more specific rules in relation to Regulation (EU) 2016/679 with regards to use and transparency of automated-decision making. This Directive also establishes additional measures to*** Regulation (EU) 2016/679 ***in the context of platform work to safeguard the protection of their personal data, in particular where decisions are taken or supported by automated processing of personal data***. In this context, terms relating to the protection of personal data in this Directive should be understood in light of the definitions set out in Regulation (EU) 2016/679.

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Recital 29a				
39a				***(29a) Articles 5, 6 and 9 of Regulation (EU) 2016/679 require that personal data are processed in a lawful, fair and transparent manner. This implies certain restrictions on the manner in which digital labour platforms may process personal data by means of automated monitoring and decision-making systems. Nonetheless, in the particular case of platform work, consent of persons performing platform work to the processing of their personal data cannot be assumed to be freely given. Persons performing platform work often do not have a genuine free choice or are not able to refuse or withdraw consent without detriment to their contractual relationship, given the imbalance of power between the person performing platform work and the digital labour platform. Therefore, digital labour platforms should not process personal data of persons performing platform work on the basis that a person performing platform work has given consent to the processing of his or her personal data.***

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Recital 29b				
39b				***(29b) Digital labour platforms should not, by means of automated monitoring systems and by means of any automated system used to support or take decisions affecting persons performing platform work, process any personal data on the emotional or psychological state of the person performing platform work, any personal data in relation to their private conversations, collect any personal data while the person performing platform work is not offering or performing platform work, process personal data to predict the exercise of fundamental rights, including the right of association, the right of collective bargaining and action or the right to information and consultation, as defined on the EU Charter, and they should not process personal data to infer racial or ethnic origin, migration status, political opinions, religious or philosophical beliefs, disability, state of health, including chronic disease or HIV status, the emotional or psychological state, trade union membership, a person's sex life or sexual orientation.***
Recital 30				

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40	(30) In addition to rights and obligations provided in this Directive, rights and obligations provided in Regulation (EU) 2016/679 continue to apply when personal data are processed. Articles 13, 14 and 15 of Regulation (EU) 2016/679 require data controllers to ensure transparency towards data subjects on the collection and processing of personal data. Moreover, Article 22(1) of Regulation (EU) 2016/679 provides for the data subjects' right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her, subject to the exceptions provided for in paragraph 2 of that article. Those obligations apply also to digital labour platforms.	(30) In addition to rights and obligations provided in this Directive, rights and obligations provided in Regulation (EU) 2016/679 continue to apply when personal data are processed. ***Article 9 of Regulation (EU) 2016/679 provides for specific rules for the processing of special categories of personal data. Considering the intrusive nature of the processing of biometric data, especially in a work relationship, biometric identification should never be mandatory. Employers should always guarantee less intrusive ways to achieve the intended purpose of identification. Persons performing platform work should always be offered an easily accessible, freely available and effective alternative way of identifying themselves, such as with identity, travel or other documents or in-person verification and they should not be offered any incentives to use the biometric identification mechanism nor suffer from any type of adverse consequence.*** Articles 13, 14 and 15 of Regulation (EU) 2016/679 require data controllers to ensure transparency towards data subjects on the	*deleted*	(30) ~~*In addition to rights and obligations provided in this Directive, rights and obligations provided in Regulation (EU) 2016/679 continue to apply when personal data are processed. Articles 13, 14 and 15 of Regulation (EU) 2016/679 require data controllers to ensure transparency towards data subjects on the collection and processing of personal data. Moreover, Article 22(1) of Regulation (EU*~~***Digital labour platforms should not process biometric data of persons performing platform work for the purpose of identification, i.e. establishing a person's identity by comparing his or her biometric data to stored biometric data of a number of individuals in a data base (one-to many identification). This does not affect the digital labour platforms' possibility to conduct biometric verification, i.e. verifying a person's identity by comparing his or her biometric data to data previously provided by that same person (one-to one verification or authentication), where such processing of personal data is otherwise lawful under Regulation (EU) 2016/679 and***

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		collection and processing of personal data. ***Articles 16 to 21 of Regulation (EU) 2016/679 introduce rights to rectification, to erasure, to the restriction of processing of data, to data portability and to objecting to the processing of personal data.*** Moreover, Article 22(1) of Regulation (EU) 2016/679 provides for the data subjects' right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her, subject to the exceptions provided for in paragraph 2 of that article. ***Therefore, algorithmic management that entails automated decision-making that has significant effects on individuals without input from human managers is unlawful under Union law. Article 22(3) of Regulation (EU) 2016/679 mandates the data controller to implement suitable measures to safeguard the data subject's rights and freedoms and legitimate interests, at least the right to obtain human intervention on the part of the controller, to express his or her point of view and to contest the decision.*** Those ***rights and*** obligations apply also to digital		***other relevant Union and national law*** ~~*2016/679 provides for the data subjects' right not to be subject to a decision based solely on automated processing, including profiling, which produces legal effects concerning him or her or similarly significantly affects him or her, subject to the exceptions provided for in paragraph 2 of that article. Those obligations apply also to digital labour platforms*~~. Text Origin: Auxiliary 3

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		labour platforms ***as well as to persons performing platform work***.		
Recital 30a				
G 40a		***(30a) The use of algorithmic scheduling systems heightens the use of precarious, short shifts and unstable and unpredictable schedules[1]. Algorithmic direction, evaluation, and discipline intensify work effort by increasing monitoring, raising the pace required from workers, minimising gaps in workflow, and extending work activity beyond the conventional workplace and working hours. The use of non-transparent algorithms to make managerial decisions creates feelings of insecurity among workers and may lead to unfair treatment and the denial of procedural due process at work. The limited learning at work and influence over tasks due to the use of non-transparent algorithms, work intensification and insecurity highlighted above is likely to increase workforce stress and anxiety and be harmful to wellbeing and health as well as to human dignity and other fundamental***		***(30a) Biometrics-based data are personal data which result from specific technical processing relating to the physical, physiological or behavioural features, signals or characteristics of a natural person, such as facial expressions, movements, pulse frequency, voice, keystrokes or gait, which may or may not allow or confirm the identification of a natural person.*** Elements of EP mandate in this row integrated in row 48 Moved from 42c

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		rights. ***1. Algorithmic Management. Consequences for Work Organisation and Working Conditions, Joint Research Centre, European Commission (Seville, Spain).***		
Recital 31				
41	(31) This Directive is without prejudice to Articles 13, 14, 15 and 22 of Regulation (EU) 2016/679, except for Articles 13(2)(f), 14(2)(g) and 15(1)(h) thereof, in relation to which Article 6 of this Directive provides for more specific rules in the context of platform work, including to ensure the protection of the rights and freedoms in respect of the processing of employees' personal data within the meaning of Article 88 of Regulation (EU) 2016/679.	(31) This Directive is without prejudice to Articles 13, 14, 15 and 22 of Regulation (EU) 2016/679, except for Articles 13(2)(f), 14(2)(g) and 15(1)(h) thereof, in relation to which Article 6 of this Directive provides for more specific rules in the context of platform work, including to ensure the protection of the rights and freedoms in respect of the processing of employees' personal data within the meaning of Article 88 of Regulation (EU) 2016/679***, which allows more specific rules to ensure the protection of the rights and freedoms in respect of the processing of employees' personal data in the employment context, in particular for the purposes of the recruitment, the performance of the contract of employment, including discharge of obligations laid down by law or by collective agreements, management, planning and***	*deleted*	(31) ~~*This Directive is without prejudice to Articles 13, 14, 15 and 22 of Regulation (EU) 2016/679, except for Articles 13(2)(f), 14(2)(g) and 15(1)(h) thereof, in relation to which*~~***Processing of personal data by automated monitoring and decision-making systems used by digital labour platforms is likely to result in a high risk to the rights and freedoms of persons performing platform work. Therefore, digital labour platforms should always carry out a data protection impact assessment in accordance with the requirements laid down in*** Article ~~*6 of this Directive provides for more specific rules in the context of*~~***35 of Regulation (EU) 2016/679. Taking into account the effects that decisions taken by automated decision-making systems have on persons performing*** platform work ***and, notably, platform workers, this***

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		organisation of work, equality, including gender equality, and diversity in the workplace, health and safety at work, protection of employer's or customer's property and for the purposes of the exercise and enjoyment, on an individual or collective basis, of rights and benefits related to employment, and for the purpose of the termination of the employment relationship. Article 88 of Regulation (EU) 2016/679 allows more specific rules in the context of employment. This Directive establishes specific measures in the context of platform work to safeguard human dignity, legitimate interests and fundamental rights of persons performing platform work, with particular regard to the transparency of processing, the transfer of personal data within a group of undertakings, or a group of enterprises engaged in a joint economic activity and monitoring systems at the work place. In order to ensure the balance of power in the transparency of algorithms as well as in the employment relationships, the worker's informed consent is not to replace the undertakings' obligations with regard to data protection as		***Directive establishes more specific rules regarding the consultation of persons performing platform work and their representatives in the context of data protection impact assessments*** ~~*, including to ensure the protection of the rights and freedoms in respect of the processing of employees' personal data within the meaning of Article 88 of Regulation (EU) 2016/679*~~.

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		provided for in this Directive.		
Recital 32				
42	(32) Digital labour platforms should be subject to transparency obligations in relation to automated monitoring and decision-making systems that are used to monitor, supervise or evaluate the work performance through electronic means; and automated decision-making systems which are used to take or support decisions that significantly affect working conditions, including access of persons performing platform work to work assignments, their earnings, their occupational safety and health, their working time, their promotion and their contractual status, including the restriction, suspension or termination of their account. In addition to what is provided in Regulation (EU) 2016/679, information concerning such systems should also be provided where decisions are not solely based on automated processing, provided that they are supported by automated systems. It should also be specified which kind of information should be provided to persons performing	(32) Digital labour platforms should be subject to transparency obligations in relation to automated monitoring and decision-making systems that are used to monitor, supervise or evaluate the work performance through electronic means ***or to monitor the persons performing platform work themselves***; and automated decision-making systems which are used to take or support decisions that significantly affect working conditions, including access of persons performing platform work to work assignments, their earnings, their occupational safety and health, their working time, their promotion***, their social protection entitlements*** and their contractual status, including the restriction, suspension or termination of their account. In addition to what is provided in Regulation (EU) 2016/679, information ***and consultation*** concerning such systems should also be provided where decisions are not solely based on automated processing, provided that they are	(32) ***Without affecting the rights and obligations stemming from Regulation (EU) 2016/679, this Directive provides for additional safeguards concerning the use of automated monitoring or decision-making systems in the context of platform work.*** Digital labour platforms should be subject to transparency obligations in relation to automated monitoring ~~*and*~~***or*** decision-making systems that are used to ~~*monitor*~~***collect data***, supervise or evaluate the work performance through electronic means; and automated decision-making systems which are used to take or support decisions that significantly affect ***persons performing platform work*** working conditions, including ~~*access of persons performing platform work*~~***their access*** to work assignments, their earnings, their ~~*occupational*~~ safety and health, their working time, their promotion and their contractual status, including the restriction, suspension or termination of their account. In addition to what	(32) ***In addition to what is provided in Regulation (EU) 2016/679,*** digital labour platforms should be subject to transparency ***and information*** obligations in relation to automated monitoring ~~*and decision-making*~~ systems ~~*that are used to monitor, supervise or evaluate the work performance through electronic means;*~~ and automated ~~*decision-making*~~ systems which are used to take or support decisions that ~~*significantly*~~ affect ~~*working conditions*~~***persons performing platform work***, including ~~*access of persons performing platform work*~~***platform workers' working conditions, such as their access*** to work assignments, their earnings, their ~~*occupational*~~ safety and health, their working time, their promotion ***or its equivalent*** and their contractual status, including the restriction, suspension or termination of their account. ~~*In addition to what is provided in Regulation (EU) 2016/679, information concerning such systems should also be*~~

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	platform work regarding such automated systems, as well as in which form and when it should be provided. The obligation of the controller under Articles 13, 14 and 15 of Regulation (EU) 2016/679 to provide the data subject with certain information in relation to the processing of personal data concerning the data subject as well as with access to such data should continue to apply in the context of platform work. Information on automated monitoring and decision-making systems should also be provided to representatives of persons performing platform work and to national labour authorities at their request, in order to enable them to exercise their functions.	supported by automated systems. It should also be specified which kind of information should be provided to persons performing platform work regarding such automated systems, as well as in which form and when it should be provided. The obligation of the controller under Articles 13, 14 and 15 of Regulation (EU) 2016/679 to provide the data subject with certain information in relation to the processing of personal data concerning the data subject as well as with access to such data should continue to apply in the context of platform work. Information on automated monitoring and decision-making systems should also be provided to representatives of persons performing platform work and to national labour authorities ***and the competent supervisory authorities*** ~~*at their request*~~, in order to enable them to exercise their functions ***as well as to competent authorities at their request. Individual platform workers should receive that information in a concise, simple and understandable form, in so far as the systems and their features directly affect them and their working conditions, so they are effectively informed. As more detailed information is***	is provided in Regulation (EU) 2016/679, information concerning such systems should also be provided where decisions are not solely based on automated processing, provided that they are supported by automated systems. It should also be specified which kind of information should be provided to persons performing platform work regarding such automated systems, as well as in which form and when it should be provided. ~~*The obligation of the controller under Articles 13, 14 and 15 of Regulation (EU) 2016/679 to provide the data subject with certain information in relation to the processing of personal data concerning the data subject as well as with access to such data should continue to apply in the context of platform work.*~~ Information on automated monitoring ~~*and*~~***or*** decision-making systems should also be provided to representatives of ~~*persons performing*~~ platform ~~*work*~~***workers*** and to national labour authorities ~~*at their request*~~, in order to enable them to exercise their functions.	~~*provided where decisions are not solely based on automated processing, provided that they are supported by automated systems.*~~ It should also be specified which kind of information should be provided to persons performing platform work regarding such automated systems, as well as in which form and when it should be provided. ***Individual platform workers should receive that information in a concise, simple and understandable form, in so far as the systems and their features directly affect them and, where applicable, their working conditions, so that they are effectively informed. They should also have the right to request comprehensive and detailed information about all relevant systems. Comprehensive and detailed information regarding such automated*** ~~*The obligation of the controller under Articles 13, 14 and 15 of Regulation (EU) 2016/679 to provide the data subject with certain information in relation to the processing of personal data concerning the data subject as well as with access to such data should continue to apply in the context of platform work. Information on*~~

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		necessary for full transparency, for effective consultation and negotiation between the parties and for enforcement, digital labour platforms should also provide a detailed and robust report containing those information for platform workers, their representatives and the competent authorities.		~~*automated monitoring and decision-making*~~ systems should also be provided to representatives of persons performing platform work***,*** ***as well as*** ~~*and*~~ to national ~~*labour*~~***competent*** authorities ~~*at*~~***upon*** their request, in order to enable them to exercise their functions. Text Origin: Auxiliary 3
Recital 32a				
G 42a		***(32a) Certain decisions, such as those having an impact on health and safety and on the contractual relationship or introducing changes to the employment relations, as well as decisions to apply disciplinary measures, or restricting, suspending or terminating the contractual relationship and the person performing platform work's account, or any decision of equivalent detriment, should always be taken by humans, not by automated systems. Considering the impact on workers of such decisions, including their livelihood and fundamental rights, including social rights, there should always be a human responsible for those decisions.***		***(32a) In addition to the right to portability of personal data which the data subject has provided to a controller in accordance with Article 20 of Regulation (EU) 2016/679, persons performing platform work should have the right to receive, without hindrance and in a structured, commonly used and machine-readable format, any personal data generated through their performance of work in the context of a digital labour platform's automated monitoring and decision-making systems, including ratings and reviews, to transmit them or have them transmitted to a third party, including another digital labour platform. Digital labour platforms*** G

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				should provide persons performing platform work with tools to facilitate effective data portability that is free of charge in order to exercise their rights under this Directive and under Regulation (EU) 2016/679. Moved from 44c, old row 42a moved down to 46a(new) Text Origin: Auxiliary 3
Recital 32b				
G 42b		***(32b) Some types of processing of data in digital labour platforms may result in a high risk to the rights and freedoms of the workers. Article 35 of Regulation (EU) 2016/679 establishes that the controller is to, prior to the processing, carry out an assessment of the impact of the envisaged processing operations on the protection of personal data. It also provides that the controller, where appropriate, is to seek the views of data subjects or their representatives on the intended processing, without prejudice to information transmitted on a confidential basis. That consultation should be carried out***		***(32b) In some cases digital labour platforms do not terminate formally their relationship with a person performing platform work, but they restrict the account of the person performing platform work. This is to be understood as any limitation imposed on the possibility to perform platform work through the account, including restricting the access to the account or the access to work assignments.*** Moved to row 41

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		in an appropriate manner and with appropriate content to enable, in particular, workers' representatives to conduct an adequate study and, where necessary, prepare for the consultation. Before each deployment of an automated monitoring system or a system to take or assist in decision-making and before any changes affecting working conditions, the organisation of work or monitoring work performance, digital labour platforms should perform an impact assessment of the system's impact on data protection.		
Recital 32c				
42c				***(32c) deleted*** Moved to row 40a
Recital 33				
43	(33) Digital labour platforms should not be required to disclose the detailed functioning of their automated monitoring and decision-making systems, including algorithms, or other detailed data that contains commercial secrets or	(33) Digital labour platforms should ~~not~~ be required to disclose the detailed functioning of their automated monitoring and decision-making systems, including algorithms, ~~or other detailed data that contains commercial secrets or~~	(33) ~~Digital labour platforms~~***This information obligation*** should not ~~be required~~***require digital labour platforms,*** to disclose the detailed functioning of their automated monitoring ~~and~~***or*** decision-making systems, including algorithms, or	(33) ~~Digital labour platforms should not be required to disclose the detailed functioning of their automated monitoring and decision-making systems, including algorithms, or other detailed data that contains commercial secrets or~~

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	is protected by intellectual property rights. However, the result of those considerations should not be a refusal to provide all the information required by this Directive.	~~*is protected by intellectual property rights. However, the result of those considerations*~~***which may affect the rights covered by this Directive. Information transmitted as confidential to the representatives of persons performing platform work and any experts who assist them*** should not ~~*be*~~ ***justify*** a refusal to provide all the information required by this Directive. ***Member states should determine a list of objective criteria to determine the confidential nature of that information that representatives of persons performing platform work and any experts are not authorised to reveal, as expressly provided to them in confidence.***	other detailed data that contains commercial secrets or is protected by intellectual property rights. However, the result of those considerations should not be a refusal to provide all the information required by this Directive.	~~*is protected by intellectual property rights. However, the result of those considerations should not be a refusal to provide all the information required by this Directive.*~~***deleted*** Representatives AMDMS
Recital 34				
G 44	(34) Articles 5 and 6 of Regulation (EU) 2016/679 require that personal data are processed in a lawful, fair and transparent manner. Digital labour platforms should therefore not be allowed to process any personal data concerning persons performing platform work that are not intrinsically connected to and strictly necessary for the performance of the contract between	(34) Articles 5 and 6 of Regulation (EU) 2016/679 require that personal data are processed in a lawful, fair and transparent manner. Digital labour platforms should therefore not be allowed to process any personal data concerning persons performing platform work that are not intrinsically connected to and strictly necessary for the performance of the contract between	*deleted*	(34) ~~*Articles 5 and 6 of Regulation (EU) 2016/679 require that personal data are processed in a lawful, fair and transparent manner. Digital labour platforms should therefore not be allowed to process any personal data concerning persons performing platform work that are not intrinsically connected to and strictly necessary for the performance of the contract between*~~ G

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	those persons and the digital labour platform. Article 6(5) of this Directive provides for more specific rules in the context of platform work, including to ensure the protection of the rights and freedoms in respect of the processing of employees' personal data within the meaning of Article 88 of Regulation (EU) 2016/679.	those persons and the digital labour platform. Article 6(5) of this Directive provides for more specific rules in the context of platform work, including to ensure the protection of the rights and freedoms in respect of the processing of employees' personal data within the meaning of Article 88 of Regulation (EU) 2016/679.		~~those persons and the digital labour platform. Article 6(5) of this Directive provides for more specific rules in the context of platform work, including to ensure the protection of the rights and freedoms in respect of the processing of employees' personal data within the meaning of Article 88 of Regulation (EU) 2016/679.~~***deleted*** Moved to row 39a
Recital 34a				
G 44a				***(34a) deleted*** Moved to row 39
Recital 34b				
G 44b				***(34b) deleted*** Moved to row 40
Recital 34c				
G 44c		***(34a) Digital labour platforms should under no circumstances provide for discriminatory practices when processing personal data.***		***(34c) deleted*** Moved to row 42a

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		Digital labour platforms should ensure workers and workers' representatives tools to facilitate effective, machine-readable data portability that is free of charge in order to exercise their rights under this Directive and under Regulation (EU) 2016/679, in particular the rights under Chapter 3 of that Regulation. Persons performing platform work should have the right both to transfer data and not to transfer data as it could endanger them, for example in relation to reputational data.		
Recital 35				
45	(35) Digital labour platforms make extensive use of automated monitoring and decision-making systems in managing their human resources. Monitoring by electronic means can be intrusive and decisions taken or supported by such systems directly affect the persons performing platform work, who might not have a direct contact with a human manager or supervisor. Digital labour platforms should therefore regularly monitor and evaluate the impact of individual decisions taken or supported by	(35) Digital labour platforms make extensive use of automated monitoring and decision-making systems in managing their human resources. Monitoring by electronic means can be intrusive and decisions taken or supported by such systems directly affect the persons performing platform work, who might not have a direct contact with a human manager or supervisor. Digital labour platforms should therefore ***ensure human oversight*** ~~*regularly monitor*~~ and evaluate ***together with the workers'***	(35) Digital labour platforms make extensive use of automated monitoring ~~*and*~~***or*** decision-making systems in managing ~~*their human resources*~~***persons performing platform work***. Monitoring by electronic means can be intrusive and decisions taken or supported by such systems***, such as those related to the offer of assignment of tasks, the earnings, their safety and health, their working time, their access to training, their promotion or status within the organisation and contractual status,*** directly	(35) Digital labour platforms make extensive use of automated monitoring ~~*and*~~***or*** decision-making systems in managing ~~*their human resources*~~***persons performing platform work***. Monitoring by electronic means can be intrusive and decisions taken or supported by such systems***, such as those related to the offer of assignment of tasks, the earnings, their safety and health, their working time, their access to training, their promotion or status within the organisation and contractual status,*** directly

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	automated monitoring and decision-making systems on working conditions. Digital labour platforms should ensure sufficient human resources for this purpose. The persons charged by the digital labour platform with the function of monitoring should have the necessary competence, training and authority to exercise that function and should be protected from dismissal, disciplinary measures or other adverse treatment for overriding automated decisions or suggestions for decisions. In addition to obligations under Article 22 of Regulation (EU) 2016/679, Article 7(1) and (3) of this Directive provides for distinct obligations of digital labour platforms in relation to human monitoring of the impact of individual decisions taken or supported by automated systems, which apply as specific rules in the context of platform work, including to ensure the protection of the rights and freedoms in respect of the processing of employees' personal data within the meaning of Article 88 of Regulation (EU) 2016/679.	***representatives*** the impact of individual decisions taken or supported by automated monitoring and decision-making systems on working conditions ***and on fundamental rights and freedoms of workers, including their human dignity and health and safety***. Digital labour platforms should ensure sufficient human resources for this purpose. The persons charged by the digital labour platform with the function of ~~*monitoring*~~ ***overseeing*** should have the necessary competence, training and authority to exercise that function and should be protected from dismissal, disciplinary measures or other adverse treatment for overriding automated decisions or suggestions for decisions. In addition to obligations under Article 22 of Regulation (EU) 2016/679, Article 7(1) and (3) of this Directive provides for distinct obligations of digital labour platforms in relation to human monitoring of the impact of individual decisions taken or supported by automated systems, which apply as specific rules in the context of platform work, including to ensure the protection of the rights and freedoms in respect of the processing of employees' personal	affect the persons performing platform work, who might not have a direct contact with a human manager or supervisor. Digital labour platforms should therefore ~~*regularly*~~ monitor and ***regularly*** evaluate the impact of individual decisions taken or supported by automated monitoring ~~*and*~~***or*** decision-making systems on working conditions. Digital labour platforms should ensure sufficient human resources for this purpose. The persons charged by the digital labour platform with the function of monitoring should have the necessary competence, training and authority to exercise that function and ***in particular the right to cancel automated decisions. They*** should be protected from dismissal, disciplinary measures or other adverse treatment for ~~*overriding automated decisions or suggestions for decisions*~~***exercising their functions***. In addition to obligations under ~~*Article 22 of*~~ Regulation (EU) 2016/679, ~~*Article 7(1) and (3) of*~~ this Directive provides for distinct obligations ~~*of digital labour platforms in relation to human monitoring of the impact of individual decisions taken or supported by automated systems*~~,	affect the persons performing platform work, who might not have a direct contact with a human manager or supervisor. Digital labour platforms should therefore ~~*regularly monitor and evaluate*~~***ensure human oversight and regularly, and at least every two years, carry out an evaluation of*** the impact of individual decisions taken or supported by automated monitoring ~~*and*~~***or*** decision-making systems on ***persons performing platform work including, where applicable, their*** working conditions ***and equal treatment at work. Representatives should be involved in the evaluation process***. Digital labour platforms should ensure sufficient human resources for this purpose. The persons charged by the digital labour platform with the function of ~~*monitoring*~~***overview*** should have the necessary competence, training and authority to exercise that function and ***in particular the right to override automated decisions. They*** should be protected from dismissal, disciplinary measures or other adverse treatment for ~~*overriding automated decisions or suggestions for decisions*~~***exercising their functions***. In addition ~~*to obligations*~~

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		data within the meaning of Article 88 of Regulation (EU) 2016/679.	which apply ~~as specific rules~~ in the context of platform work~~, including to ensure the protection of the rights and freedoms in respect of the processing of employees' personal data within the meaning of Article 88 of Regulation (EU) 2016/679~~.	~~under Article 22 of Regulation (EU) 2016/679, Article 7(1) and (3) of this Directive provides for distinct obligations of~~**, it is important that** digital labour platforms ~~in relation to human monitoring of the impact of individual decisions taken or supported by automated systems, which apply as specific rules in the context of platform~~**tackle systematic shortcomings on the use of automated monitoring and decision-making systems. Therefore, when the outcome of the oversight activities identifies high risks of discrimination at** work, ~~including to ensure the protection of the~~**or the infringement of** rights ~~and freedoms in respect of the processing of employees' personal data within the meaning of Article 88 of Regulation (EU) 2016/679~~**of persons performing platform work, digital labour platforms should take appropriate measures to address them, including the possibility to discontinuing such systems**. Text Origin: Auxiliary 3
Recital 36				
G	46	(36) Article 22(3) of Regulation (EU) 2016/679 requires data	(36) Article 22(3) of Regulation (EU) 2016/679 requires data	(36) ~~Article 22(3) of~~ Regulation (EU) 2016/679 requires data	(36) ~~Article 22(3) of Regulation (EU) 2016/679 requires data~~ G

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	controllers to implement suitable measures to safeguard data subjects' rights and freedoms and legitimate interests in cases where the latter are subject to decisions based solely on automated processing. That provision requires, as a minimum, the data subject's right to obtain human intervention on the part of the controller, to express his or her point of view and to contest the decision. Those requirements apply also to digital labour platforms. Article 8 of this Directive provides for more specific rules in the context of platform work, including to ensure the protection of the rights and freedoms in respect of the processing of employees' personal data within the meaning of Article 88 of Regulation (EU) 2016/679.	controllers to implement suitable measures to safeguard data subjects' rights and freedoms and legitimate interests in cases where the latter are subject to decisions based solely on automated processing. That provision requires, as a minimum, the data subject's right to obtain human intervention on the part of the controller, to express his or her point of view and to contest the decision. Those requirements apply also to digital labour platforms. Article 8 of this Directive provides for more specific rules in the context of platform work, including to ensure the protection of the rights and freedoms in respect of the processing of employees' personal data within the meaning of Article 88 of Regulation (EU) 2016/679.	controllers to implement suitable measures to safeguard data subjects' rights and freedoms and legitimate interests in cases where the latter are subject to decisions based solely on automated processing. That provision requires, as a minimum, the data subject's right to obtain human intervention on the part of the controller, to express his or her point of view and to contest the decision. ~~*Those requirements apply also to digital labour platforms. Article 8 of this Directive provides for more specific rules in the context of platform work, including to ensure the protection of the rights and freedoms in respect of the processing of employees' personal data within the meaning of Article 88 of Regulation (EU) 2016/679.*~~	~~*controllers to implement suitable measures to safeguard data subjects' rights and freedoms and legitimate interests in cases where the latter are subject to decisions based solely on automated processing. That provision requires, as a minimum, the data subject's right to obtain human intervention on the part of the controller, to express his or her point of view and to contest the decision. Those requirements apply also to digital labour platforms. Article 8 of this Directive provides for more specific rules in the context of platform work, including to ensure the protection of the rights and freedoms in respect of the processing of employees' personal data within the meaning of Article 88 of Regulation (EU) 2016/679.*~~***deleted*** Moved to row 47
Recital 36a				
46a		***(36a) The persons in charge of reviewing decisions significantly affecting working conditions should be involved in checking the system's recommendation and should not routinely apply the***		

