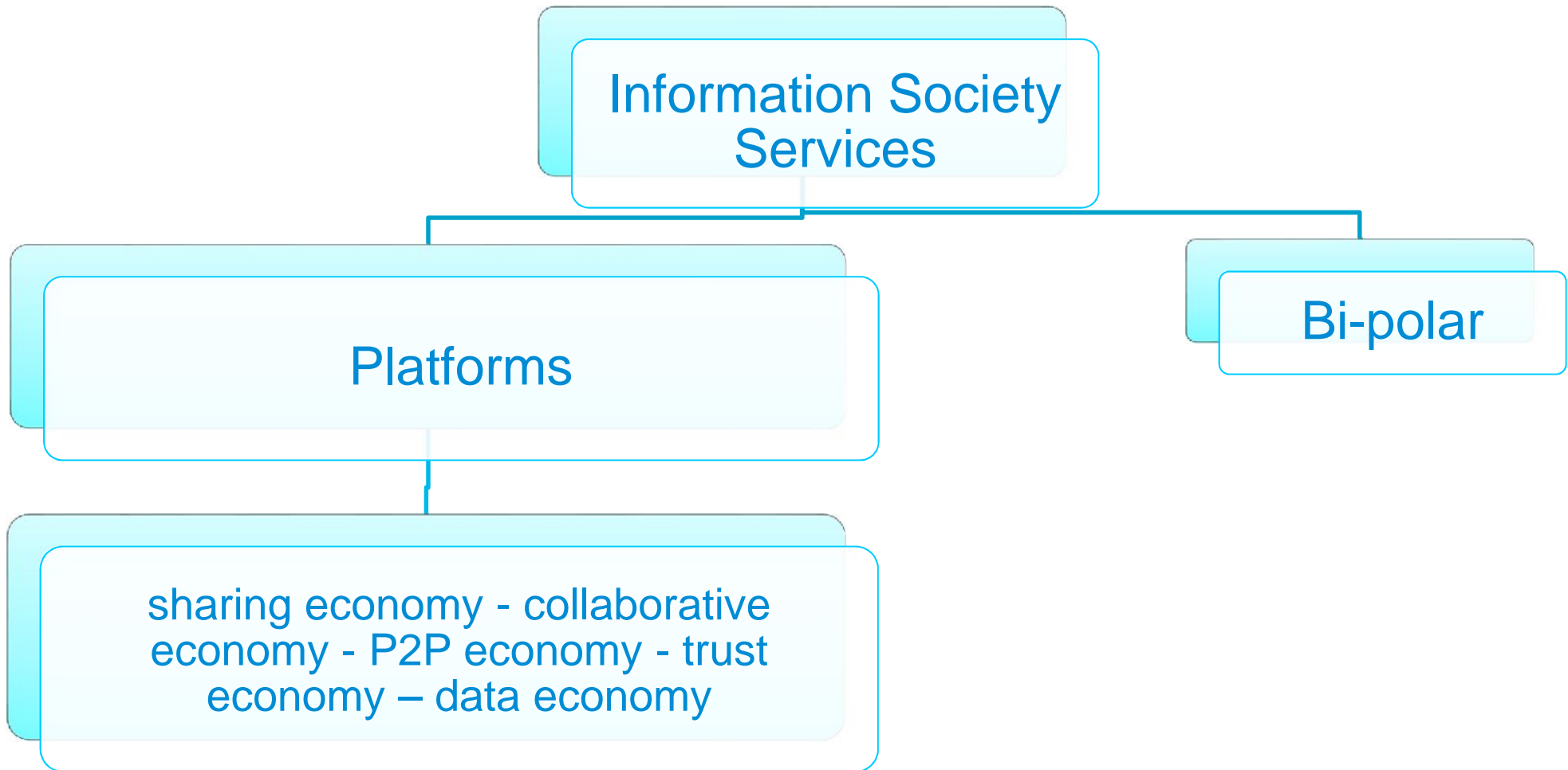




Online Platforms: how to adapt regulatory framework to the digital age?

