A European agenda for the collaborative economy

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Why we did select this paper

The positive impact of collaborative economy in the EU relates to jobs and growth in the EU, if developed in a responsible manner. The success of collaborative models can represent a challenge for existing models and markets, but at the same time they promote new employment opportunities, flexible working arrangements and new sources of income (more efficient use of resource & contributing to the sustainability agenda).

Key findings

The main challenges concern issues regarding the application of existing legal frameworks, not clear role division between consumer and provider, employee and self-employed etc. This report aims at helping to reap these benefits and to address concerns over the uncertainty about rights and obligations of those taking part in the collaborative economy. It provides legal guidance and policy orientation to public authorities, market operators and interested citizens for the balanced and sustainable development of the collaborative economy, as announced in the single market strategy.

Key points discussed:

1. Market access requirements. Are collaborative economy platforms subject to the current EU legislation? How does peer-to-peer provisions of services differ? Key points to answer these questions are: a) PRICE - if the platforms sets a price for the users b) CONTRACTUAL TERMS - are there contractual

terms which set the relationship between the user and service provider c) OWNERSHIP OF KEY ASSETS

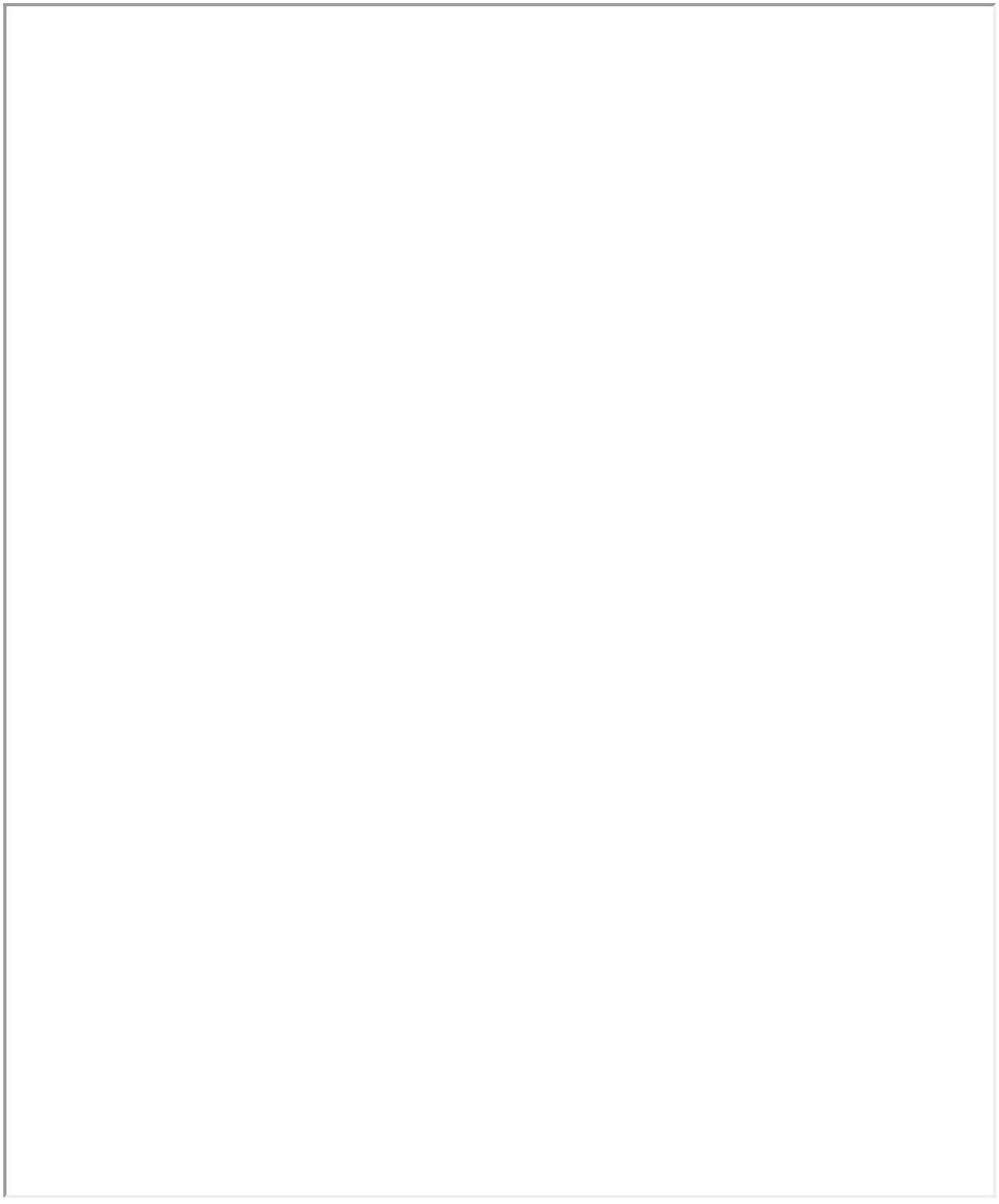
2. Liability regime. Under the EU laws, in certain conditions online platforms are exempted from liability. The exemption from liability applies on the condition that the collaborative platform does not play an active role which would give it knowledge of, control over, or awareness of the illegal information

3. Protection of users. Distinction users-consumers

4. Self-employed and workers in the collaborative economy. Criteria for the differentiation: - the existence of a subordination link; - the nature of work; and - the presence of a remuneration.

5. Taxation

6. Monitoring activity of platforms, by developing surveys for customers, mapping of regulatory developments etc.



Source: European Commission (2016). Communication from the commission to the European parliament, the council, the European economic and social committee and the committee of the regions. Brussels, ref. areas(2016)2562059