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		automated recommendation to an individual. The involvement of reviewers should be active and not only a token gesture. They should have actual concrete influence on the decision, including the authority and competence to reject, revoke and replace it. Reviewers should weigh-up and interpret the recommendation, consider all available input data, and also take into account other additional factors in order to safeguard the rights of persons performing platform work as well as their health and safety.		
Recital 37				
G 47	(37) In that context, persons performing platform work should have the right to obtain an explanation from the digital labour platform for a decision, the lack of decision or a set of decisions taken or supported by automated systems that significantly affect their working conditions. For that purpose the digital labour platform should provide the possibility for them to discuss and clarify the facts, circumstances and reasons for such decisions with a human contact	(37) In that context, persons performing platform work should have the right to obtain ***a human review and*** an explanation from the digital labour platform for a decision, the lack of decision or a set of decisions taken or supported by automated systems that significantly affect their working conditions ***at the earliest opportunity and at the latest on the day on which such decisions take effect***. For that purpose the digital labour platform should provide the possibility for	(37) ***This Directive provides for rules in addition to Regulation 2016/679 in the*** ~~*In that*~~ context~~,~~ ***of algorithmic management in platform work.*** Persons performing platform work should have the right to obtain an explanation from the digital labour platform for a decision, the lack of decision or a set of decisions taken or supported by automated systems that significantly affect ~~*their working conditions*~~***them***. For that purpose the digital labour platform should provide the	(37) ***Regulation (EU) 2016/679 requires data controllers to implement suitable measures to safeguard data subjects' rights and freedoms and legitimate interests in cases where the latter are subject to decisions based solely on automated processing. That provision requires, as a minimum, the data subject's right to obtain human intervention on the part of the controller, to express his or her point of view and to contest the decision.*** G

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	person at the digital labour platform. In addition, digital labour platforms should provide the person performing platform work with a written statement of reasons for any decision to restrict, suspend or terminate that person's account, to refuse the remuneration for work performed by that person, or affecting his or her contractual status, as such decisions are likely to have significant negative effects on persons performing platform work, in particular their potential earnings. Where the explanation or reasons obtained are not satisfactory or where persons performing platform work consider their rights infringed, they should also have the right to request the digital labour platform to review the decision and to obtain a substantiated reply within a reasonable period of time. Where such decisions infringe those persons' rights, such as labour rights or the right to non-discrimination, the digital labour platform should rectify such decisions without delay or, where that is not possible, provide adequate compensation.	them to discuss and clarify the facts, circumstances and reasons for such decisions with a human contact person at the digital labour platform. In addition, digital labour platforms should provide the person performing platform work with a written statement of reasons for any decision to restrict ***access to work assignments, to restrict***, suspend or terminate that person's account, to ***reject work and to*** refuse the remuneration for work performed by that person, or affecting his or her contractual status ***at the earliest opportunity and at the latest on the day on which such decisions take effect***, as such decisions are likely to have significant negative effects on persons performing platform work, in particular their potential earnings. ***The written statement can be provided and transmitted on paper or in electronic form, provided that it is accessible to the person performing platform work, that it can be stored and printed, and that the platform retains proof of transmission or receipt.*** Where the explanation or reasons obtained are not satisfactory or where persons performing platform work consider ***they have been discriminated against or have had*** their rights	possibility for them to discuss and clarify the facts, circumstances and reasons for such decisions with a human contact person at the digital labour platform. In addition, ***if a*** digital labour ~~*platforms should provide the*~~ ***platform restricts, suspends or terminates the account of a*** person performing platform work***, refuses the remuneration for work performed by that person, or affects his or her contractual status, the digital labour platform should provide the person performing platform work with a written statement of reasons for that decision.*** ~~*with a written statement of reasons for any decision to restrict, suspend or terminate that person's account, to refuse the remuneration for work performed by that person, or affecting his or her contractual status,*~~ as such decisions are likely to have ***particularly*** significant negative effects on persons performing platform work, in particular their potential earnings. Where the explanation or reasons obtained are not satisfactory or where persons performing platform work consider their rights infringed ***by any decision that significantly affects them***, they should also have the right to request the digital labour	***In addition to Regulation 2016/679 in the*** ~~*In that*~~ context ***of algorithmic management and considering the serious impact on persons performing platform work of decisions of restricting, suspending or terminating the contractual relationship or the account of the person performing platform work, or any decision of equivalent detriment, these decisions should always be taken by a human being. In addition to Regulation 2016/679 in the context of algorithmic management in platform work***, persons performing platform work should have the right to obtain an explanation from the digital labour platform ***without undue delay*** for a decision, the lack of ***a*** decision or a set of decisions ~~*taken or supported*~~ ***supported, or, if applicable, taken*** by automated ~~*systems that significantly affect their working conditions*~~***decision-making systems***. For that purpose**,** the digital labour platform should provide the possibility for them to discuss and clarify the facts, circumstances and reasons for such decisions with a human contact person at the digital labour platform. In addition, ~~*digital labour platforms should provide the person*~~***as certain decisions are likely***

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		infringed, they should also have the right to request the digital labour platform to review the decision and to obtain a substantiated reply ***without undue delay and in any event*** within ***two weeks of receipt of the request, or one month in the case of micro, small or medium enterprises*** ~~*a reasonable period of time*~~. Where such decisions infringe those persons' rights, such as ***fundamental rights and freedoms,*** labour rights or the right to non-discrimination, the digital labour platform should rectify such decisions without delay or, where that is not possible, provide adequate compensation.	platform to review the decision and to obtain a substantiated reply ~~*within a reasonable period of time*~~***without undue delay***. Where such decisions infringe those persons' rights, such as labour rights ~~*or*~~***,*** the right to non-discrimination ***or to the protection of their personal data***, the digital labour platform should rectify such decisions without ***undue*** delay or, where that is not possible, provide ~~*adequate compensation*~~***compensation for the damage sustained, and take the necessary steps to avoid similar decisions in the future***.	***to have particularly significant negative effects on persons*** performing platform work***, in particular their potential earnings, if a digital labour platform restricts, suspends or terminates the account of a*** ~~*with a written statement of reasons for any decision to restrict, suspend or terminate that*~~ person~~*'s account, to refuse the remuneration*~~ ***performing platform work, refuses the payment*** for work performed by that person, or ~~*affecting his or her*~~***affects the essential aspects of the*** contractual ~~*status, as such decisions are likely to have significant negative effects on persons performing platform work, in particular their potential earnings.*~~ ***relationship, the digital labour platform should provide the person performing platform work, at the earliest opportunity and at the latest on the day on which such decisions take effect, with a written statement of reasons for that decision.*** Where the explanation or reasons obtained are not satisfactory or where persons performing platform work consider their rights infringed ***by a decision***, they should also have the right to request the digital labour platform to review the decision and

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				to obtain a substantiated reply ***without undue delay, and in any event*** within ~~*a reasonable period of time*~~***two weeks of receipt of the request***. Where such decisions infringe those persons' rights, such as labour rights ~~*or*~~, the right to non-discrimination ***or to the protection of their personal data***, the digital labour platform should rectify such decisions without ***undue*** delay or, where that is not possible, provide adequate compensation ***for the damage sustained, and take the necessary steps to avoid similar decisions in the future, including a discontinuance of its use***. ***With regards to human review of decisions, the specific provisions of Regulation (EU) 2019/1150 should prevail in respect of business users.*** Text to be added in relation to row 138 after 'potential earnings': "Restricting the account should be understood as any limitation imposed on the possibility to perform platform work through the account, including restricting the access to the account or the access to work assignments." Text Origin: Auxiliary 3

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Recital 38				
48	(38) Council Directive 89/391/EEC[1] introduces measures to encourage improvements in the safety and health of workers at work, including the obligation for employers to assess the occupational health and safety risks. As automated monitoring and decision-making systems potentially have significant impact on the physical and mental health of persons performing platform work, digital labour platforms should evaluate those risks, assess whether the safeguards of the systems are appropriate to address those risks and take appropriate preventive and protective measures. 1. Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.6.1989, p. 1).	(38) Council Directive 89/391/EEC[1] introduces measures to encourage improvements in the safety and health of workers at work, including the obligation for employers to assess the occupational health and safety risks. As automated monitoring and decision-making systems potentially have significant impact on ***workers' safety and on*** the physical and mental health of persons performing platform work, digital labour platforms should ***avoid those risks,*** evaluate ~~*those*~~***and combat the risks that cannot be avoided, combat the*** risks ***at source***, assess whether the safeguards of the systems are appropriate to address those risks and take appropriate preventive ***protective and corrective*** ~~*and protective*~~ measures. ***Particularly relevant in this context is the employer's obligation to adapt the work to the individual, especially as regards the design of work places, the choice of work equipment and the choice of working and production methods, with a view, in particular, to alleviating monotonous work and work at a predetermined work-rate and to reducing their consequences***	(38) Council Directive 89/391/EEC[1] introduces measures to encourage improvements in the safety and health of workers at work, including the obligation for employers to ***minimise risks and to*** assess the occupational health and safety risks. As automated monitoring ~~*and*~~***or*** decision-making systems potentially ***can*** have significant impact on the physical and mental health of ~~*persons performing*~~ platform ~~*work*~~***workers***, digital labour platforms should evaluate those risks, assess whether the safeguards of the systems are appropriate to address those risks and take appropriate preventive and protective measures. ***They should avoid that the use of such systems results in undue pressure on workers or puts their health at risk. In order to strengthen the effectiveness of these provisions, the digital labour platform should make their risk evaluation and the assessment of the mitigating measures available to platform workers, their representatives and the competent authorities.*** 1. Council Directive 89/391/EEC of 12 June	(38) Council Directive 89/391/EEC~~*1*~~***1*** introduces measures to encourage improvements in the safety and health of workers at work, including the obligation for employers to assess the occupational health and safety risks~~*. As*~~ ***and lays down general principles of prevention that employers are to implement.*** Automated monitoring and decision-making systems potentially have significant impact on the ***safety and on the*** physical and mental health of ~~*persons performing platform work*~~***platform workers.*** ***Algorithmic direction, evaluation, and discipline intensify work effort by increasing monitoring, raising the pace required from workers, minimising gaps in workflow, and extending work activity beyond the conventional workplace and working hours. The limited learning at work and influence over tasks due to the use of non-transparent algorithms, work intensification and insecurity highlighted above is likely to increase workforce stress and anxiety. Therefore***, digital labour platforms should evaluate those

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		on health. This Directive requires employers to consult workers and workers' representatives and to allow them to take part in discussions on all questions relating to safety and health at work. In particular, the planning and introduction of new technologies should be subject to consultation with the workers and workers' representatives, as regards the consequences of the choice of equipment, the working conditions and the working environment on the worker's safety and health. This presupposes the consultation of workers, the right of workers and workers' representatives to make proposals and a balanced participation in accordance with this Directive as well as in accordance with national law and practice. In addition, the employer should ensure that each worker receives adequate safety and health training, in particular in the form of information and instructions specific to his or her workstation or job in the event of the introduction of any new technology.	1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.6.1989, p. 1).	risks, assess whether the safeguards of the systems are appropriate to address those risks and take appropriate preventive and protective measures. ***They should avoid that the use of such systems results in undue pressure on workers or puts their health at risk. In order to strengthen the effectiveness of these provisions, the digital labour platform should make their risk evaluation and the assessment of the mitigating measures available to platform workers, their representatives and the competent authorities.***
		_____ 1. Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183,		_____ ~~1. Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (OJ L 183, 29.6.1989, p. 1).~~ Text Origin: Auxiliary 3

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		29.6.1989, p. 1).		
Recital 38a				
G 48a		***(38a) At least yearly, the digital labour platforms should perform an assessment of the impact of individual decisions taken or supported by automated monitoring and decision-making systems on working conditions, health and safety and fundamental rights and include measures to combat any impact on fundamental rights and health and safety, including mental health. Where the possible impacts on fundamental rights, health and safety, including mental health, cannot be mitigated, the systems should not be put into use.***		***(38a) deleted*** G
Recital 38b				
G 48b		***(38b) Platform work, in particular online platform work, poses a range of both pre-existing and new occupational safety and health risks, both physical and psychosocial. Moreover, people working through platforms are exposed to particular health and safety risks. They usually receive***		***(38b) deleted*** G

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		little or no training and have low prospects of career advancement[1]. Digital labour platforms should not use automated monitoring and decision-making systems in any manner that puts undue pressure on persons performing platform work or otherwise puts at risk the physical and mental health of platform workers for example through the use of incentives, such as exceptional bonuses, or punitive practices, such as ratings that have an impact on working time and lead to the assignment of less work. They should ensure that automated monitoring and decision-making systems avoid any potential discriminatory decisions issued on the basis of existing biases or practices. ***1. Protecting Workers in EU Platform Economy, EU OSHA 2017, p. 28.***	
Recital 39				
49	(39) Directive 2002/14/EC of the European Parliament and of the Council[1] establishes a general framework for informing and consulting employees in the Union. The introduction of or substantial changes in the use of automated	(39) Directive 2002/14/EC ~~*of the European Parliament and of the Council*~~[1] establishes a general framework for informing and consulting employees in the Union. The introduction of or substantial changes in the use of automated	(39) ~~*Directive 2002/14/EC of the European Parliament and of the Council[1] establishes a general framework for informing and consulting employees in the Union.*~~ ***As*** the introduction of or substantial changes in the use of	(39) ~~*Directive 2002/14/EC of the European Parliament and of the Council[1] establishes a general framework for informing and consulting employees in the Union.*~~ ***Information and consultation of workers' representatives, regulated***

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	monitoring and decision-making systems by digital labour platforms have direct impacts on the work organisation and individual working conditions of platform workers. Additional measures are necessary to ensure that digital labour platforms inform and consult platform workers or their representatives before such decisions are taken, at the appropriate level and, given the technical complexity of algorithmic management systems, with the assistance of an expert chosen by the platform workers or their representatives in a concerted manner where needed. _____ 1. Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community (OJ L 80, 23.3.2002, p. 29).	monitoring and decision-making systems by digital labour platforms have direct impacts on the work organisation and individual working conditions of platform workers. Additional measures are necessary to ensure that digital labour platforms inform and ~~consult platform~~ ***effectively consult*** workers***' representatives in good faith*** ~~or their representatives~~ before such decisions are taken, at the appropriate level and, given the technical complexity of algorithmic management systems, ***in due time in order to allow effective consultation and*** with the assistance of an expert chosen by the ~~platform~~ workers ~~or their~~ representatives in a concerted manner where needed. ***In accordance with Directive 2002/14/EC, those provisions are meant to foster effective social dialogue on these features and, because automated monitoring and decision-making systems have a direct impact on working conditions, it should be possible to subject them to collective bargaining.*** _____ 1. Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the	automated monitoring ~~and~~***or*** decision-making systems by digital labour platforms have direct impacts on the work organisation and individual working conditions of platform workers***, it is key to ensure that rights and obligations on information and consultation, and in particular those laid down under Directive 2002/14/EC, can be directly exercised by platform workers' representatives and, where there are no representatives, by platform workers***. Additional measures are necessary to ensure that digital labour platforms inform and consult platform workers or their representatives before such decisions are taken, at the appropriate level and, given the technical complexity of algorithmic management systems, with the assistance of an expert chosen by the platform workers or their representatives in a concerted manner where needed. ***The information and consultation measures as contained in Directive 2002/14/EC remain unaffected by this Directive.*** _____ ~~1. Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the~~	***at Union level under Directive 2002/14/EC[1], is key to foster effective social dialogue. As*** the introduction of or substantial changes in the use of automated monitoring ~~and~~***or*** decision-making systems by digital labour platforms have direct impacts on the work organisation and individual working conditions of platform workers~~.~~***,*** additional measures are necessary to ensure that digital labour platforms inform and ***effectively*** consult platform workers ~~or their~~***'*** representatives before such decisions are taken, at the appropriate level ~~and.~~***.*** Given the technical complexity of algorithmic management systems, ***information should be given in due time to enable platform workers' representatives to prepare for consultation,*** with the assistance of an expert chosen by the platform workers or their representatives in a concerted manner where needed. ***The information and consultation measures as contained in Directive 2002/14/EC remain unaffected by this Directive. In the absence of workers' representative, it should be possible for the workers to be directly informed by the digital labour platform of any such introduction or substantial change***

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		European Community (OJ L 80, 23.3.2002, p. 29).	~~*European Community (OJ L 80, 23.3.2002, p. 29).*~~	***as regards automated monitoring and decision-making systems.*** _____ 1. Directive 2002/14/EC of the European Parliament and of the Council of 11 March 2002 establishing a general framework for informing and consulting employees in the European Community (OJ L 80, 23.3.2002, p. 29).
Recital 39a				
G	49a	***(39a) In its 2021 Action Plan for the Social Economy, the Commission has acknowledged the significant economic and social role of social economy entities as an example of participatory-governed businesses which use digital platforms to facilitate citizen engagement and the selling of locally produced goods and services, aiming to achieve better working conditions for their members. Cooperatives could therefore constitute an important instrument for the bottom-up organisation of platform work and could encourage competition between platforms. Member States should protect and promote cooperative undertakings and small businesses by means that aim to safeguard employment and ensure***		***(39a) tentative deleted*** G

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		their capacity for sustainable development and growth.		
Recital 40				
50	(40) Persons who do not have an employment relationship constitute a significant part of the persons performing platform work. The impact of automated monitoring and decision-making systems used by digital labour platforms on their working conditions and their earning opportunities is similar to that on platform workers. Therefore, the rights in Articles 6, 7 and 8 of this Directive pertaining to the protection of natural persons in relation to the processing of personal data in the context of algorithmic management, namely those regarding transparency on automated monitoring and decision-making systems, restrictions to process or collect personal data, human monitoring and review of significant decisions, should also apply to persons in the Union performing platform work who do not have an employment contract or employment relationship. The rights pertaining to health and safety at work and information and consultation of platform workers or	(40) ~~*Persons who do not have an employment relationship constitute a significant part of the persons performing platform work. The impact of automated monitoring and decision-making systems used by digital labour platforms on their working conditions and their earning opportunities is similar to that on platform workers. Therefore,*~~ The rights in Articles 6, 7 and 8 of this Directive pertaining to the protection of natural persons in relation to the processing of personal data in the context of algorithmic management, namely those regarding transparency on automated monitoring and decision-making systems, restrictions to process or collect personal data, human monitoring and review of significant decisions, should also apply to persons in the Union performing platform work who do not have an employment contract or employment relationship. The rights pertaining to health and safety at work and information and consultation of	(40) Persons who do not have an employment relationship constitute a significant part of the persons performing platform work. The impact of automated monitoring ~~*and*~~***or*** decision-making systems used by digital labour platforms on ***the protection of*** their ~~*working conditions*~~***personal data*** and their earning opportunities is similar to that on platform workers. Therefore, the rights in ~~*Articles 6, 7 and 8 of*~~ this Directive pertaining to the protection of natural persons in relation to the processing of personal data in the context of algorithmic management, namely those regarding transparency on automated monitoring ~~*and*~~***or*** decision-making systems, restrictions to process or collect personal data, human monitoring and review of significant decisions, should also apply to persons ~~*in the Union*~~ performing platform work who do not have an employment ~~*contract or employment*~~ relationship. The rights pertaining to health and safety at work and	(40) ~~*Persons who do not have an employment relationship*~~***Self-employed*** constitute ~~*a significant*~~ part of the persons performing platform work. The impact of automated monitoring ~~*and*~~***or*** decision-making systems used by digital labour platforms on ***the protection of*** their ~~*working conditions*~~***personal data*** and their earning opportunities is similar to that on platform workers. Therefore, the rights in ~~*Articles 6, 7 and 8 of*~~ this Directive pertaining to the protection of natural persons in relation to the processing of personal data in the context of algorithmic management, namely those regarding transparency on automated monitoring ~~*and*~~***or*** decision-making systems, restrictions to process or collect personal data, human monitoring and review of significant decisions, should also apply to persons ~~*in the Union*~~ performing platform work who do not have an employment ~~*contract or employment*~~ relationship. The rights pertaining to

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	their representatives, which are specific to workers in view of Union law, should not apply to them. Regulation (EU) 2019/1150 provides safeguards regarding fairness and transparency for self-employed persons performing platform work, provided that they are considered business users within the meaning of that Regulation. Where such safeguards conflict with elements of specific rights and obligations laid down in this Directive, the specific provisions of Regulation (EU) 2019/1150 should prevail in respect of business users.	platform workers or their representatives, which are specific to workers in view of Union law, should not apply to them. Regulation (EU) 2019/1150 provides safeguards regarding fairness and transparency for self-employed persons performing platform work, provided that they are considered business users within the meaning of that Regulation. Where such safeguards conflict with elements of specific rights and obligations laid down in this Directive, the specific provisions of Regulation (EU) 2019/1150 should prevail in respect of business users.	information and consultation of platform workers or their representatives, which are specific to workers in view of Union law, should not apply to them. Regulation (EU) 2019/1150 provides safeguards regarding fairness and transparency for self-employed persons performing platform work, provided that they are considered business users within the meaning of that Regulation. ~~*Where such safeguards conflict with elements of specific rights and obligations laid down in this Directive*~~***With regards to human review of significant decisions***, the specific provisions of Regulation (EU) 2019/1150 should prevail in respect of business users.	health and safety at work and information and consultation of platform workers or their representatives, which are specific to workers in view of Union law, should not apply to them. Regulation (EU) 2019/1150 provides safeguards regarding fairness and transparency for self-employed persons performing platform work, provided that they are considered business users within the meaning of that Regulation. ~~*Where such safeguards conflict with elements of specific rights and obligations laid down in this Directive*~~ ***With regards to human review of significant decisions***, the specific provisions of Regulation (EU) 2019/1150 should prevail in respect of business users. Text Origin: Council Mandate
Recital 40a				
50a				***(40a) The obligations of digital labour platforms including on information and consultation in respect of automated monitoring and decision-making systems apply irrespective of whether the automated monitoring and decision-making systems are being managed by the digital labour***

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				platform itself or by an external service provider which carries out data processing on behalf of the digital labour platform.
Recital 41				
51	(41) In order to ensure that digital labour platforms comply with labour legislation and regulations, social security contribution obligations, social security coordination and other relevant rules, in particular if they are established in another country than the Member State in which the platform worker is performing work, digital labour platforms should declare work performed by platform workers to the competent labour and social protection authorities of the Member State in which the work is performed, in accordance with the rules and procedures laid down in the law of the Member States concerned.	(41) In order to ensure that digital labour platforms comply with labour legislation and regulations, ***taxation and*** social security contribution obligations, social security coordination and other relevant rules, ***and with a view to preventing unfair competition,*** in particular if they are established in another country than the Member State in which the platform worker is performing work, digital labour platforms should declare work performed by platform workers to the competent labour and social protection authorities of the Member State in which the work is performed, in accordance with the rules and procedures laid down in the law of the Member States concerned. ***As regards such cross-border cases, the European Labour Authority was established to facilitate and support cooperation between the competent national authorities in the enforcement of***	(41) In order to ensure that digital labour platforms comply with labour legislation and regulations, ~~*social security contribution obligations, social security coordination and other relevant rules,*~~ in particular if they are established in another country than the Member State in which the platform worker is performing work, digital labour platforms should declare work performed by platform workers to the competent ~~*labour and social protection*~~ authorities of the Member State in which the work is performed~~*, in accordance with the rules and procedures laid down in the law of the Member States concerned*~~. ***This obligation should not replace the obligations of declaration or notification established by other Union instruments***.	(41) In order to ***enable competent national authorities to*** ensure that digital labour platforms comply with labour legislation and regulations, ~~*social security contribution obligations, social security coordination and other relevant rules,*~~ in particular if they are established in another country than the Member State in which the platform worker is performing work, digital labour platforms should declare work performed by platform workers to the competent ~~*labour and social protection*~~ authorities of the Member State in which the work is performed***. *A systematic and transparent system of information, including at cross-border level, is also pivotal to prevent unfair competition among digital labour platforms. This obligation should not replace the obligations of declaration or notification established by other Union instruments***~~*, in accordance with the*~~

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		relevant Union law, to ensure information to employers and workers on their rights and obligation in the framework of labour mobility, to coordinate the European Employment Services network (EURES) and to foster the exchange of information between Member States, including through promoting the use of electronic data exchange tools between national authorities such as the Commission's Internal Market Information System, Electronic Exchange of Social Security Information system, and to coordinate and support concerted or joint inspections with the aim of enforcing relevant Union law.		~~*rules and procedures laid down in the law of the Member States concerned*~~.
Recital 41a				
G 51a				***(41a) The European Labour Authority contributes to ensuring fair labour mobility across the Union, in particular it facilitates the cooperation and the exchange of information between Member States with a view to the consistent, efficient and effective application and enforcement of relevant Union law, coordinates and supports concerted and joint inspections,*** G

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				carries out analyses and risk assessment on issues of cross-border labour mobility and supports Member States in tackling undeclared work. It has therefore an important role to play in addressing the challenges linked to the cross-border activities of many digital labour platforms as well as those linked to undeclared work in platform work. In relation to Article 12a (row 159c)
Recital 42				
52	(42) Information on the number of persons performing platform work through digital labour platforms on a regular basis, their contractual or employment status and the general terms and conditions applicable to those contractual relationships is essential to support labour inspectorates, social protection bodies and other relevant authorities in correctly determining the employment status of persons performing platform work and in ensuring compliance with legal obligations as well as representatives of persons performing platform work in the exercise of their representative	(42) ***Digital labour platforms should be listed in the applicable public business register, which should include relevant information on all digital labour platforms operating in the country.*** Information on the number of persons performing platform work through digital labour platforms ~~*on a regular basis*~~, their contractual or employment status***, copy of employment contract, average duration of activity and average income from activity*** and the general terms and conditions applicable to those contractual relationships***. Such information*** is essential to support	(42) Information on the number of persons performing platform work through digital labour platforms ~~*on a regular basis,*~~***, information on*** their contractual or employment status and the general terms and conditions applicable to those contractual relationships is essential to support ~~*labour inspectorates, social protection bodies and other*~~ relevant authorities in correctly determining the employment status of persons performing platform work and in ensuring compliance with legal obligations as well as representatives of ~~*persons performing*~~ platform ~~*work*~~***workers*** in the exercise of their	(42) Information on ~~*the number of*~~ ***platform work performed by*** persons performing platform work through digital labour platforms***, their number, information on*** ~~*on a regular basis,*~~ their contractual or employment status and the general terms and conditions applicable to those contractual relationships is essential to support ~~*labour inspectorates, social protection bodies and other*~~ relevant authorities in correctly determining the employment status of persons performing platform work and in ensuring compliance with legal obligations as well as representatives

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	functions and should therefore be made accessible to them. Those authorities and representatives should also have the right to ask digital labour platforms for additional clarifications and details, such as basic data on working conditions regarding working time and remuneration.	labour inspectorates, social protection bodies and other relevant authorities in correctly determining the employment status of persons performing platform work and in ensuring compliance with legal obligations as well as representatives of persons performing platform work***, including trade unions,*** in the exercise of their representative functions and should therefore be made accessible to them. Those authorities and representatives should also have the right to ask digital labour platforms for additional clarifications and details, such as basic data on working conditions regarding working time and remuneration. ***The European Foundation for the improvement of living and working conditions (Eurofound) and the European Labour Authority should, according to their respective prerogatives and mandates, support the collection and sharing of those data for the purpose of developing appropriate risk assessment tools.***	representative functions and should therefore be made accessible to them. Those authorities and representatives should also have the right to ask digital labour platforms for additional clarifications and details~~, such as basic data on working conditions~~ regarding ~~working time and remuneration~~***the information provided***.	of ~~persons performing~~ platform ~~work~~***workers*** in the exercise of their representative functions ~~and should therefore be made accessible to them~~. Those authorities and representatives should also have the right to ask digital labour platforms for additional clarifications and details~~, such as basic data on working conditions~~ regarding ~~working time and remuneration~~***the information provided***.
Recital 42a				
52a		***(42a) Experience shows that when national law has introduced the***		***(42a) The use of undeclared work in delivery platforms has been***