Dr. Aneta Wiewiórowska, European Legal Studies
Institute Osnabrück,

Brussels, 22.03.2017





National initiatives

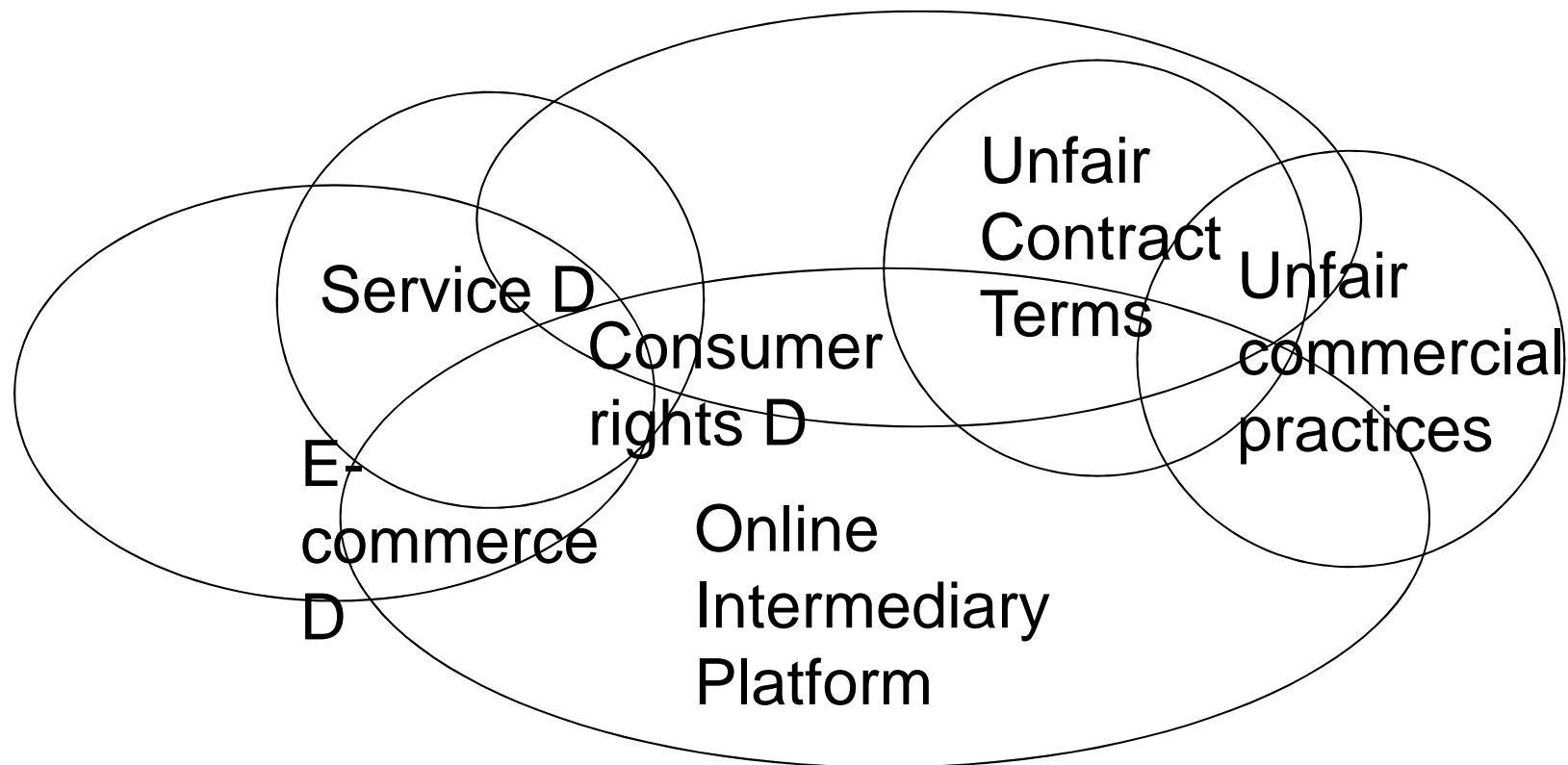
France: Loi pour une République numérique (Oct 2016)

Italy: Proposta di legge No. 3564 (Jan 2016): Disciplina delle piattaforme digitali per la condivisione di beni e servizi e disposizioni per la promozione dell'economia della condivisione



EU directives applicable to relations between Platforms and its users

- E-Commerce D
- Services D
- Consumer Rights D
- Unfair Terms in Consumer Contracts D
- (Future) Digital Content D?
- Unfair Commercial Practices D
- Comparative Advertising D



