



Online talent platforms, digitalisation and the Single Market

Opportunities, challenges and the EU policy responses

16 May 2018



What is the EU trying to do?

- Promote economic renewal and new opportunities for citizens and businesses
- Clarify the application of EU law to new business models
- Remove obstacles that hinder growth

Clarifying rules: market access

- Freedom to provide services – limited exceptions
- Is the provider professional or private?
- Is the platform responsible for the service?

Criteria for platform control of the service

Does the platform determine the price?

Does the platform set the conditions?

Does the platform own the assets?

Clarifying rules: liability

- Contract liability is a national responsibility
- Exemption from the rules on liability for web information
- Quality control does not automatically make platforms liable

Criteria for exempting platforms from liability

The platform does not have an active role (knowledge of illegal information)

The platform removes illegal information when it becomes aware of it

Clarifying rules: consumer protection

- Consumer protection applies between a trader and a consumer
- Who is a trader (professional) and who isn't?

Criteria for deciding who is a trader

How often do they provide the service?

Are they seeking profit?

How high is the turnover?

Clarifying rules: employment

- Mostly Member States decide who is worker and who isn't
- EU law has some indications to determine whether a person is an employee of a platform

Criteria for deciding who is an employee

Do they act under the direction of the platform?

Is the work genuine, effective and regular?

Are they remunerated?



What is the EU trying to do?

- Promote economic renewal and new opportunities for citizens and businesses
- Clarify the application of EU law to new business models
- Remove obstacles that hinder growth