



• Interview with Werner Stengg

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Lexxion. What do you advise companies to focus on in the period before the new Regulation comes into force? What should be at the top of their preparation to-do list?

Werner Stengg – First, on timing: the Regulation will enter into force around summer 2019; companies (and MS) will then have 12 months to adapt their operations. The two main things they will have to do are:

- 1) Revise their Terms and Conditions in line with the Regulation. They should be written in clear and unambiguous language, and inform the business users about all issues listed throughout the Regulation. This is mainly a one-off obligation (i.e. getting T&C in order), but of course they will have to be kept up to date later on.*
- 2) For those intermediation services exceeding the threshold, an effective complaints-handling mechanism needs to be put in place and operated. The requirements for that are of course listed in the Regulation.*

L. There have been some concerns about the scope of the Regulation – that the definition of online intermediation services might exclude some major online platforms because it's limited to 'information society service'. Do you think there is such a gap?

WS. No. The notion of «information society service» is a very broad one (already used in the E-Commerce Directive), and was meant to ensure that this Regulation is limited to intermediation services operating «online» (= platforms).

L. Do you think the Regulation goes far enough in correcting the power balance between business users and platforms? For example, what is your view on requiring platforms to disclose their ranking and filtering mechanisms to authorities?"

WS. Whether it goes «far enough» is a value judgment, and there is hence no right answer to this question. We deliberately designed it as a light-touch Regulation, focusing on transparency at this stage, because it covers more than 7500 very different platforms across Europe, with very different characteristics. Also, we focused on «business-to-business» relations, as these were at the center of our problem analysis (i.e. imbalance in bargaining power between intermediaries and those business users that depend on them). We therefore did not try to solve any other issues here, such as transparency obligations towards public bodies.