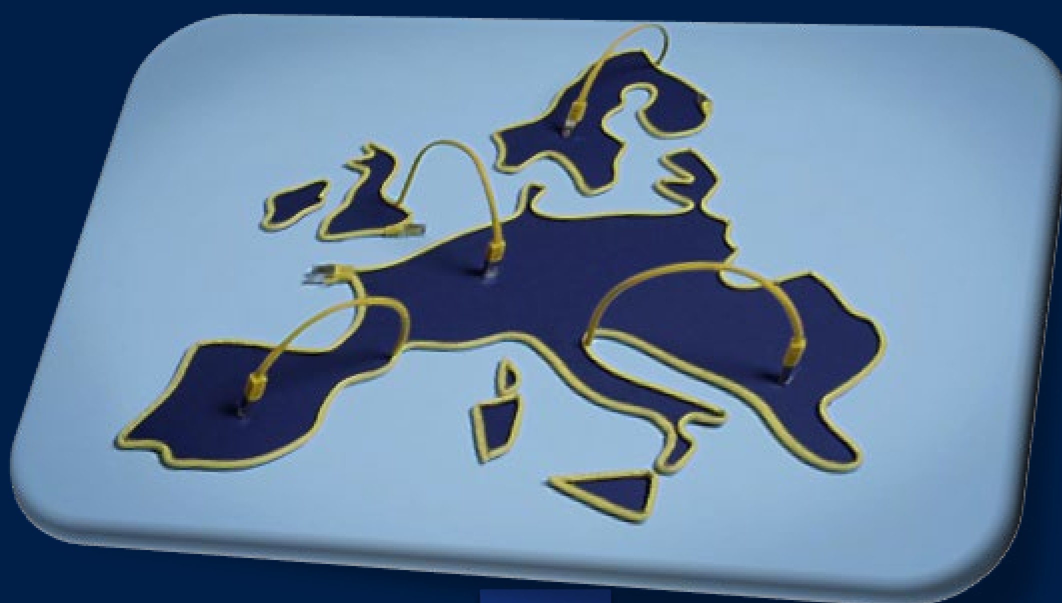
Plates-formes internet: Quelques défis pour l'environnement règlementaire?

Les Journées de l'Economie

Lyon, le 9 novembre 2016



La dernière révolution technologique
Duffy – la fée électricité - 1936

MAMVP Raoul Dufy la Fee Electricitré photo Kleinefenn

3 leçons de la précédente révolution technologique

*1- **Se doter d'un cadre de compétition efficace** afin d'assurer que les positions de dominance restent contestables par les compétiteurs (Sherman Act)*

*2- **Ajuster le système de protection sociale** face à la montée des inégalités et aux chocs disruptifs. (Bismark, T. Roosevelt)*

*3- **Investir dans les technologies systémiques et dans l'éducation**. La révolution technologique définira le centre de gravité de l'économie mondiale à venir, le cœur de l'économie-monde et les périphéries, moins riches. **Quelle place pour l'Europe: au cœur ou à la périphérie?***

Le développement des plates-formes …

- *Top 176 représente une valeur marchande globale de $ 4.300 milliards*
- *Les plates-formes sont les sites les plus visités dans le monde: top 10 représente 75 % des visites avec toute la collection de données ci-joint.*
- *Airbnb loge 155 millions de nuitées chaque année ; plus que Hilton à 127 millions. Capitalisation d'Uber est supérieure aux grandes compagnies américaines United continental, Delta ou American.*