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		presumption of an employment relationship for digital labour platforms, the use of subcontracting chains has been used as a way of circumventing the application of labour law to platform workers[1]. The use of undeclared work in delivery platforms has also been evidenced in several Member States. This practice is carried out through rented identities: platform workers or people with the right to work who register in the platform rent their accounts mainly to undocumented migrants and to minors[2]. In order to prevent undeclared work as well as the misuse of subcontracting as a mean by which to circumvent this Directive, Member States should introduce legal provisions on subcontracting that provide for joint and several liability and effective access to redress across subcontracting chains, ensuring that the contractors in a subcontracting chain may be held liable to pay wages, social security contributions and financial penalties in addition to or in place of the direct employer. In specific cases involving illegally staying third country nationals, all the contractors involved in the	PUBLIC	***evidenced in several Member States. This practice is carried out through rented identities, where persons performing platform work with the right to work who register in the platform rent their accounts to undocumented migrants and to minors. This entails a lack of protection for those persons, including illegally staying third-country nationals, whose situation often results in a limitation to access to justice for fear of retaliation or risk of deportation. Directive 2009/52/EC provides for minimum standards on sanctions and measures against employers of illegally staying third country nationals. The transparency obligations and the rules on intermediaries laid down in his Directive strongly contribute, together with Directive 2009/52/EC, to address the issue of undeclared work in platform work. Furthermore, it is key that, digital labour platforms ensure reliable verification of platform workers' identities.*** Awaiting Presidency suggestion

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		subcontracting chain may be liable of criminal offences as provided for in Directive 2009/52/EC of the European Parliament and of the Council[3]. Member States should ensure that undocumented migrants can have access to justice without fearing any retaliation or risk of deportation, also in accordance with Directive 2009/52/EC. In order to combat undeclared platform work, digital labour platforms should ensure reliable verification processes of platform workers' identity. ***1. EU-OSHA, "Spain: the 'riders' law', new regulation on digital platform work", 16.02.2022.*** ***2. EESC, "The definition of worker in the platform economy: Exploring workers' risks and regulatory solutions", 13.09.2021; European Platform tackling undeclared work (ELA WG), "Thematic review workshop: Undeclared work in the collaborative economy", 19-20.05.2021.*** ***3. Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ L 168, 30.6.2009, p. 24).***		
Recital 43				
G	53	(43) An extensive system of	(43) An extensive system of	(43) An extensive system of	(43) An extensive system of	G

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	enforcement provisions for the social acquis in the Union has been developed, elements of which should be applied to this Directive in order to ensure that persons performing platform work have access to effective and impartial dispute resolution and a right to redress, including adequate compensation. Specifically, having regard to the fundamental nature of the right to effective legal protection, persons performing platform work should continue to enjoy such protection even after the end of the employment or other contractual relationship giving rise to an alleged breach of rights under this Directive.	enforcement provisions for the social acquis in the Union has been developed, elements of which should be applied to this Directive in order to ensure that persons performing platform work have access to ***appropriate, timely,*** effective and impartial dispute resolution and a right to redress, including adequate compensation***. Access to such dispute resolution and right to redress should be free of charge at least for persons who do not have sufficient means***. Specifically, having regard to the fundamental nature of the right to effective legal protection, persons performing platform work should continue to enjoy such protection even after the end of the employment or other contractual relationship giving rise to an alleged breach of rights under this Directive.	enforcement provisions for the social acquis in the Union has been developed, elements of which should be applied to this Directive in order to ensure that persons performing platform work have access to effective and impartial dispute resolution and a right to redress, including ~~*adequate compensation*~~***compensation for the damage sustained***. Specifically, having regard to the fundamental nature of the right to effective legal protection, persons performing platform work should continue to enjoy such protection even after the end of the employment or other contractual relationship giving rise to an alleged breach of rights under this Directive.	enforcement provisions for the social acquis in the Union has been developed, elements of which should be applied to this Directive in order to ensure that persons performing platform work have access to ***timely,*** effective and impartial dispute resolution and a right to redress, including adequate compensation ***for the damage sustained***. Specifically, having regard to the fundamental nature of the right to effective legal protection, persons performing platform work should continue to enjoy such protection even after the end of the employment or other contractual relationship giving rise to an alleged breach of rights under this Directive. Text Origin: Auxiliary 3
Recital 44				
54	(44) Representatives of persons performing platform work should be able to represent one or several persons performing platform work in any judicial or administrative procedure to enforce any of the rights or obligations arising from	(44) Representatives of persons performing platform work***, including trade unions,*** should be able to represent one or several persons performing platform work in any judicial or administrative procedure to enforce any of the	(44) Representatives of persons performing platform work should be able***, in accordance with national law and practice,*** to represent one or several persons performing platform work in any judicial or administrative	(44) Representatives of persons performing platform work should be able***, in accordance with national law and practice,*** to represent one or several persons performing platform work in any judicial or administrative

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	this Directive. Bringing claims on behalf of or supporting several persons performing platform work is a way to facilitate proceedings that would not have been brought otherwise because of procedural and financial barriers or a fear of reprisals.	rights or obligations arising from this Directive. Bringing claims on behalf of or supporting several persons performing platform work is a way to facilitate proceedings that would not have been brought otherwise because of procedural and financial barriers or a fear of reprisals.	~~*procedure*~~***proceedings*** to enforce any of the rights or obligations arising from this Directive. Bringing claims on behalf of or supporting several persons performing platform work is a way to facilitate proceedings that would not have been brought otherwise because of procedural and financial barriers or a fear of reprisals.	~~*procedure*~~***proceedings*** to enforce any of the rights or obligations arising from this Directive. Bringing claims on behalf of or supporting several persons performing platform work is a way to facilitate proceedings that would not have been brought otherwise because of procedural and financial barriers or a fear of reprisals. Text Origin: Council Mandate
Recital 45				
55	(45) Platform work is characterised by the lack of a common workplace where workers can get to know each other and communicate with each other and with their representatives, also in view of defending their interests towards the employer. It is therefore necessary to create digital communication channels, in line with the digital labour platforms' work organisation, where persons performing platform work can exchange with each other and be contacted by their representatives. Digital labour platforms should create such communication channels within their digital infrastructure or through similarly effective means, while respecting the protection of	(45) Platform work is characterised by the lack of a common workplace where workers can get to know each other and communicate with each other and with their representatives, also in view of defending their interests towards the employer. ***In some areas prevalent in platform work, such as digital remote services or design work, many Member States lack established workers representatives' organisations or trade unions. In accordance with national law and practice, persons performing platform work should be free to organise, choose representatives and be taken into account in social dialogue and collective bargaining***	(45) Platform work is characterised by the lack of a common workplace where workers can get to know each other and communicate with each other and with their representatives, also in view of defending their interests towards the ~~*employer*~~***digital labour platform***. It is therefore necessary to create digital communication channels, in line with the digital labour platforms' work organisation, where persons performing platform work can exchange with each other and be contacted by ~~*their representatives*~~***representatives of platform workers***. Digital labour platforms should create such communication channels within their	(45) Platform work is characterised by the lack of a common workplace where ~~*workers*~~***persons performing platform work*** can get to know each other and communicate with each other and with their representatives, also in view of defending their interests towards the ~~*employer*~~***digital labour platform***. It is therefore necessary to create digital communication channels, in line with the digital labour platforms' work organisation, where persons performing platform work can exchange ***privately and securely*** with each other and be contacted by their representatives.. Digital labour platforms should create such communication channels within their

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	personal data and refraining from accessing or monitoring those communications.	***processes, regardless of their employment status. Persons performing platform work can also be exposed to the increased risk of violence, including gender-based violence and harassment.*** It is therefore necessary to create ***private, secure, possibly through encryption,*** digital communication ***and reporting*** channels, in line with the digital labour platforms' work organisation, where persons performing platform work can exchange with each other and be contacted by their representatives ***and report incidents of violence or harassment***. Digital labour platforms should create such communication ***and reporting*** channels within their digital infrastructure or through similarly effective means, while respecting the protection of personal data and refraining from accessing or monitoring those communications. ***For the same reasons, collective bargaining should be promoted by ensuring that trade unions are able to effectively exercise their role.***	digital infrastructure or through similarly effective means, while respecting the protection of personal data and refraining from accessing or monitoring those communications.	digital infrastructure or through similarly effective means, while respecting the protection of personal data and refraining from accessing or monitoring those communications.
Recital 45a				
Y	55a		***(45a) In some areas prevalent in***		***(45a)***	Y

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		platform work, such as digital remote services or design work, many Member States lack established workers representatives' organisations or trade unions. In accordance with national law and practice, persons performing platform work should be free to organise, choose representatives and be taken into account in social dialogue and collective bargaining processes, regardless of their employment status. From row 55		Text Origin: EP Mandate
Recital 45b				
G	55b			***(45b) Persons performing platform work are exposed, in particular in on-location work, to a risk of violence and harassment, without having physical workplace where they are able to address complains. Harassment and sexual harassment are liable to have a negative impact on the health and safety of platform workers. With regards to platform work, Member States should provide for preventive measures, including the setting up of effective reporting channels. Member States are also encouraged to support*** G

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				effective measures to combat violence and harassment in platform work and, in particular, to include appropriate channels for reporting for self-employed.
Recital 46				
56	(46) In administrative or judicial proceedings regarding the correct determination of the employment status of persons performing platform work, the elements regarding the organisation of work allowing to establish the employment status and in particular whether the digital labour platform controls certain elements of the performance of work may be in the possession of the digital labour platform and not easily accessible to persons performing platform work and competent authorities. National courts or competent authorities should therefore be able to order the digital labour platform to disclose any relevant evidence which lies in their control, including confidential information, subject to effective measures to protect such information.	(46) In administrative or judicial proceedings regarding the correct determination of the employment status of persons performing platform work, the elements regarding the organisation of work allowing to establish the employment status and in particular whether the digital labour platform controls ***or directs*** certain elements of the performance of work may be in the possession of the digital labour platform and not easily accessible to persons performing platform work and competent authorities. National courts or competent authorities should therefore be able to order the digital labour platform to disclose any relevant evidence which lies in their control, including confidential information, subject to effective measures to protect such information.	(46) In administrative or judicial proceedings regarding the correct determination of the employment status of persons performing platform work, the elements regarding the organisation of work allowing to establish the employment status and in particular whether the digital labour platform controls certain elements of the performance of work may be in the possession of the digital labour platform and not easily accessible to persons performing platform work and competent authorities. National courts or competent authorities should therefore be able to order the digital labour platform to disclose any relevant evidence which lies in their control, including confidential information, subject to effective measures to protect such information.	(46) In administrative or judicial proceedings regarding the ~~*correct determination of the employment status of persons performing platform work*~~***rights and obligations laid down in this Directive***, the elements regarding the organisation of work allowing to establish the employment status***,*** and in particular whether the digital labour platform controls certain elements of***, or directs,*** the performance of work***, as well as other elements regarding the use of automated monitoring or decision-making systems,*** may be in the possession of the digital labour platform and not easily accessible to persons performing platform work and competent authorities. National courts or competent authorities should therefore be able to order the digital labour platform to disclose any relevant evidence which lies in their control, including confidential information, subject to effective

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				measures to protect such information.
Recital 47				
57	(47) Given that Article 6, Article 7(1) and (3) and Article 8 of this Directive provide for specific rules in the context of platform work to ensure the protection of employees' personal data within the meaning of Article 88 of Regulation (EU) 2016/679 and that Article 10 of this Directive applies those safeguards also in case of persons without employment contract or employment relationship, the national supervisory authorities referred to in Article 51 of Regulation (EU) 2016/679 should be competent to monitor the application of those safeguards. Chapters VI, VII and VIII of Regulation (EU) 2016/679 should apply in terms of procedural framework for the enforcement of those safeguards, in particular as regards supervision, cooperation and consistency mechanisms, remedies, liability and penalties, including the competence to impose administrative fines up to the amount referred to in Article 83(5) of that Regulation.	(47) Given that Article 6, Article 7(1) and (3) and Article 8 of this Directive provide for specific rules in the context of platform work to ensure the protection of employees' personal data within the meaning of Article 88 of Regulation (EU) 2016/679 and that Article 10 of this Directive applies those safeguards also in *the* case of persons without employment contract or employment relationship, the national supervisory authorities referred to in Article 51 of Regulation (EU) 2016/679 should be competent to monitor the application of those safeguards. Chapters VI, VII and VIII of Regulation (EU) 2016/679 should apply in terms of procedural framework for the enforcement of those safeguards *as well as the communication and reporting channels established in Article 15 of this Directive*, in particular as regards supervision, cooperation and consistency mechanisms, remedies, liability and penalties, including the competence to impose	(47) Given that ~~*Article 6, Article 7(1) and (3) and Article 8 of this Directive provide for specific rules*~~*this Directive provides for rules in addition to Regulation (EU) 2016/679* in the context of platform work to ensure the protection of ~~*employees'*~~ personal data ~~*within the meaning of Article 88 of Regulation (EU) 2016/679 and that Article 10 of this Directive applies those safeguards also in case of persons without employment contract or employment relationship*~~*of person performing platform work*, the national supervisory authorities referred to in ~~*Article 51 of*~~ Regulation (EU) 2016/679 should be competent to monitor the application of those safeguards. ~~*Chapters VI, VII and VIII*~~*The procedural framework* of Regulation (EU) 2016/679 should apply ~~*in terms of procedural framework for the enforcement of those safeguards*~~*for the enforcement of the additional rules of this Directive*, in particular as	(47) Given that ~~*Article 6, Article 7(1) and (3) and Article 8 of this Directive provide for specific rules*~~*this Directive provides for more specific rules and additional rules in relation to Regulation (EU) 2016/679* in the context of platform work to ensure the protection of ~~*employees'*~~ personal data ~~*within the meaning of Article 88 of Regulation (EU) 2016/679 and that Article 10 of this Directive applies those safeguards also in case*~~ of persons ~~*without employment contract or employment relationship*~~*performing platform work*, the national supervisory authorities referred to in ~~*Article 51 of*~~ Regulation (EU) 2016/679 should be competent to monitor the application of those safeguards. ~~*Chapters VI, VII and VIII*~~*The procedural framework* of Regulation (EU) 2016/679*, in particular its Chapters VI, VII and VIII,* should apply ~~*in terms of procedural framework for the enforcement of those safeguards*~~*for the enforcement of the more*

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		administrative fines up to the amount referred to in Article 83(5) of that Regulation.	regards supervision, cooperation and consistency mechanisms, remedies, liability and penalties, including the competence to impose administrative fines up to the amount referred to in ~~*Article 83(5) of*~~ that Regulation.	***specific and additional rules of this Directive***, in particular as regards supervision, cooperation and consistency mechanisms, remedies, liability and penalties, including the competence to impose administrative fines up to the amount referred to in Article 83(5) of that Regulation. Text Origin: Auxiliary 3
Recital 48				
G 58	(48) Automated monitoring and decision-making systems used in the context of platform work involve the processing of personal data and affect the working conditions and rights of persons performing platform work. They therefore raise issues of data protection law as well as labour and social protection law. Data protection supervisory authorities and relevant labour and social protection authorities should therefore cooperate in the enforcement of this Directive, including by exchanging relevant information with each other, without prejudice to the independence of data protection supervisory authorities.	(48) Automated monitoring and decision-making systems used in the context of platform work involve the processing of personal data and affect the working conditions and rights of persons performing platform work. They therefore raise issues of data protection law as well as labour and social protection law. Data protection supervisory authorities and relevant labour and social protection authorities should therefore cooperate***, including at cross-border level,*** in the enforcement of this Directive, including by exchanging relevant information with each other, without prejudice to the independence of data protection supervisory authorities.	(48) Automated monitoring ~~*and*~~***or*** decision-making systems used in the context of platform work involve the processing of personal data ***of persons performing platform work*** and affect the working conditions and rights of ~~*persons performing platform work. They therefore raise*~~***the platform workers among them, which raises*** issues of data protection law as well as ~~*labour and social protection*~~***of related fields of law, like labour*** law. Data protection supervisory authorities and ~~*relevant labour and social protection*~~***other competent*** authorities should therefore cooperate in the enforcement of this Directive, including by exchanging relevant information with each other, without	(48) Automated monitoring ~~*and*~~***or*** decision-making systems used in the context of platform work involve the processing of personal data ***of persons performing platform work*** and affect the working conditions and rights of ~~*persons performing*~~***the*** platform ~~*work. They therefore raise*~~***workers among them, which raises*** issues of data protection law as well as ~~*labour and social protection*~~***of other fields of law, like labour*** law. Data protection supervisory authorities and ~~*relevant labour and social protection*~~***other competent*** authorities should therefore cooperate***, including at cross-border level,*** in the enforcement of this Directive, including by exchanging relevant G

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			~~*prejudice to*~~***affecting*** the independence of data protection supervisory authorities.	information with each other, without ~~*prejudice to*~~***affecting*** the independence of data protection supervisory authorities. Text Origin: Auxiliary 3
Recital 48a				
G 58a		***(48a) As the rights and freedoms of individuals can be seriously undermined by automated monitoring or decision-making systems, it is essential that affected individuals have meaningful access to reporting and redress mechanisms with the relevant national authority, be it the data protection authority or the labour inspectorate. They should be able to report possible infringements of this Directive to the competent national authority and have the right to be heard and to be informed about the outcome of their complaint and the right to a timely decision.***		***(48a) deleted*** G
Recital 48b				
G 58b			***(48a) In order to make the protection by this Directive effective, it is essential to protect persons performing platform work,***	***(48b) In order to make the protection by this Directive effective, it is essential to protect persons performing platform work,*** G

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			who exercise their respective rights granted by the Directive, from dismissal, as far as platform workers are concerned, or termination of contract, as far as self-employed persons are concerned, and from equivalent measures.	***who exercise their respective rights granted by the Directive, from dismissal, as far as platform workers are concerned, or termination of contract, as far as self-employed persons are concerned, and from equivalent measures including the suspension of the account.*** Text Origin: Council Mandate
Recital 49				
G 59	(49) Since the objective of this Directive, namely to improve working conditions in platform work, cannot be sufficiently achieved by the Member States but can rather, by reason of the need to establish common minimum requirements, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.	(49) Since ***one of*** the objective of this Directive, namely to improve working conditions in platform work, cannot be sufficiently achieved by the Member States but can rather, by reason of the need to establish common minimum requirements, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. ***Minimum harmonisation at Union level is necessary to improve working conditions in platform work and to protect workers' rights across the Union considering the Union-wide dimension of many digital labour platforms, in order to avoid a Union-wide race to the***	(49) Since the objective of this Directive, namely to improve working conditions in platform work, cannot be sufficiently achieved by the Member States but can rather, by reason of the need to establish common minimum requirements, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.	(49) Since the ***twofold*** objective of this Directive, namely to improve working conditions in platform work ***and the protection of personal data***, cannot be sufficiently achieved by the Member States but can rather, by reason of the need to establish common minimum requirements, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective. G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		bottom regarding working conditions and in order to create a level playing field for businesses that respect social standards. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.		
Recital 50				
G	60	(50) This Directive lays down minimum requirements, thus leaving untouched Member States' prerogative to introduce and maintain provisions which are more favourable for platform workers. Rights acquired under the existing legal framework should continue to apply, unless more favourable provisions are introduced by this Directive. The implementation of this Directive cannot be used to reduce existing rights set out in existing Union or national law in this field, nor can it constitute valid grounds for reducing the general level of protection in the field covered by this Directive.	(50) This Directive lays down minimum requirements, thus leaving untouched Member States' prerogative to introduce and maintain provisions which are more favourable for platform workers. Rights acquired under the existing legal framework should continue to apply, unless more favourable provisions are introduced by this Directive. The implementation of this Directive cannot be used to reduce existing rights set out in existing Union or national law in this field, nor can it constitute valid grounds for reducing the general level of protection in the field covered by this Directive.	(50) This Directive lays down minimum requirements, thus leaving untouched Member States' prerogative to introduce and maintain provisions which are more favourable for ***persons performing*** platform ~~*workers*~~***work***. Rights acquired under the existing legal framework should continue to apply, ***in particular as regards mechanisms to ascertain the existence of an employment relationship***, unless more favourable provisions are introduced by this Directive. The implementation of this Directive cannot be used to reduce existing rights set out in existing Union or national law in this field, nor can it constitute valid grounds for reducing the general level of protection in the field	(50) This Directive lays down minimum requirements, thus leaving untouched Member States' prerogative to introduce and maintain provisions which are more favourable for ***persons performing*** platform ~~*workers*~~***work***. Rights acquired under the existing legal framework should continue to apply, ***including as regards mechanisms to ascertain the existence of an employment relationship***, unless more favourable provisions are introduced by this Directive. The implementation of this Directive cannot be used to reduce existing rights set out in existing Union or national law in this field, nor can it constitute valid grounds for reducing the general level of protection in the field covered by this Directive. G

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			covered by this Directive.	Text Origin: Auxiliary 3
Recital 50a				
R 60a			***(50a) The autonomy of the social partners is to be respected. It should therefore be possible for the social partners to consider that in specific situations related to platform workers' working conditions different provisions are more appropriate, for the pursuit of the purpose of this Directive, than certain standards set out in this Directive. Member States should therefore be able to allow the social partners to maintain, negotiate, conclude and enforce collective agreements which differ from certain provisions contained in those Articles, while respecting the overall protection of platform workers.***	R
Recital 51				
G 61	(51) In implementing this Directive Member States should avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of micro, small and	(51) ~~*In implementing this Directive Member States should avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of micro, small and*~~	(51) In implementing this Directive Member States should avoid imposing administrative, financial and legal constraints in a way which would hold back the creation and development of micro, small and	(51) In implementing this Directive Member States should avoid imposing ***unnecessary*** administrative, financial and legal constraints in a way which would hold back the creation and G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	medium-sized enterprises. Member States should assess the impact of their transposition measures on start-ups and on small and medium-sized enterprises in order to ensure that they are not disproportionately affected, giving specific attention to micro-enterprises and to the administrative burden. Member States should also publish the results of such assessments.	~~*medium-sized enterprises. Member States should assess the impact of their transposition measures on start-ups and on small and medium-sized enterprises in order to ensure that they are not disproportionately affected, giving specific attention to micro-enterprises and to the administrative burden. Member States should also publish the results of such assessments.*~~	medium-sized enterprises. Member States should assess the impact of their transposition measures on start-ups and on small and medium-sized enterprises in order to ensure that they are not disproportionately affected, giving specific attention to micro-enterprises and to the administrative burden. Member States should also publish the results of such assessments.	development of ~~*micro, small and medium-sized enterprises. Member States should*~~***SMEs. Member States are therefore invited to*** assess the impact of their transposition measures on ~~*start-ups and on small and medium-sized enterprises*~~***SMEs*** in order to ensure that they are not disproportionately affected, ~~*giving specific*~~***paying particular*** attention to ~~*micro-enterprises*~~***microenterprises*** and to the administrative burden. ~~*Member States should also publish the results of such assessments.*~~ Text Origin: Auxiliary 3
Recital 52				
G 62	(52) The Member States may entrust the social partners with the implementation of this Directive, where the social partners jointly request to do so and provided that the Member States take all the necessary steps to ensure that they can at all times guarantee the results sought under this Directive. They should also, in accordance with national law and practice, take adequate measures to ensure that the social partners are effectively involved and to promote and	(52) The Member States may entrust the social partners with the implementation of this Directive, where the social partners jointly request to do so and provided that the Member States take all the necessary steps to ensure that they can at all times guarantee the results sought under this Directive. They should also, in accordance with national law and practice, take adequate measures to ensure that the social partners are effectively involved and to promote and	(52) The Member States may entrust the social partners with the implementation of this Directive, where the social partners jointly request to do so and provided that the Member States take all the necessary steps to ensure that they can at all times guarantee the results sought under this Directive. They should also, in accordance with national law and practice, take adequate measures to ensure that the social partners are effectively involved and to promote and	(52) The Member States may entrust the social partners with the implementation of this Directive, where the social partners jointly request to do so and provided that the Member States take all the necessary steps to ensure that they can at all times guarantee the results sought under this Directive. They should also, in accordance with national law and practice, take adequate measures to ensure that the social partners are effectively involved and to promote and G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	enhance social dialogue with a view to implementing the provisions of this Directive.	enhance social dialogue with a view to implementing the provisions of this Directive.	enhance social dialogue with a view to implementing the provisions of this Directive.	enhance social dialogue with a view to implementing the provisions of this Directive. Text Origin: Commission Proposal
Recital 53				
63	(53) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents,[1] Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified. 1. OJ C 369, 17.12.2011, p. 14.	(53) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents,[1] Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified. 1. OJ C 369, 17.12.2011, p. 14.	(53) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents,[1] Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified. 1. OJ C 369, 17.12.2011, p. 14.	(53) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents,[1] Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified. 1. OJ C 369, 17.12.2011, p. 14. Text Origin: Commission Proposal
Recital 54				
64	(54) The European Data Protection	(54) The European Data Protection	(54) The European Data Protection	(54) The European Data Protection

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	Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council[1] and delivered an opinion on XX XXXX[2], _____ 1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39). 2. …	Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council[1] and delivered an opinion on XX XXXX[2], _____ 1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39). 2. …	Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council[1] and delivered an opinion on ~~XX XXXX[2]~~ **2.02.2022[2],** _____ 1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39). 2. ~~…~~ **Doc. 5966/22**	Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council[1] and delivered an opinion on ~~XX XXXX[2]~~ **2.02.2022[2],** _____ 1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39). 2. ~~…~~ **Doc. 5966/22** Text Origin: Council Mandate
Formula				
65	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE: Text Origin: Commission Proposal
CHAPTER I				
66	CHAPTER I GENERAL PROVISIONS	CHAPTER I GENERAL PROVISIONS	CHAPTER I GENERAL PROVISIONS	CHAPTER I GENERAL PROVISIONS Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1				
67	Article 1 Subject matter and scope	Article 1 Subject matter and scope	Article 1 Subject matter and scope	Article 1 Subject matter and scope Text Origin: Commission Proposal
Article 1(1)				
68	1. The purpose of this Directive is to improve the working conditions of persons performing platform work by ensuring correct determination of their employment status, by promoting transparency, fairness and accountability in algorithmic management in platform work and by improving transparency in platform work, including in cross-border situations, while supporting the conditions for the sustainable growth of digital labour platforms in the Union.	1. The purpose of this Directive is to improve the working conditions of persons performing platform work by ensuring ***the*** correct determination of their employment status, by promoting transparency, fairness***, human oversight, safety*** and accountability in algorithmic management in platform work and by improving transparency in platform work, including in cross-border situations, while ~~*supporting the conditions for*~~ ***fostering*** the sustainable growth of digital labour platforms in the Union.	1. The ~~*purpose*~~***purposes*** of this Directive ~~*is*~~***are*** to improve the working conditions of ~~*persons performing*~~ platform ~~*work by ensuring correct determination of their employment status, by promoting transparency, fairness and accountability in algorithmic management in platform work and by improving transparency in*~~***workers and the protection of persons performing*** platform work~~*, including in cross-border situations, while supporting the conditions for the sustainable growth of digital labour platforms in the Union*~~***regarding the processing of their personal data through the use of automated monitoring or decision-making systems***.	1. The purpose of this Directive is to improve ~~*the*~~ working conditions ~~*of persons performing platform work by ensuring correct determination of their employment status, by promoting transparency, fairness and accountability in algorithmic management*~~***and the protection of personal data*** in platform work ~~*and by improving transparency in platform work, including in cross-border situations, while supporting the conditions for the sustainable growth of digital labour platforms in the Union.*~~***by:***
Article 1(1a)				

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68a			***1a. These purposes are pursued by:***	***deleted***
Article 1(1b)				
68b			***1b. · introducing measures to facilitate the correct determination of the employment status of persons performing platform work;***	***1a. - introducing measures to facilitate the correct determination of the employment status of persons performing platform work;***
Article 1(1c)				
68c			***1c. · improving transparency, fairness and accountability in the use of automated monitoring or decision-making systems for persons performing platform work; and***	***1b. - promoting transparency, fairness, human oversight, safety and accountability in algorithmic management in platform work; and***
Article 1(1d)				
68d			***1d. · improving transparency on platform work, including in cross-border situations.***	***1c. - improving transparency in platform work, including in cross-border situations***
Article 1(2), first subparagraph				
69	2. This Directive lays down	2. This Directive lays down		*2.* This Directive lays down

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	minimum rights that apply to every person performing platform work in the Union who has, or who based on an assessment of facts may be deemed to have, an employment contract or employment relationship as defined by the law, collective agreements or practice in force in the Member States with consideration to the case-law of the Court of Justice.	minimum rights that apply to every person performing platform work in the Union who has, or who based on an assessment of facts may be deemed to have, an employment contract or employment relationship as defined by the law, collective agreements or practice in force in the Member States with consideration to the case-law of the Court of Justice.	*deleted*	minimum rights that apply to every person performing platform work in the Union who has, or who based on an assessment of facts may be deemed to have, an employment contract or employment relationship as defined by the law, collective agreements or practice in force in the Member States with consideration to the case-law of the Court of Justice.
Article 1(2), second subparagraph				
70	In accordance with Article 10, rights laid down in this Directive pertaining to the protection of natural persons in relation to the processing of personal data in the context of algorithmic management also apply to every person performing platform work in the Union who does not have an employment contract or employment relationship.	In accordance with Article 10, rights laid down in this Directive pertaining to the protection of natural persons in ~~*relation to the processing of personal data in*~~ the context of algorithmic management also apply to every person performing platform work in the Union who does not have an employment contract or employment relationship.	*deleted*	~~*In accordance with Article 10, rights laid down in this Directive pertaining to*~~***This Directive also lays down rules to improve*** the protection of natural persons in relation to the processing of ***their*** personal data ~~*in the context of*~~***by providing measures on*** algorithmic management ~~*also apply to every person*~~***applicable to persons*** performing platform work in the Union***, including those who do*** ~~*who does*~~ not have an employment contract or employment relationship. ''Rules'' is in line with Article 16.2 TFUE
Article 1(3)				
71				

