



# On Line Platforms

The approach of French Authorities

Bratislava, June 9

**DGE**

DIRECTION GÉNÉRALE DES ENTREPRISES



# Studies and reports on on-line platforms

- ▶ **In France, many reports and studies were dedicated to the question:**
  - **report from the Senate, March 2013**
  - **report from the «Conseil National du Numérique » (CNNum), May 2014**
  - **report from the « Conseil d'Etat », June 2014**



# General assessment



- ▶ Online platforms play a key role in innovation and growth in the Digital Single Market.
- ▶ They have revolutionized access to information and have connected buyers and sellers in a better and more efficient way.
- ▶ EU action is needed to set the right environment to attract innovation and develop the right conditions for business and consumers.



# Objectives



- ▶ **Promote a framework which preserve innovation capacity and fair competition**
- ▶ **And ensure for European actors :**
  - **a proper level playing field in digital markets**
  - **Comparable rules for comparable digital services**



# What we think should be addressed

- ▶ **In its communication, the Commission has addressed several important issues :**
  - ▶ **Obligation for online platforms to behave responsibly**
  - ▶ ***Comparable rules for comparable digital services***
  - ▶ ***A fair and innovation-friendly business environment***
  - ▶ ***Self regulation***
- ▶ ***But we should do more in particular***
  - ***Promote a horizontal approach with a definition of « structuring platforms » e.g. platforms having a leading market power***
  - ***Develop a framework dedicated to « Business to Business » to avoid unfair practices***
  - ***a framework dedicated to enforcement of consumers rights in relation with platforms to ensure trust.***



# ■ Definition of « structuring platforms »

- ▶ **The new framework for on line platforms should focus on platforms which hold a leading market power on the digital market**
- ▶ **The qualification of said « structuring platforms » could rely on certain objective criteria such as volume of audience or the number of users.**

# « Business to business » (B2B) issues

- ▶ **In the public consultation several issues have been identified :**
  - dependency / exclusivity
  - transparency vs opacity
  - transparency of algorithms
  - unilateral change of terms of contract
  - « parity clause »
  - equity of treatment
  - access to APIs (notice for technical change)
  - portability ( of the service, of the data)
  - access to business, customers data
- ▶ **According to the consultation 90% of the respondents said they were facing difficulties using platforms services.**



# A new set of « BtoB » rules

- ▶ **In the proposal expected early 2017, FR would like the Commission to develop Rules for equity in access to platforms:**
  - **transparency of rules of access to platforms**
  - **non-discrimination of conditions of access**
  - **transparency and motivation of cause for exclusion from the platform**
  - **sufficient delay of notice for termination of access**



# A new set of « BtoB » rules

- ▶ **Rules for equity in referencing and ranking Business offers:**
  - **delivery of information with regards to methods and general principles of ranking**
  - **information about the treatment and ranking of offers made by the platform or its affiliated services**
  - **non-discrimination in ranking equivalent offers**
  - **motivation for dereferencing an offer, based on legitimate causes**
  - **reasonable delay of notice for changing the parameterization of the ranking method**



# Better rights for consumers

- ▶ **Loyalty of information : consumers should be in a position to make clearly the distinction between sponsored offers and others**
- ▶ **Portability of contents and data : consumers should not be captive to a platform and should benefit from rights to transfer and migrate their data and contents to any other platform of their choice**



# Thank you