Chain Model

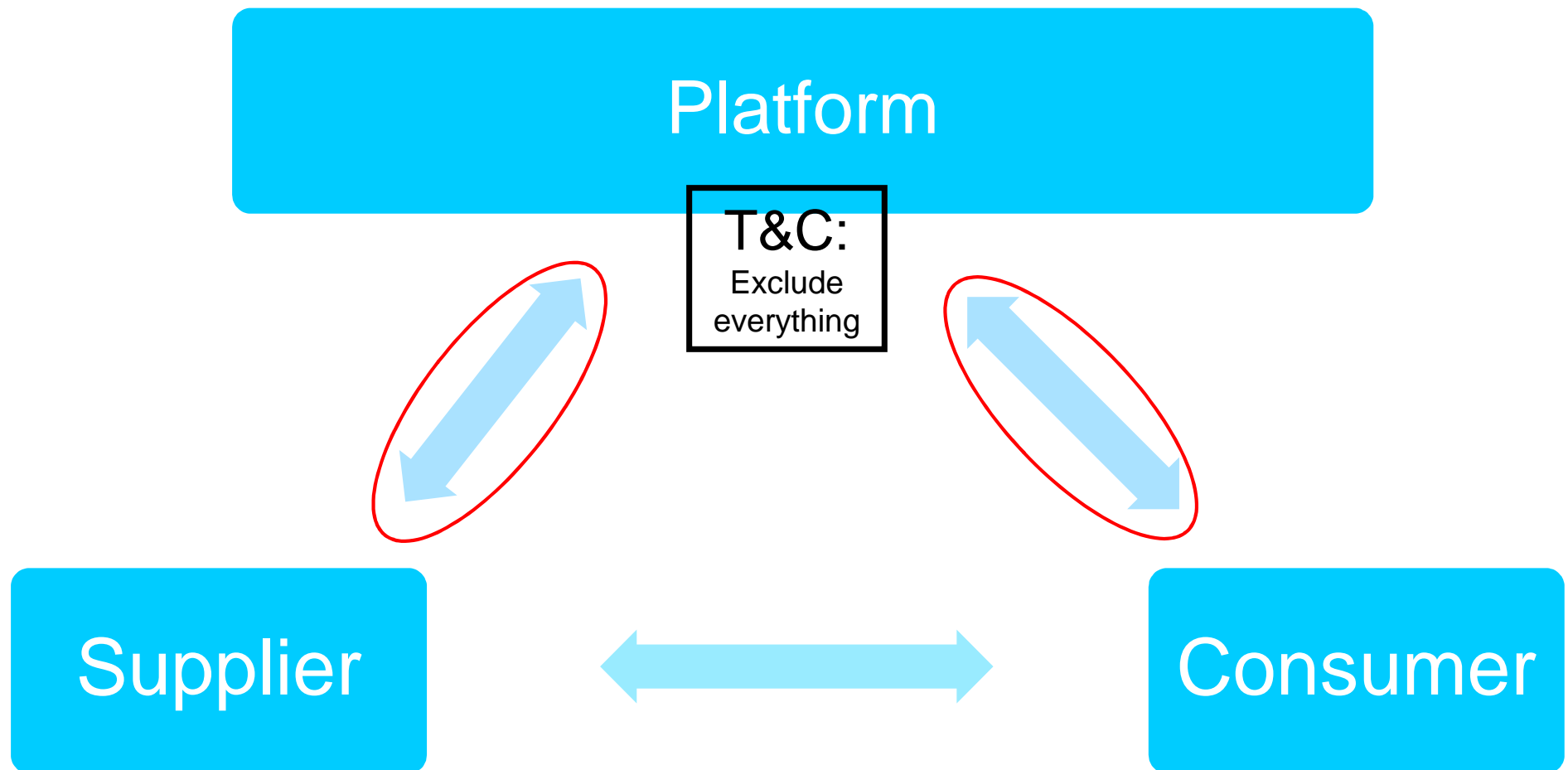
Producer/Distributor
Rightholder
Licensee



Seller / Supplier



Consumer





Discussion Draft



ELI Model Rules

164 EuCML · Issue 4/2016

Discussion Draft

Comment & Analysis

Research group on the Law of Digital Services

Discussion Draft of a Directive on Online Intermediary Platforms

A. Explanatory Memorandum

I. Purpose

The rapid growth of online intermediary platforms such as Airbnb, Uber or Amazon Marketplace has not only brought new challenges for existing business models. It has also trig-

national standardization bodies and guidelines issued by national consumer protection authorities.⁵

III. Background

The rise of online intermediary platforms has recently prompted regulatory initiatives in a number of EU member

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Discussion Draft on Online Intermediary Platforms

- OIP general duties towards users
- OIP duties towards suppliers
- OIP duties towards customers
- Reputational systems
- OIP liability (inc. liability for the non-performance of the supplier-customer contract)



A “light touch” regulation

1. Platform operator – clarification of the function
2. Consumers / traders / professionals / private / prosumers
3. Reputational systems



Platform operator – clarification of the function

- Market place / intermediary?
- Taking part in performing the contract?



Consumers / traders / professionals / private / prosumers

- Prosumers challenge
- Platform clarification process
- Platform's involvement and liability



Reputational systems

- Essential for trust economy/reputation economy
- Always a platform structure
- Self-standing or combined
- Reference to standardisation (e.g. AFNOR NF Z 74-501: Avis en ligne de consommateurs; ISO/TC 290: Online Reputation)



Conclusions

1. Quick wins:

- Clarifying platform's status
- Clarifying users' status
- Dealing with reputational systems

2. Not only in B2C context