ELI Model Rules on Online Platforms

The digital economy is increasingly shaped by online platforms serving as marketplaces where customers can buy goods or book services (e.g., Airbnb, Uber, Amazon).

The ELI Model Rules on Online Platforms project aimed at developing model rules that demonstrate what potential regulation at EU or national level could look like.
The rise of online platforms is one of the fundamental economic and societal developments of recent years. The rapid growth of the ‘platform economy’ has triggered a debate over whether the regulatory framework has to be adjusted in order to adequately reflect the changing market structure.

In particular, the recalibration of rights and duties in the triangle between suppliers, customers and platform operators is currently being discussed. Recently, the first steps towards a regulatory framework for the platform economy have been taken at European and national level. However, regulation remains fragmented and sometimes inconsistent.

ELI’s Project Team has drawn up a set of Model Rules that is meant as a contribution to the ongoing debate and provides a ‘visualisation’ of how a balanced approach could look, if regulatory action is considered necessary. It goes without saying that ELI’s Model Rules cannot address all possible legal aspects of the platform economy.

More precisely, these Rules only deal with one core aspect of online platforms: the relationship between platform operators and platform users. What are the duties of platform operators towards platform users? In which cases may operators be liable towards users? What are the minimum requirements regarding fairness and the transparency of platforms? How should reputation systems for the collection of customer reviews be designed? Should there be a right to the portability of reputation capital?

With regard to these questions, ELI’s Model Rules not only aim to consolidate existing European and national legislation, but also provide some innovative solutions for issues that could be addressed in forthcoming regulatory initiatives, in particular platform liability and reputation systems.

These Rules draw inspiration from European and national legislation, recent case law as well as other regulatory instruments such as international standards.

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