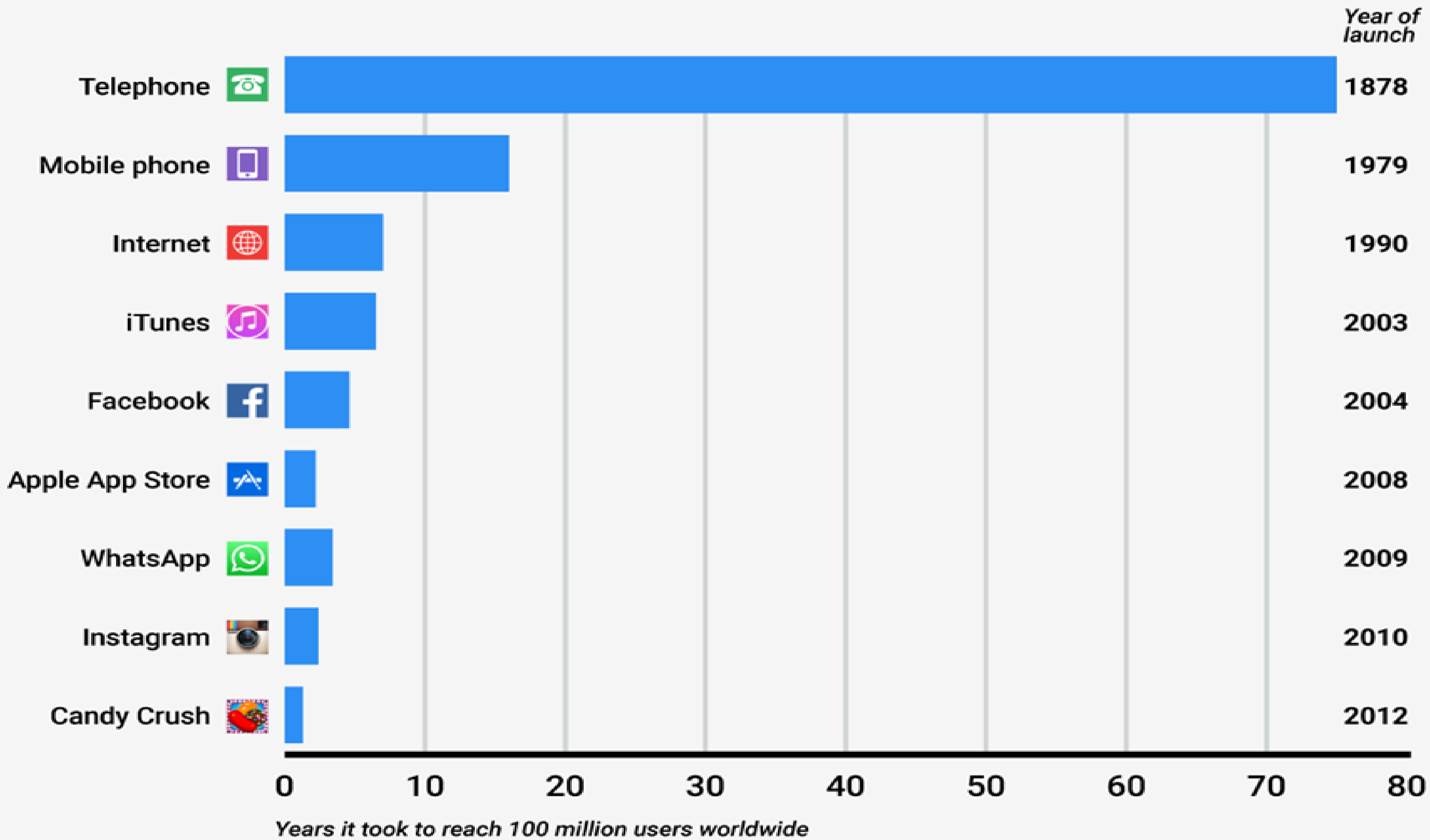
European Commission

Paramètres généraux pour l'environnement réglèmentaire…

- ***Comprendre, analyser et définir.*** Importance des économistes, des universitaires, des structures publiques.
- ***Un potentiel encore largement inachevé:*** *moteur du développement des plates-formes ne tourne pas encore à fond:* Iot, data, demande sociétale.
- ***Une capacité disruptive qui ne concerne pas que la concurrence économique: mais aussi les règles et les structures*** *: impose de revenir aux sources et aux fondamentaux des règles existantes*
- ***La rapidité des changements***

