



Council of the
European Union

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NOTE

From:	Presidency
To:	Delegations
No. Cion doc.:	14450/21 - COM(2021) 762 final
Subject:	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on improving working conditions in platform work

The Presidency took good note of the result of the discussion in the Committee of Permanent Representatives (Part 1) on 22 December 2023, which confirmed that the provisional agreement found in the trilogue of 12 and 13 December 2023 does not have the support of the required majority of Member States.

The Presidency intends to build on the efforts of previous presidencies and bring the negotiations on this important file to a conclusion still under the current mandate of the European Parliament. Given the very limited time available for concluding the negotiations, the Presidency considers that the text of the provisional agreement, although as such not acceptable to a majority of Member States, needs to serve as basis for further negotiations. Changes to the text of the provisional agreement shall be limited to those few points, which are currently obstacles to Member States' acceptance of the text.

These outstanding points have been identified by the Presidency based on the written input received from Member States, the positions voiced in Coreper on 22 December 2023 as well as the positions Member States took in reaction to the steering notes 14374/23 of 20 October 2023, WK 14768/23 of 15 November 2023 and 15458/23 of 20 November 2023. Consequently, the Presidency considers the main concerns of Member States to be in particular the following points in Chapter II:

- Criteria/indicators for triggering the legal presumption,
- derogation for social security, tax and criminal proceedings,
- discretion of competent national authorities in case they consider that a person might be wrongly classified,
- the effects of reclassification decisions,
- consequences of non-rebuttal or unsuccessful rebuttal,
- overly prescriptive character of the supporting measures.

With the aim to address the most pressing concerns raised by Member States, the Presidency presents a proposal for a revised text of the provisional agreement in the addendum to this note. Member States are invited to comment on this document at the meeting of the Social Questions Working Party, which is scheduled for 16 January 2024. Based on this input, the Presidency intends to present a proposal for a revised mandate to Coreper , which then shall serve for taking up again the negotiations with the European Parliament.