

Dynamic development of information and communication technologies, which we are experiencing on a daily basis, has had a clear impact on the market reality by boosting innovation in products, services and business models and promoting their greater internationalisation. This results in a growing diversity of actors active in the electronic market and their forms of activity. Preliminary research suggests that in the digital world the hitherto clear boundaries are becoming increasingly blurred and traditional divisions and roles appear to be much more difficult to determine than in the analogue reality. New types of online platforms present a serious challenge to existing business models and regulatory approaches that we have applied to date. Among this broad spectrum of market players a specific category of platforms has captured my attention, namely the so-called collaborative economy platforms, also referred to as sharing economy platforms. Their primary role is simple: they provide non-professional users with a necessary infrastructure to communicate and conclude contracts under which they agree the share underutilised assets (objects, time, skills) for monetary benefits.

Collaborative economy has experienced a rapid rise in popularity among consumers in the recent years, which is clearly evidenced by available data. By way of illustration, Airbnb, an online platform established in 2008, has already managed to create a community of more than 60 million users, and it has surpassed 2 million listings worldwide. Annual revenues of the company, which does not offer a single room itself, are estimated at \$ 1 billion. With its \$ 20 billion valuation, Airbnb is currently the third most valuable company in the hospitality sector – after Hilton and Marriot. Another popular platform based on a similar business model has recently raised a storm of controversy, namely the American company Uber. Although it can be argued whether its activity can indeed be qualified as collaborative economy, it has certainly exerted a significant impact on passenger transportation and triggered a debate about the future of the sector.

Due to the growing popularity of collaborative economy platforms it is crucial to examine whether their current regulatory environment provides us – consumers with the necessary protection. It should therefore be considered how the current legislation, in particular consumer protection laws, would apply to these types of business models. The aforementioned analysis will serve as a starting point for reviewing the adequacy of existing provisions and drawing lessons for the future.

Based on my preliminary research I have identified key problem areas related to the functioning of collaborative economy platforms, which will be further explored in the course of this project. One of the basic research objectives is to assess the nature of legal relationships established through these platforms and to define particular rights and obligations resulting therefrom. The difficulty of this task arises from the multi-sided character of transactions conducted on these platforms. It is questionable, among other things, whether the platform operator should be regarded as a party to agreement concluded between users or just as an intermediary, which is highly relevant to the assessment of his potential liability. In some circumstances also the status of users – especially those supplying goods or services through collaborative economy platforms – may be subject to different interpretations.

Equally significant questions refer to the protection of fair competition in the market. Novel businesses based on advanced technological solutions often manage to circumvent existing legislation and associated regulatory burden and therefore pose a serious threat to the position of incumbents. In order to maintain the delicate balance between new and traditional business models as well as provide consumers with adequate protection while not depriving them of the benefits provided by collaborative economy, further research into this question is necessary.

Due to the inherently global dimension of challenges associated with the digital market it is crucial that the aforementioned analyses are carried out from a broader perspective. For this reason I have opted for a comparative study, in which four legal systems have been included, namely the Polish, German, European and American one. The choice of European Union law is justified by its particularly high involvement in consumer transactions while the fundamentally different, liberal approach of American law will be examined by way of comparison. A deeper look into German legislation is considered significant, because of a widespread popularity of peer-to-peer transactions among German consumers as well as comparatively rich case law concerning the legal implications of different online platforms.