European Commission

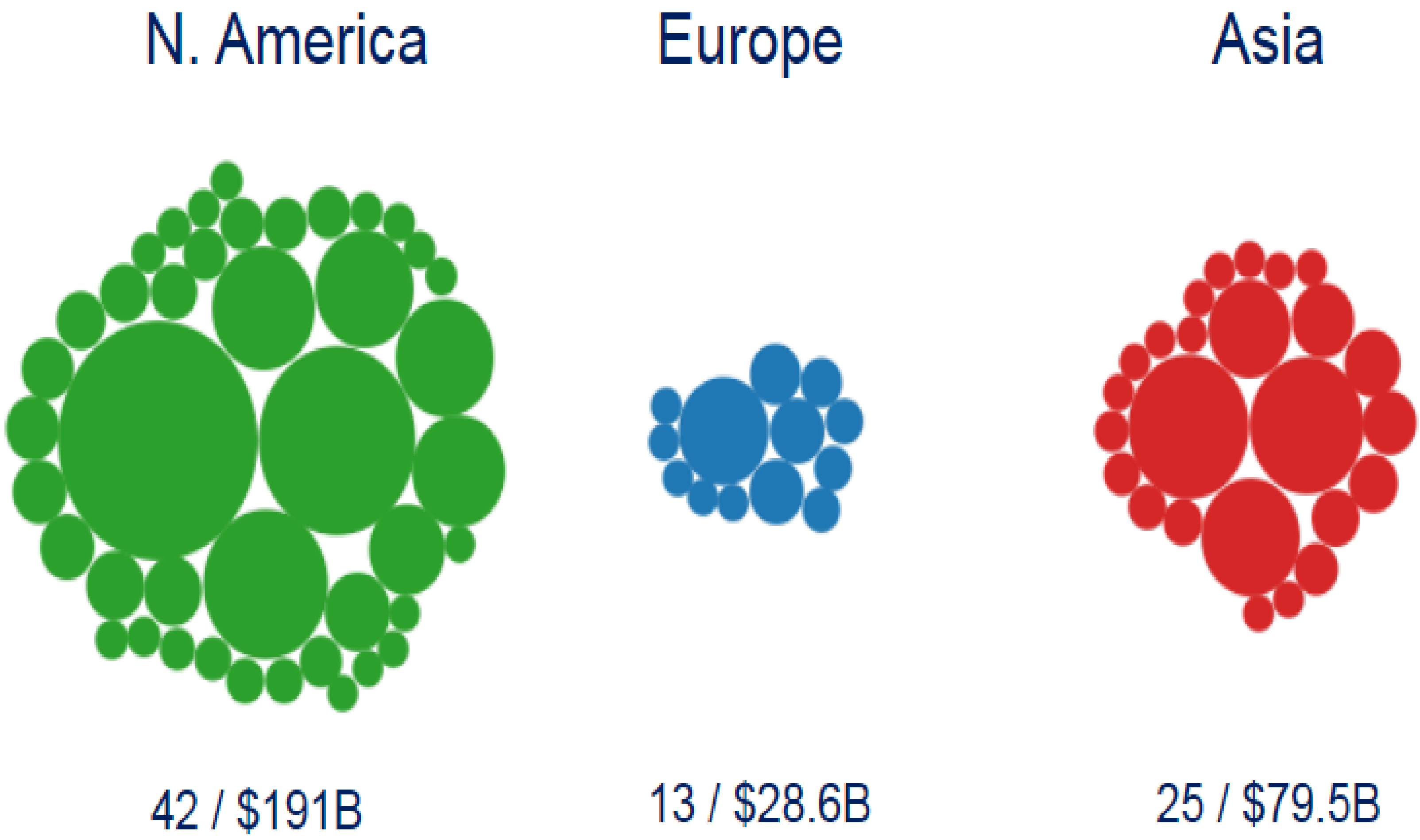
HOW MUCH TIME IT TOOK TO REACH 100 MILLION USERS WORLDWIDE



SOURCE: Boston Consulting Group ITU; Statista; BCG research; mobilephonehistory.co.uk; Scientific American, Internet Live Stats; iTunes; Fortune; OS X Daily; VentureBeat; Wired; Digital Quarterly; TechCrunch; AppMtr.com

BUSINESS INSIDER

Défi 1: attirer et assurer le développement de plates-formes en Europe...



Défi 2: Confiance…

- *Plus de 90% des Européens disent qu'ils veulent les mêmes droits de protection des données dans l'UE - et peu importe où leurs données sont traitées.*

- *81% des Européens estiment qu'ils ne disposent pas d’un contrôle total sur leurs données personnelles en ligne - Eurobaromètre 2015.*

- *Une grande majorité des Européens (69%) souhaite donner leur approbation explicite avant la collecte et le traitement de leurs données personnelles - Eurobaromètre 2015.*

- *Seulement 24% des Européens ont confiance dans les entreprises en ligne telles que les moteurs de recherche, les réseaux sociaux et les services de messagerie. - Eurobaromètre 2015.*

Défi 4: Level playing field

Les plates-formes offrent des services comparables à ceux d'entreprises traditionnels sans être régués de la même manière

- Les service OTT sont de plus en plus des substituts aux services de communication classique.
- Les messages via OTT (Skype etc) devraient représenter 90% du marché des messageries en 2020

Assurer que des services digitaux comparables soient sujets à des règles similaires…

...tout en évitant d'imposer des contraintes disproportionnées à de nouveaux business models.

- Revue des Telecom [septembre 2016]
- Revue de la directive ePrivacy [début 2017]

Défi 4: Responsabilité des plates-formes

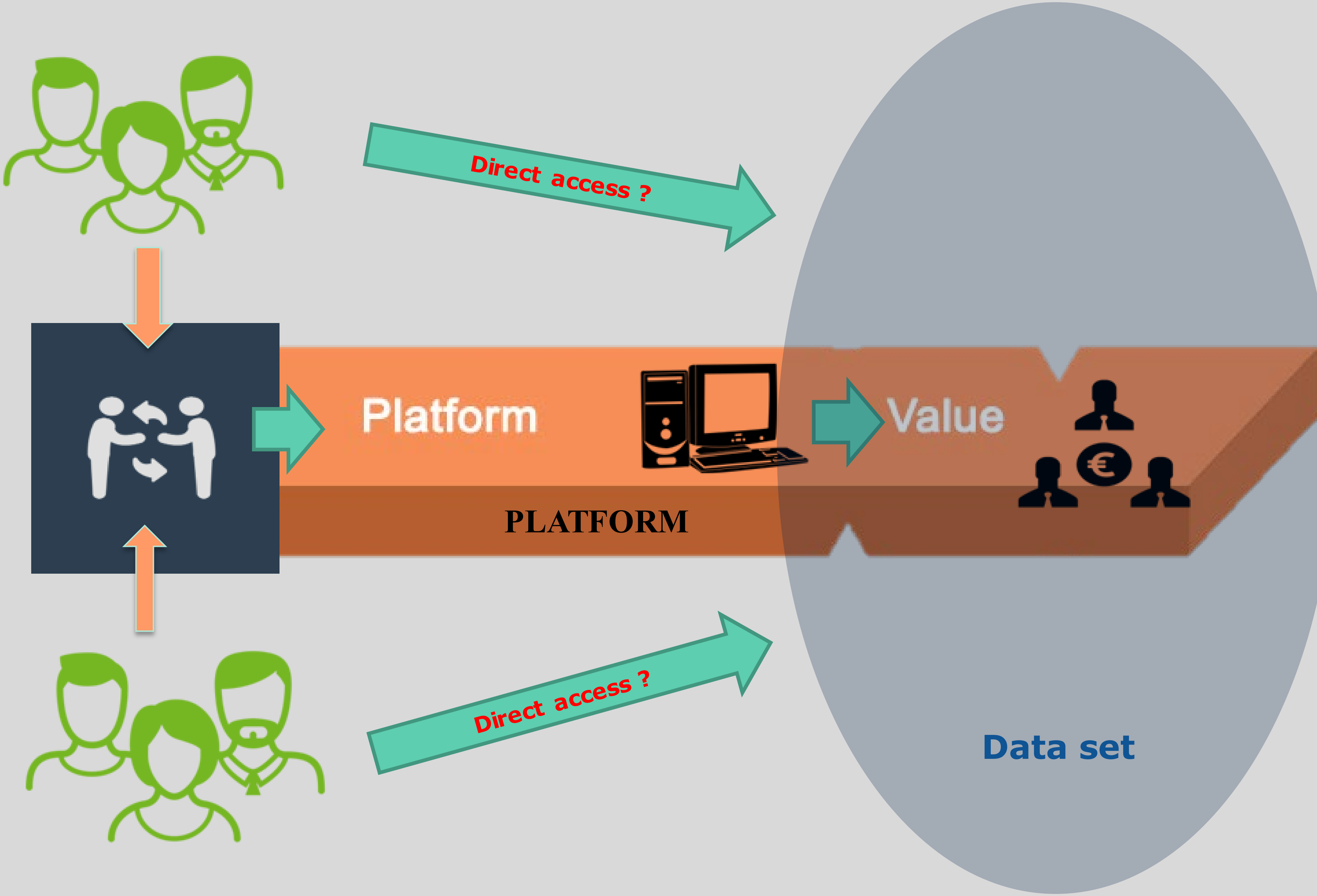
La place centrale des plateformes pour l'accès aux informations, pose la question de la responsabilité des plates-formes à l'égard des transactions et de la gestion de l'information

