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Subject: RE: LT questions - Platform Work Directive Proposal
Date: dimanche 4 septembre 2022 12:41:35
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Dear Presidency team,

Dear Colleagues,

Sorry for the late comeback with LT questions for tomorrow's SQWP on Platform workers directive.

We are very grateful for the PSY's note, which is very helpful and clarify many important questions. Therefore, we can agree with majority of the explanations regarding mechanism of the rebuttable presumption.

Nonetheless, we still have few further clarifying questions for which would be glad to hear answers from the PSY, the CLS and the COM:

1. *"To support the effective implementation [...] MS have to put in place a framework of measures"*: we would welcome further clarification what type of measures MS will have to put in place.
2. *"Any further action to challenge the outcome of such proceeding is not to be considered a rebuttal (rather an appeal, or equivalent)"* – we would welcome further clarification for this explanation. Does it mean that the rebuttal of the presumption is not possible in the appeal process for the same reclassification claim? Such an interpretation would be unfounded and considered as limiting the right to judicial defense.
3. Can national courts instead of deciding that the contractual relationship is an employment relationship according to the presumption, choose to use criteria for a genuine self-employed person?
4. Does it mean that this Directive aims to regulate MS' procedural law, including labour, administrative and civil procedure law?
5. What is the legal base for this provided explanation and regulation in the Directive?

All the best,

DELETED



PERMANENT REPRESENTATION OF LITHUANIA
TO THE EUROPEAN UNION

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B-1040, Belgium
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From: DELETED

Sent: 2022 m. rugsėjo 2 d., penktadienis 16:42

To: DELETED

Cc: DELETED

Subject: PT comments - Platform Work Directive Proposal

Dear colleagues ,

Please find comments from my capital to prepare the discussion on Monday.

Thank you,

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