

The background features a series of concentric, overlapping circles in light blue and grey, some solid and some dashed, creating a dynamic, abstract pattern.

# Legal Liabilities of Collaborative Providers

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# The sharing economy

- More than the old school sharing we know yet not a capitalistic business either
- 3 constitutive elements:
  1. An **organization** with continuity of activity
  2. Gathering distributed **networks of connected individuals/communities**
  3. Which **collaboratively use and/or provide** goods and services being underutilized or easy to share ones

## Networks of connected individuals

- The organization is not their employer, they are **independent**
- They act collaboratively and **not for purposes of their trade, business or profession**
- If an organization calls itself “sharing economy” yet
  - acts as an employer or
  - gathers individuals pursuing mainly individual monetary goals related to their trade,

=> the organization is guilty of **sharewashing (marketing strategy)**

### **Legal Vacuum:**

- How to assess the purpose?
- When the purpose is non-professional, the legal framework is scarce... (while boom of this type of transactions + involvement of an organization as intermediary)

# Professional purpose or not?

- **Case by case assessments thus no predictability**
- **Necessity of joint thresholds with possibility to argument in favor of an exemption**
- **Danger of simplification and related discrimination**

# Liability of non-professional providers?

- **Not one liability but several ones**
  - **Contractual:** as for everyone yet not much specified, often not even a written contract
  - **Tort:** as for everyone
  - **Liability for compliance with regulations:** specific regulations have a scope limited to provision of services by professional providers, sometimes even exclusively to B2C
- **Necessity to clarify**
  - (1) whether the framework for non-professional providers should not be completed
  - (2) whether organizations could be treated as gatekeepers with secondary liability