

Updates from the law of the collaborative economy

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Zagreb, March 2019



What are the lawyers doing?

- «Towards new shores: the legal impact of the collaborative economy in the EU»
- Focus on the EU big picture
- Focus on national scenarios
- Collecting national case law and legislative developments

The EU big picture (I)

- **Lack of an *ad hoc* harmonized legal framework**
 - *Ex ante* and *ex post* harmonization
 - Territoriality v Internet
 - Soft tools (e.g. EC Communications) effective for policy guidance?

> Monitoring, rather than regulating?

The EU big picture (II)

- **Lack of EU-wide definitions**

- «**business** models where **activities** are facilitated by collaborative **platforms** that create an open marketplace for the **temporary** usage of goods and services often provided by private individuals» (EC, 2016)
- Crucial to determine rights, obligations and liability of the parties

> Towards an enhanced legal fragmentation?

The EU big picture (III)

- Consumer protection
- Labor rights
- Tax law

The EU big picture (III)

- Consumer protection
- Labor rights
- Tax law

BUT ALSO...

- Property law (ownership > right to use/access)
- Company and contract law (limits of freedom of private contracting & business, first among which anti-discrimination law)
- Intellectual property and data protection law

Long story short...

- Is a EU legal framework for CE in the making? If so, how?
- Are the national legal responses to the phenomenon weaving a «legislative patchwork»?
- Is a broad EU harmonization desirable, in light of (Still unexplored) legal implications on property, company law, contracts, IP and data protection?

Thank you.

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