

SUBJECT DETAILS

Data on the subject	
Name	EU Regulation on New Business Models and the Sharing Economy
Degree	Postgraduate in Master in International and European Business Law
Year	2018-19
Semester	Spring
ECTS Credits	10 hours (1 credit)
Department	Law
Area	Law Faculty

Data on the teaching staff	
Professor	Jaime Zarzalejos Herrero
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Office	
Tutoring Schedule	Upon request from students

CLASS DESCRIPTION

The digital age has brought a paradigm shift in business models. Today, the world's largest taxi firm does not own cars. The world's most popular social media company does not create content. The world's major retailers, have no stock and one of the world's largest accommodation provider does not own properties.

As any other paradigm shift, it raises questions Are these new companies service providers; thus, regulated under their sector-specific regulations? Are there just mere digital platforms that provide intermediary services; thus, regulated under the electronic commerce regulations? What are the different interests at stake? Consumers, and traditional service providers are just some them. A deep understanding of each of these new companies' business models is crucial when answering these questions.

A "new game" requires new rules which is what will be addressed in this class. Whether you want to provide corporate counsel, to start your own business or be involved in policy making processes, this class will provide you with the necessary tools to critically asses the regulatory implications of these digital-based new business models and of the sharing economy.

SPECIFIC DATA ON THE SUBJECT

Pre-requisites
None
Contribution of the degree to the professional profile
<ul style="list-style-type: none">• Conceptual (knowing): This subject will provide students with a general knowledge of the normative framework and the main challenges of EU regulations on new business models. In particular, the students will review the most up to date EU regulations with a multidisciplinary approach (legal aspects of EU information society services, EU Internal market services regulations and competition legal aspects of new business models).• Procedural (doing): The students will develop the type of skills required to work in law firms, corporations or public institutions. The aim is to provide students with the necessary tools to critically assess the latest EU regulatory framework on new business models from a practical perspective and its future development.• Professional (knowing how): The students will have to produce reports and defend their cases in the same way as in a professional environment.

SKILLS TO BE IMPROVED

Generic Competences
GC 2: Ability to communicate orally and in writing GC 4: Problem-solving skills GC 5: Decision-making skills GC 6: Team work skills GC 7: Ability to work in an international context
Specific competences of the subject
SC 2 - Mastering the rules of EU law and international law that are relevant to international business development.
SC 14 – Developing practical skills, especially in negotiation of contracts and complex disputes, and developing legal audit or due diligence abilities.

THEMATIC AREA AND CONTENT

SESSION 1	<p>Class Topic: Introduction to new business models and the sharing economy</p> <p>Activities in class:</p> <ol style="list-style-type: none">i. Presentation by the professor of sessions and explanation of the Syllabus and Q&A (30 m).ii. Presentation by the professor of session 1: Introduction to new business models and the sharing economy (90m)iii. Debate about the irruption of new business models and the sharing economy (30m) <p>Readings:</p> <ul style="list-style-type: none">• ‘Scoping the Sharing Economy: Origins, Definitions, Impact and Regulatory Issues’. Cristiano Codagnone and Bertin Martens, Institute for Prospective Technological Studies Digital Economy Working Paper 2016/01. JRC100369 (25 pages)• ‘An economic review on the Collaborative Economy’, Georgios PETROPOULOS, Policy Department A (2016) (32 pages).
SESSION 2	<p>Class Topic: EU Regulatory framework on new business models and the sharing economy</p> <p>Activities in class:</p> <ul style="list-style-type: none">• Presentation by the professor of session 2: EU Regulatory framework on new business models and the sharing economy (70 m).<ol style="list-style-type: none">a. EU regulation on the internal market.b. EU regulation on information society services.c. EU competition issues of new business models and the sharing economy.• Presentation Case C-434/15. Asociación Profesional Elite Taxi v Uber Systems Spain, SL. (30m).• Debate about the case and regulatory implications (30m). <p>Readings:</p> <ul style="list-style-type: none">• Directive 2006/123/EC of the European Parliament and of the Council of

	<p>12 December 2006 on services in the internal market (suggested).</p> <ul style="list-style-type: none"> • Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 (Directive on electronic commerce) (suggested). • Opinion of Advocate General Szpunar delivered on 11 May in Case C-434/15: Asociación Profesional Elite Taxi v Uber Systems Spain SL. (mandatory) • Judgment in Case C-434/15: Asociación Profesional Elite Taxi v Uber Systems Spain SL. (suggested)
SESSION 3	<p>MULTIPLE CHOICE TEST:</p> <p>At the beginning of session 3 there will be a brief MCT covering lessons 1 and 2 (30m).</p>
	<p>Class Topic: New business models and the sharing economy in transportation.</p> <p>Activities in class:</p> <ul style="list-style-type: none"> i. Presentation by the professor of session 3 (90 m). <ul style="list-style-type: none"> a. Business model analysis: Overview of the sector, entry barriers and requisites to carry out transportation services, stakeholder mapping and regulatory concerns arising from new business models and the sharing economy within the transportation market. b. Regulatory analysis and comparative analysis within the EU. ii. Open debate regarding the regulatory challenges and regulations on the new business models and the sharing economy in transportation (20m)
SESSION 4	<p>Class Topic: New business models and the sharing economy in hospitality and tourism.</p> <p>Activities in class:</p> <ul style="list-style-type: none"> i. Presentation by the professor of session 3 (60 m). <ul style="list-style-type: none"> a. Business model analysis: Overview of the sector, entry barriers, stakeholder mapping and regulatory concerns arising from new business models and the sharing economy within the accommodation market. b. Regulatory analysis.