- 2015: Google a reçu 100,000 demande de retrait de liens vers des contenus illégaux par heure
- 2015: au RU, la fondation Internet Watch a identifié 68.092 URLs avec un contenu pédopornographique

Il importe de maintenir un régime de responsabolité équilibré et stable, tout en conduisant des ajustements sectoriels:

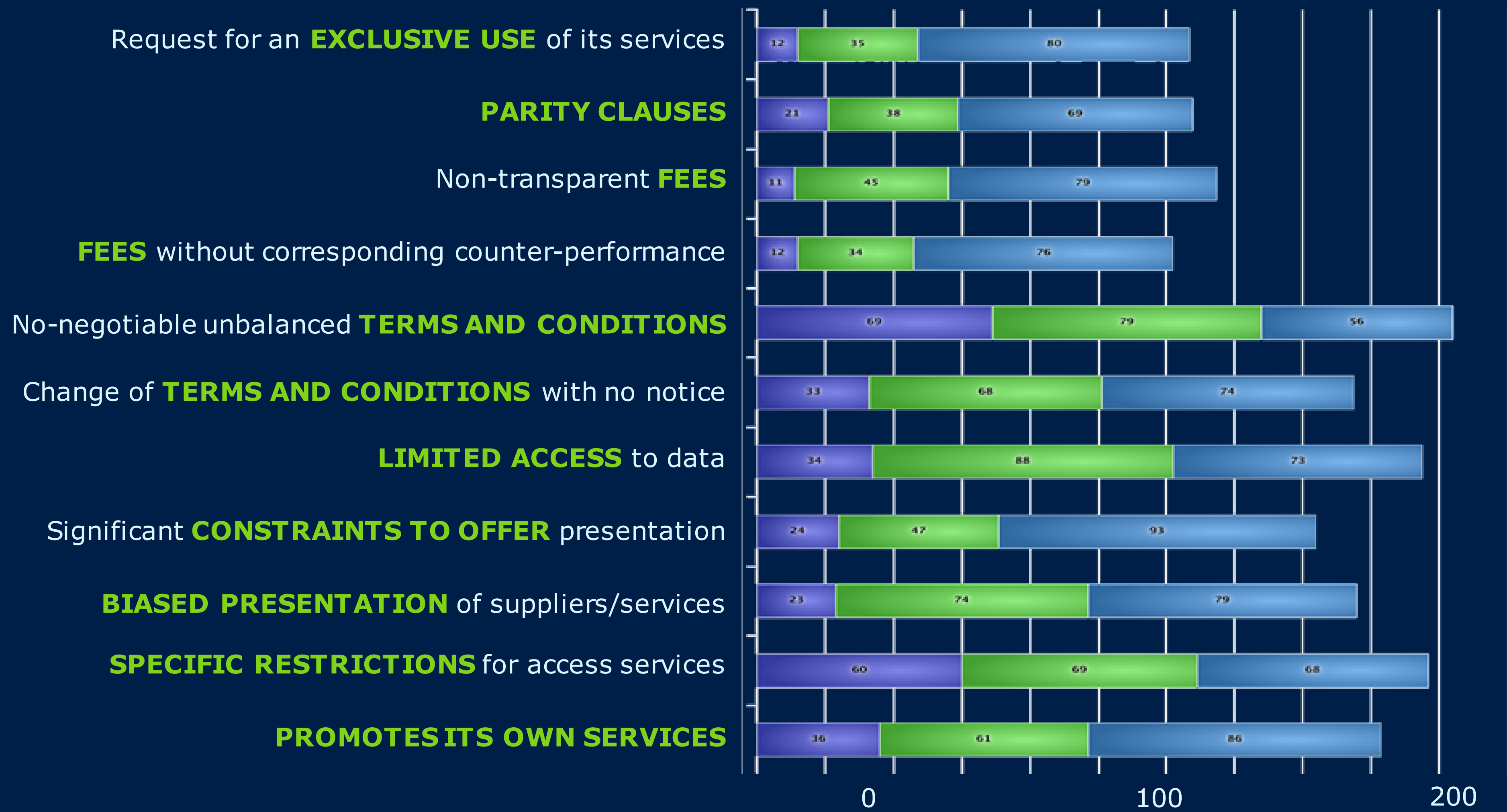
- Réforme des règles de la directive sur les médias et services audiovisuels [25 mai 2016]
- Droit d'auteur [septembre 2016]
- Encourager les efforts d'auto-/co-régulation

Défi 5: l'accès aux données



Direct access ?
Platform
Value
PLATFORM
Direct access ?
Data set

Défi 6: les pratiques déloyales



* Results from PC 2015


OnlinePlatforms
Data
Value
Search
eMarketPlace
Facilitate
Connect
Information
Advertising
SocialMedia
Trust
eCommerce
Responsibility
MobileOS
Transparency
DigitalEconomy

First address of Theodore Roosevelt, 3 December 1901

"The tremendous and highly complex industrial development which went on with ever accelerated rapidity during the latter half of the century brings us face to face, at the beginning of the twentieth, with very serious social problems. The old laws … are no longer sufficient….

