

- Conference Report -

1. Conference Opening

Commissioner Bieńkowska opened the conference ([see full transcript here](#)) by affirming her conviction that the European single market must help new business models grow because they create jobs and improve competitiveness. She also acknowledged that the collaborative economy implies challenges for people and authorities and that Europe should adopt a balanced and sustainable approach to its development. The Commissioner called for common answers to these common issues to tackle challenges effectively and to decrease the current degree of regulatory fragmentation.

As a good policy example, she referred to the short-term accommodation sector where the Commission is engaged in a dialogue with 14 large European cities to specifically work on the challenges they face and where the Commission has also hosted a series of workshops with representatives of Member States' authorities and stakeholders. These joint discussions had shown that a simple online scheme for the mandatory registration of accommodation providers is broadly considered an effective policy solution, but that any authorisation schemes would require a more substantial justification and proportionality assessment while bans of activities had to remain a measure of last resort. Collaborative platforms could play a crucial role in supporting the application of registration requirements and other obligations, such as in the field of taxation.

The Austrian Minister for Digitalisation and Economy, Margarete Schramböck, welcomed the participants via video message and reinforced the need for joint solutions.

Mr. Nicola Danti, Member of the European Parliament, expressed his opinion that it was now time to act on a European level. He considers that the collaborative economy can create new opportunities for the economy and society in general, but that it should not only be considered a business model, but also as a new form of integration between the economy and society with a concrete added social value. At the same time, he also sees risks it poses to the current standards of consumer protection and tax compliance. He called for further cooperation among all EU institutions to create an effective framework for the collaborative economy to flourish. Next steps in his opinion concern the distinction between peers and professionals as well as ensuring social protection.

2. Panel on Policy and Market Developments in the Collaborative Economy

The panel featured Frederic Mazzella, founder and President of BlablaCar; Pieter van de Glind, Co-founder of ShareNL & Sharing Cities Alliance; Oliver Röthig, Head of UNI EUROPA, European Service Workers Union; Jonathan Schockaert, co-founder and CEO of Listminut; Hubert Gambs, Director DG Internal Market, Industry, Entrepreneurship & SMEs, European Commission. It was moderated by Diana Madill.

The panellists were invited to discuss the status of the collaborative economy. **Mr Gambs** recalled the findings of a new Eurobarometer survey¹ which shows that almost one in four European consumers have used services in the collaborative economy and that one fifth have already offered a service on a collaborative platform or could imagine themselves to do so in the future.

Mr van de Glind added that the collaborative economy is no longer confined to urban communities, but is now spreading to rural areas. He proposed the development of co-operative platforms models.

Mr Schockaert, founder of Listminut, said that his platform had around 120,000 registered users, but still had difficulties expanding beyond Belgium. Mr Schockaert noted that often authorities still have concerns regarding collaborative platform business models, which holds back innovation. Mr Schockaert also emphasized the need to clarify the rules applicable in the field.

Mr Mazzella emphasised that it is urgent for the EU to address regulatory fragmentation in the EU so that businesses can scale up and Europe is not left further behind the US and China in digital technologies and services. He urged the Commission to be more active in promoting market harmonization which would help many collaborative platforms expand across the EU without having 'to start a new company in every country'. Mr Mazzella furthermore highlighted that a significant barrier to platform development in the EU, compared to the US, is more difficult access to capital in Europe.

Mr Gambs acknowledged the benefits that harmonized regulations bring to EU businesses, in terms of reducing costs and uncertainty; however, he pointed to significant differences in local environments and thus noted that this should be a joint effort between the European Commission and national/local authorities

Mr Röthig emphasised that the employer-employee relationship should be maintained as a cornerstone and that regulations should be adapted to changing circumstances.

Panellists agreed that trust is an important barrier and driver of platform development. It was noted that proximity is an important factor in building trust in the collaborative economy, as is the availability of appropriate insurance products, which could be potentially provided via collaborative platforms.

¹ Flash Eurobarometer 467/2018

Panellists moreover emphasised the need for further clarity on the status of those providing services (peers; traders; employees; self-employed, etc.), as well as the need for the Commission to act on complaints received in the field to enforce applicable EU law across the single market.

3. Keynote Speech by Ann Mettler, Head of European Political Strategy Centre at the European Commission

Ms Mettler emphasised the new ways of business that come along with new customer preferences. Collaborative platforms meet some of the requests how especially young consumers want to search, compare and purchase services. As a consequence of the increased demand of for collaborative services, she invites all stakeholders, policy-makers and traditional service providers to test them in order to understand what the attractiveness is. She called on traditional businesses to make use of the new possibilities and to innovate on this basis.

She also called on Europe as a whole to step into the game, to signal to the world that we are part of this development and to shape collaborative economy globally. Ms Mettler reminded of the debate when the 2016 Communication was drafted. She reminded of the message that was intentionally sent back then, namely that Europe embraces the collaborative economy. Not without reservations, but beyond providing safety mechanisms and guarantees, Europe should reiterate the 2016 commitment to promote innovation and the use of new technologies.

4. Panel on Collaborative Short-Term Accommodation Rental Services

The conference panel on collaborative short-term accommodation services closed a series of workshops that brought together stakeholders and Member States authorities to discuss policies and good practices specifically to this sector and based on the legal guidance and policy recommendations of the 2016 Commission Communication on the collaborative economy.