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	3. This Directive applies to digital labour platforms organising platform work performed in the Union, irrespective of their place of establishment and irrespective of the law otherwise applicable.	3. This Directive applies to digital labour platforms organising platform work performed in the Union, irrespective of their place of establishment and irrespective of the law otherwise applicable.	3. This Directive applies to ***persons performing platform work in the Union, to*** digital labour platforms organising platform work performed in the Union, irrespective of ~~*their*~~***the platform's*** place of establishment and irrespective of the law otherwise applicable.	3. This Directive applies to digital labour platforms organising platform work performed in the Union, irrespective of their place of establishment and irrespective of the law otherwise applicable. Text Origin: EP Mandate
Article 1(3a)				
71a			***3a. With respect to representatives of persons performing platform work other than those representing platform workers, this Directive shall apply only to the extent that a representation of persons performing platform work is provided for by national law and practices.***	***deleted*** Text Origin: Council Mandate
Article 2				
72	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions Text Origin: Commission Proposal
Article 2(1)				
73	1. For the purposes of this	1. For the purposes of this	1. For the purposes of this	1. For the purposes of this

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	Directive, the following definitions shall apply:	Directive, the following definitions shall apply:	Directive, the following definitions shall apply:	Directive, the following definitions shall apply: Text Origin: Commission Proposal
Article 2(1), point (1)				
74	(1) 'digital labour platform' means any natural or legal person providing a commercial service which meets all of the following requirements:	(1) 'digital labour platform' means any natural or legal person providing a commercial service which meets all of the following requirements:	(1) 'digital labour platform' means any natural or legal person providing a ~~commercial~~ service which meets all of the following requirements:	(1) 'digital labour platform' means any natural or legal person providing a ~~commercial~~ service which meets all of the following requirements: also in light of discussion in row 27a and 27b Text Origin: Council Mandate
Article 2(1), point (1)(a)				
75	(a) it is provided, at least in part, at a distance through electronic means, such as a website or a mobile application;	(a) it is provided, at least in part, at a distance through electronic means, such as a website or a mobile application;	(a) it is provided, at least in part, at a distance through electronic means, such as a website or a mobile application;	(a) it is provided, at least in part, at a distance through electronic means, such as a website or a mobile application; Text Origin: Commission Proposal
Article 2(1), point (1)(b)				
76	(b) it is provided at the request of a recipient of the service;	(b) it is provided at the request of a recipient of the service ***or it involves the allocation of work through an***	(b) it is provided at the request of a recipient of the service;	(b) it is provided at the request of a recipient of the service;

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		open call;		to be read in conjunction with row 27c Text Origin: Council Mandate
Article 2(1), point (1)(c)				
77	(c) it involves, as a necessary and essential component, the organisation of work performed by individuals, irrespective of whether that work is performed online or in a certain location;	(c) it involves~~, as a necessary and essential component,~~ the organisation of work performed by individuals, irrespective of whether that work is performed online or in a certain location ***and irrespective of the contractual designation of the relationship between that individual and the natural or legal person providing the service***;	(c) it involves, as a necessary and essential component, the organisation of work performed by individuals ***in return for payment***, irrespective of whether that work is performed online or in a certain location;	(c) it involves, as a necessary and essential component, the organisation of work performed by individuals ***in return for payment***, irrespective of whether that work is performed online or in a certain location; Text Origin: Council Mandate
Article 2(1), point (1)(ca)				
77a			***(ca) it involves the use of automated monitoring or decision-making systems.***	***(ca) it involves the use of automated monitoring or decision-making systems.*** Text Origin: Council Mandate
Article 2(1), point (2)				
78	(2) 'platform work' means any work organised through a digital labour platform and performed in the Union by an individual on the basis of a contractual relationship between the	(2) 'platform work' means any work organised through a digital labour platform and performed in the Union by an ~~individual on the basis of a contractual relationship between the~~	(2) 'platform work' means any work organised through a digital labour platform and performed in the Union by an individual on the basis of a contractual relationship between the	(2) 'platform work' means any work organised through a digital labour platform and performed in the Union by an individual on the basis of a contractual relationship between the

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	digital labour platform and the individual, irrespective of whether a contractual relationship exists between the individual and the recipient of the service;	~~digital labour platform and the~~ individual, irrespective of whether a contractual relationship exists between the individual and the recipient of the service;	digital labour platform and the individual ***or an intermediary***, irrespective of whether a contractual relationship exists between the individual ***or an intermediary*** and the recipient of the service;	digital labour platform ***or an intermediary*** and the individual, irrespective of whether a contractual relationship exists between the individual ***or an intermediary*** and the recipient of the service; Text Origin: Council Mandate
Article 2(1), point (3)				
G 79	(3) 'person performing platform work' means any individual performing platform work, irrespective of the contractual designation of the relationship between that individual and the digital labour platform by the parties involved;	(3) 'person performing platform work' means any individual performing platform work, irrespective of the contractual designation of the relationship between that individual and the digital labour platform by the parties involved;	(3) 'person performing platform work' means any individual performing platform work, irrespective of the ~~contractual designation~~***nature*** of the ***contractual*** relationship ~~between that individual and the digital labour platform~~***or its designation*** by the parties involved;	(3) 'person performing platform work' means any individual performing platform work, irrespective of the ~~contractual designation~~***nature*** of the ~~relationship between that individual and the digital labour platform~~***contractual relationship or its designation*** by the parties involved; Text Origin: Council Mandate
Article 2(1), point (4)				
G 80	(4) 'platform worker' means any person performing platform work who has an employment contract or employment relationship as defined by the law, collective agreements or practice in force in the Member States with consideration to the case-	(4) 'platform worker' means any person performing platform work who has an employment contract or employment relationship as defined by the law, collective agreements or practice in force in the Member States with consideration to the case-	(4) 'platform worker' means any ~~person~~***individual*** performing platform work who has an employment contract or ***is deemed to have an*** employment relationship as defined by the law, collective agreements or practice in force in the	(4) 'platform worker' means any person performing platform work who has an employment contract or ***is deemed to have an*** employment relationship as defined by the law, collective agreements or practice in force in the Member States with

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	law of the Court of Justice;	law of the Court of Justice;	Member States with consideration to the case-law of the Court of Justice;	consideration to the case-law of the Court of Justice; Text Origin: Council Mandate
Article 2(1), point (4a)				
G 80a			***(4a) 'intermediary' means any natural or legal person who establishes a contractual relationship, including by subcontracting, with a person performing platform work or a digital labour platform for the purposes of making platform work available through that digital labour platform;***	***(4a) 'intermediary' means a natural or legal person that, for the purpose of making platform work available to or through a digital labour platform:*** ***- establishes a contractual relationship with that digital labour platform and with the person performing platform work or*** ***- is in a subcontracting chain between that digital labour platform and the person performing platform work;*** DLA/DQL
Article 2(1), point (4b)				
G 80b			***(4b) ''terms and conditions' means any term and condition or specification, irrespective of their name or form, which govern the contractual relationship between the digital labour platform and a person performing platform work***	***deleted*** To be seen with the legal presumption row 34

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			and are unilaterally determined by the digital labour platform.	
Article 2(1), point (5)				
81	(5) 'representatives' means the workers' organisations or representatives provided for by national law or practices, or both;	(5) '***workers'*** representatives' means ***representatives of recognised trade unions in accordance with national law and practice or other persons who are freely elected or who are designated by the workers in an organisation to represent them in accordance with*** ~~*the workers' organisations or representatives provided for by*~~ national law or practices, or both;	*deleted*	(5) '***workers'*** representatives' means ~~*the*~~***representatives of platform*** workers~~*' organisations or*~~***, such as trade unions and*** representatives ~~*provided for by national law or practices, or both*~~***who are freely elected by the platform workers, in accordance with national law and practice;***~~*;*~~
Article 2(1), point (5a)				
81a		***(5a) 'representatives of persons performing platform work' means the representatives of recognised trade unions in accordance with national law and practice or other persons who are freely elected or who are designated by the workers or by the self-employed performing platform work in an organisation to represent them in accordance with national law or practices, or both;***		***(5a) 'representatives of persons performing platform work' means workers' representatives and, insofar as they are provided for under national law and practice, representatives of persons performing platform work other than platform workers;***
Article 2(1), point (5b)				

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G	81b	***(5b) 'automated monitoring systems' means any automated systems used for or supporting monitoring, supervising or evaluating the work performance;***	***(6a) 'automated monitoring systems' means systems which are used to collect personal data on persons performing platform work, supervise or evaluate their work performance through electronic means;***	***(5b) 'automated monitoring systems' means systems which are used for, or support monitoring, supervising or evaluating the work performance of persons performing platform work or the activities carried out within the work environment, including by collecting personal data, through electronic means;***
	Article 2(1), point (5c)			
G	81c	***(5c) 'automated decision-making systems' means any automated systems used to take decisions or support decision-making;***	***(6b) 'automated decision-making systems' means systems which are used to take or support decisions that significantly affect persons performing platform work, in particular the offer or assignment of tasks to them, their earnings, their safety and health, their working time, their access to training and their contractual status, including the restriction, suspension or termination of their account.***	***(5c) automated decision-making systems means systems which are used to take or support, through electronic means, decisions that significantly affect persons performing platform work, including the working conditions of platform workers, in particular decisions affecting their recruitment, access to and organisation of work assignments, their earnings including the pricing of individual assignments, their safety and health, their working time, their access to training, promotion or its equivalent, their contractual status, including the restriction, suspension or termination of their account.***

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Article 2(1), point (5d)				
81d		***(5d) 'biometric data' means biometric data as defined in Article 4, point (14), of Regulation (EU) 2016/679;***		***(5d) deleted***
Article 2(1), point (5e)				
81e		***(5e) 'biometrics-based data' means data resulting from specific technical processing relating to physical, physiological, or behavioural features, signals, or characteristics of a natural person, such as facial expressions, movements, pulse frequency, voice, keystrokes or gait;***		***(5e) deleted*** tentative deletion see if integrated in row 42c
Article 2(1), point (6)				
82	(6) 'micro, small or medium-sized enterprises' means micro, small and medium-sized enterprises as defined in the Annex to Commission Recommendation 2003/361/EC[1]. _____ 1. Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (C(2003) 1422) (OJ L 124, 20.5.2003, p. 36).	(6) 'micro, small or medium-sized enterprises' means micro, small and medium-sized enterprises as defined in the Annex to Commission Recommendation 2003/361/EC[1]. _____ 1. Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (C(2003) 1422) (OJ L 124, 20.5.2003, p. 36).	*deleted*	(6) ~~*'micro, small or medium-sized enterprises' means micro, small and medium-sized enterprises as defined in the Annex to Commission Recommendation 2003/361/EC[1].*~~ ***deleted*** _____ ~~*1. Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises*~~

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				~~(C(2003) 1422) (OJ L 124, 20.5.2003, p. 36).~~
Article 2(2)				
G 83	2. The definition of digital labour platforms laid down in paragraph 1, point (1), shall not include providers of a service whose primary purpose is to exploit or share assets. It shall be limited to providers of a service for which the organisation of work performed by the individual constitutes not merely a minor and purely ancillary component.	2. The definition of digital labour platforms laid down in paragraph 1, point (1), shall not include providers of a service whose primary purpose is to exploit or share assets ***or that allow private individuals to resell goods***. It shall be limited to providers of a service for which the organisation of work performed by the individual constitutes not merely a minor and purely ancillary component.	2. The definition of digital labour platforms laid down in paragraph 1, point (1), shall not include providers of a service whose primary purpose is to exploit or share assets~~. It shall be limited to providers of a service for which the organisation of work performed by the individual constitutes not merely a minor and purely ancillary component~~ ***or to resell goods or services***.	2. The definition of digital labour platforms laid down in paragraph 1, point (1), shall not include providers of a service whose primary purpose is to exploit or share assets~~. It shall be limited to providers of a service for~~ ***or*** which ~~the organisation of work performed by the individual constitutes not merely a minor and purely ancillary component~~***allow individuals who are not professionals to resell goods***. Term checked by LL
Article 2a				
G 83a			***Article 2a*** ***Intermediaries***	***Article 2a*** ***Intermediaries*** See in conjunction with row 28d intermediary Text Origin: Council Mandate
Article 2a(1)				

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83b			***Member states shall ensure that the use of intermediaries does not lead to a reduction in the protection afforded by this Directive to persons performing platform work.***	***1. Member States shall take appropriate measures to ensure that, when a digital labour platform makes use of intermediaries, persons performing platform work who have a contractual relationship with an intermediary enjoy the same level of protection afforded under this Directive as those who have a direct contractual relationship with a digital labour platform.*** ***To that effect, Member States shall take measures, in accordance with national law and practice, to establish appropriate responsibility mechanisms, which shall include, where appropriate, joint and several liability systems.***
CHAPTER II				
84	CHAPTER II EMPLOYMENT STATUS	CHAPTER II EMPLOYMENT STATUS	CHAPTER II EMPLOYMENT STATUS	CHAPTER II EMPLOYMENT STATUS Text Origin: Commission Proposal
Article 3				
85	Article 3 Correct determination of the	Article 3 Correct determination of the	Article 3 Correct determination of the	Article 3 Correct determination of the

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	employment status	employment status	employment status	employment status Text Origin: Commission Proposal
Article 3(1)				
86	1. Member States shall have appropriate procedures in place to verify and ensure the correct determination of the employment status of persons performing platform work, with a view to ascertaining the existence of an employment relationship as defined by the law, collective agreements or practice in force in the Member States with consideration to the case-law of the Court of Justice, and ensuring that they enjoy the rights deriving from Union law applicable to workers.	1. Member States shall have appropriate ***and effective*** procedures in place to verify and ensure the correct determination of the employment status of persons performing platform work, with a view to ~~*ascertaining the existence*~~***applying the presumption*** of an employment relationship ***in accordance with Article 4(1) for the purpose of ascertaining the existence of such a relationship*** as defined by ~~*the*~~ ***applicable*** law, collective agreements or practice in force in the Member States ***and*** with consideration to the case-law of the Court of Justice, and ensuring that ***such persons*** ~~*they*~~ enjoy the rights deriving from Union law applicable to workers.	1. Member States shall have ***in place*** appropriate procedures ~~*in place*~~ to verify and ensure the correct determination of the employment status of persons performing platform work, with a view to ascertaining the existence of an employment relationship as defined by the law, collective agreements or practice in force in the Member States with consideration to the case-law of the Court of Justice, and ensuring that ~~*they*~~***platform workers*** enjoy the rights ~~*deriving from Union law applicable to workers*~~***related to that employment relationship***.	1. Member States shall have appropriate ***and effective*** procedures in place to verify and ensure the correct determination of the employment status of persons performing platform work, with a view to ascertaining the existence of an employment relationship as defined by the law, collective agreements or practice in force in the Member States**,** with consideration to the case-law of the Court of Justice, ~~*and ensuring that they enjoy the rights deriving from Union law applicable to workers*~~***including through the application of the presumption of an employment relationship in accordance with Article 4(1)***.
Article 3(2)				
87	2. The determination of the existence of an employment relationship shall be guided	2. The determination of the existence of an employment relationship shall be guided	2. The determination of the existence of an employment relationship shall be guided	2. The determination of the existence of an employment relationship shall be guided

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	primarily by the facts relating to the actual performance of work, taking into account the use of algorithms in the organisation of platform work, irrespective of how the relationship is classified in any contractual arrangement that may have been agreed between the parties involved. Where the existence of an employment relationship is established based on facts, the party assuming the obligations of the employer shall be clearly identified in accordance with national legal systems.	primarily by the facts relating to the actual performance of work, taking into account the use of algorithms in the organisation of platform work, irrespective of how the relationship is classified in any contractual arrangement that may have been agreed between the parties involved. Where the existence of an employment relationship is established based on ***such*** facts, the party ***or parties*** assuming the obligations of the employer shall be clearly identified in accordance with national legal systems ***and with Article 12b, and shall dully fulfil those obligations***.	primarily by the facts relating to the actual performance of work, taking into account the use of ~~*algorithms*~~***automated monitoring or decision-making systems*** in the organisation of platform work, irrespective of how the relationship is classified in any contractual arrangement that may have been agreed between the parties involved. Where the existence of an employment relationship is established based on facts, the party assuming the obligations of the employer shall be clearly identified in accordance with national legal systems.	primarily by the facts relating to the actual performance of work, ~~*taking into account*~~***including*** the use of ~~*algorithms*~~***automated monitoring or decision-making systems*** in the organisation of platform work, irrespective of how the relationship is classified in any contractual arrangement that may have been agreed between the parties involved. ~~*Where the existence of an employment relationship is established based on facts, the party assuming the obligations of the employer shall be clearly identified in accordance with national legal systems.*~~
Article 3(2a)				
87a		***2a. Where digital labour platforms are recognised to exercise the prerogatives of employers, they shall comply with the corresponding employers' obligations under national law and collective agreements applicable in the sector of activity, including in relation to labour law, income tax and financing of social protection. Platform workers shall fully enjoy the status of worker in accordance with national law, collective***		***2a. Where the existence of an employment relationship is established based on facts, the party or parties assuming the obligations of the employer shall be clearly identified in accordance with national legal systems.***

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		agreements or practice in force in the Member States, including the rights to join a trade union, to organise, and to bargain collectively.		
Article 3(2b)				
G 87b		***2b. This Directive applies in full to digital labour platforms exerting the function of temporary work agencies, in addition to Directive 2008/104/EC.***		***2b. deleted*** Recital to explain relationship, see additional text in row 32
Article 4				
G 88	Article 4 Legal presumption	Article 4 Legal presumption	Article 4 Legal presumption	Article 4 Legal presumption Presumption Text Origin: Commission Proposal
Article 4(1), first subparagraph				
R 89	1. The contractual relationship between a digital labour platform that controls, within the meaning of paragraph 2, the performance of work and a person performing platform work through that platform	1. ~~*The contractual relationship between a digital labour platform that controls, within the meaning of paragraph 2, the performance of work*~~ ***A person performing platform work shall be either a platform***	1. ~~*The contractual relationship between a digital labour platform that controls, within the meaning of paragraph 2, the performance of work*~~***Unless Member States provide for more favourable provisions***	1. The contractual relationship between a digital labour platform ~~*that controls, within the meaning of paragraph 2, the performance of work*~~ and a person performing platform work through that platform

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	shall be legally presumed to be an employment relationship. To that effect, Member States shall establish a framework of measures, in accordance with their national legal and judicial systems.	***worker or a genuinely self-employed person. The contractual relationship between a digital labour platform*** and a person performing platform work through that platform shall be legally presumed to be an employment relationship ***and therefore digital labour platforms shall be presumed to be employers***. To that effect, Member States shall establish a framework of measures, in accordance with their national legal and judicial systems***, in order to ensure that the legal presumption can be relied upon by competent authorities and bodies that verify compliance with or enforce relevant legislation as well as by persons performing platform work and their representatives***.	***pursuant to Article 20, the relationship between a digital labour platform*** and a person performing platform work through that platform shall be legally presumed to be an employment relationship~~. To that effect, Member States shall establish a framework of measures, in accordance with their national legal and judicial systems.~~ ***when the digital labour platform exerts control and direction over the performance of work by that person.***	shall be legally presumed to be an employment relationship~~. To that effect, Member States shall establish a framework of measures, in accordance with their national legal and judicial systems.~~ ***when any two of the following indicators of control and direction are found, by virtue of agreed or unilaterally determined terms and conditions or in practice:***
Article 4(1), first subparagraph a				
R 89a		***Where competent authorities and bodies, including those responsible for registering administrative procedures, consider that a person performing platform work might be wrongly classified, they shall apply the presumption. Where a person performing platform work or a trade union acting on behalf or in***		R

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		support of several persons performing platform work, in accordance with national law or practice, dispute their classification in an administrative or legal proceeding, the presumption shall be applied.		
Article 4(1), second subparagraph				
R 90	The legal presumption shall apply in all relevant administrative and legal proceedings. Competent authorities verifying compliance with or enforcing relevant legislation shall be able to rely on that presumption.	***The application of*** the legal presumption shall ***not lead to an automatic reclassification of all persons performing platform work as platform workers. Digital labour platforms shall have the possibility to rebut the presumption of employment before a decision for reclassification is taken in administrative or legal proceedings. The rebuttable presumption of employment shall*** apply in all relevant administrative ***procedures and administrative*** and legal proceedings. Competent authorities ***and bodies, including those responsible for registering administrative procedures,*** verifying compliance with or enforcing relevant legislation***, including collective agreements, shall effectively apply that presumption. To that end, digital labour***		R

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		platforms shall be ~~*able to rely on that presumption*~~***required by the competent authorities and bodies to provide all relevant information in order for the authorities to determine, based on an objective assessment, the correct classification of the persons performing platform work***.		
Article 4(2)				
R 91	2. Controlling the performance of work within the meaning of paragraph 1 shall be understood as fulfilling at least two of the following:	2. ~~*Controlling the performance of work within the meaning of paragraph 1 shall be understood as fulfilling at least two of the following:*~~	~~*2.*~~ ~~*Controlling the performance of work within the meaning of paragraph 1*~~***For the purpose of the previous subparagraph, exerting control and direction*** shall be understood as fulfilling***, either by virtue of its applicable terms and conditions or in practice,*** at least ~~*two*~~***three*** of the ~~*following*~~***criteria below***:	R
Article 4(2), point (a)				
R 92	(a) effectively determining, or setting upper limits for the level of remuneration;	(a) ~~*effectively determining, or setting upper limits for the level of remuneration;*~~	(a) ~~*effectively determining, or setting*~~***The digital labour platform determines*** upper limits for the level of remuneration;	R
Article 4(2), point (b)				

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R	93 (b) requiring the person performing platform work to respect specific binding rules with regard to appearance, conduct towards the recipient of the service or performance of the work;	(b) ~~requiring the person performing platform work to respect specific binding rules with regard to appearance, conduct towards the recipient of the service or performance of the work;~~	(b) ~~requiring~~***The digital labour platform requires*** the person performing platform work to respect specific ~~binding~~ rules with regard to appearance, conduct towards the recipient of the service or performance of the work;	R
Article 4(2), point (c)				
R	94 (c) supervising the performance of work or verifying the quality of the results of the work including by electronic means;	(c) ~~supervising the performance of work or verifying the quality of the results of the work including by electronic means;~~	(c) ~~supervising the performance of work or verifying the quality of the results of the~~***The digital labour platform supervises the performance of*** work including by electronic means;	R
Article 4(2), point (d)				
R	95 (d) effectively restricting the freedom, including through sanctions, to organise one's work, in particular the discretion to choose one's working hours or periods of absence, to accept or to refuse tasks or to use subcontractors or substitutes;	(d) ~~effectively restricting the freedom, including through sanctions, to organise one's work, in particular the discretion to choose one's working hours or periods of absence, to accept or to refuse tasks or to use subcontractors or substitutes;~~	(d) ~~effectively restricting~~***The digital labour platform restricts*** the freedom, including through sanctions, to organise one's work~~, in particular~~ ***by limiting*** the discretion to choose one's working hours or periods of absence~~, to accept or to refuse tasks or to use subcontractors or substitutes~~;	R
Article 4(2), point (da)				

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R 95a			***(da) The digital labour platform restricts the freedom, including through sanctions, to organise one's work by limiting the discretion to accept or to refuse tasks;***	R
Article 4(2), point (db)				
R 95b			***(db) The digital labour platform restricts the freedom, including through sanctions, to organise one's work by limiting the discretion to use subcontractors or substitutes;***	R
Article 4(2), point (f)				
R 96	(e) effectively restricting the possibility to build a client base or to perform work for any third party.	(e) ~~*effectively restricting the possibility to build a client base or to perform work for any third party.*~~	(e) ~~*effectively restricting*~~***The digital labour platform restricts*** the possibility to build a client base or to perform work for any third party.	R
Article 4(2a)				
R 96a			***1a. The rules laid down in this Article and Article 4a shall not affect the discretion of courts and competent authorities to ascertain the existence of an employment***	R

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			relationship, as defined by the law, collective agreements or practice in force in the Member State in question, with consideration to the case-law of the Court of Justice, regardless of the number of criteria fulfilled.	
Article 4(3)				
97	3. Member States shall take supporting measures to ensure the effective implementation of the legal presumption referred to in paragraph 1 while taking into account the impact on start-ups, avoiding capturing the genuine self-employed and supporting the sustainable growth of digital labour platforms. In particular they shall:	3. Member States shall take supporting measures to ensure the effective implementation of the legal presumption referred to in paragraph 1***, in order to ensure the effective protection of workers performing work in the context of an employment relationship*** ~~*while taking into account the impact on start-ups, avoiding capturing the genuine self-employed and supporting the sustainable growth of digital labour platforms*~~. In particular they shall:	*deleted*	3. ~~*Member States shall take supporting measures to ensure the effective implementation of the legal presumption referred to in paragraph 1 while taking into account the impact on start-ups, avoiding capturing the genuine self-employed and supporting the sustainable growth of digital labour platforms. In particular they shall:*~~***deleted**
Article 4(3), point (a)				
98	(a) ensure that information on the application of the legal presumption is made publicly available in a clear, comprehensive and easily accessible way;	(a) ensure that information on the application of the legal presumption is made publicly available in a clear, comprehensive and easily accessible way;	*deleted*	(a) ~~*ensure that information on the application of the legal presumption is made publicly available in a clear, comprehensive and easily accessible way;*~~***deleted**

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 4(3), point (b)				
99	(b) develop guidance for digital labour platforms, persons performing platform work and social partners to understand and implement the legal presumption including on the procedures for rebutting it in accordance with Article 5;	(b) develop ***comprehensive*** guidance***, including in the form of concrete and practical recommendations,*** for digital labour platforms, persons performing platform work and ***the*** social partners to understand and implement the legal presumption including on the procedures for rebutting it in accordance with Article 5;	*deleted*	(b) ~~*develop guidance for digital labour platforms, persons performing platform work and social partners to understand and implement the legal presumption including on the procedures for rebutting it in accordance with Article 5;*~~***deleted**
Article 4(3), point (c)				
100	(c) develop guidance for enforcement authorities to proactively target and pursue non-compliant digital labour platforms;	(c) develop guidance***, capacity building and training and establish procedures for national competent and*** for enforcement authorities to proactively ***identify,*** target and pursue ***digital labour platforms in order to ensure effective compliance with this Directive, including by imposing dissuasive penalties on*** non-compliant digital labour platforms;	*deleted*	(c) ~~*develop guidance for enforcement authorities to proactively target and pursue non-compliant digital labour platforms;*~~***deleted**
Article 4(3), point (ca)				
100a				

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		(ca) develop guidance and establish procedures for competent administrative authorities and institutions to proactively apply the legal presumption in the administrative procedures and to share data with other relevant authorities in order to apply the legal presumption in the processing and registration of contractual relations and social security related data;		***deleted*** tentative deletion if agreement found on row 102o
Article 4(3), point (d)				
G 101	(d) strengthen the controls and field inspections conducted by labour inspectorates or the bodies responsible for the enforcement of labour law, while ensuring that such controls and inspections are proportionate and non-discriminatory.	(d) strengthen the controls and field inspections conducted by labour inspectorates or the bodies responsible for the enforcement of labour law, while ensuring that such controls and inspections are proportionate and non-discriminatory~~.~~ ***, and establish, every year, a national target for the number of inspections to be carried out in respect of the sectors of activity in which digital labour platforms operate, in order to determine the correct classification of workers;***	*deleted*	(d) ~~*strengthen the controls and field inspections conducted by labour inspectorates or the bodies responsible for the enforcement of labour law, while ensuring that such controls and inspections are proportionate and non-discriminatory.*~~ ***deleted*** G
Article 4(3), point (da)				

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G 101a		***(da) provide for an inspection by labour inspectorates or the bodies responsible for the enforcement of labour law every time a person performing platform work is newly recognised as platform worker, within one month of such recognition, in order to verify the status of the other persons performing platform work for the same digital labour platform;***		***(da) deleted*** G
Article 4(3), point (db)				
G 101b		***(db) provide for sufficient resources and training for labour inspectorates or the bodies responsible for the enforcement of labour law in order to strengthen their capacities, especially in the technological field, in order to enable them to effectively comply with points (d) and (da), including by carrying out routine or announced visits;***		***(db) deleted*** G
Article 4(3), point (dc)				
G 101c		***(dc) ensure that duly qualified technical experts and specialists, particularly with respect to***		***(dc) deleted*** G