The captains of industry have built up our commerce, who have developed our manufactures, have on the whole done great good to our people….

The mechanism of modern business is so delicate that extreme care must be taken not to interfere with it in a spirit of rashness or ignorance. …

An additional reason for caution in dealing with corporations is to be found in the ***international commercial conditions****, it is of the utmost importance that America's commanding position be not jeopardized…*

All this is true; and yet it is also true that there are real and grave problems, and a resolute and practical effort must be made to correct them….

The first requisite is ***knowledge, full and complete--knowledge which may be made public to the world****. In the interest of the public, the Government should have the right to inspect and examine the workings of the great corporations engaged in interstate business….*

MORE INTEGRATED NETWORKS, PRODUCTS AND SERVICES

Access

e-commerce

parcel delivery

geo-blocking

VAT

Environment

telecoms and media

online platforms

security and personal data

Economy and Society

data economy

standards

skills and e-government

Investment and data driven economy …

- *By 2020, there will be 26 billion connected devices and 70 percent of people will own a smartphone. 5G will be the backbone of the EU Digital Single Market,*

- *Digitization of products and services can add more than **€110 billion of annual revenue** in Europe in the next five years.*

- *The market value of the IoT in the EU is expected to exceed **one trillion euros in 2020**.*

- *The value of the value of European citizens' personal data has the potential to grow to nearly **€1 trillion annually by 2020.***

Le développement des plates-formes …

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Digitizing European Industry

- Massive investment of **50 bn €** over the next five years
- In particular **6,7 billion** on high power computing and cloud infrastructures
- The EU will invest up to **€450 million** in this partnership, under its research and innovation programme Horizon 2020. Cybersecurity market players are expected to invest three times more.
- Invest **€500 million** in a pan-EU network of **digital innovation hubs** where businesses can test digital innovations.
- Set up **large-scale pilot projects** to strengthen **Internet of Things**, **advanced manufacturing** and technologies in **smart cities and homes**, **connected cars** or **mobile health services**.
- Adopt legislation that will support the **free flow of data** and clarify **ownership of data** generated by **sensors** and **smart devices**. The Commission will also review rules on **safety** and **liability** of **autonomous systems**.

http://europa.eu/rapid/press-release_IP-16-1407_en.htm

New harmonized rules on Data protection …

- ***One continent, one law**: a single, pan-European law for data protection, replacing the current inconsistent patchwork of national laws. Companies will deal with one law, not 28. The benefits are estimated at €2.3 billion per year.*

- ***One-stop-shop:** a 'one-stop-shop' for businesses: companies will only have to deal with one single supervisory authority, not 28, making it simpler and cheaper for companies to do business in the EU.*

- ***The same rules for all companies** – regardless of where they are established.*

- ***Data protection by design and by default**: 'Data protection safeguards will be built into products and services from e.g. on social networks or mobile apps.*

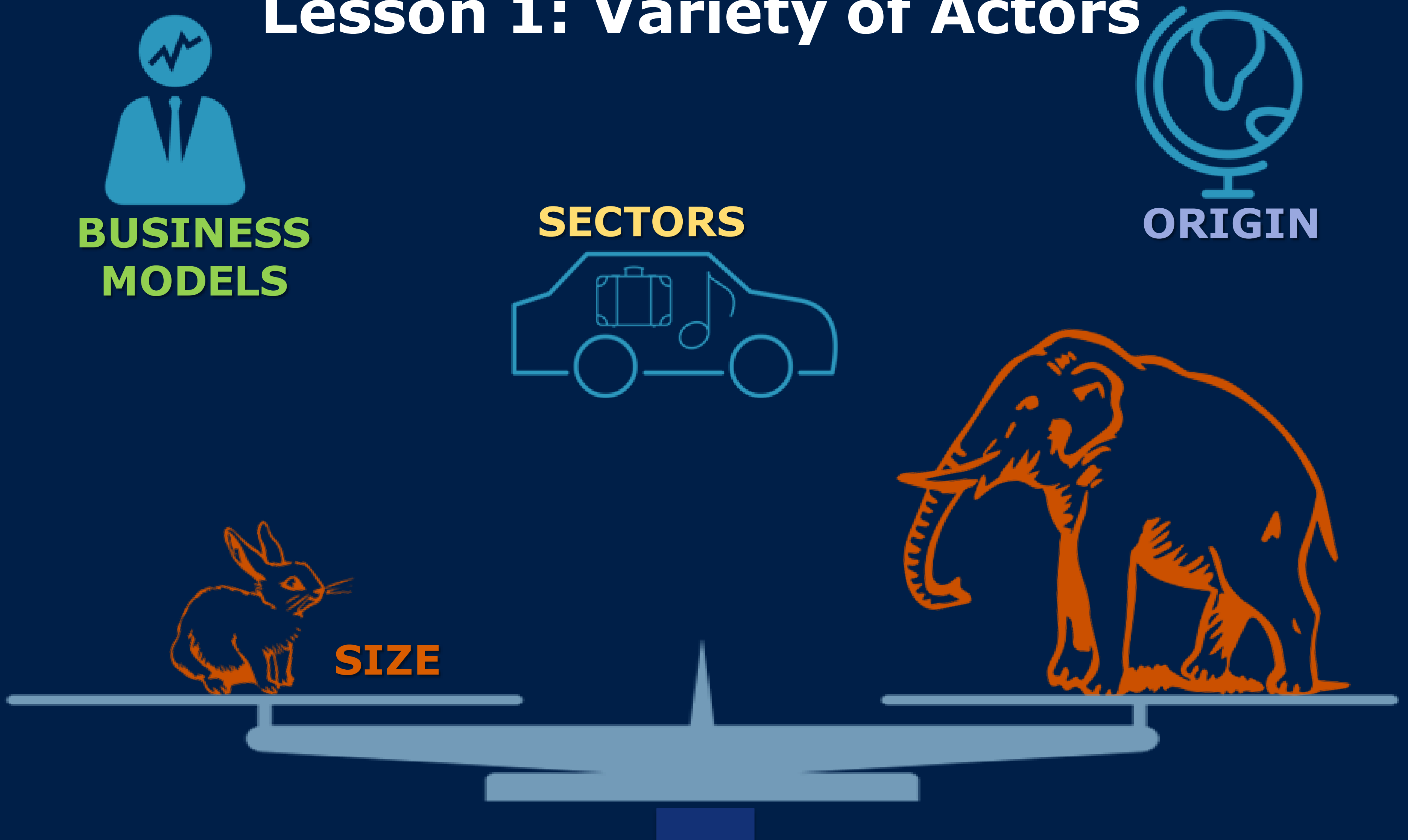
- *A **"right to be forgotten** when an individual no longer wants her/his data to be processed*