The panel featured Suzanne Blenski, Tourism Division of the Ministry of the Economy and Finance of France; Wolfgang Hassler, Department for Economic Affairs, Labour and Statistics of the City of Vienna; Carlos Villaro Lassen, Secretary-General of the European Holiday Home Association; Christian de Barrin, CEO of Hotrec Hospitality Europe; and Christoph Schmon, Senior Legal officer at BEUC European consumer association. It was chaired by Henning Ehrenstein, Deputy Head of Unit at DG Internal Market, Industry Entrepreneurship and SMEs at the European Commission.

The panel discussed policies that can be taken to address challenges stemming from the rapid development of collaborative short-term accommodation services and to promote the sustainable development of these services. More specifically, it discussed what could constitute justified and proportionate market access requirements. Participants agreed that

introducing restrictions must be in response to a legitimate public interest objective and that such objectives differ between geographic locations. Clearly, the situation in rural areas is very different from that in touristic centres of some large cities and differs also between cities and areas within these cities.

Panellists agreed that simple on line registration schemes for hosts can be a proportionate policy response. This is very different from authorisation schemes, which are more restrictive by definition and require a more solid justification and proportionality assessment.

The panel discussed the role of platforms to facilitate registration schemes and both the possibilities and the limits of what public authorities can ask of platforms under EU law. Platforms should assist and cooperate with public authorities, but should not replace them.

The panel also discussed the differentiation between citizens renting out properties on an occasional and private basis (so called 'peers') and a more regular or professional renting out of properties – and how such a differentiation can be undertaken concretely (e.g. between primary and secondary residences or by virtue of a 120 nights threshold). Panellists agreed that a differentiation between peers and those renting properties regularly or professionally can help making restrictions proportionate where they are introduced.

Panellists moreover discussed the application of existing consumer law and the related differentiation between peers and traders. Panellists pointed to the need for platforms to aid transparency for consumers in this regard, but highlighted that it is for those renting out properties to declare if they are traders and for platforms to ensure that such information is visible to consumers.

Finally, the panel discussed how to ensure tax compliance and what role there is for platforms in this regard, notably in terms of facilitating tax compliance.

Panellists and members of the audience more generally underlined the importance of cooperation between platforms and authorities.

5. Panel on Employment Issues

Presentations were given by the six panellists and moderated by Ann Branch, Head of Unit in DG Employment, European Commission.

Enrique Fernandez Macias from the Joint Research Centre presented the [COLLEEM study](#) (*collaborative economy and employment*) which aims to provide quantitative evidence on platform work. He mentioned the difficulty to define “platform work” and to categorize “platform workers”, which was broadly agreed on also by other panellists. The study shows that among those who regularly perform platform work, almost 40% consider themselves mainly employees having some self-employment on the side. He also mentioned the planned follow-up study to analyse the trajectory of platform workers.

Irene Mandl from Eurofound presented their study “Employment and working conditions of selected types of platform work”. She confirmed the difficulties of categorising and presented some prevalent types of platform work which were identified. She concluded “one size does not fit all”, and highlighted that this should be kept in mind before regulating platforms.

Jeremias Prassl, University of Oxford, elaborated on two seemingly contradictory narratives of the platform or gig economy (“future of work” vs “medieval exploitation”). He stated that neither narrative gives the full picture and there is some truth in both. He concluded that employment law can help to solve these issues, but arguing that the distinction of employee / self-employed was obsolete, he stated that it was not so much about the scope of labour law but about identifying the substantive rights and level of protection which shall be granted to platform workers.

Laurin Sepoetro from Uber explained their view on the future of work, providing additional flexibility, security, opportunities/access and growth. Uber is developing an insurance scheme for self-employed Uber drivers to be organised and covered collectively.

Lieza Dessein presented SMart Belgium, a cooperative which was initially founded by artists who have always been subject to a “gig”-based activity. She explained how more and more deliveroo drivers became members of the cooperative, but were finally pushed / incentivized out by a new Belgian law on self-employed.

Finally, **Fredrik Söderqvist, a representative of the Swedish white collar trade union Unionen**, explained the Swedish system of collective agreements, which he considered more apt and flexible to deal with the new developments on the labour markets.

6. Round Tables

The third afternoon session discussed five horizontal issues: trust, liability, competition, taxation and data.

On tax, there are good examples of cooperation between tax authorities and platforms on exchanging information. However, experience has shown that purely voluntary cooperation can be difficult.

On the liability and responsibilities of platforms, the discussion noted that the obligations could differ between large and small platforms. The judgment of the European Court of Justice in the UberPop case had increased platforms’ uncertainty about their responsibility for the underlying service.

On trust, expectations differ, but consumer protection legislation is the first line of defence, and despite certain cautiousness, people choose to use the platforms.

Data collection is essential to measure the social impact of the collaborative platforms, but getting data is difficult. Cooperation with platforms was required, but a more precise definition for data purposes is also considered necessary.

On competition, the tendency towards market dominance was noted, but defining the market is difficult. This makes it difficult to determine how this should be looked at in the context of competition rules on abuse of market power.

7. Closing Remarks

European Commission Vice-President Jyrki Katainen closed the conference, referring to the collaborative economy as one of the mega-trends of our times. He called for the promotion of the occasional sharing of assets and services among citizens and a regulatory framework that would be conducive to this. He also underlined the importance of platforms and public authorities to work together.