FINAL ASSESSMENT	FROM THEORY TO PRACTICE: Moot Trial (option 1)
	The class will be divided into different groups (claimant, defendant and judges). Each party will have to defend a case by submitting a statement of claim and the correspondent statement of defense. Once submitted, the parties will have to defend their cases orally before their fellow judges. At the end of the trial, the judges will have one week to pass a ruling.
	FROM THEORY TO PRACTICE: Case Simulation (option 2)
	The class will be divided into different groups. Each group will receive an email with doubts from either a new business model company or a traditional service provider. The groups will have to provide advice regarding the different regulatory concerns.
	FROM THEORY TO PRACTICE: Case Presentation (option 3)
	The class will be divided into different groups. Each group will have to present a new business model / sharing economy platform analyzing each of the points covered during the sessions (business model analysis, regulatory challenges and regulations and conclusions)

BIBLIOGRAPHY AND RESOURCES

Basic Bibliography
Regulations
<ul style="list-style-type: none"> • Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 (Directive on electronic commerce). • Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market.
Case Law
<ul style="list-style-type: none"> • Opinion of Advocate General Szpunar delivered on 11 May in Case C-434/15: Asociación Profesional Elite Taxi v Uber Systems Spain SL. • Judgment in Case C-434/15: Asociación Profesional Elite Taxi v Uber Systems Spain SL. • Mr Y Aslam, Mr J Farrar & others vs Uber B.V., Uber London Ltd. and Uber Britannia Ltd. Case Nos: 2202550/2015 & Others • Mr Y Aslam, Mr J Farrar & others vs Uber B.V., Uber London Ltd. and Uber Britannia

Other material

- [European agenda for the collaborative economy - supporting analysis \(COM\(2016\) 356 final\)](#).
- [‘An economic review on the Collaborative Economy’, Georgios PETROPOULOS, Policy Department A \(2016\)](#).
- [‘Tourism and the sharing economy’, Maria Juul, European Parliamentary Research Service \(2017\)](#).
- [‘Scoping the Sharing Economy: Origins, Definitions, Impact and Regulatory Issues’. Cristiano Codagnone and Bertin Martens, Institute for Prospective Technological Studies Digital Economy Working Paper 2016/01. JRC100369](#)
- [‘Unlocking the sharing economy. An independent review’, Debbie Wosskow, Department for Business, Innovation and Skills \(2014\)](#)

TEACHING METHODOLOGY

General methodological aspects of the subject

Contact hours methodology: Activities

The format followed for this class will not only be a series of lectures, but a discussion and general participation by the students commenting on the suggested regulations, judgements and materials. Students will have to intervene in the discussion and their participation will be taken into account in the final evaluation

Independent study methodology: Activities

Reading materials and preparation of the cases.

SUMMARY OF STUDENT WORK HOURS			
Activity	Number of class hours	Number of independent study hours	Total number of hours
Lecture	7,5	5	
Practical class and debate	1		
In class presentation	1,5	5	
Individual work	-		
Work in collaboration	-	2	
Evaluation: one-minute paper	-		
Evaluation: class test		3	
Evaluation: exam	-		
Evaluation: exam review	-		
Others	-		
ECTS Credits:	10	15	25

GRADE EVALUATION AND CRITERIA

ACTIVITIES	SKILLS	INDICATORS
Multiple Choice Test	GC 2: Ability to communicate orally and in writing GC 4: Problem-solving skills GC 5: Decision-making skills GC 6: Team work skills GC 7: Ability to work in an international context SC 2 - Mastering the rules of EU law and international law that art relevant to international business development.	<ul style="list-style-type: none"> • Capacity of analysis, prioritization of right content, ability to find solutions. • Oral presentation skills, and clarity of statements and content presented. • Logic and persuasiveness of the student’s arguments, reactiveness to other ability to listen. • Team spirit and cooperative attitude within the class group.
Debate	GC 2: Ability to communicate orally and in writing GC 4: Problem-solving skills	<ul style="list-style-type: none"> • Class participation and preparation of class materials.
Final Assessment	GC 2: Ability to communicate orally and in writing GC 4: Problem-solving skills GC 5: Decision-making skills GC 6: Team work skills GC 7: Ability to work in an international context SC 2 - Mastering the rules of EU law and international law that art relevant to international	<ul style="list-style-type: none"> • Degree of assimilation of course contents.

	business development. SC 14 – Developing practical skills, especially in negotiation of contracts and complex disputes, and developing legal audit or due diligence abilities.	
Attendance		<ul style="list-style-type: none">• Regular attendance to classes