A few facts…

- *Platforms are the most visited websites in the world: top 10 platform account for 75% of internet visits*
- *In the first quarter of 2016, 85 cents of every new dollar spent in the US on online advertising went to Google and Facebook.*
- *The number of Facebook users outpaced China's population (1.35B)*
- *BlaBla car is Europe's largest ridesharing service counts more than 30 million members in 22 countries and facilitates trips by two million people every month with rocketing growth.*

Comprehensive Assessment of the Role of Online Platforms

Lesson 1: Variety of Actors



European Commission

EUR 140 milliards
Liés au temps économisé par les moteurs de recherche

Stimule l'innovation

Forefront of developments
virtual reality, self-driving cars
IoT, Big Data, AI

Bénéfices pour les consommateurs

Benefices des plates-formes

Benefits pour l'économie

EUR 195 billion
global economic impact of Facebook as a catalyst for economic activity

Benefices Pour la société

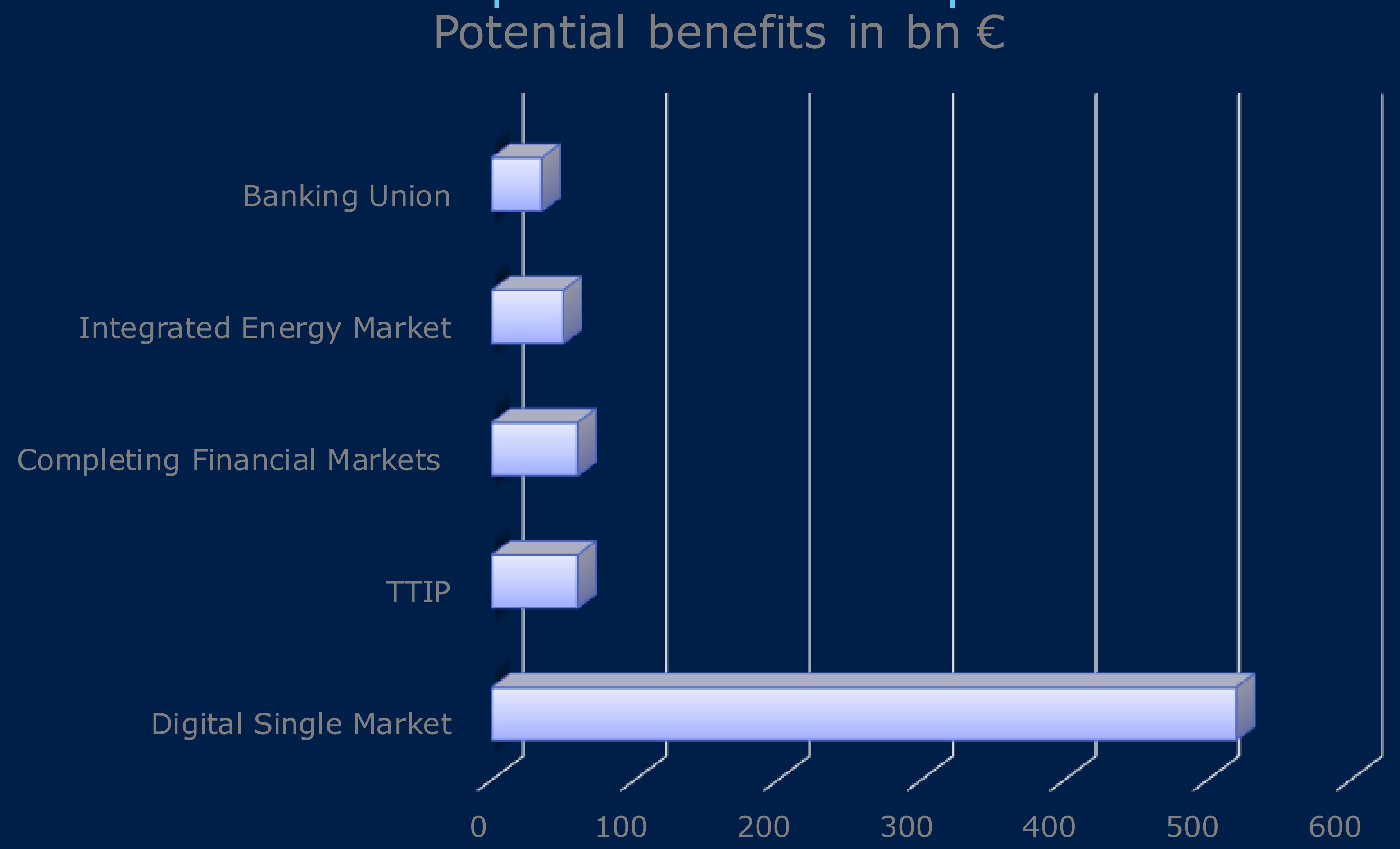
Up to 75%
reduced recruitment costs for employers