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		algorithmic management, assist the labour inspectorates in their work when necessary.		
Article 4(4)				
102	4. With regard to contractual relationships entered into before and still ongoing on the date set out in Article 21(1), the legal presumption referred to in paragraph 1 shall only apply to the period starting from that date.	4. With regard to contractual relationships entered into before and still ongoing on the date set out in Article 21(1), the legal presumption referred to in paragraph 1 shall only apply to the period starting from that date***, without prejudice to Directive (EU) 2019/1152 that could apply before that date***.	*deleted*	4. ~~*With regard to contractual relationships entered into before and still ongoing on the date set out in Article 21(1), the legal presumption referred to in paragraph 1 shall only apply to the period starting from that date.*~~***deleted*** Moved to 102i Text Origin: Commission Proposal
Article 4a				
102a			***Article 4a*** ***Application of the presumption and rebuttal***	***Article 4a*** ***Application of the presumption and rebuttal*** Text Origin: Council Mandate
Article 4a(1)				
102b			***1. The legal presumption shall apply in all relevant administrative***	***1. The legal presumption shall be applicable in all relevant***

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			or judicial proceedings where the correct determination of the employment status of the person performing platform work is at stake.	***administrative or judicial proceedings where the correct determination of the employment status of the person performing platform work is at stake.***	
Article 4a(2)					
R	102c		***The legal presumption shall not apply to tax, criminal and social security proceedings. However, Member States may apply the legal presumption in those proceedings as a matter of national law.***	***2. The legal presumption shall not be applicable to tax, criminal and social security proceedings, except where the authorities involved in such proceedings are competent to ascertain the correct employment status of workers.***	R
Article 4a(3)					
R	102d		***2. Member States may grant competent national administrative authorities a discretion not to apply the presumption, in cases where:*** ***a) those authorities are verifying compliance with or enforcing relevant legislation on their own initiative, and*** ***b) it is manifest that the person performing platform work is not a platform worker.***	***3. When acting on their own initiative, if a competent national authority considers that a person performing platform work might be wrongly classified, it shall take appropriate action in order to apply the presumption, in accordance with national law and practice and with Article 4, in order to ascertain the correct employment status of that person.*** ***Where national authorities and bodies, other than competent authorities responsible for***	R

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				ascertaining the correct employment status, consider that a person performing platform work might be wrongly classified, they shall communicate the information to competent authorities. Persons performing platform work, as well as their representatives in accordance with Article 14 paragraph 1, shall have access to proceedings, according to national law and practice, for ascertaining the correct employment status of the person performing platform work. In these proceedings, competent national authorities shall assist the claimants with a view to apply the presumption in accordance with Article 4.
Article 4a(4)				
R 102e			***4. Member States shall ensure, in proceedings where the presumption applies, the possibility for any of the parties to rebut the legal presumption.***	R
Article 4a(5)				
R 102f			***To this effect:***	R

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Article 4a(6)					
R	102g			***(a) where the digital labour platform argues that the contractual relationship in question is not an employment relationship as defined by the law, collective agreements or practice in force in the Member State in question, with consideration to the case-law of the Court of Justice, the burden of proof shall be on that digital labour platform;***	R
Article 4a(7)					
R	102h			***(b) where the person performing the platform work argues that the contractual relationship in question is not an employment relationship as defined by the law, collective agreements or practice in force in the Member State in question, with consideration to the case-law of the Court of Justice, the digital labour platform shall be required to assist the proper resolution of the proceedings, notably by providing all relevant information held by it.***	R
Article 4a(5)					
G	102i				G

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			5. With regard to contractual relationships entered into before and still ongoing on the date set out in Article 21(1), the legal presumption referred to in Article 4 shall only apply to the period starting from that date.	***5. With regard to contractual relationships entered into before and still ongoing on the date set out in Article 21(1), the legal presumption referred to in Article 4 shall only apply to the period starting from that date.*** Text Origin: Council Mandate
Article 4a(6)				
R	102j		***6. Where a digital labour platform challenges an administrative or judicial decision determining the employment status of a person performing platform work on the basis of the application of the presumption, Member States may provide that such a proceeding shall not have a suspensive effect on that decision.***	
Article 4b				
G	102k		***Article 4b*** ***Framework of supporting measures***	***Article 4b*** ***Framework of supporting measures*** Text Origin: Council Mandate
Article 4b(1)				

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102l			***Member States shall establish a framework of supporting measures in order to ensure the effective implementation of the legal presumption referred to in Article 4. In particular, they shall:***	***Member States shall establish a framework of supporting measures in order to ensure the effective implementation of and compliance with the legal presumption. In particular, they shall:*** Text Origin: Council Mandate
Article 4b(1)(a)				
102m			***(a) ensure that information on the application of the legal presumption is made publicly available in a clear, comprehensive and easily accessible way;***	***(a) deleted*** Replaced by text in row 189b Text Origin: Council Mandate
Article 4b(1)(b)				
102n			***(b) develop guidance for digital labour platforms, persons performing platform work and social partners to understand and put in practice the legal presumption including its rebuttal;***	***(b) develop appropriate guidance, including in the form of concrete and practical recommendations, for digital labour platforms, persons performing platform work and the social partners to understand and implement the legal presumption including on the procedures for rebutting it;***
Article 4b(1)(c)				
102o				

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			(c) in line with national law or practice, develop guidance for competent national authorities to proactively target and pursue non-compliant digital labour platforms;	***(c) develop guidance and establish appropriate procedures in line with national law and practice for competent national authorities, including on the collaboration between different competent national authorities, to proactively identify, target and pursue digital labour platforms which do not comply with rules on correct determination of the employment status;***
Article 4b(1)(d)				
G 102p			***(d) in line with national law or practice, provide for effective controls and inspections conducted by national authorities, while ensuring that such controls and inspections are proportionate and non-discriminatory.***	***(d) in line with national law or practice, provide for effective controls and inspections conducted by national authorities, while ensuring that such controls and inspections are proportionate and non-discriminatory.*** Text Origin: Council Mandate
Article 4b(1)(da)				
G 102q				***(da) provide for appropriate training for competent national authorities and provide for the availability of technical expertise in the field of algorithmic management, to enable those***

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				authorities to carry out the tasks referred to under point (c).
Article 4b(2)				
102r				
Article 5				
103	Article 5 Possibility to rebut the legal presumption	Article 5 Possibility to rebut the legal presumption	*deleted*	
Article 5, first paragraph				
104	Member States shall ensure the possibility for any of the parties to rebut the legal presumption referred to in Article 4 in legal or administrative proceedings or both.	***1.*** Member States shall ensure the possibility for any of the parties to rebut the legal presumption referred to in Article 4 in legal or administrative proceedings or both.	*deleted*	
Article 5, second paragraph				
105	Where the digital labour platform argues that the contractual relationship in question is not an employment relationship as defined by the law, collective agreements or practice in force in the Member State in question, with consideration to the case-law of the Court of Justice, the	Where the digital labour platform argues that the contractual relationship in question is not an employment relationship ***in accordance with Article 4(1) and*** as defined by the ***applicable*** law, collective agreements or practice in force in the Member State in	*deleted*	

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	burden of proof shall be on the digital labour platform. Such proceedings shall not have suspensive effect on the application of the legal presumption.	question, with consideration to the case-law of the Court of Justice, the burden of proof shall be on the digital labour platform. ~~*Such proceedings shall not have suspensive effect on the application of the legal presumption.*~~		
Article 5, third paragraph				
R *106*	Where the person performing the platform work argues that the contractual relationship in question is not an employment relationship as defined by the law, collective agreements or practice in force in the Member State in question, with consideration to the case-law of the Court of Justice, the digital labour platform shall be required to assist the proper resolution of the proceedings, notably by providing all relevant information held by it.	Where the person performing the platform work argues that the contractual relationship in question is not an employment relationship ***in accordance with Article 4(1), and*** as defined by ~~*the*~~ ***applicable*** law, collective agreements or practice in force in the Member State in question~~, with consideration to~~ ***and*** the case-law of the Court of Justice, the digital labour platform shall be required to assist the proper resolution of the proceedings, notably by providing all relevant information held by it.	*deleted*	R
Article 5, third paragraph a				
R *106a*		***1a. Member States shall ensure the possibility to rebut the presumption referred to in Article 4 by means of demonstrating that the person***		R

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		performing platform work is genuinely self-employed as both the following criteria are satisfied:		
Article 5, third paragraph a, point (a)				
R 106b		***(a) the contractual relationship in question is not an employment relationship as defined by applicable law, collective agreements or practice in force in the Member State in question with consideration to the case-law of the Court of Justice and the person performing platform work is free from control and direction of the digital labour platform in connection with the performance of the work, both under the contract for the performance of the work and in fact;***		R
Article 5, third paragraph a, point (b)				
R 106c		***(b) the person performing platform work is usually engaged in an independently established trade, profession or business of the same nature as that with which the work performed is related.***		R
Article 5, fifth paragraph				

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R 106d		***1b. The following elements indicating control and direction in connection with the performance of work within the meaning of Article 5(1a), point (a), shall be taken into consideration:***		
Article 5, fifth paragraph, point (a)				
R 106e		***(a) effectively determining, or setting upper limits for, the level of remuneration or issuing periodic payments of remuneration;***		
Article 5, fifth paragraph, point (b)				
R 106f		***(b) effectively determining or controlling working conditions, including restricting time schedule and working time duration, or enforcing the performance of work, including through penalties or incentives, restricting access to work, or using rating systems as a tool of control and a basis for penalties and as a tool to allocate work assignments;***		
Article 5, fifth paragraph, point (c)				
R 106g				

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		(c) effectively preventing the person performing platform work from developing business contacts with potential clients, including via controlling or restricting the communication between the person performing platform work and the recipient of goods or services during or after the performance of the work;		
Article 5, fifth paragraph, point (d)				
R 106h		***(d) tracking or supervising the person performing platform work while performing the work;***		R
Article 5, fifth paragraph, point (e)				
R 106i		***(e) requiring the person performing platform work to comply with specific rules with regard to appearance, conduct towards the recipient of the service or performance of the work;***		R
Article 5, fifth paragraph, point (f)				
R 106j		***(f) effectively restricting the use of subcontractors or substitutes to perform the work;***		R

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Article 5, fifth paragraph, point (g)				
R 106k		***(g) effectively restricting the possibility of the person performing platform work to perform work for any third party, including competitors of the digital labour platforms;***		R
Article 5, fifth paragraph, point (h)				
R 106l		***(h) restricting the freedom of the person performing platform work to choose social protection, accident insurance, pension scheme or other forms of insurance, including through adverse consequences.***		R
Article 5, sixth paragraph				
R 106m		***Member States shall regularly review, assess and, where necessary, complement the elements set out in paragraph 1b, in consultation with the social partners. Where a digital labour platform challenges an administrative or judicial decision determining the employment status of a person performing platform***		R

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		work, proceedings arising from such a challenge shall not have a suspensive effect on that decision.		
CHAPTER III				
107	CHAPTER III ALGORITHMIC MANAGEMENT	CHAPTER III ALGORITHMIC MANAGEMENT	CHAPTER III ~~*ALGORITHMIC MANAGEMENT*~~***MANAGEMENT BY AUTOMATED MONITORING OR DECISION-MAKING SYSTEMS***	CHAPTER III ALGORITHMIC MANAGEMENT Text Origin: Commission Proposal
Article 5a				
107a			***Article 5a Limitations on processing of personal data by means of automated monitoring or decision-making systems***	***Article 5a Limitations on processing of personal data by means of automated monitoring or decision-making systems*** Text Origin: Council Mandate
Article 5a(1)				
107b			***1. Digital labour platforms shall not, by means of automated monitoring or decision-making systems:***	***1. Digital labour platforms shall not, by means of automated monitoring or decision-making systems:*** Language on consent to be found at TECH level

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Article 5a(2)					
G	107c		***(a) process any personal data on the emotional or psychological state of the person performing platform work;***	***(a) process any personal data on the emotional or psychological state of the person performing platform work;***	G
Article 5a, paragraph (1), point(b)					
Y	107d		***(b) process any personal data in relation to private conversations; including exchanges with platform workers' representatives;***	***(b) process any personal data in relation to private conversations, including exchanges with other persons performing platform work and their representatives;***	Y
Article 5a, paragraph (1), point(b)					
G	107e		***(c) collect any personal data while the person performing platform work is not offering or performing platform work.***	***(c) collect any personal data while the person performing platform work is not offering or performing platform work;*** Text Origin: Council Mandate	G
Article 5a(4)					
G	107f			***(f) process personal data to predict the exercise of fundamental rights, including the right of association, the right of collective***	G

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				bargaining and action or the right to information and consultation, as defined on the EU Charter;
Article 5a(5)				
107g				***(d) process any personal data to infer racial or ethnic origin, migration status, political opinions, religious or philosophical beliefs, disability, state of health, including chronic disease or HIV status, the emotional or psychological state, trade union membership, a person's sex life or sexual orientation;***
Article 5a(6)				
107h				***(e) process any biometric data, as defined in Article 4, point (14) of Regulation (EU) 2016/679, of a person performing platform work to establish that person's identity by comparing that data to stored biometric data of individuals in a database;***
Article 5a(7)				
107i				*deleted*

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Article 5a(7), point (a)				
107j				*deleted*
Article 5a(7), point (b)				
107k				*deleted*
Article 5a(8)				
107l				***3. The provisions of this article shall apply to all persons performing platform work from the start of the recruitment or selection procedure.*** TECH 21.9.: agreed
Article 5a(9)				
107m				***4. In addition to automated monitoring and decision-making systems, this Article shall also apply to digital labour platforms where they use automated systems supporting or taking decisions that affect persons performing platform***

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				work in any manner.
Article 5b				
107n				***Article 5b*** ***Data protection impact assessment***
Article 5b(1)				
107o				***1. Processing of personal data by a digital labour platform by means of automated monitoring and decision-making systems is a type of processing likely to result in a high risk to the rights and freedoms of natural persons within the meaning of Article 35 (1) of Regulation (EU) 2016/679. When carrying out, pursuant to Article 35(1) of Regulation (EU) 2016/679, an assessment of the impact of the processing of personal data by automated monitoring and decision-making systems on the protection of personal data of persons performing platform work, including on the limitations on processing set out in Article 5a, digital labour platforms, acting as controllers as defined in Article 4, point (7) of that Regulation, shall seek the views of persons***

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				performing platform work and their representatives. Row 127f has been moved here
Article 5b(2)				
107p				***2. Digital labour platforms shall provide the assessment to workers' representatives.***
Article 6				
108	Article 6 Transparency on and use of automated monitoring and decision-making systems	Article 6 Transparency on and use of automated monitoring and decision-making systems	Article 6 Transparency on ~~*and use of*~~ automated monitoring ~~*and*~~***or*** decision-making systems	Article 6 Transparency on ~~*and use of*~~ automated monitoring ~~*and*~~***or*** decision-making systems Text Origin: Council Mandate
Article 6(-1)(1)				
109	1. Without prejudice to the obligations and rights of digital labour platforms and platform workers under Directive (EU) 2019/1152, Member States shall require digital labour platforms to inform platform workers of:	1. Without prejudice to the obligations and rights of digital labour platforms and platform workers under ~~*Directive*~~***Regulation (EU) 2016/679 and Directives 89/391/EEC, 2009/38/EC and*** (EU) 2019/1152, Member States shall require digital labour platforms to inform platform workers***, workers' representatives and the labour***	1. ~~*Without prejudice to the obligations and rights of*~~***Member States shall require*** digital labour platforms ~~*and platform workers under Directive (EU) 2019/1152, Member States shall require digital labour platforms to inform platform workers of:*~~***to inform persons performing platform work of the use of automated monitoring or***	1. ~~*Without prejudice to the obligations and rights of digital labour platforms and*~~***Member States shall require digital labour platforms to inform persons performing platform work,*** platform workers***' representatives and, upon request, competent national authorities, of the use of automated monitoring or decision-making***

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		inspectorate and other competent authorities of:	***decision-making systems.***	***systems.*** ~~*under Directive (EU) 2019/1152, Member States shall require digital labour platforms to inform platform workers of:*~~ Text Origin: Council Mandate
Article 6(-1)(1), point (a)				
G	110	(a) automated monitoring systems which are used to monitor, supervise or evaluate the work performance of platform workers through electronic means;	(a) automated monitoring systems which are used ***for, or support monitoring, supervising or evaluating*** ~~*to monitor, supervise or evaluate*~~ the work performance of platform workers through electronic means;	*deleted*	(a) ~~*automated monitoring systems which are used to monitor, supervise or evaluate the work performance of platform workers through electronic means;*~~***deleted*** TECH 21.9. Text Origin: EP Mandate
Article 6(-1)(1), point (b)				
G	111	(b) automated decision-making systems which are used to take or support decisions that significantly affect those platform workers' working conditions, in particular their access to work assignments, their earnings, their occupational safety and health, their working time, their promotion and their contractual status, including the restriction, suspension or termination of their account.	(b) automated decision-making systems which are used to take or support decisions that significantly affect those platform workers' working conditions, in particular their ***recruitment, their*** access to ***and organisation of*** work assignments, their earnings ***including the pricing of individual assignments***, their occupational safety and health, their working time, their promotion and their	*deleted*	(b) ~~*automated decision-making systems which are used to take or support decisions that significantly affect those platform workers' working conditions, in particular their access to work assignments, their earnings, their occupational safety and health, their working time, their promotion and their contractual status, including the restriction, suspension or termination of their account.*~~***deleted***

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		contractual status, including the restriction, suspension or termination of their account.		TECH 21.9. Text Origin: EP Mandate
Article 6(-1), (1) a				
111a		***The information referred to in points (a) and (b) shall be provided irrespectively of the automated monitoring and decision-making systems being managed by the digital labour platform or any service provider that sells its management services to the platform.***		***deleted***
Article 6, -				
112	2. The information referred to in paragraph 1 shall concern:	2. The information referred to in paragraph 1 shall concern:	~~2.~~ ~~The~~***This*** information ~~referred to in paragraph 1~~ shall concern:	~~2.~~ ***-*** ~~The~~***This*** information ~~referred to in paragraph 1~~ shall concern: Text Origin: Council Mandate
Article 6, -, point (-a)				
112a				***(-a) all types of decisions supported or taken by automated decision-making systems, including when such systems support or take decisions not affecting persons performing platform work in a***

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				significant manner;
Article 6, -, point (a)				
113	(a) as regards automated monitoring systems:	(a) as regards automated monitoring systems:	(a) as regards automated monitoring systems:	(a) as regards automated monitoring systems: Text Origin: Commission Proposal
Article 6, -, point (a)(i)				
114	(i) the fact that such systems are in use or are in the process of being introduced;	(i) the fact that such systems are in use or are in the process of being introduced;	(i) the fact that such systems are in use or are in the process of being introduced;	(i) the fact that such systems are in use or are in the process of being introduced; Text Origin: Commission Proposal
Article 6, -, point (a)(ii)				
115	(ii) the categories of actions monitored, supervised or evaluated by such systems, including evaluation by the recipient of the service;	(ii) the categories of ***data and*** actions monitored, supervised or evaluated by such systems, including evaluation by the recipient of the service;	(ii) the categories of actions ~~*monitored, supervised or evaluated*~~***supervised, evaluated or for which data is collected*** by such systems, including evaluation by the recipient of the service;	(ii) the categories of ***data and*** actions monitored, supervised or evaluated by such systems, including evaluation by the recipient of the service; Text Origin: EP Mandate
Article 6, -, point (a)(iia)				
115a		***(iia) the aim of the monitoring and***		***(iia) the aim of the monitoring and***

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		how the system is to achieve it;		***how the system is to achieve it;***
Article 6, -, point (a)(iib)				
G 115b		***(iib) the functioning and mode of operation of features that affect the employment relationship, in particular recruitment, access to work assignments, earnings, health and safety, working time, promotion, ranking, and the restriction, suspension or termination of accounts;***		***(iib) deleted*** OSH element to be considered with Art. 8a OSH
Article 6, -, point (a)(iic)				
G 115c				***(iic) the recipients or categories of recipients of the personal data processed by such systems and any transmission or transfer of such personal data including within a group of undertakings;***
Article 6, -, point (b)				
G 116	(b) as regards automated decision-making systems:	(b) as regards automated decision-making systems:	(b) as regards automated decision-making systems:	(b) as regards automated decision-making systems: Text Origin: Commission Proposal
Article 6, -, point (b)(i)				

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117	(i) the fact that such systems are in use or are in the process of being introduced;	(i) the fact that such systems are in use or are in the process of being introduced;	(i) the fact that such systems are in use or are in the process of being introduced;	(i) the fact that such systems are in use or are in the process of being introduced; Text Origin: Commission Proposal
Article 6, -, point (b)(ii)				
118	(ii) the categories of decisions that are taken or supported by such systems;	(ii) the categories of decisions that are taken or supported by such systems;	(ii) the categories of decisions that are taken or supported by such systems;	(ii) the categories of decisions that are taken or supported by such systems; Text Origin: Commission Proposal
Article 6, -, point (b)(iii)				
119	(iii) the main parameters that such systems take into account and the relative importance of those main parameters in the automated decision-making, including the way in which the platform worker's personal data or behaviour influence the decisions;	(iii) the ***categories of data and*** main parameters that such systems take into account and the relative importance of those main parameters in the automated decision-making, including the way in which the platform worker's personal data or behaviour influence the decisions ***and any performance evaluation mechanisms***;	(iii) the main parameters that such systems take into account and the relative importance of those main parameters in the automated decision-making, including the way in which the ~~*platform worker's*~~ personal data or behaviour ***of the person performing platform work*** influence the decisions;	(iii) the ***categories of data and*** main parameters that such systems take into account and the relative importance of those main parameters in the automated decision-making, including the way in which the ~~*platform worker's*~~ personal data or behaviour ***of the person performing platform work*** influence the decisions; Text Origin: EP Mandate
Article 6, -, point (b)(iv)				

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G	120	(iv) the grounds for decisions to restrict, suspend or terminate the platform worker's account, to refuse the remuneration for work performed by the platform worker, on the platform worker's contractual status or any decision with similar effects.	(iv) the grounds for decisions to restrict, suspend or terminate the platform worker's account, to refuse the remuneration for work performed by the platform worker, on the platform worker's contractual status or any decision with similar effects***, the grounds for promotion, for task allocation and, where decision-making is supported or based on monitoring and evaluating performance, how behaviour has been evaluated and the reasons for the evaluation***.	(iv) the grounds for decisions to restrict, suspend or terminate the ***account of the person performing*** platform ~~worker's account~~***work***, to refuse the ~~remuneration~~***payment*** for work performed by ~~the platform worker, on the platform worker's~~***them, as well as for decisions on their*** contractual status or any decision with similar effects.	(iv) the grounds for decisions to restrict, suspend or terminate the ~~platform worker's account~~***account of the person performing platform work***, to refuse the ~~remuneration~~***payment*** for work performed by ~~the platform worker, on the platform worker's~~***them, as well as for decisions on their*** contractual status or any decision ~~with similar effects~~***of equivalent or detrimental effect***. Text Origin: Council Mandate	G
Article 6, -, point (b)(iva)					
G	120a		***2a. Decisions having an impact on health and safety and on the contractual relationship or introducing changes to the agreed terms of the employment relationship, and decisions to apply disciplinary measures, or restricting, suspending or terminating the contractual relationship and the platform worker's account, or any decision of equivalent detriment, shall not be taken by automated monitoring and decision-making systems and shall be taken in accordance with***	***(iva) deleted*** integrated in row 135d	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		national law and collective agreements.		
Article 6(2a)(3)				
121	3. Digital labour platforms shall provide the information referred to in paragraph 2 in the form of a document which may be in electronic format. They shall provide that information at the latest on the first working day, as well as in the event of substantial changes and at any time upon the platform workers' request. The information shall be presented in a concise, transparent, intelligible and easily accessible form, using clear and plain language.	3. Digital labour platforms shall provide the information referred to in paragraph 2 in the form of a document which may be in electronic format. ***The information*** ~~*They*~~ shall ~~*provide that information at the latest on the first working day, as well as in the event of substantial changes and at any time upon the platform workers' request. The information shall be presented in a concise, transparent, intelligible and easily accessible form, using clear and plain language.*~~ ***be presented in a transparent, intelligible and easily accessible form, using clear and plain language. For newly deployed automated systems information shall be provided prior to their use and before any changes affecting working conditions, the organisation of work or monitoring work performance.***	3. Digital labour platforms shall provide the information referred to in paragraph ~~*2*~~***1*** in the form of a ***written*** document which may be in electronic format. They shall provide that information at the latest on the first working day, as well as in the event of substantial changes and at any time upon the ***request of the person performing*** platform ~~*workers' request*~~***work***. The information shall be presented in a concise, transparent, intelligible and easily accessible form, using clear and plain language.	~~*3*~~***2***. Digital labour platforms shall provide the information referred to in paragraph ~~*2*~~***1*** in the form of a ***written*** document which may be in electronic format. ~~*They shall provide that information at the latest on the first working day, as well as in the event of substantial changes and at any time upon the platform workers' request.*~~ The information shall be presented in a ~~*concise,*~~ transparent, intelligible and easily accessible form, using clear and plain language.
Article 6(2a), (3) a				
121a		***Individual platform workers shall***		***3. Persons performing platform***

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		receive that information by the digital labour platform in so far as the systems and their features directly affect them and their working conditions at the latest on the first working day, or prior to the introduction of the changes affecting working conditions, the organisation of work or monitoring work performance and at any time upon the platform workers' request. The information shall be presented in a concise, transparent, intelligible and easily accessible form, using clear and plain language.That information shall not be subject to confidentiality rules established by Article 6a.		***work shall receive concise information about the systems and their features that directly affect them, including their working conditions where applicable, at the latest on the first working day, prior to the introduction of changes affecting working conditions, the organisation of work or monitoring work performance, or at any time upon their request. Upon their request, they shall also receive also receive comprehensive and detailed information about all relevant systems and their features.***
Article 6(2b), first subparagraph				
122	4. Digital labour platforms shall make the information referred to in paragraph 2 available to platform workers' representatives and national labour authorities upon their request.	4. Digital labour platforms shall ***always*** make the information referred to in paragraph 2 available to ***national labour authorities and other*** ~~*platform workers' representatives and*~~ national ~~*labour*~~***competent*** authorities ***also*** upon their request.	4. Digital labour platforms shall ***also*** make the information referred to in paragraph ~~*2*~~***1*** available to platform workers' representatives. ***They shall also make this information available to competent national*** ~~*and national labour*~~ authorities upon their request.	4. ~~*Digital labour platforms*~~***Workers' representatives shall receive comprehensive and detailed information about all relevant systems and their features. They*** shall ~~*make the*~~***receive that*** information ~~*referred to in paragraph 2 available to platform workers' representatives and national labour*~~***prior to the use of those systems or to the introduction of changes affecting working***

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				conditions, the organisation of work or monitoring work performance or at any time upon their request. Competent national authorities ***shall receive comprehensive and detailed information at any time*** upon their request. Text Origin: Council Mandate
Article 6(2b), second subparagraph				
G	122a			*deleted*
Article 6(2c)				
G	*122b*			***5. Digital labour platforms shall provide the information referred to in paragraph 1 to persons undergoing a recruitment or selection procedure. That information shall be provided in line with paragraph 2, shall be concise and only concern the automated monitoring or decision-making systems used in that procedure and shall be provided before the start of that procedure.*** TECH 12/10

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Article 6(5)				
123	5. Digital labour platforms shall not process any personal data concerning platform workers that are not intrinsically connected to and strictly necessary for the performance of the contract between the platform worker and the digital labour platform. In particular they shall not:	5. Digital labour platforms shall not process any personal data concerning platform workers that are not intrinsically connected to and strictly necessary for the performance of the contract between the platform worker and the digital labour platform. In particular they shall not:	*deleted*	5. ~~*Digital labour platforms shall not process any personal data concerning platform workers that are not intrinsically connected to and strictly necessary for the performance of the contract between the platform worker and the digital labour platform. In particular they shall not:*~~***deleted**
Article 6(5), point (-a)				
123a		***The protection of personal data as referred to in this paragraph shall apply to all platform workers from the recruitment stages before the start of the employment relationship.***		*deleted*
Article 6(5), point (a)				
124	*(a)* process any personal data on the emotional or psychological state of the platform worker;	(a) process any personal data on the emotional or psychological state of the platform worker ***or infer the emotional or psychological state of the platform worker by making use of any personal data collected***;	*deleted*	(a) ~~*process any personal data on the emotional or psychological state of the platform worker;*~~***deleted***
Article 6(5), point (b)				

