European Commission: Consultation on platforms and online intermediaries

IRIS 2015-10:1/4

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On 24 September 2015, the European Commission launched its public consultation on the regulatory environment for platforms, online intermediaries, data and cloud computing, and the collaborative economy. This consultation is part of the Commission's recently published Digital Single Market Strategy for Europe (see IRIS 2015-6/13), and the consultation's purpose is "to better understand the social and economic role of platforms, market trends, the dynamics of platform-development and the various business models underpinning platforms".

The consultation document defines platforms as "undertakings operating in two (or multi)-sided markets, which use the Internet to enable interactions between two or more distinct but interdependent groups of users so as to generate value for at least one of the groups". Examples of platforms are provided, including audiovisual and music platforms (e.g., Spotify, Netflix), video-sharing platforms (e.g., YouTube), Internet search engines, news aggregators, online market places, social networks and "collaborative economy platforms" (e.g., AirBnB and Uber).

The 46-page document asks a large number of questions in four distinct areas: (a) online platforms; (b) tackling illegal content online and the liability of online intermediaries; (c) data and cloud in digital ecosystems; and (d) the collaborative economy. Notably, and in relation to audiovisual media, the consultation seeks views on the relation between platforms and holders of rights in digital content, including on video sharing websites using protected works online without having asked for authorisation; video sharing websites refusing to enter into or negotiate licensing agreements; video sharing websites or content aggregators willing to enter into a licensing agreement on terms considered unfair; and online platforms using protected works but claiming to be hosting providers under Article 14 of the E-Commerce Directive in order to refuse to negotiate a licence or to do so under their own terms.

The consultation opened on 24 September 2015, and will run until 30 December 2015. It is available in 23 languages, and the Commission will publish a summary of responses in a report for the Directorates General for Communications Networks, Content and Technology and for Internal Market, Industry, Entrepreneurship and SMEs.

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European Commission, Public consultation on the regulatory environment for platforms, online intermediaries, data and cloud computing and the collaborative economy, 24 September 2015

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