Europe's Position

Strong Competitive Position

- Many of the MS rank highly in the technological readiness index
- Over 77% of the EU population use internet - significantly above the world average
- EU companies made 17.5% of their turnover from electronic sales in 2015 (2.5% increase)
- 61% of European SMEs use social media to develop their company's image in 2013
- EU developers accounted for 42% of global consumer app revenue

Le marché unique du numérique (DSM) et la croissance potentielle en Europe

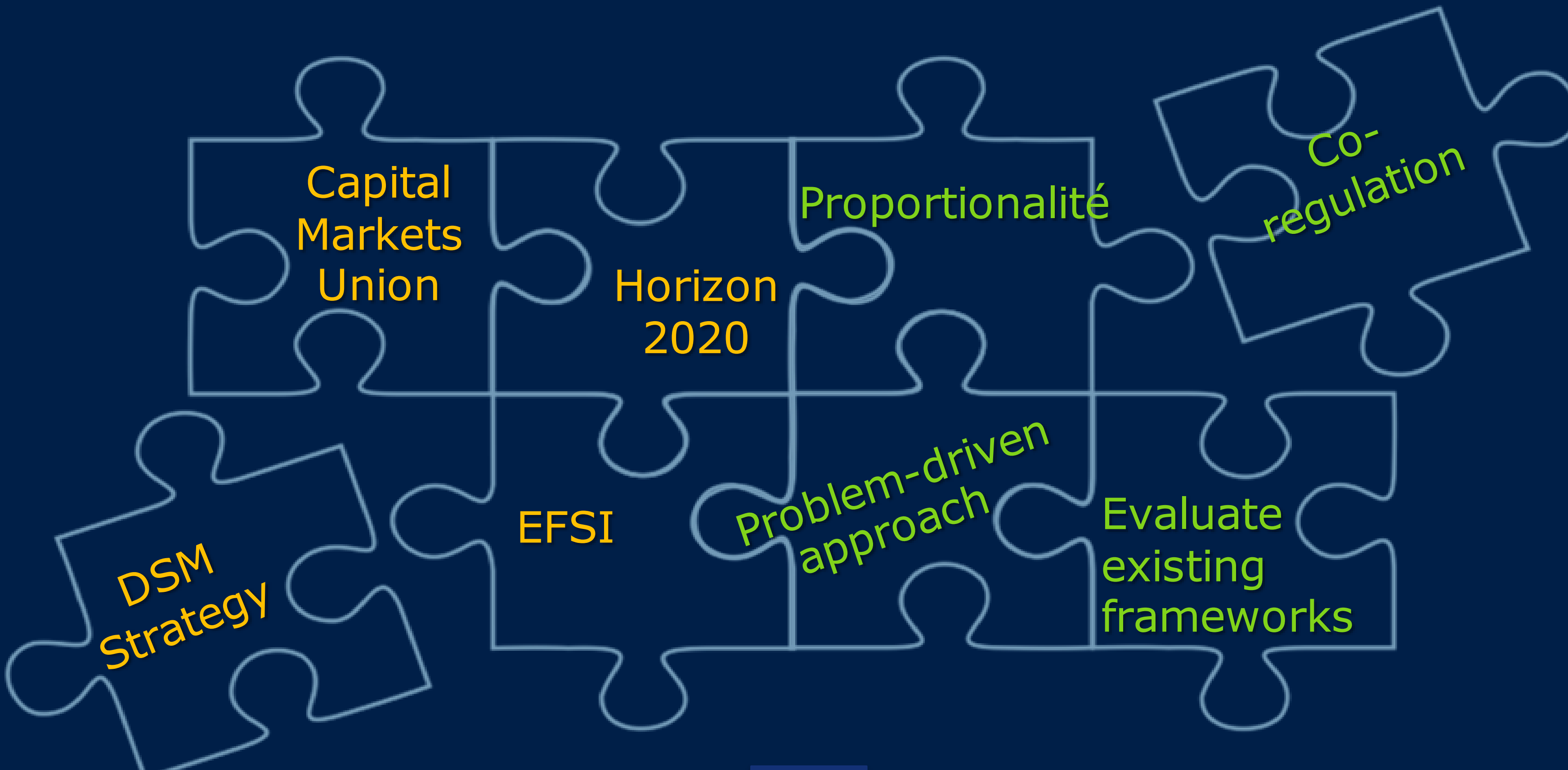


Source: Mapping The cost of non-Europe, European Parliamentary Research Service, March 2014