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G 125	(b) process any personal data relating to the health of the platform worker, except in cases referred to in Article 9(2), points (b) to (j) of Regulation (EU) 2016/679;	(b) process any personal data relating to the health of the platform worker, except in cases referred to in Article 9(2), points (b) to (j) of Regulation (EU) 2016/679;	*deleted*	(b) ~~*process any personal data relating to the health of the platform worker, except in cases referred to in Article 9(2), points (b) to (j) of Regulation (EU) 2016/679;*~~***deleted** G
Article 6(5), point (c)				
G 126	(c) process any personal data in relation to private conversations, including exchanges with platform workers' representatives;	(c) process any personal data in relation to private conversations, including exchanges with ***or among*** platform workers ***and workers***' representatives***, also in relation to the possibility to organise collectively and to defend their rights***;	*deleted*	(c) ~~*process any personal data in relation to private conversations, including exchanges with platform workers' representatives;*~~***deleted*** G
Article 6(5), point (ca)				
G 126a		***(ca) process any personal data revealing racial or ethnic origin, migration status, political opinions, religious or philosophical beliefs, disability or state of health, including chronic disease or HIV status, or trade union membership and the processing of genetic data, biometric data for the purpose of uniquely identifying a person, or data concerning a person's sex life or sexual orientation;***		***(ca) deleted*** G

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 6(5), point (d)				
127	(d) collect any personal data while the platform worker is not offering or performing platform work.	(d) collect any personal data while the platform worker is not offering or performing platform work.	*deleted*	(d) ~~*collect any personal data while the platform worker is not offering or performing platform work.*~~ ***deleted***
Article 6(5), point (da)				
127a		***(da) make use of mandatory biometric identification or disproportionate or undue surveillance of work performance;***		***(da) deleted***
Article 6(5), point (db)				
127b		***(db) under any circumstances provide for discriminatory practices when processing personal data;***		***(db) deleted***
Article 6(5), point (dc)				
127c		***(dc) process personal data to predict, prevent or restrict the exercise of fundamental rights, in particular social rights, such as the right of association, the right of collective bargaining and action or the right to information and consultation;***		***(dc) deleted***

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Article 6(5), point (dd)				
127d		***(dd) process biometrics-based data.***		***(dd) deleted***
Article 6(5), point (de)				
127e		***The protection of personal data as referred to in this paragraph shall apply to all platform workers from the recruitment stages before the start of the employment relationship.***		***(de) deleted*** Tri 18/9 _ tentative deletion with new general wording clarifying the information rights of applicants in a recruitment process in rows 107i and 122a.
Article 6(5a)				
127f		***5a. Digital labour platforms shall carry out a data protection impact assessment and shall seek the views of data subjects or their representatives on the intended processing. The assessment shall be carried out once, prior to the introduction of those processing operations and before any changes affecting working conditions, the organisation of work or monitoring work performance. The information contained in the impact assessment shall be presented in a concise, transparent, intelligible and easily***		***5a. deleted*** Has been moved to row 107m

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		accessible form, using clear and plain language, in order to allow platform workers and workers' representatives to prepare, where necessary, for consultation.		
Article 6(5a), point (a)				
127g		***5b. Digital labour platforms shall inform platform workers and workers' representatives about any transfer of personal data within a group of undertakings, or a group of undertakings engaged in a joint economic activity making use of automated monitoring systems.***		***(a) deleted*** Tenatively deleted if integrated in row 115c
Article 6(5b)				
127h		***5c. Member States shall ensure that digital labour platforms provide platform workers with an interface and tools to facilitate effective, machine-readable data portability that is free of charge, including with regard to reputational data, the right to rectification, to erasure and to be forgotten, in accordance with Regulation (EU) 2016/679. Platform workers shall also have the right not to have those data***		***5b. Persons performing platform work shall have the right to portability of personal data generated through their performance of work in the context of a digital labour platform's automated monitoring and decision-making systems, including ratings and reviews without adversely affecting the rights of the recipient of the service under Regulation (EU) 2016/679. The digital labour platform shall***

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		transferred.		***provide persons performing platform work, free of charge, with tools to facilitate the effective exercise of their portability rights, referred to in Article 20 of Regulation (EU) 2016/679 and in the first sentence of this paragraph. At the request of the person performing platform work, the digital labour platform shall transmit such personal data directly to a third party.*** TECH 21/09
Article 6(5b), point (a)				
127i		***Article 6a*** ***Confidential information***		***Deleted***
Article 6(5b), point (b)				
127j		***1. Member States shall provide that, in the context of information and consultation processes and subject to the conditions and limits laid down by Union and national law and to objective criteria, representatives of persons performing platform work and any experts who assist them are not***		***(b) Deleted***

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		authorised to reveal any information which, in the legitimate interest of the undertaking or establishment, has expressly been provided to them in confidence.		
Article 6(5b), point (c)				
127k		***This paragraph shall not apply to:***		***(c) Deleted***
Article 6(5b), point (d)				
127l		***(a) communication between workers' representatives and European, national or local works councils and the competent recognised trade union organisations on information that may affect the jobs or the working conditions of workers;***		***Deleted***
Article 6(5b), point (e)				
127m		***(b) information concerning elements that may affect the rights protected by this Directive.***		***Deleted***
Article 6(5c)				
127n		***2. The digital labour platform shall***		***Deleted***

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		specify to the workers' representatives the objective criteria used to decide on the confidential nature of the information, as well as how long the confidentiality applies. Member States shall determine by law the list of such objective criteria and shall ensure that workers representatives have the possibility of reviewing the classification of a matter by means of an urgent administrative or judicial decision.		
Article 7				
128	Article 7 Human monitoring of automated systems	Article 7 Human ~~*monitoring*~~ ***oversight*** of automated systems	Article 7 Human monitoring of automated systems	Article 7 Human ~~*monitoring*~~***oversight*** of automated systems Text Origin: EP Mandate
Article 7(-1)				
128a		***-1. Member States shall ensure that digital labour platforms provide for human oversight of all decisions affecting working conditions.***		***-1. deleted***
Article 7(1)				
129	1. Member States shall ensure that	1. Member States shall ensure that	1. Member States shall ensure that	1. Member States shall ensure that

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	digital labour platforms regularly monitor and evaluate the impact of individual decisions taken or supported by automated monitoring and decision-making systems, as referred to in Article 6(1), on working conditions.	digital labour platforms***, with the involvement of workers' representatives , oversee and carry out an assessment, regularly and at least annually, of*** ~~*regularly monitor and evaluate*~~ the impact of individual decisions taken or supported by automated monitoring and decision-making systems, as referred to in Article 6(1), on working conditions***, health and safety and fundamental rights***.	digital labour platforms ~~*regularly*~~ monitor and ***regularly*** evaluate the impact of individual decisions taken or supported by automated monitoring ~~*and*~~***or*** decision-making systems~~*, as referred to in Article 6(1), on working conditions.*~~ ***on persons performing platform work.***	digital labour platforms ~~*regularly monitor and evaluate*~~***oversee and, with the involvement of workers' representatives, regularly, and in any event every two years, carry out an evaluation of,*** the impact of individual decisions taken or supported by automated monitoring and decision-making systems ***used by the digital labour platform, on persons performing platform work, including, where applicable, on their*** ~~*, as referred to in Article 6(1), on*~~ working conditions ***and equal treatment at work***.
	Article 7(2), first subparagraph			
G	130	2. Without prejudice to Council Directive 89/391/EEC and related directives in the field of safety and health at work, digital labour platforms shall:	2. Without prejudice to Council Directive 89/391/EEC and related directives in the field of safety and health at work, digital labour platforms shall:	*deleted*	2. ~~*Without prejudice to Council Directive 89/391/EEC and related directives in the field of safety and health at work, digital labour platforms shall:*~~***deleted*** Rows 130, 131, 131a, 132, 133, 134 (EP has agreed to the structure of the new Article 8a -rows 142b - 142g)
	Article 7(2), first subparagraph, point (a)			
G	131	(a) evaluate the risks of automated monitoring and decision-making	(a) ***avoid the risks, or*** evaluate ***and combat*** the risks ***that cannot be***	*deleted*	(a) ~~*evaluate the risks of automated monitoring and decision-making*~~

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	systems to the safety and health of platform workers, in particular as regards possible risks of work-related accidents, psychosocial and ergonomic risks;	***avoided,*** of automated monitoring and decision-making systems to the safety and health of platform workers, ~~*in particular*~~ ***including*** as regards possible risks of work-related accidents, psychosocial and ergonomic risks;		~~*systems to the safety and health of platform workers, in particular as regards possible risks of work-related accidents, psychosocial and ergonomic risks;*~~***deleted***
Article 7(2), first subparagraph, point (aa)				
131a		***(aa) evaluate the risk of discrimination resulting from decisions taken by those systems, including in replicating gender, racial and other social biases in the selection and treatment of different groups;***		***(aa) deleted***
Article 7(2), first subparagraph, point (b)				
132	(b) assess whether the safeguards of those systems are appropriate for the risks identified in view of the specific characteristics of the work environment;	(b) assess whether the safeguards of those systems are appropriate for the risks identified in view of the specific characteristics of the work environment;	*deleted*	(b) ~~*assess whether the safeguards of those systems are appropriate for the risks identified in view of the specific characteristics of the work environment;*~~***deleted***
Article 7(2), first subparagraph, point (c)				
133	(c) introduce appropriate preventive and protective measures.	(c) introduce appropriate preventive***, corrective*** and protective measures.	*deleted*	(c) ~~*introduce appropriate preventive and protective measures.*~~ ***deleted***

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 7(2), second subparagraph				
134	They shall not use automated monitoring and decision-making systems in any manner that puts undue pressure on platform workers or otherwise puts at risk the physical and mental health of platform workers.	They shall not use automated monitoring and decision-making systems in any manner that puts undue pressure on platform workers or otherwise puts at risk the physical and mental health of platform workers.	*deleted*	~~*They shall not use automated monitoring and decision-making systems in any manner that puts undue pressure on platform workers or otherwise puts at risk the physical and mental health of platform workers.*~~ ***deleted***
Article 7(2), second subparagraph a				
134a		***2a. The impact assessment referred to in paragraph 1 shall include the matters referred to in paragraphs 1 and 2 and shall be submitted to the competent labour and data protection authorities, and to workers' representatives.***		***deleted*** covered in the draft agreement in row 135c
Article 7(2), fourth subparagraph				
134b		***2b. If the impact assessment referred to in paragraph 1 finds risks to health and safety or fundamental rights that cannot be avoided nor mitigated, as referred to in paragraph 2, the digital labour platform shall immediately cease the use of the automated system.***		***deleted*** 134b - to be placed in row 135a (new)

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Article 7(2), fifth subparagraph				
134c		***2c. Digital labour platforms shall not use automated monitoring and decision-making systems in any manner that puts undue pressure on platform workers or otherwise puts at risk the physical and mental health of platform workers.***		***deleted*** Integrated in row 142f
Article 7(3)				
135	3. Member States shall require digital labour platforms to ensure sufficient human resources for monitoring the impact of individual decisions taken or supported by automated monitoring and decision-making systems in accordance with this Article. The persons charged by the digital labour platform with the function of monitoring shall have the necessary competence, training and authority to exercise that function. They shall enjoy protection from dismissal, disciplinary measures or other adverse treatment for overriding automated decisions or suggestions for decisions.	3. Member States shall require digital labour platforms to ensure sufficient human resources for ***effective oversight of*** ~~*monitoring*~~ the impact of individual decisions taken or supported by automated monitoring and decision-making systems in accordance with this Article. The persons charged by the digital labour platform with the function of ***carrying out the assessment referred to in this Article and of overseeing or reviewing decision-making taken or supported by automated*** monitoring ***or automated decision-making systems*** shall have the necessary competence, training and authority to exercise that function***, including***	3. Member States shall require digital labour platforms to ensure sufficient human resources for monitoring ***and evaluating*** the impact of individual decisions taken or supported by automated monitoring ~~*and*~~***or*** decision-making systems ~~*in accordance with this Article*~~. The persons charged by the digital labour platform with the function of monitoring ***and evaluating*** shall have the necessary competence, training and authority to exercise that function***, including for overriding automated decisions***. They shall enjoy protection from dismissal ***or its equivalent***, disciplinary measures or other adverse treatment for ~~*overriding*~~	3. Member States shall require digital labour platforms to ensure sufficient human resources for ~~*monitoring*~~***effective oversight and evaluation of*** the impact of individual decisions taken or supported by automated monitoring ~~*and*~~***or*** decision-making systems ~~*in accordance with this Article*~~. The persons charged by the digital labour platform with the function of ~~*monitoring*~~***oversight and evaluation*** shall have the necessary competence, training and authority to exercise that function***, including for overriding automated decisions***. They shall enjoy protection from dismissal ***or its equivalent***, disciplinary measures or other

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		the possibility of intervening on and reverting those decisions. They shall enjoy protection from dismissal, disciplinary measures or other adverse treatment for overriding automated decisions or suggestions for decisions.	~~*automated decisions or suggestions for decisions.*~~***exercising their functions.***	adverse treatment for ~~*overriding automated decisions or suggestions for decisions.*~~***exercising their functions.*** Text Origin: Council Mandate
	Article 7(3a)			
G	135a			***3a. Where the oversight or the evaluation referred to in paragraph 1 identifies a high risk of discrimination at work in the use of automated monitoring and decision-making systems or finds that individual decisions taken or supported by automated monitoring and decision-making systems have infringed the rights of a person performing platform work , the digital labour platform shall take the necessary steps, including, if appropriate, a modification of the automated monitoring and decision-making system or a discontinuance of its use, in order to avoid such decisions in the future.***
	Article 7(3b)			
R	135b			

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		3a. Where an impact assessment as referred to in paragraph 1 is found to be non-compliant with this Article, the relevant health and safety, data protection, labour and other competent authorities shall take coordinated measures to enforce those provisions.		To be discussed in the context of Article 19
Article 7(3c)				
G 135c			***4. Information on the evaluation pursuant to paragraph 1 shall be made available to persons performing platform work and to platform workers' representatives. They shall also make this information available to the competent national authorities upon their request.***	***3c. Information on the evaluation pursuant to paragraph 1 shall be transmitted to platform workers' representatives. Digital labour platforms shall also make this information available to persons performing platform work and the competent national authorities upon their request.***
Article 7(3d)				
G 135d				***3d. Any decision to restrict, suspend or terminate the contractual relationship or the account of a person performing platform work or any other decision of equivalent detriment shall be taken by a human being.*** From row 120a

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Article 8				
136	Article 8 Human review of significant decisions	Article 8 Human review of ***decisions significantly affecting working conditions*** ~~*significant decisions*~~	Article 8 Human review of significant decisions	Article 8 Human review ~~*of significant decisions*~~ Text Origin: EP Mandate
Article 8(1), first subparagraph				
137	1. Member States shall ensure that platform workers have the right to obtain an explanation from the digital labour platform for any decision taken or supported by an automated decision-making system that significantly affects the platform worker's working conditions, as referred to in Article 6(1), point (b). In particular, Member States shall ensure that digital labour platforms provide platform workers with access to a contact person designated by the digital labour platform to discuss and to clarify the facts, circumstances and reasons having led to the decision. Digital labour platforms shall ensure that such contact persons have the necessary competence, training and authority to exercise that function.	1. Member States shall ensure that platform workers have the right to ~~*obtain*~~ ***receive*** an explanation from the digital labour platform for any decision taken or supported by an automated decision-making system that significantly affects the platform worker's working conditions, as referred to in Article 6(1), point (b). ***The explanation shall be presented in a transparent and intelligible manner, using clear and plain language in due time and at the latest on the first day of application of the decision***. In particular, Member States shall ensure that digital labour platforms provide platform workers with access to a contact person designated by the digital labour platform to discuss and to clarify the facts, circumstances and reasons having	1. Member States shall ensure that ***persons performing*** platform ~~*workers*~~***work*** have the right to obtain an explanation from the digital labour platform for any decision taken or supported by an automated decision-making system that significantly affects ~~*the platform worker's working conditions, as referred to in Article 6(1), point (b). In particular,*~~ ***them without undue delay.*** Member States shall ensure that digital labour platforms provide ***persons performing*** platform ~~*workers*~~***work*** with access to a contact person designated by the digital labour platform to discuss and to clarify the facts, circumstances and reasons having led to the decision. Digital labour platforms shall ensure that such contact persons have the necessary	1. Member States shall ensure that ***persons performing*** platform ~~*workers*~~***work*** have the right to obtain an explanation from the digital labour platform for any decision taken or supported by an automated decision-making system ~~*that significantly affects the platform worker's working conditions, as referred to in Article 6(1), point (b). In particular,*~~***without undue delay. The explanation, in oral or written form, shall be presented in a transparent and intelligible manner, using clear and plain language.*** Member States shall ensure that digital labour platforms provide ***persons performing*** platform ~~*workers*~~***work*** with access to a contact person designated by the digital labour platform to discuss and to clarify the facts,

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		led to the decision. Digital labour platforms shall ensure that such contact persons have the necessary competence, training and authority to exercise that function.	competence, training and authority to exercise that function.	circumstances and reasons having led to the decision. Digital labour platforms shall ensure that such contact persons have the necessary competence, training and authority to exercise that function. AMDMS Human review
Article 8(1), second subparagraph				
G 138	Digital labour platforms shall provide the platform worker with a written statement of the reasons for any decision taken or supported by an automated decision-making system to restrict, suspend or terminate the platform worker's account, any decision to refuse the remuneration for work performed by the platform worker, any decision on the platform worker's contractual status or any decision with similar effects.	Digital labour platforms shall provide the platform worker ***in due time and at the latest on the first day of application*** with a written statement of the reasons for any decision ~~*taken or*~~ supported by an automated decision-making system to restrict ***access to work assignments, or to restrict***, suspend or terminate the platform worker's account, any decision to refuse the remuneration for work performed by the platform worker, any decision on the platform worker's contractual status***, any decision producing an effect on the agreed terms of the employment relationship*** or any decision with similar effects. ***Those decisions shall be taken in accordance with national law or practice and applicable collective agreements.***	Digital labour platforms shall provide the ***person performing*** platform ~~*worker*~~***work*** with a written statement of the reasons for any decision taken or supported by an automated decision-making system to restrict, suspend or terminate ~~*the platform worker*~~***that person***'s account, any decision to refuse the ~~*remuneration*~~***payment*** for work performed***, any decision on the contractual status of the person performing platform work*** ~~*by the platform worker, any decision on the platform worker's contractual status*~~ or any decision with similar effects***, without undue delay***.	Digital labour platforms shall provide the ***person performing*** platform ~~*worker*~~***work*** with a written statement of the reasons for any decision ~~*taken or supported*~~***supported or, where applicable, taken*** by an automated decision-making system to restrict, suspend or terminate the ***account of the person performing*** platform ~~*worker's account*~~***work***, any decision to refuse the ~~*remuneration*~~***payment*** for work performed by the ***person performing*** platform ~~*worker*~~***work***, any decision on the ~~*platform worker's contractual status or*~~***contractual status of the person performing platform work,*** any decision with similar effects ***or any other decision affecting the essential aspects of the employment or other contractual relationships,*** G

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				without undue delay and at the latest on the day which it takes effect. Further addition in recital 37 in order to clarify restriction of account covering also access and work assignments
Article 8(2), first subparagraph				
G 139	2. Where platform workers are not satisfied with the explanation or the written statement of reasons obtained or consider that the decision referred to in paragraph 1 infringes their rights, they shall have the right to request the digital labour platform to review that decision. The digital labour platform shall respond to such request by providing the platform worker with a substantiated reply without undue delay and in any event within one week of receipt of the request.	2. ~~*Where*~~ Platform workers ~~*are not satisfied with the explanation or the written statement of reasons obtained or consider that the decision referred to in paragraph 1 infringes their rights, they*~~ ***and workers' representatives*** shall have the right to request the digital labour platform to review ***the decisions referred to in paragraph 1*** ~~*that decision*~~. The digital labour platform shall respond to such request by providing the platform worker with a ***sufficiently precise and adequately*** substantiated reply without undue delay and in any event within ~~*one week*~~ ***two weeks*** of receipt of the request.	2. Where ***persons performing*** platform ~~*workers*~~***work*** are not satisfied with the explanation or the written statement of reasons obtained or consider that the decision referred to in paragraph 1 infringes their rights, they shall have the right to request the digital labour platform to review that decision. The digital labour platform shall respond to such request by providing the ***person performing*** platform ~~*worker*~~***work*** with a substantiated reply ***in the form of a written document which may be in electronic format*** without undue delay and in any event within ~~*one week*~~***two weeks*** of receipt of the request.	2. ~~*Where*~~***Persons performing*** platform ~~*workers are not satisfied with the explanation or the written statement of reasons obtained or consider that the decision referred to in paragraph 1 infringes their rights, they*~~***work and, in accordance with national law or practice, representatives acting on behalf of the persons performing platform work*** shall have the right to request the digital labour platform to review ~~*that decision*~~***the decisions referred to in paragraph 1***. The digital labour platform shall respond to such request by providing the ***person performing*** platform ~~*worker*~~***work*** with a ***sufficiently precise and adequately*** substantiated reply ***in the form of a written document which may be in electronic format*** without undue delay and in any event within ~~*one week*~~***two weeks*** of receipt of the G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				request.
Article 8(2), second subparagraph				
140	With regard to digital labour platforms which are micro, small or medium-sized enterprises, Member States may provide that the deadline for reply referred to in the first subparagraph is extended to two weeks.	With regard to digital labour platforms which are micro, small or medium-sized enterprises, Member States may provide that ~~*the*~~ ***that*** deadline ~~*for reply referred to in the first subparagraph*~~ is extended to ***one month*** ~~*two weeks*~~.	*deleted*	~~*With regard to digital labour platforms which are micro, small or medium-sized enterprises, Member States may provide that the deadline for reply referred to in the first subparagraph is extended to two weeks.*~~ ***deleted***
Article 8(3)				
141	3. Where the decision referred to in paragraph 1 infringes the platform worker's rights, the digital labour platform shall rectify that decision without delay or, where such rectification is not possible, offer adequate compensation.	3. Where the decision referred to in paragraph 1 infringes the platform worker's rights, the digital labour platform shall rectify that decision without delay or, where such rectification is not possible, ~~*offer*~~ ***provide*** adequate compensation***, which shall be proportionate to the gravity of the infringement***.	3. Where the decision referred to in paragraph 1 infringes the ~~*platform worker's rights*~~***rights of a person performing platform work***, the digital labour platform shall rectify that decision without delay ***and in any event within two weeks*** or, where such rectification is not possible, offer ~~*adequate compensation*~~***compensation for the damage sustained. The digital labour platform shall take the necessary steps, including, if appropriate, a modification of the automated decision-making system, in order to avoid such decisions in the future***.	3. Where the decision referred to in paragraph 1 infringes the ~~*platform worker's rights*~~***rights of a person performing platform work***, the digital labour platform shall rectify that decision without delay ~~*or,*~~***and in any case within two weeks of the adoption of the decision.*** Where such rectification is not possible, ***the digital labour platform shall*** offer adequate compensation ***for the damage sustained. In any event, the digital labour platform shall take the necessary steps, including, if appropriate, a modification of the automated decision-making system or a discontinuance of its use, in order to avoid such decisions in the***

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				future. DLA check complete Pending DLA check on coherence Text Origin: Council Mandate
Article 8(4)				
142	4. This Article shall be without prejudice to dismissal procedures laid down in national law.	4. This Article shall be without prejudice to dismissal procedures ***or any other disciplinary procedures*** laid down in national law***, practice or applicable collective agreements***.	4. This Article ~~*shall be without prejudice to*~~***does not affect disciplinary and*** dismissal procedures laid down in national law ***and practices and collective agreements***.	4. This Article ~~*shall be without prejudice to*~~***does not affect disciplinary and*** dismissal procedures laid down in national law ***and practices and collective agreements***. Text Origin: Council Mandate
Article 8(4a)				
142a			***5. This Article shall not apply to persons performing platform work who are also 'business users' within the meaning of Regulation (EU) 2019/1150.***	***4a. This Article shall not apply to persons performing platform work who are also 'business users' within the meaning of Regulation (EU) 2019/1150.*** Text Origin: Council Mandate
Article 8a				
142b			***Article 8a Safety and health***	***Article 8a Safety and health***

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
Article 8a(1)				
142c			***1. Without affecting Council Directive 89/391/EEC and related directives in the field of safety and health at work, with regard to platform workers, digital labour platforms shall:***	***1. Without affecting Council Directive 89/391/EEC and related directives in the field of safety and health at work, with regard to platform workers, digital labour platforms shall:*** Text Origin: Council Mandate
Article 8a(1)(a)				
142d			***(a) evaluate the risks of automated monitoring or decision-making systems to their safety and health, in particular as regards possible risks of work-related accidents, psychosocial and ergonomic risks;***	***(a) evaluate the risks of automated monitoring or decision-making systems to their safety and health, in particular as regards possible risks of work-related accidents, psychosocial and ergonomic risks;*** Text Origin: Council Mandate
Article 8a(1)(b)				
142e			***(b) assess whether the safeguards of those systems are appropriate for the risks identified in view of the specific characteristics of the work environment;***	***(b) assess whether the safeguards of those systems are appropriate for the risks identified in view of the specific characteristics of the work environment;***

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				Row 142 is identical to EP row 132
Article 8a(1)(b)				
142f			***2. Digital labour platforms shall not use automated monitoring or decision-making systems in any manner that puts undue pressure on platform workers or otherwise puts at risk the physical and mental health of platform workers.***	***4. deleted*** integrated in 142i
Article 8a(1)(c)				
142g			***(c) introduce appropriate preventive and protective measures.***	***(c) introduce appropriate preventive and protective measures.*** Text Origin: Council Mandate
Article 8a(1)(c)				
142h				***2. In relation to the requirements under paragraph 1, digital labour platforms shall ensure effective information, consultation and participation of platform workers and/or their representatives in accordance with Articles 10 and 11 of Council Directive 89/391/EEC.***
Article 8a(2)				

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G 142i				***3. Digital labour platforms shall not use automated monitoring or decision-making systems in any manner that puts undue pressure on platform workers or otherwise puts at risk safety and the physical and mental health of platform workers.*** Text Origin: Council Mandate
Article 8a(8)				
G 142j				***4. In addition to automated decision-making systems, this Article shall also apply where they use automated systems supporting or taking decisions that affect platform workers in any manner.*** checked by DLA
Article 8a(9)				
G 142k				***9. In order to ensure safety and health of platform workers, including from violence and harassment, Member States shall ensure that digital labour platforms take preventive measures, including effective reporting channels.***

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				From row 167a
Article 9				
143	Article 9 Information and consultation	Article 9 Information and consultation	Article 9 Information and consultation	Article 9 Information and consultation Text Origin: Commission Proposal
Article 9(1)				
144	1. Without prejudice to the rights and obligations under Directive 2002/14/EC, Member States shall ensure information and consultation of platform workers' representatives or, where there are no such representatives, of the platform workers concerned by digital labour platforms, on decisions likely to lead to the introduction of or substantial changes in the use of automated monitoring and decision-making systems referred to in Article 6(1), in accordance with this Article.	1. Without prejudice to the rights and obligations under ***Directives 89/391/EEC,*** ~~*Directive*~~ 2002/14/EC ***and 2009/38/EC***, Member States shall ensure ***timely*** information and ***effective*** consultation of platform workers~~*' representatives or, where there are no such*~~ ***and workers'*** representatives~~*, of the platform workers concerned by digital labour platforms,*~~ on decisions likely to lead to the introduction of or substantial changes ***affecting working conditions and health and safety*** in the use of automated monitoring and decision-making systems referred to in Article 6(1), in accordance with this Article. ***When defining or implementing practical arrangements for information and consultation, the digital labour***	1. Without ~~*prejudice to*~~***affecting*** the rights and obligations under Directive 2002/14/EC, Member States shall ensure information and consultation of platform workers' representatives or, where there are no such representatives, of the platform workers concerned by digital labour platforms, on decisions likely to lead to the introduction of or substantial changes in the use of automated monitoring ~~*and*~~***or*** decision-making systems~~*referred to in Article 6(1), in accordance with this Article.*~~*.*	1. ~~*Without prejudice to the rights and obligations under*~~***This Directive shall not affect*** Directive ~~*2002/14/EC, Member States shall ensure*~~***89/391/EEC, as regards*** information and consultation~~*of platform workers' representatives or, where there are no such representatives, of the platform workers concerned by digital labour platforms, on decisions likely to lead to the introduction of or substantial changes in the use of automated monitoring and decision-making systems referred to in Article 6(1), in accordance with this Article*~~***, or Directives 2002/14/EC and 2009/38/EC***. Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		platform and the workers' representatives shall work in a spirit of cooperation and with due regard for their reciprocal rights and obligations, taking into account the interests both of the digital labour platform and of the workers.		
Article 9(2)				
145	2. For the purposes of this Article, the definitions of 'information' and 'consultation' as laid down in Article 2, points (f) and (g), of Directive 2002/14/EC shall apply. The rules laid down in Article 4(1), (3) and (4), Article 6 and Article 7 of Directive 2002/14/EC shall apply accordingly.	2. For the purposes of this Article, the definitions of 'information' and 'consultation' as laid down in Article 2, points (f) and (g), of Directive 2002/14/EC shall apply. The rules laid down in Article 4(1), (3) and (4), ~~*Article 6*~~ and Article 7 of Directive 2002/14/EC shall apply accordingly.	*deleted*	2. ~~*For the purposes*~~***In addition to complying with the Directives referred to in paragraph 1*** of this Article, ~~*the definitions of '*~~***Member States shall ensure that*** information~~*' and '*~~ ***and*** consultation~~*' as laid down*~~***, as defined*** in Article 2, points (f) and (g), of Directive 2002/14/EC***, of workers' representatives by digital labour platforms also covers decisions likely to lead to the introduction of or to substantial changes in the use of automated monitoring or decision-making systems. For the purposes of this paragraph, information and consultation of workers' representatives shall be carried out under the same modalities concerning the exercise of information and consultation rights as those laid down in Directive 2002/14/EC*** ~~*shall apply. The rules*~~

