

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 (eg 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.

Project Reporters

- Christoph Busch
- Gerhard Dannemann
- Hans Schulte-Nölke
- Aneta Wiewiorowska-Domagalska
- Fryderyk Zoll

Other Project Team Members

- Fabrizio Cafaggi
- Carolin Cauffman
- Alberto De Franceschi
- Agnieszka Jabłonowska
- Monika Jagielska
- Vanessa Mak
- Hans Micklitz
- Jeremias Adams-Prassl
- Teresa Rodriguez de las Heras Ballell
- Juliette Sénéchal
- Marie Jull Sorensen
- Anne de Vries
- Tina de Vries
- Célia Zolynski

Advisory Committee Members

- Luisa Clode
- Bertrand Debosque
- Judita Dolžan
- Marta Infantino (Assessor)
- Byung Jun Lee
- Irene Kull
- Damjan Možina (Assessor)
- Kunihiro Nakata
- Gerald Spindler
- Jos Uitdehaag
- Christiane Wendehorst
- Marilies Zinner

Members Consultative Committee

- Paul Abbiati
- Hans-Jürgenn Ahrens
- Elena Bargelli (Chair)
- Małgorzata Boszko
- Federica Casarosa
- Concetta Causarano
- Kosjenka Dumančić
- EFTA Surveillance Authority
- Wian Erlank
- Michèle Finck
- Marco Giacalone
- Patrícia Guimarães
- Georg Gutfleisch
- Martin Husovec
- Paola Iamiceli
- Liliya Ivanova
- Václav Janeček
- Ana Keglević Steffek
- Lilia Kisseva
- Michael Lehmann
- Renato Mangano
- Felix Maultzsch
- Sophie Moreil
- Pascal Pichonnaz
- Jerzy Pisulinski Pisulinski
- Sara Rodríguez Marín
- Johannes Safron
- Marta Santos Silva
- Renate Schaub
- Hanna Schebesta
- Stéphanie Laulhé Shaelou
- Matthias Storme
- Julia Suderow
- Iannis Symplicis
- Yanko Xavier
- Miguel Pestana de Vasconcelos
- Université Catholique de Louvain (UCL) Institut pour la Recherche Interdisciplinaire en Sciences Juridiques (JUR-I)



Co-funded by
the European Union



ELI Secretariat

Schottenring 16/175
First Floor, Lifts 3 or 4
1010 Vienna, Austria
T +43-1-4277 221 01
F +43-1-4277 922 1
www.europeanlawinstitute.eu
secretariat@europeanlawinstitute.eu

The ELI Secretariat is hosted by the University of Vienna.
ELI is also supported by the City of Vienna



universität
wien



ELI
EUROPEAN
LAW
INSTITUTE

Model Rules on Online Platforms

ELI Model Rules on Online Platforms

Background

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.

Aim and Outcome

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 'reputational 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.

Quick Facts and Project Reporters

Quick Facts

Procedure: Regular

Project Type: Model Rules

Adopted: Council Decision 2016/6 (on Projects)

Project Period: January 2017–December 2019

Approval by the ELI Council: 30 January 2020

Approval by Membership: 28 February 2020

Published: February 2020

Download ELI Model Rules on Online Platforms

ELI Model Rules on Online Platforms can be downloaded for free from ELI's website under Projects and Publications.



Christoph Busch is professor of law at the University of Osnabrück, a member of the ELI Council and co-chair of the ELI Digital Law SIG. He is a member of the EU Expert Group for the Observatory on the Online Platform Economy and co-founder of the Journal of European Consumer and Market Law (EuCML). He is principal investigator of a research project on personalised law ('Granular Society – Granular Law?') funded by the Volkswagen Foundation under a 'Momentum' grant (2019–2024).



Gerhard Dannemann is professor of English law, British economy and politics at Humboldt University, Berlin and Visiting Research Fellow at the Institute of European and Comparative Law, University of Oxford. He is founder and general editor of the Oxford University Comparative Law Forum. His current research interests include comparative law (contracts, torts and unjust enrichment), conflict of laws and academic integrity.



Hans Schulte-Nölke is professor of law and legal history at the European Legal Studies Institute at the University of Osnabrück and professor of law at the Radboud University Nijmegen. He is the author of several books and of a large number of articles in several European journals. He regularly advises committees of the European and the German parliaments as well as national ministries and international organisations. He was also elected to the Academia Europaea in 2016, is one of the ELI's Founding Members and served as member of the ELI Executive Committee from 2017–2019.



Aneta Wiewiórowska-Domagalska, is a Senior Researcher at Osnabrück University and a member of the ELI Council. She holds a PhD from Utrecht University. Former Researcher of the Study Group on a European Civil Code (co-author of Principles of European Law on Sales), she worked in Poland for the Ministry of Justice and the Civil Law Codification Commission. As a private and consumer law expert she was one of the persons responsible for the transposition of EU consumer law in Poland. She is currently working on her habilitation thesis.



Fryderyk Zoll is a professor at Jagiellonian University of Cracow and the University of Osnabrück, a member of the ELI Council and the ELI Executive Committee. He was a member of the Redaction Committee of the Acquis Group and the Common Frame of Reference Team as well as the Polish Committee of Jurisprudence. Zoll has been involved in many projects, such as the Research Group on the Existing EC Private Law – Acquis Group and the Leonardo da Vinci Project.