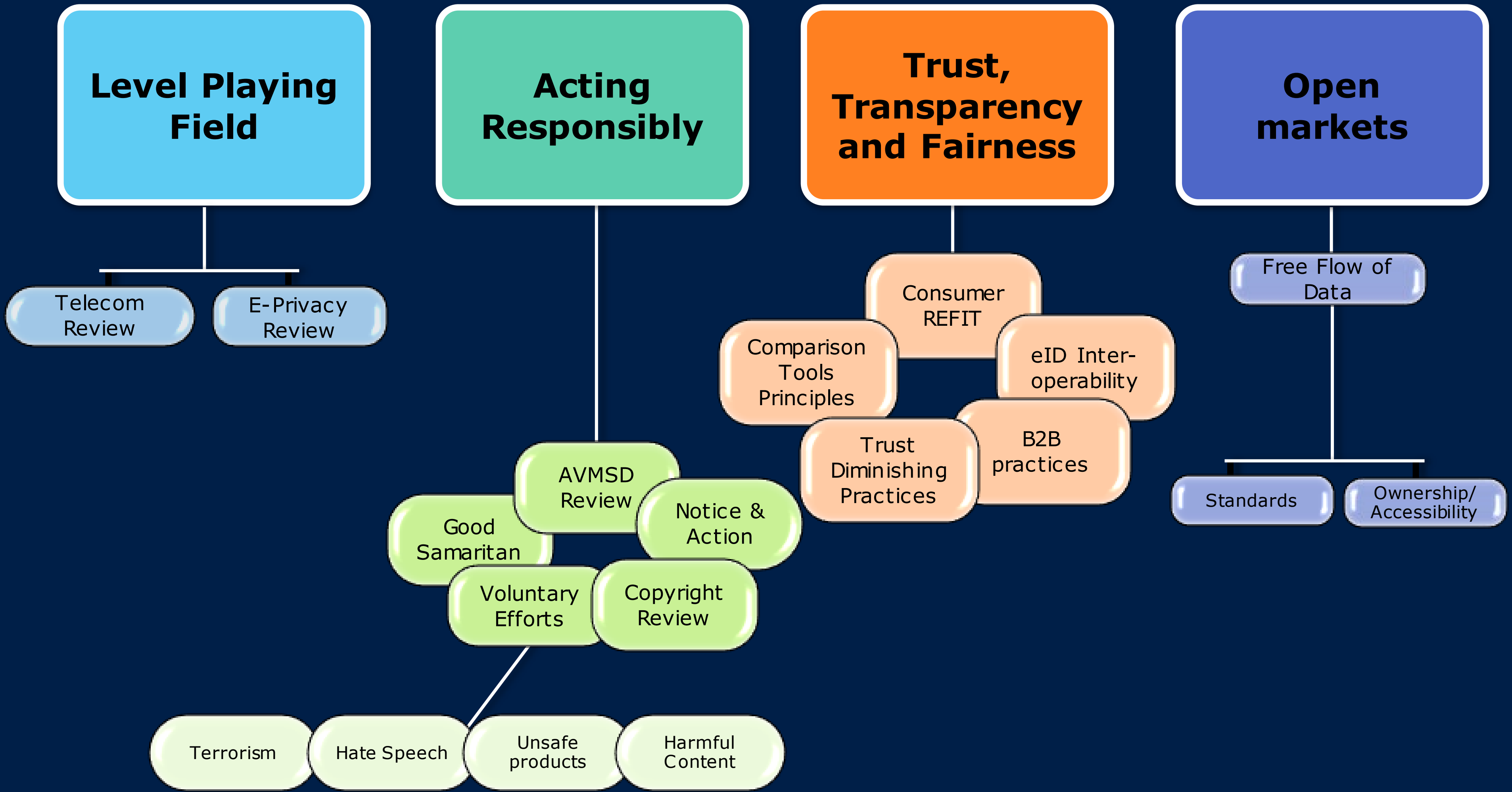
L’approche européenne

mbrasser la révolution des plates-formes

… et s’attaquer aux défis spécifiques



Four Principles



Level Playing Field

Acting Responsibly

Trust, Transparency & Fairness

Open Markets

CONSUMERS & CITIZENS

Users are concerned about transparency and data collection

- 56% of Internet users do not read platforms' terms and conditions
- 75% of the public believe more transparency is needed on platform remuneration

The Commission will consider measures to build consumer trust and safeguard principles of competition, innovation and consumer protection.

- Revision of the Consumer Protection Cooperation Regulation
- Guidance on the Unfair Commercial Practices Directive
- Encouraging voluntary efforts to prevent trust-diminishing practices e.g. tackling fake or misleading reviews

Level Playing Field | Acting Responsibly | Trust, Transparency & Fairness | Open Markets

BUSINESS TO BUSINESS

Businesses are concerned about the behaviour of platforms

- 9/10 respondents believe B2B relations between platforms and suppliers should be improved
- 80% believe that a mix of regulatory and non-regulatory actions are needed.

The Commission will launch a fact-finding exercise on B2B practices and by spring 2017 it will determine whether additional action is needed. It will:

- Map out the extent of problems raised in the consultation
- Examine potential means of redress beyond competition law e.g. voluntary dispute resolution mechanisms & transparency

Level Playing Field

Acting Responsibly

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Open Markets

Keeping markets open and non-discriminatory to foster a data-driven economy

- Majority of users see the need for strengthening the capacity of online platforms to address switching.
- Many businesses expressed concerns about changing condition to access platforms' APIs

As part of the **Free Flow of Data Initiative** [scheduled for the end of 2016] the Commission will:

- Consider ways to facilitate switching and portability of data among platforms
- Examine potential barriers to a single EU data market eg. legal uncertainties over the ownership and usability of data