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				~~*laid down in Article 4(1), (3) and (4), Article 6 and Article 7 of Directive 2002/14/EC shall apply accordingly*~~.
Article 9a				
145a				***Article 9a*** ***Information of workers***
Article 9a(-1)				
145b				***-1. Where there are no representatives of platform workers, Member States shall ensure that digital labour platform directly inform the platform workers concerned on decisions likely to lead to the introduction of or substantial changes in the use of automated monitoring or decision-making systems. The information shall be provided in the form of a written document which may be in electronic format and shall be presented in a transparent intelligible and easily accessible form, using clear and plain language.***
Article 9a(-1a)				

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145c		***2a. Digital labour platforms shall provide the information referred to in Article 6(1), (2), (5a) and (5b) and Article 7 to workers' representatives with sufficient time as to allow a thorough examination and effective consultation. For newly deployed automated systems, the consultation shall take place prior to their use and before any changes affecting working conditions, the organisation of work or the monitoring of work performance.***		***-1a. deleted*** EP to drop because this point is covered
Article 9(2a)				
145d	3. The platform workers' representatives or the platform workers concerned may be assisted by an expert of their choice, in so far as this is necessary for them to examine the matter that is the subject of information and consultation and formulate an opinion. Where a digital labour platform has more than 500 platform workers in a Member State, the expenses for the expert shall be borne by the digital labour platform, provided that they are proportionate.			~~3~~***2a***. The platform workers' representatives or the platform workers concerned may be assisted by an expert of their choice, in so far as this is necessary for them to examine the matter that is the subject of information and consultation and formulate an opinion. Where a digital labour platform has more than ~~500 platform~~***250*** workers in ~~a~~***the*** Member State ***concerned***, the expenses for the expert shall be borne by the digital labour platform, provided that they are proportionate. ***Member States may***

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	Moved reference text			***determine the frequency of requests for an expert, while ensuring the effectiveness of the assistance.*** Moved from row 146 [146 - 145d]
Article 9a(3)				
146	3. The platform workers' representatives or the platform workers concerned may be assisted by an expert of their choice, in so far as this is necessary for them to examine the matter that is the subject of information and consultation and formulate an opinion. Where a digital labour platform has more than 500 platform workers in a Member State, the expenses for the expert shall be borne by the digital labour platform, provided that they are proportionate.	3. The platform workers' representatives or the platform workers concerned may be assisted by an expert of their choice, in so far as this is necessary for them to examine the matter that is the subject of information and consultation and formulate an opinion. Where a digital labour platform has more than ~~*500 platform*~~***250*** workers in a Member State, the expenses for the expert shall be borne by the digital labour platform, provided that they are proportionate.	3. The platform workers' representatives or the platform workers concerned may be assisted by an expert of their choice, in so far as this is necessary for them to examine the matter that is the subject of information and consultation and formulate an opinion. Where a digital labour platform ~~*has*~~***employs*** more than 500 ~~*platform*~~ workers in ~~*a*~~***the*** Member State ***concerned***, the expenses for the expert shall be borne by the digital labour platform, provided that they are proportionate. ***Member States may determine the frequency of requests for an expert and the upper limit of expenses to be borne by the digital labour platform, while ensuring the effectiveness of the assistance.***	3. The platform workers' representatives or the platform workers concerned may be assisted by an expert of their choice, in so far as this is necessary for them to examine the matter that is the subject of information and consultation and formulate an opinion. Where a digital labour platform has more than ~~*500 platform*~~***250*** workers in ~~*a*~~***the*** Member State ***concerned***, the expenses for the expert shall be borne by the digital labour platform, provided that they are proportionate. ***Member States may determine the frequency of requests for an expert, while ensuring the effectiveness of the assistance.*** Moved to row 145d [146 - 145d]
Article 9a(-1b)				
146a		***3a. Information and effective***		***-1b. deleted***

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		consultation shall be ensured irrespective of the automated monitoring and decision-making systems being managed by the digital labour platform or a service provider which sells its management services to the platform.		
Article 10				
147	Article 10 Persons performing platform work who do not have an employment relationship	Article 10 Persons performing platform work who do not have an employment relationship	*deleted*	Article 10 ~~*Persons performing platform work who do not have an employment relationship*~~ ***Specific arrangements for representatives of persons performing platform work other than platform workers' representatives*** Text Origin: EP Mandate
Article 10(1)				
148	1. Article 6, Article 7(1) and (3) and Article 8 shall also apply to persons performing platform work who do not have an employment contract or employment relationship.	1. ~~*Article 6, Article 7(1) and (3) and Article*~~ ***Articles 6, 7,*** 8 shall also apply to persons performing platform work who do not have an employment contract or employment relationship.	*deleted*	1. ***Representatives of persons performing platform work other than workers' representatives shall be able to exercise the rights provided to workers' representatives under*** Article ~~6~~***6(1) and (4)***, Article ~~*7(1) and (3)*~~***7(3c), Article 5b(2)*** and Article ~~*8 shall also apply to*~~***8(2), only insofar as they are acting on***

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				behalf of persons performing platform work who ~~*do not have an employment contract or employment relationship*~~***are not platform workers with regard to the protection of their personal data***.
Article 10(2)				
G 149	2. This Article shall be without prejudice to Regulation (EU) 2019/1150. If the provisions of this Directive conflict with a provision of Regulation (EU) 2019/1150 in respect of business users within the meaning of that Regulation, the provision of that Regulation shall prevail and shall apply to those business users. Article 8 of this Directive shall not apply to business users within the meaning of Regulation (EU) 2019/1150.	2. This Article shall be without prejudice to Regulation (EU) 2019/1150. If the provisions of this Directive conflict with a provision of Regulation (EU) 2019/1150 in respect of business users within the meaning of that Regulation, the provision of that Regulation shall prevail and shall apply to those business users. Article 8 of this Directive shall not apply to business users within the meaning of Regulation (EU) 2019/1150.	*deleted*	2. ~~*This Article shall be without prejudice to Regulation (EU) 2019/1150. If the provisions of this Directive conflict with a provision of Regulation (EU) 2019/1150 in respect of business users within the meaning of that Regulation, the provision of that Regulation shall prevail and shall apply to those business users. Article 8 of this Directive shall not apply to business users within the meaning of Regulation (EU) 2019/1150.*~~***deleted***
Article 10(2), point (a)				
G 149a		***CHAPTER IIIa*** ***CHAPTER IIIa*** ***PROMOTION OF COLLECTIVE BARGAINING*** ***Article 10a*** ***Promotion of collective bargaining in platform work***		***Deleted***

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 10(2), point (b)				
149b		***1. In accordance with national law and practice, Member States, with the involvement of the social partners, shall promote collective bargaining in platform work, including on the features of automated monitoring and decision-making systems, in order to improve working conditions, by all of the following:***		***1. Deleted***
Article 10(2), point (c)				
149c		***(a) ensuring that digital labour platforms, taking into account the size and capacity of the undertaking concerned, provide workers' representatives with relevant information in order to exercise their right to collective bargaining;***		***deleted***
Article 10(2), point (d)				
149d		***(b) ensuring that trade unions have the right to access platform workers, to meet and contact workers individually or collectively for the purpose of organising***		***deleted***

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		workers, negotiating on their behalf and representing them;		
Article 10(2), point (e)				
149e		***(c) providing measures in order to ensure that the right of collective bargaining and action is not undermined by any practice.***		***deleted***
Article 10(2a)				
149f		***2. This Directive shall be without prejudice to the full respect for the autonomy of the social partners, as well as to their right to negotiate and conclude collective agreements.***		***2a. deleted***
CHAPTER IV				
150	CHAPTER IV TRANSPARENCY ON PLATFORM WORK	CHAPTER IV TRANSPARENCY ON PLATFORM WORK	CHAPTER IV TRANSPARENCY ON PLATFORM WORK	CHAPTER IV TRANSPARENCY ON PLATFORM WORK Text Origin: Commission Proposal
Article 11				
151	Article 11 Declaration of platform work	Article 11 Declaration of platform work	Article 11 Declaration of platform work	Article 11 Declaration of platform work

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				Text Origin: Commission Proposal
Article 11, first paragraph				
152	Without prejudice to Regulations (EC) No 883/2004[1] and 987/2009[2] of the European Parliament and of the Council, Member States shall require digital labour platforms which are employers to declare work performed by platform workers to the competent labour and social protection authorities of the Member State in which the work is performed and to share relevant data with those authorities, in accordance with the rules and procedures laid down in the law of the Member States concerned. _____ 1. Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ L 166, 30.4.2004, p. 1). 2. Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems (OJ L 284, 30.10.2009, p. 1).	Without prejudice to Regulations (EC) No 883/2004[1] and 987/2009[2] of the European Parliament and of the Council, Member States shall require digital labour platforms ~~which are employers~~ to declare work performed by platform workers to the competent labour***, tax*** and social protection authorities of the Member State in which the work is performed***, to inform those authorities of work performed by persons performing platform work, and their employment status*** and to share relevant data with those authorities, in accordance with the rules and procedures laid down in the law of the Member States concerned***, also in order to comply with their fiscal and social protection obligations in accordance with national law or practice***. _____ 1. Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ L 166, 30.4.2004, p. 1). 2. Regulation (EC) No 987/2009 of the	~~*Without prejudice to Regulations (EC) No 883/2004[1] and 987/2009[2] of the European Parliament and of the Council,*~~ Member States shall require digital labour platforms which are employers to declare work performed by platform workers to the competent ~~*labour and social protection*~~ authorities of the Member State in which the work is performed ~~*and to share relevant data with those authorities*~~, in accordance with the rules and procedures laid down in the law of the Member States concerned***. This shall not affect specific obligations under Union law according to which work shall be declared to relevant bodies of the Member State in cross-border situations.*** _____ ~~*1. Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ L 166, 30.4.2004, p. 1).*~~ ~~*2. Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC)*~~	~~*Without prejudice to Regulations (EC) No 883/2004[1] and 987/2009[2] of the European Parliament and of the Council,*~~ Member States shall require digital labour platforms ~~*which are employers*~~ to declare work performed by platform workers to the competent ~~*labour and social protection*~~ authorities of the Member State in which the work is performed ~~*and to share relevant data with those authorities*~~, in accordance with the rules and procedures laid down in the law of the Member States concerned. _____ ~~*1. Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ L 166, 30.4.2004, p. 1).*~~ ~~*2. Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems (OJ L 284, 30.10.2009, p. 1).*~~ declaration of work of PPPW to be integrated in row 156c

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		European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems (OJ L 284, 30.10.2009, p. 1).	~~No 883/2004 on the coordination of social security systems (OJ L 284, 30.10.2009, p. 1).~~	
Article 11, first paragraph a				
152a				***This shall not affect specific obligations under Union law according to which work shall be declared to relevant bodies of the Member State in cross-border situations.*** from Council mandate in row 152
Article 12				
153	Article 12 Access to relevant information on platform work	Article 12 Access to relevant information on platform work	Article 12 Access to relevant information on platform work	Article 12 Access to relevant information on platform work Text Origin: Commission Proposal
Article 12(1)				
154	1. Where labour, social protection and other relevant authorities exercise their functions in ensuring compliance with legal obligations	1. Where labour, ***health and safety,*** social protection and other relevant authorities exercise their functions in ensuring compliance with legal	1. ~~*Where labour, social protection and other relevant authorities exercise their functions in ensuring compliance with legal obligations*~~	1. ~~*Where labour, social protection and other relevant authorities exercise their functions in ensuring compliance with legal obligations*~~

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	applicable to the employment status of persons performing platform work and where the representatives of persons performing platform work exercise their representative functions, Member States shall ensure that digital labour platforms make the following information available to them:	obligations applicable to the employment status of persons performing platform work and where the representatives of persons performing platform work exercise their representative functions, Member States shall ensure that digital labour platforms make the following information available to them***, regardless of the country in which the platform is established***:	~~*applicable to the employment status of persons performing platform work and where the representatives of persons performing platform work exercise their representative functions,*~~ Member States shall ensure that digital labour platforms make the following information available to ~~*them*~~***competent national authorities as well as to representatives of platform workers***:	~~*applicable to the employment status of persons performing platform work and where the*~~***Member States shall ensure that digital labour platforms make the following information available to competent authorities, as well as to*** representatives of persons performing platform work ~~*exercise their representative functions, Member States shall ensure that digital labour platforms make the following information available to them:*~~***:***
Article 12(1), point (a)				
155	(a) the number of persons performing platform work through the digital labour platform concerned on a regular basis and their contractual or employment status;	(a) the number of persons performing platform work through the digital labour platform concerned ~~*on a regular basis*~~ and their contractual or employment status;	(a) the number of persons performing platform work through the digital labour platform concerned on a regular basis and their contractual or employment status;	(a) the number of persons performing platform work through the digital labour platform concerned ~~*on a regular basis*~~***disaggregated by level of activity*** and their contractual or employment status;
Article 12(1), point (aa)				
155a		***(aa) a copy of the employment contracts, in accordance with Regulation (EU) 2016/679;***		***(aa) deleted***
Article 12(1), point (b)				
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	(b) the general terms and conditions applicable to those contractual relationships, provided that those terms and conditions are unilaterally determined by the digital labour platform and apply to a large number of contractual relationships.	(b) the general terms and conditions applicable to those contractual relationships~~, provided that those terms and conditions are unilaterally determined by the digital labour platform and apply to a large number of contractual relationships~~ **;**	(b) the general terms and conditions ~~applicable to those contractual relationships, provided that those terms and conditions are unilaterally~~ **,** determined by the digital labour platform**, *applicable to those contractual relationships, which*** ~~and~~ apply to a large number of contractual relationships~~.~~ **;**	(b) the general terms and conditions ~~applicable to those contractual relationships, provided that those terms and conditions are unilaterally~~ **,** determined by the digital labour platform and ~~apply to a large number of~~***applicable to those*** contractual relationships~~.~~ **;**
Article 12(1), point (ba)				
156a		***(ba) the average duration of activity, the average weekly number of hours worked per person and the average income from activity of persons performing platform work on a regular basis through the digital labour platform concerned.***		***(ba) the average duration of activity, the average weekly number of hours worked per person and the average income from activity of persons performing platform work on a regular basis through the digital labour platform concerned;***
Article 12(1), point (bb)				
156b			***(c) the intermediaries the digital labour platform has a contractual relationship with.***	***(bb) the intermediaries the digital labour platform has a contractual relationship with.*** Text Origin: Council Mandate
Article 12(1a)				
156c				***1a. Member States shall ensure that digital labour platforms***

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				provide information on work performed by persons performing platform work and their employment status to competent national authorities.
Article 12(2)				
157	2. The information shall be provided for each Member State in which persons are performing platform work through the digital labour platform concerned. The information shall be updated at least every six months, and, as regards paragraph 1, point (b), each time the terms and conditions are modified.	2. The information shall be provided for each Member State in which persons are performing platform work through the digital labour platform concerned. The information shall be updated at least every six months, and, as regards paragraph 1, point (b), each time the terms and conditions are modified.	2. The information shall be provided for each Member State in which persons are performing platform work through the digital labour platform concerned. The information shall be updated at least every six months, and, as regards paragraph 1, point (b), each time the terms and conditions are ***substantially*** modified.	2. The information ***referred to in paragraph 1*** shall be provided for each Member State in which persons are performing platform work through the digital labour platform concerned. The information shall be updated at least every six months, and, as regards paragraph 1, point (b), each time the terms and conditions are modified ***in substance***. Text Origin: Council Mandate
Article 12(3)				
158	3. Labour, social protection and other relevant authorities and representatives of persons performing platform work shall have the right to ask digital labour platforms for additional clarifications and details regarding any of the data provided. The digital labour platforms shall respond to	3. Labour, social protection and other relevant authorities and representatives of persons performing platform work shall have the right to ask digital labour platforms for additional clarifications and details regarding any of the data provided. The digital labour platforms shall respond to	3. ~~*Labour, social protection and other relevant authorities*~~***The competent authorities set out in paragraph 1*** and representatives of ~~*persons performing*~~ platform ~~*work*~~***workers*** shall have the right to ask digital labour platforms for additional clarifications and details regarding any of the	3. ~~*Labour, social protection and other relevant authorities*~~***The competent authorities set out in paragraph 1*** and representatives of persons performing platform work shall have the right to ask digital labour platforms for additional clarifications and details regarding any of the ~~*data*~~***information***

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	such request within a reasonable period of time by providing a substantiated reply.	such request ***by providing a substantiated reply without undue delay and in any event within one month of receipt of the request. That deadline shall be extended to two months for micro and small enterprises*** ~~*within a reasonable period of time by providing a substantiated reply*~~.	~~*data*~~***information*** provided. The digital labour platforms shall respond to such request within a reasonable period of time by providing a substantiated reply.	provided***, including details regarding the employment contract***. The digital labour platforms shall respond to such request ~~*within a reasonable period of time*~~ by providing a substantiated reply ***without undue delay***.
Article 12(4)				
159	4. With regard to digital labour platforms which are micro, small or medium-sized enterprises, Member States may provide that the periodicity for updating information in accordance with paragraph 2 is reduced to once every year.	4. With regard to digital labour platforms which are micro, small or medium-sized enterprises, Member States may provide that the periodicity for updating information in accordance with paragraph 2 is reduced to once every year.	4. With regard to digital labour platforms which are micro, small or medium-sized enterprises, Member States may provide that the periodicity for updating information in accordance with paragraph 2 is reduced to once every year.	4. With regard to digital labour platforms which are micro, small or medium-sized enterprises, Member States may provide that the periodicity for updating information in accordance with paragraph 2 is reduced to once every year. Text Origin: Commission Proposal
Article 12a				
159a		***Article 12a*** ***Cooperation in cross-border cases***		***Article 12a*** ***Deleted*** Text Origin: EP Mandate
Article 12a(1)				
159b				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		1. The competent labour, social protection and tax authorities shall exchange information with respect to persons performing platform work in a Member State different from that in which the digital labour platform is established. To that end, competent national authorities shall be able to rely on existing relevant systems for exchange of information, including the Commission's Internal Market Information System and EURES.		***1. Deleted*** text to be integrated in row 183a
Article 12a(2)				
G 159c		***2. Without prejudice to Regulation (EU) 2019/1149, for cases having a cross-border relevance, the European Labour Authority shall facilitate and support cooperation between the competent national authorities in charge of monitoring the enforcement of labour mobility and social security coordination legislation, as well as to support cooperation between Member States in tackling undeclared work, facilitate access to information on rights and obligations regarding labour mobility across the Union, including those stemming from Union law, promote effective***		***2. [tentatively deleted]*** TECH 17/11. Covered in a new recital in row 51a

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		cooperation and exchange of information between Member States, and coordinate and support concerted and joint inspections, where requested by one or more Member States.		
Article 12a(3)				
G 159d		***Article 12b Subcontracting liability***		***deleted***
Article 12a(4)				
G 159e		***1. Member States shall, after consulting the relevant social partners in accordance with national law and practice, provide for measures to ensure that in subcontracting chains persons performing platform work have an effective remedy whereby the digital labour platform of which the employer is a subcontractor can be held liable, in addition to or in the place of the employer, for any infringement of the platform workers' rights provided for in this Directive, including with respect to any outstanding remuneration and contributions due to the common funds or institutions of the social***		***1. deleted***

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		partners.		
Article 12a(5)				
159f		***2. The liability of digital labour platforms under this Article shall be limited to worker's rights acquired during the contractual relationship between the contractor and the subcontractor.***		***2. deleted***
Article 12a(6)				
159g		***3. Member States may, in accordance with Union law, provide for more stringent liability rules under national law on a non-discriminatory and proportionate basis with regard to the scope and range of subcontracting liability.***		***3. deleted***
Article 12a(7)				
159h		***4. Without prejudice to paragraphs 1, 2 and 3, Member States may take other appropriate enforcement measures, in accordance with Union and national law and practice, which provide for, in a subcontracting relationship, effective and proportionate***		***4. deleted***

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		penalties against the contractor, to tackle fraud and abuse in situations when workers have difficulties in obtaining their rights.		
CHAPTER V				
160	CHAPTER V REMEDIES AND ENFORCEMENT	CHAPTER V REMEDIES AND ENFORCEMENT	CHAPTER V REMEDIES AND ENFORCEMENT	CHAPTER V REMEDIES AND ENFORCEMENT Text Origin: Commission Proposal
Article 13				
161	Article 13 Right to redress	Article 13 Right to redress	Article 13 Right to redress	Article 13 Right to redress Text Origin: Commission Proposal
Article 13, first paragraph				
162	Without prejudice to Articles 79 and 82 of Regulation (EU) 2016/679, Member States shall ensure that persons performing platform work, including those whose employment or other contractual relationship has ended, have access to effective and impartial dispute resolution and a right to redress, including adequate	***1.*** Without prejudice to Articles 79 and 82 of Regulation (EU) 2016/679 ***and Article 13 of Directive 2009/52/EC***, Member States shall ensure that persons performing platform work, including those whose employment or other contractual relationship has ended, have access to ***appropriate, timely,***	Without ~~*prejudice to*~~***affecting*** Articles 79 and 82 of Regulation (EU) 2016/679, Member States shall ensure that, persons performing platform work, including those whose employment or other contractual relationship has ended, have access to effective and impartial dispute resolution and a	Without ~~*prejudice to*~~***affecting*** Articles 79 and 82 of Regulation (EU) 2016/679, Member States shall ensure that persons performing platform work, including those whose employment or other contractual relationship has ended, have access to ***timely,*** effective and impartial dispute resolution and a

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	compensation, in the case of infringements of their rights arising from this Directive.	effective and impartial dispute resolution and a right to redress, including adequate compensation, in the case of infringements of their rights arising from this Directive. ***Access to such dispute resolution and right to redress shall be free of charge, at least for workers who do not have sufficient means.***	right to redress, including ~~adequate compensation~~***compensation for the damage sustained***, in the case of infringements of their rights ~~arising~~ from this Directive.	right to redress, including adequate compensation ***for the damage sustained***, in the case of infringements of their rights arising from this Directive.
Article 13, first paragraph a				
162a		***2. Member States shall ensure that persons performing platform work have the right to lodge a complaint with the competent supervisory authority.***		***deleted*** to be discussed in the context of Article 19
Article 14				
163	Article 14 Procedures on behalf or in support of persons performing platform work	Article 14 Procedures on behalf or in support of persons performing platform work	Article 14 Procedures on behalf or in support of persons performing platform work	Article 14 Procedures on behalf or in support of persons performing platform work Text Origin: Commission Proposal
Article 14(1)				
164	1. Without prejudice to Article 80 of Regulation (EU) 2016/679, Member States shall ensure that	1. Without prejudice to Article 80 of Regulation (EU) 2016/679, ***and Article 13 of Directive 2009/52/EC,***	1. Without ~~prejudice to~~***affecting*** Article 80 of Regulation (EU) 2016/679, Member States shall	1. Without ~~prejudice to~~***affecting*** Article 80 of Regulation (EU) 2016/679, Member States shall

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	representatives of persons performing platform work or other legal entities which have, in accordance with the criteria laid down by national law or practice, a legitimate interest in defending the rights of persons performing platform work, may engage in any judicial or administrative procedure to enforce any of the rights or obligations arising from this Directive. They may act on behalf or in support of a person performing platform work in the case of an infringement of any right or obligation arising from this Directive, with that person's approval.	***and in accordance with Directive 2002/14/EC,*** Member States shall ensure that representatives of persons performing platform work or other legal entities which have, in accordance with the criteria laid down by national law or practice, a legitimate interest in defending the rights of persons performing platform work, may engage in any judicial or administrative procedure to enforce any of the rights or obligations arising from this Directive. They may act on behalf or in support of a person performing platform work in the case of an infringement of any right or obligation arising from this Directive, with that person's approval ***where relevant and in accordance with national law or practice***.	ensure that representatives of persons performing platform work ~~or other~~***and*** legal entities which have, in accordance with ~~the criteria laid down by~~ national law or practice, a legitimate interest in defending the rights of persons performing platform work, may engage in any judicial or administrative procedure to enforce any of the rights or obligations arising from this Directive. They may act on behalf or in support of ~~a person~~***one or several persons*** performing platform work in the case of an infringement of any right or obligation arising from this Directive, ***in accordance with national law and practice*** ~~with that person's approval~~.	ensure that representatives of persons performing platform work ~~or other~~***and*** legal entities which have, in accordance with ~~the criteria laid down by~~ national law or practice, a legitimate interest in defending the rights of persons performing platform work, may engage in any judicial or administrative procedure to enforce any of the rights or obligations arising from this Directive. They may act on behalf or in support of ~~a person~~***one or several persons*** performing platform work in the case of an infringement of any right or obligation arising from this Directive, ***in accordance with national law and practice.*** ~~with that person's approval.~~
Article 14(2)				
165	2. Representatives of persons performing platform work shall also have the right to act on behalf or in support of several persons performing platform work, with those persons' approval.	2. Representatives of persons performing platform work shall also have the right to act on behalf or in support of several persons performing platform work, ***in accordance with national law or practice*** ~~with those persons' approval~~.	*deleted*	2. ~~Representatives of persons performing platform work shall also have the right to act on behalf or in support of several persons performing platform work, with those persons' approval.~~ ***Deleted***

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Article 14(2a)				
165a		***2a. Paragraphs 1 and 2 shall apply without prejudice to the competences of trade unions as set out in national law or practice.***		***2a. deleted*** to be discussed together with Article 10a Representatives
Article 14(2b)				
165b			***2a. When necessary for the defence of the rights of persons performing platform work with regard to the protection of their personal data, digital labour platforms shall make the information referred to in Article 6, paragraph 4 and Article 7, paragraph 4, available to representatives of persons performing platform work other than representatives of platform workers.***	***2b. [tenative deleted]*** To be discussed with Article 10
Article 14(2c)				
165c		***2b. Paragraphs 1 and 2 shall apply without prejudice to national rules of procedure concerning representation and defence in court***		***2c. deleted***

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		proceedings.		
Article 15				
166	Article 15 Communication channels for persons performing platform work	Article 15 Communication ***and reporting*** channels for persons performing platform work	Article 15 Communication channels for persons performing platform work	Article 15 Communication channels for persons performing platform work Text Origin: Council Mandate
Article 15, first paragraph				
167	Member States shall take the necessary measures to ensure that digital labour platforms create the possibility for persons performing platform work to contact and communicate with each other, and to be contacted by representatives of persons performing platform work, through the digital labour platforms' digital infrastructure or similarly effective means, while complying with the obligations under Regulation (EU) 2016/679. Member States shall require digital labour platforms to refrain from accessing or monitoring those contacts and communications.	***1.*** Member States shall take the necessary measures to ensure that digital labour platforms create the possibility for persons performing platform work to contact and communicate ***privately and securely*** with each other, and to be contacted by ***trade unions and*** representatives of persons performing platform work, through the digital labour platforms' digital infrastructure or similarly effective means ***in visible and immediately accessible way***, while complying with the obligations under Regulation (EU) 2016/679. Member States shall require digital labour platforms to refrain from accessing ***such channels other than for their functional maintenance or from accessing*** or monitoring those	Member States shall take the necessary measures to ensure that digital labour platforms create the possibility for persons performing platform work to contact and communicate with each other, and to ~~*be contacted by representatives of persons performing platform work*~~***contact and communicate with worker's representatives***, through the digital labour platforms' digital infrastructure or similarly effective means, while complying with the obligations under Regulation (EU) 2016/679 ***and Directive 2002/58/EC***. Member States shall require digital labour platforms to refrain from accessing or monitoring those contacts and communications.	Member States shall take the necessary measures to ensure that digital labour platforms create the possibility for persons performing platform work to contact and communicate ***privately and securely*** with each other, and to ***contact or*** be contacted by representatives of persons performing platform work, through the digital labour platforms' digital infrastructure or similarly effective means, while complying with the obligations under Regulation (EU) 2016/679~~.~~ Member States shall require digital labour platforms to refrain from accessing or monitoring those contacts and communications.

