

From: [REDACTED] (JUST)
Sent: 22 March 2023 09:48
To: JUST C3
Subject: FW: Flash: Meeting with Uber on GDPR, AIA and PWD, 21.3.2023

Dear [REDACTED], dear [REDACTED],
Could you register this email in Ares please so that it is in our archives?
Thank you!

From: [REDACTED] (JUST)
Sent: Wednesday, March 22, 2023 9:47 AM
To: BUSA Lucrezia (CAB-REYNDERS) <[REDACTED]@ec.europa.eu>; [REDACTED] (JUST) <[REDACTED]@ec.europa.eu>; [REDACTED] (JUST) <[REDACTED]@ec.europa.eu>; [REDACTED] (JUST) <[REDACTED]@ec.europa.eu>; [REDACTED] (JUST) <[REDACTED]@ec.europa.eu>
Cc: [REDACTED] (JUST) <[REDACTED]@ec.europa.eu>; [REDACTED] (JUST) <[REDACTED]@ec.europa.eu>
Subject: Flash: Meeting with Uber on GDPR, AIA and PWD, 21.3.2023

Meeting with Uber on GDPR, AIA and PWD, BERL 21.3.2023

Participants:

Uber: [REDACTED]; [REDACTED] (Uber US); [REDACTED] (Uber Amsterdam office); [REDACTED]
Commission: Lucrezia Busa (CAB Reynders); [REDACTED] (DG JUST.C3)

[REDACTED] had requested for a meeting with CAB Reynders to discuss the interplay of the AI Act (AIA) and the Directive on working conditions of platform workers (PWD) with the GDPR. [REDACTED] underlined that Uber has worked in the past years to change its business culture. It is important to preserve the flexibility of the platform work, which is the reason why the great majority of platform workers choose that type of work. At the same time, it has to be ensured that workers have a voice in issues concerning their working conditions. In this regard, Uber is in an ongoing dialogue with stakeholders, including labour unions.

Uber wants to ensure that the future legal framework takes into account both the flexibility of platform work and workers' rights. There are some concerns that the legislative proposals for AIA and PWD might not achieve this goal. As specific issues related to PWD proposal, requiring further attention from co-legislators, were mentioned: the legal basis for processing personal data, the division of work between competent authorities, and the scope of application of human intervention (with reference to the pending case in a Dutch court). Proposed transparency requirements were welcomed. Concerning AIA proposal, it was considered problematic that, instead of a case-by-case assessment, all AI systems used in employment are classified as high-risk.

COM stressed that the interplay with the GDPR is an important issue, which is why several COM services have worked in cooperation on AIA and PWD proposals. The GDPR provides a general legal framework which continues to apply unless more specific rules are provided under AIA and PWD. In legislative instruments the approach is necessarily general; solutions cannot be sought on a case-by-case basis. COM is open to listening to concerns raised by stakeholders. However, at this stage it is waiting that co-legislators finalise their positions so that they can begin their negotiations, which the Commission can facilitate.