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		contacts and communications.		
Article 15, first paragraph a				
167a		***2. In order to safeguard persons performing platform work from violence, including gender-based violence and harassment, Member States shall take the necessary measures to ensure that digital labour platforms develop policies against violence and harassment and take preventative measures, in particular by creating, with the involvement of representatives of persons performing platform work, effective reporting channels through the digital labour platforms, digital infrastructure or similarly effective means, while complying with the obligations under Regulation (EU) 2016/679. Digital labour platforms shall ensure that the privacy of those individuals and the confidentiality of the reports are duly protected. Member States shall require digital labour platforms to have effective and timely preventative and protective measures and investigation mechanisms to address such reports.***		***Deleted***

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 16				
168	Article 16 Access to evidence	Article 16 Access to evidence	Article 16 Access to evidence	Article 16 Access to evidence Text Origin: Commission Proposal
Article 16(1)				
169	1. Member States shall ensure that in proceedings concerning a claim regarding correct determination of the employment status of persons performing platform work, national courts or competent authorities are able to order the digital labour platform to disclose any relevant evidence which lies in their control.	1. Member States shall ensure that in proceedings concerning ~~*a claim regarding correct determination of the employment status of persons performing platform work*~~ ***the provisions of this Directive***, national courts or competent authorities are able to order the digital labour platform to disclose any relevant evidence which lies in their control, ***irrespective of where the digital labour platform is established and of whether the automated monitoring and decision-making systems is managed by the digital labour platform or a service provider which sells its management services to the platform***.	1. Member States shall ensure that in ~~*proceedings concerning a claim regarding correct determination of the employment status of persons performing platform work*~~***the proceedings referred to in Article 4a***, national courts or competent authorities are able to order the digital labour platform to disclose any relevant evidence which lies in their control.	1. Member States shall ensure that in proceedings concerning ~~*a claim regarding correct determination of the employment status of persons performing platform work*~~***the provisions of this Directive***, national courts or competent authorities are able to order the digital labour platform to disclose any relevant evidence which lies in their control. TRI 18.9.: EP drops as from "irrespective"
Article 16(2)				
170	2. Member States shall ensure that	2. Member States shall ensure that	2. Member States shall ensure that	2. Member States shall ensure that

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	national courts have the power to order the disclosure of evidence containing confidential information where they consider it relevant to the claim. They shall ensure that, when ordering the disclosure of such information, national courts have at their disposal effective measures to protect such information.	national courts have the power to order the disclosure of evidence containing confidential information where they consider it relevant to the claim. They shall ensure that, when ordering the disclosure of such information, national courts have at their disposal effective measures to protect such information.	national courts have the power to order the disclosure of evidence containing confidential information where they consider it relevant to the ~~claim~~***proceeding***. They shall ensure that, when ordering the disclosure of such information, national courts have at their disposal effective measures to protect such information.	national courts have the power to order the disclosure of evidence containing confidential information where they consider it relevant to the ~~claim~~***proceeding***. They shall ensure that, when ordering the disclosure of such information, national courts have at their disposal effective measures to protect such information. Terminology checked by LL Text Origin: Council Mandate
Article 16(3)				
G 171	3. This Article shall not prevent Member States from maintaining or introducing rules which are more favourable to persons performing platform work.	3. This Article shall not prevent Member States from maintaining or introducing rules which are more favourable to persons performing platform work.	*deleted*	3. ~~*This Article shall not prevent Member States from maintaining or introducing rules which are more favourable to persons performing platform work.*~~***deleted*** Text Origin: EP Mandate
Article 17				
G 172	Article 17 Protection against adverse treatment or consequences	Article 17 Protection against adverse treatment or consequences	Article 17 Protection against adverse treatment or consequences	Article 17 Protection against adverse treatment or consequences Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 17, first paragraph				
173	Member States shall introduce the measures necessary to protect persons performing platform work, including those who are their representatives, from any adverse treatment by the digital labour platform and from any adverse consequences resulting from a complaint lodged with the digital labour platform or resulting from any proceedings initiated with the aim of enforcing compliance with the rights provided for in this Directive.	1. Member States shall introduce the measures necessary to protect persons performing platform work, including those who are their representatives, from any adverse treatment by the digital labour platform and from any adverse consequences resulting from a complaint lodged with the digital labour platform or resulting from any proceedings initiated with the aim of enforcing compliance with the rights provided for in this Directive.	Member States shall introduce the measures necessary to protect persons performing platform work, including those ***among them*** who are their representatives, from any adverse treatment by the digital labour platform and from any adverse consequences resulting from a complaint lodged with the digital labour platform or resulting from any proceedings initiated with the aim of enforcing compliance with the rights provided for in this Directive.	Member States shall introduce the measures necessary to protect persons performing platform work, including those ***among them*** who are their representatives, from any adverse treatment by the digital labour platform and from any adverse consequences resulting from a complaint lodged with the digital labour platform or resulting from any proceedings initiated with the aim of enforcing compliance with the rights provided for in this Directive. Text Origin: Council Mandate
Article 17, first paragraph a				
173a		***2. Digital labour platforms shall refrain from any act or omission that could directly or indirectly undermine the right of association or to join a trade union or the right of collective bargaining and action, or which discriminates against workers and trade union representatives who participate or wish to participate in collective bargaining.***		***deleted*** Deleted here but moved to Article 15.

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 18				
174	Article 18 Protection from dismissal	Article 18 Protection from dismissal	Article 18 Protection from dismissal	Article 18 Protection from dismissal Text Origin: Commission Proposal
Article 18(1)				
175	1. Member States shall take the necessary measures to prohibit the dismissal or its equivalent and all preparations for dismissal or its equivalent of persons performing platform work, on the grounds that they have exercised the rights provided for in this Directive.	1. Member States shall take the necessary measures to prohibit the dismissal or its equivalent, and all preparations for dismissal or its equivalent, *including a suspension of the account,* of persons performing platform work, on the grounds that they have exercised the rights provided for in this Directive.	1. Member States shall take the necessary measures to prohibit the dismissal, *termination of contract or their* ~~*or its*~~ equivalent and all preparations for dismissal, *termination of contract or their* ~~*or its*~~ equivalent of persons performing platform work, on the grounds that they have exercised the rights provided for in this Directive.	1. Member States shall take the necessary measures to prohibit the dismissal, *termination of contract or their* ~~*or its*~~ equivalent and all preparations for dismissal, *termination of contract or their* ~~*or its*~~ equivalent of persons performing platform work, on the grounds that they have exercised the rights provided for in this Directive. to be seen in relation to recital 58b
Article 18(2)				
176	2. Persons performing platform work who consider that they have been dismissed, or have been subject to measures with equivalent effect, on the grounds that they have exercised the rights provided for in this Directive, may request the digital labour platform to provide	2. Persons performing platform work who consider that they have been dismissed, or have been subject to measures with equivalent effect, on the grounds that they have exercised the rights provided for in this Directive, may request the digital labour platform to provide	2. Persons performing platform work who consider that they have been dismissed, *their contract has been terminated* or have been subject to measures with equivalent effect, on the grounds that they have exercised the rights provided for in this Directive, may request the	2. Persons performing platform work who consider that they have been dismissed, *their contract has been terminated* or have been subject to measures with equivalent effect, on the grounds that they have exercised the rights provided for in this Directive, may request the

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	duly substantiated grounds for the dismissal or the equivalent measures. The digital labour platform shall provide those grounds in writing.	duly substantiated grounds for the dismissal or the equivalent measures. The digital labour platform shall provide those grounds in writing.	digital labour platform to provide duly substantiated grounds for the dismissal, ***termination of contract or any*** ~~***or the***~~ equivalent measures. The digital labour platform shall provide those grounds in writing ***without undue delay***.	digital labour platform to provide duly substantiated grounds for the dismissal, ***termination of contract or any*** ~~***or the***~~ equivalent measures. The digital labour platform shall provide those grounds in writing ***without undue delay***. Text Origin: Council Mandate
Article 18(3)				
177	3. Member States shall take the necessary measures to ensure that, when persons performing platform work referred to in paragraph 2 establish, before a court or other competent authority or body, facts from which it may be presumed that there has been such a dismissal or equivalent measures, it shall be for the digital labour platform to prove that the dismissal or equivalent measures were based on grounds other than those referred to in paragraph 1.	3. Member States shall take the necessary measures to ensure that, when persons performing platform work referred to in paragraph 2 establish, before a court or other competent authority or body, facts from which it may be presumed that there has been such a dismissal or equivalent measures, it shall be for the digital labour platform to prove that the dismissal or equivalent measures were based on grounds other than those referred to in paragraph 1.	3. Member States shall take the necessary measures to ensure that, when persons performing platform work referred to in paragraph 2 establish, before a court or other competent authority or body, facts from which it may be presumed that there has been such a dismissal, ***termination of contract*** or equivalent measures, it shall be for the digital labour platform to prove that the dismissal, ***termination of contract*** or equivalent measures were based on grounds other than those referred to in paragraph 1.	3. Member States shall take the necessary measures to ensure that, when persons performing platform work referred to in paragraph 2 establish, before a court or other competent authority or body, facts from which it may be presumed that there has been such a dismissal, ***termination of contract*** or equivalent measures, it shall be for the digital labour platform to prove that the dismissal, ***termination of contract*** or equivalent measures were based on grounds other than those referred to in paragraph 1. Text Origin: Council Mandate
Article 18(4)				
178	4. Paragraph 3 shall not prevent	4. Paragraph 3 shall not prevent		4. ~~***Paragraph 3 shall not prevent***~~

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	Member States from introducing rules of evidence which are more favourable to persons performing platform work.	Member States from introducing rules of evidence which are more favourable to persons performing platform work.	*deleted*	~~*Member States from introducing rules of evidence which are more favourable to persons performing platform work.*~~ ***deleted***
Article 18(5)				
179	5. Member States shall not be required to apply paragraph 3 to proceedings in which it is for the court or other competent authority or body to investigate the facts of the case.	5. Member States shall not be required to apply paragraph 3 to proceedings in which it is for the court or other competent authority or body to investigate the facts of the case.	5. Member States shall not be required to apply paragraph 3 to proceedings in which it is for the court or other competent authority or body to investigate the facts of the case.	5. Member States shall not be required to apply paragraph 3 to proceedings in which it is for the court or other competent authority or body to investigate the facts of the case. Text Origin: Commission Proposal
Article 18(6)				
180	6. Paragraph 3 shall not apply to criminal proceedings, unless otherwise provided by the Member State.	6. Paragraph 3 shall not apply to criminal proceedings, unless otherwise provided by the Member State.	6. Paragraph 3 shall not apply to criminal proceedings, unless otherwise provided by the Member State.	6. Paragraph 3 shall not apply to criminal proceedings, unless otherwise provided by the Member State. Text Origin: Commission Proposal
Article 19				
181	Article 19 Supervision and penalties	Article 19 Supervision and penalties	Article 19 Supervision and penalties	Article 19 Supervision and penalties Text Origin: Commission

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				Proposal
Article 19(1)				
182	1. The supervisory authority or authorities responsible for monitoring the application of Regulation (EU) 2016/679 shall also be responsible for monitoring the application of Article 6, Article 7(1) and (3) and Articles 8 and 10 of this Directive, in accordance with the relevant provisions in Chapters VI, VII and VIII of Regulation (EU) 2016/679. They shall be competent to impose administrative fines up to the amount referred to in Article 83(5) of that Regulation.	1. The supervisory authority or authorities responsible for monitoring the application of Regulation (EU) 2016/679 shall also be responsible for monitoring the application of Article 6, Article 7(1) and (3) and Articles 8 ~~and 10~~ ***, 10 and 15*** of this Directive, in accordance with the relevant provisions in Chapters VI, VII and VIII of Regulation (EU) 2016/679***, together with national labour authorities. The supervisory authority or authorities responsible for monitoring the application of Regulation (EU) 2016/679***~~. They~~ shall be competent to impose administrative fines up to the amount referred to in Article ***83(4), (5) and (6)*** ~~83(5)~~ of that Regulation.	1. The supervisory authority or authorities responsible for monitoring the application of Regulation (EU) 2016/679 shall also be responsible for monitoring ***and enforcing*** the application of ~~Article 6, Article 7(1) and (3) and~~ Articles ~~8 and 10~~***5a to 8*** of this Directive, in accordance with the relevant provisions in Chapters VI, VII and VIII of Regulation (EU) 2016/679. ~~They shall be competent to impose administrative fines up to the amount referred to in Article 83(5) of that Regulation~~***The ceiling for administrative fines referred to in Article 83(5) of that Regulation shall be applicable to infringements of Articles 5a to 8 of this Directive***.	1. The supervisory authority or authorities responsible for monitoring the application of Regulation (EU) 2016/679 shall also be responsible for monitoring ***and enforcing*** the application of ~~Article 6, Article 7(1) and (3) and Articles 8 and 10 of this Directive~~***Articles 5a to 8 of this Directive as far as data protection matters are concerned***, in accordance with the relevant provisions in Chapters VI, VII and VIII of Regulation (EU) 2016/679. ~~They shall be competent to impose administrative fines up to the amount referred to in Article 83(5) of that Regulation~~***The ceiling for administrative fines referred to in Article 83(5) of that Regulation shall be applicable to infringements of Articles 5a to 8 of this Directive***.
Article 19(2)				
183	2. The authorities referred to in paragraph 1 and national labour and social protection authorities shall, where relevant, cooperate in the	2. The authorities referred to in paragraph 1 and national ~~labour and~~ social protection authorities shall, where relevant, cooperate in the	2. The authorities referred to in paragraph 1 and ~~national labour and social protection~~***other competent national*** authorities shall, where	2. The authorities referred to in paragraph 1 and ~~national labour and social protection~~***other competent national*** authorities shall, where

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	enforcement of this Directive, within the remit of their respective competences, in particular where questions on the impact of automated monitoring and decision-making systems on working conditions or on rights of persons performing platform work arise. For that purpose, those authorities shall exchange relevant information with each other, including information obtained in the context of inspections or investigations, either upon request or at their own initiative.	enforcement of this Directive, within the remit of their respective competences, in particular where questions on the impact of automated monitoring and decision-making systems on working conditions or on rights of persons performing platform work arise. For that purpose, those authorities shall exchange relevant information with each other, ***including in cross-border situations and*** including information obtained in the context of inspections or investigations, either upon request or at their own initiative.	relevant, cooperate in the enforcement of this Directive, within the remit of their respective competences, in particular where questions on the impact of automated monitoring ~~*and*~~***or*** decision-making systems on ~~*working conditions or on rights of*~~ persons performing platform work arise. For that purpose, those authorities shall exchange relevant information with each other, including information obtained in the context of inspections or investigations, either upon request or at their own initiative.	relevant, cooperate in the enforcement of this Directive, within the remit of their respective competences, in particular where questions on the impact of automated monitoring ~~*and*~~***or*** decision-making systems on ~~*working conditions or on rights of*~~ persons performing platform work arise. For that purpose, those authorities shall exchange relevant information with each other, including information obtained in the context of inspections or investigations, either upon request or at their own initiative. EP would like to include the ideas of row 135a in this row or similar.
Article 19(2a)				
G 183a				***2a. Where persons performing platform work perform platform work in a Member State different from that in which the digital labour platform is established, the competent authorities of those Member States shall exchange information for the purpose of enforcing this Directive.*** moved from 159b, subject to DLA check G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 19(3)				
184	3. Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to provisions of this Directive other than those referred to in paragraph 1 or of the relevant provisions already in force concerning the rights which are within the scope of this Directive. The penalties provided for shall be effective, proportionate and dissuasive.	3. Member States shall lay down the rules on penalties***, including financial penalties,*** applicable to infringements of national provisions adopted pursuant to provisions of this Directive other than those referred to in paragraph 1 or of the relevant provisions already in force concerning the rights which are within the scope of this Directive. The penalties provided for shall be effective, proportionate and dissuasive.	3. ***Without prejudice to paragraph 1,*** Member States shall lay down the rules on penalties applicable to infringements of national provisions adopted pursuant to provisions of this Directive ~~*other than those referred to in paragraph 1*~~ or of the relevant provisions already in force concerning the rights which are within the scope of this Directive. The penalties provided for shall be effective, proportionate and dissuasive.	3. ***Without affecting paragraph 1,*** Member States shall lay down the rules on penalties~~,~~ applicable to infringements of national provisions adopted pursuant to provisions of this Directive ~~*other than those referred to in paragraph 1*~~ or of the relevant provisions already in force concerning the rights which are within the scope of this Directive. The penalties ~~*provided for*~~ shall be effective, ***dissuasive and*** proportionate ***to the nature, gravity and duration of the undertaking's infringement and to the number of affected workers*** ~~*and dissuasive*~~.
Article 19(3a), first subparagraph				
184a		***3a. The penalties referred to in paragraph 3 shall include financial penalties that are proportionate to the nature, gravity and duration of the undertaking's infringement and which shall increase in amount according to the number of affected employees.***		***3a. In the case of infringements related to digital labour platforms' refusal to comply with a legal ruling determining the employment status of persons performing platform work, Member States shall provide for significant penalties, which may include financial penalties setting a percentage of the digital labour platform's total***

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				annual turnover in the preceding financial year.
Article 19(3a), second subparagraph				
G 184b		***In the case of infringements related to digital labour platforms' refusal to comply with a legal ruling determining the employment status of persons performing platform work, Member States shall provide for significant financial penalties, equivalent to those related to infringements of Regulation (EU) 2016/679, which may include setting a percentage of the digital labour platform's total annual turnover in the preceding financial year.***		***deleted*** G
Article 19(3b)				
G 184c		***3b. The penalties referred to in paragraph 3 may, where appropriate, include:***		***3b. deleted*** G
Article 19(3b), point (a)				
G 184d		***(a) orders excluding the undertaking from an entitlement to some or all public benefits, aids or***		***(a) deleted*** G

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		subsidies, including Union funds managed by the relevant Member States, for a period of up to three years;		
Article 19(3b), point (b)				
184e		***(b) orders excluding the undertaking from participating in a public contract as defined in Directive 2014/24/EU of the European Parliament and of the Council[1].*** ***1. Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).***		***(b) deleted***
CHAPTER VI				
185	CHAPTER VI FINAL PROVISIONS	CHAPTER VI FINAL PROVISIONS	CHAPTER VI FINAL PROVISIONS	CHAPTER VI FINAL PROVISIONS Text Origin: Commission Proposal
Article 19a				
185a				***Article 19a*** ***Promotion of collective bargaining in platform work***

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 19a(1)				
185b				***1. Member States shall, without prejudice to the autonomy of the social partners and taking into account the diversity of national practices, take adequate measures to promote the role of the social partners and encourage the exercise of the right to collective bargaining in platform work, including measures to ascertain the correct employment status of platform workers and to facilitate the exercise of their rights related to algorithmic management set out in Chapter III of this Directive.***
Article 20				
186	Article 20 Non-regression and more favourable provisions	Article 20 Non-regression and more favourable provisions	Article 20 Non-regression and more favourable provisions	Article 20 Non-regression and more favourable provisions Text Origin: Commission Proposal
Article 20(1)				
187	1. This Directive shall not constitute valid grounds for reducing the	1. This Directive shall not constitute valid grounds for reducing the	1. This Directive shall not constitute valid grounds for reducing the	1. This Directive shall not constitute valid grounds for reducing the

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	general level of protection already afforded to workers within Member States.	general level of protection already afforded to workers within Member States.	general level of protection already afforded to ***platform*** workers within Member States***, including with regards to established procedures for the correct determination of the employmnent status of persons persorming platform work. In particular, the legal presumption set out in Article 4 shall not affect existing national rules providing for reclassification procedures which are more favourable to platform workers.***	general level of protection already afforded to ***platform*** workers within Member States***, including with regards to established procedures for the correct determination of the employment status of persons performing platform work***. Text Origin: Council Mandate
Article 20(2)				
G 188	2. This Directive shall not affect the Member States' prerogative to apply or to introduce laws, regulations or administrative provisions which are more favourable to platform workers, or to encourage or permit the application of collective agreements which are more favourable to platform workers, in line with the objectives of this Directive. As regards persons performing platform work who are not in an employment relationship, this paragraph shall only apply insofar as such national rules are compatible with the rules on the functioning of the internal market.	2. This Directive shall not affect the Member States' prerogative to apply or to introduce laws, regulations or administrative provisions which are more favourable to platform workers, or to encourage or permit the application of collective agreements which are more favourable to platform workers, in line with the objectives of this Directive. ~~*As regards persons performing platform work who are not in an employment relationship, this paragraph shall only apply insofar as such national rules are compatible with the rules on the functioning of the internal market.*~~	2. This Directive shall not affect the Member States' prerogative to apply or to introduce laws, regulations or administrative provisions which are more favourable to platform workers, or to encourage or permit the application of collective agreements which are more favourable to platform workers, in line with the objectives of this Directive. As regards persons performing platform work who are not in an employment relationship, this paragraph shall ~~*only*~~ apply insofar as such national rules are compatible with the rules on the functioning of the internal market.	2. This Directive shall not affect the Member States' prerogative to apply or to introduce laws, regulations or administrative provisions which are more favourable to platform workers, or to encourage or permit the application of collective agreements which are more favourable to platform workers, in line with the objectives of this Directive. ~~*As regards persons performing platform work who are not in an employment relationship, this paragraph shall only apply insofar as such national rules are compatible with the rules on the functioning of the internal market.*~~ G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				More favourable prov. Text Origin: EP Mandate
Article 20(3)				
189	3. This Directive is without prejudice to any other rights conferred on persons performing platform work by other legal acts of the Union.	3. This Directive is without prejudice to any other rights conferred on persons performing platform work by other legal acts of the Union.	3. This Directive is without prejudice to any other rights conferred on persons performing platform work by other legal acts of the Union.	3. This Directive is without prejudice to any other rights conferred on persons performing platform work by other legal acts of the Union. Text Origin: Commission Proposal
Article 20a				
189a		***Article 20a*** ***Dissemination of information*** ***Member States shall ensure that the national measures transposing this Directive, together with the relevant provisions already in force relating to the subject matter as set out in Article 1, are brought to the attention of persons performing platform work and digital labour platforms, including SMEs as well as to the general public. That information shall be provided in a comprehensive and easily accessible way, including to persons***		***Article 20a*** ***Dissemination of information*** Text Origin: EP Mandate

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		with disabilities and where necessary in the most relevant language(s), as determined by the Member State concerned.		
Article 20a(1)				
189b				***1. Member States shall ensure that the national measures transposing this Directive, together with the relevant provisions already in force relating to the subject matter as set out in Article 1, including information on the application of the legal presumption, are brought to the attention of persons performing platform work and digital labour platforms, including SMEs, as well as to the general public. That information shall be provided in a clear, comprehensive and easily accessible way, including to persons with disabilities.***
Article 20a(2)				
189c			***Article 20a***	***Article 20a***
Article 20a(3)				
189d				

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Member States may, by law or by collective agreements, provide for more specific rules to ensure the protection of the rights and freedoms in respect of the processing of persons performing platform work's personal data under Articles 6, 7 and 8 of this Directive. Member States may allow the social partners to maintain, negotiate, conclude and enforce collective agreements, in accordance with national law or practice, which, while respecting the overall protection of platform workers, establish arrangements concerning platform work which differ from those referred to in Articles 8a, 9, 11 and 12 of this Directive.	***Member States may, by law or by collective agreements, provide for more specific rules to ensure the protection of the rights and freedoms in respect of the processing of persons performing platform work's personal data under Articles 6, 7 and 8 of this Directive, pursuant to Article 20(1). Member States may allow the social partners to maintain, negotiate, conclude and enforce collective agreements, in accordance with national law or practice, which, while respecting the overall protection of platform workers, establish arrangements concerning platform work which differ from those referred to in Articles 8a, 9 , and, when they entrust the social partners with its implementation pursuant to Article 21(4), from those referred to in Article 12 of this Directive.***
Article 21				
G 190	Article 21 Transposition and implementation	Article 21 Transposition and implementation	Article 21 Transposition and implementation	Article 21 Transposition and implementation Text Origin: Commission Proposal
Article 21(1), first subparagraph				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
191	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [2 years after entry into force] at the latest. They shall immediately inform the Commission thereof.	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [2 years after entry into force] at the latest. They shall immediately inform the Commission thereof.	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [2 years after entry into force] at the latest. They shall immediately inform the Commission thereof.	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [2 years after entry into force] at the latest. They shall immediately inform the Commission thereof. Text Origin: Commission Proposal
Article 21(1), second subparagraph				
192	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.	When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States. Text Origin: Commission Proposal
Article 21(2)				
193	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main ~~*provisions*~~***measures*** of national law which they adopt in the field covered by this Directive.	2. Member States shall communicate to the Commission the text of the main ~~*provisions*~~***measures*** of national law which they adopt in the field covered by this Directive.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 21(3)				
194	3. Member States shall, in accordance with their national law and practice, take adequate measures to ensure the effective involvement of the social partners and to promote and enhance social dialogue with a view to implementing this Directive.	3. Member States shall, in accordance with their national law and practice, take adequate measures to ensure the effective involvement of the social partners and to promote and enhance social dialogue with a view to implementing this Directive.	3. Member States shall, in accordance with their national law and practice, take adequate measures to ensure the effective involvement of the social partners and to promote and enhance social dialogue with a view to implementing this Directive.	3. Member States shall, in accordance with their national law and practice, take adequate measures to ensure the effective involvement of the social partners and to promote and enhance social dialogue with a view to implementing this Directive. Text Origin: Commission Proposal
Article 21(4)				
195	4. Member States may entrust the social partners with the implementation of this Directive, where the social partners jointly request to do so and provided that Member States take all necessary steps to ensure that they can at all times guarantee the results sought under this Directive.	4. Member States may entrust the social partners with the implementation of this Directive, where the social partners jointly request to do so and provided that Member States take all necessary steps to ensure that they can at all times guarantee the results sought under this Directive.	4. Member States may entrust the social partners with the implementation of this Directive, where the social partners jointly request to do so and provided that Member States take all necessary steps to ensure that they can at all times guarantee the results sought under this Directive.	4. Member States may entrust the social partners with the implementation of this Directive, where the social partners jointly request to do so and provided that Member States take all necessary steps to ensure that they can at all times guarantee the results sought under this Directive. Text Origin: Commission Proposal
Article 22				
196	Article 22 Review by the Commission	Article 22 Review by the Commission	Article 22 Review by the Commission	Article 22 Review by the Commission

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				Text Origin: Commission Proposal
Article 22, first paragraph				
197	By [5 years after entry into force], the Commission shall, after consulting the Member States, the social partners at Union level and key stakeholders, and taking into account the impact on micro, small and medium-sized enterprises, review the implementation of this Directive and propose, where appropriate, legislative amendments.	By [5 years after entry into force], the Commission shall, after consulting the Member States, the social partners at Union level and key stakeholders, and taking into account the impact on micro, small and medium-sized enterprises, review the implementation of this Directive and propose, where appropriate, legislative amendments.	By [5 years after entry into force], the Commission shall, after consulting the Member States, the social partners at Union level and key stakeholders, and taking into account the impact on micro, small and medium-sized enterprises, review the implementation of this Directive and propose, where appropriate, legislative amendments. ***In such review, the Commission shall pay particular attention to the impact of the use of intermediaries on the overall implementation of this Directive.***	By [5 years after entry into force], the Commission shall, after consulting the Member States, the social partners at Union level and key stakeholders, and taking into account the impact on micro, small and medium-sized enterprises, review the implementation of this Directive and propose, where appropriate, legislative amendments. ***In such review, the Commission shall pay particular attention to the impact of the use of intermediaries on the overall implementation of this Directive.*** Text Origin: Council Mandate
Article 23				
198	Article 23 Entry into force	Article 23 Entry into force	Article 23 Entry into force	Article 23 Entry into force Text Origin: Commission Proposal
Article 23, first paragraph				

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
199	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. Text Origin: Commission Proposal
Article 24				
200	Article 24 Addressees	Article 24 Addressees	Article 24 Addressees	Article 24 Addressees Text Origin: Commission Proposal
Article 24, first paragraph				
201	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	This Directive is addressed to the Member States. Text Origin: Commission Proposal
Formula				
202	Done at Brussels,	Done at Brussels,	Done at ~~*Brussels,*~~	Done at ~~*Brussels,*~~ Text Origin: Council Mandate
Formula				
203				

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	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	For the European Parliament	For the European Parliament	For the European Parliament	For the European Parliament Text Origin: Commission Proposal
Formula				
204	The President	The President	The President	The President Text Origin: Commission Proposal
Formula				
205	For the Council	For the Council	For the Council	For the Council Text Origin: Commission Proposal
Formula				
206	The President	The President	The President	The President Text Origin: Commission Proposal

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