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France: An Ecosystem Favourable to the Development of the Sharing Economy

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Abstract

This chapter reports the situation of the sharing economy in France. The sharing economy has been a topic of interest in France for several years, with researchers, associations, think tanks, companies, and even the government writing reports and memos about the phenomenon and mapping the key actors of the field.

Keywords: Collaborative Consumption, Do-It-Yourself, Carpooling, Cooperatives

Introduction

The collaborative economy has been a topic of interest in France for several years, with researchers, associations, and the government writing reports and memos about the phenomenon and the key actors of the field. We guess this importance is due to an ecosystem that is favourable to the development of alternative ways of consumption and to the formation of critical discourse.

Historically, cooperatives have been very important in France, and the French cooperative movement is one of the most important in the world. Started by its members in 1968 as “Groupement national de la coopération” (GNC), Coop FR (www.entreprises.coop) is today the voice of more than 23,000 French cooperative businesses in every sector and their one million employees. In 2014, their combined turnover was nearly 307 billion EUR, including subsidiaries. 26.1 million members participate in the democratic governance of cooperative businesses. They are strongly rooted regionally, with 73% of the headquarters located in the regions outside Paris.

France also has a long tradition of analysing the way the Internet is impacting our daily lives. For instance, the FING (Fondation Internet Nouvelle Génération—www.fing.org) is a non-for-profit organization acting as a think tank, based in Paris for 18 years. Fing helps businesses, public sector institutions and local communities to anticipate changes inspired by technology and its uses and to open up their innovation

processes. Its 300+ members include large corporations as well as start-ups, research labs, public entities, universities, trade associations. Another important actor in this analysis of the use of the Internet is Ouishare (<http://ouishare.net>), a non-profit organization founded in January 2012 in Paris whose mission is to “build and nurture a collaborative society by connecting people, organizations, and ideas around fairness, openness, and trust.”

This rich ecosystem is constantly evolving, and far from the market leaders such as Uber or Airbnb, a lot of start-ups, supported by very favourable legislation, offer shared services.

In France, a large part of the population has experienced the sharing economy; according to a study carried out by Consumer Science and Analytics (CSA) Research for Cofidis (Compagnie financière de distribution; a company offering online credit solutions; www.cofidis.fr/fr/decouvrir-cofidis/actu-presse/etude-csa-francais-et-consommation-collaborative.html), 81% of the French population have offered at least once a collaborative service: putting a second-hand product on sale, offering the rental of his car or his apartment. However, they are only 28% to do it regularly. This trend is mostly driven by the youngest: 92% of 25–34-year-olds are "actors" of this new economy. "Actor" profiles are also found among the higher socio-professional categories (83%).

Buying or reselling products on the Internet is now widely used by French people: more than seven out of ten have already used this practice. In detail, they are 76% to have bought a used product and 71% to resell it. This practice is especially prevalent among young generation Y; it affects 84% of 25–34 years on the purchase, and 79% of them on resale. An upward trend of eight points in both cases for the whole population compared to 2015.

The “Do-It-Yourself” movement is a constant trend, popular especially among the youngest; if more than one French out of 5 or 22% have already achieved one of these products, it is more than 1 in 3 (36%) among 25–34 years. A practice that aims to ensure the quality of products (for 13% of cases) and especially, of course, to save (54%). A trend that concerns more the higher socio-professional categories which are 28% to make themselves products of beauty and maintenance.

Carpooling is a practice that is becoming widely popular in France. If nearly 1 in 3 French people have already car-pooled as a passenger (29%) or as a driver (30%), this represents a real alternative to other means of transport for the youngest, between 25 and 34 years old. They are already 50% to have used it as a passenger and 46% as a driver. Again, a trend that affects the higher socio-professional categories: 39% have already used their car to carpool and 38% to enjoy themselves as passengers.

The use of private chauffeur services such as Uber, LeCab or Heetch are practices that remain very Parisian (32% followers in Île-de-France vs 11% in the region), but which particularly appeal to young people aged between 25 and 34. 28% use them across France.

The rental of vehicles between individuals is rather marginal, 8% of the French have already used a rental car belonging to an individual, and 7% have already offered their vehicle to rent. Young people (25–34 years old), once again, seem the fondest of this practice. They are 21% to have already appealed, in both roles and 13% among the higher socio-professional categories.

Renting a private apartment for the weekend or holidays with an Airbnb type platform has already attracted 1 in 4 French or 25% of the population. This new way of travelling is even more marked among young adults (25–34 years old); they are today 54% to use this practice. Still in second place, the higher socio-professional categories: they are 38% to use these platforms for their stays. Fewer French people, however, rent their homes. Only 7% of them have already offered their property for rent, and 13% of the higher socio-professional categories. Even if the proportion remains slim, young people still seem more inclined: 1 in 5 lends itself to this exercise or 20% of 25–34 years.

Collaborative consumption practices are primarily concerned with saving money. This is the first reason mentioned by 87% of French people. Their second motivation is to earn money for 76% of them. In the third position, citizens say they use these new uses to feel useful in 41% of cases (e.g., carpooling and manufacturing their products). Finally, 35% of respondents consume differently to make or buy purchases and reduce their consumption. This is particularly the case for rental cars or apartments but also the resale of certain goods on the Internet or garage sale. Another strong trend is to cash a few hours of their services (e.g., gardening, babysitting, and cleaning). 1 in 4 French people is concerned by this practice. Young people (25–34 years) are among the most active, with 48% commitment versus 10% for over 65s. But the French do not remain less avid consumers of this type of benefits, and they are indeed 39% to have already paid someone for a few hours of services (against 44% in generation Y). A practice that largely concerns the higher socio-professional categories: 54%. With these new consumer habits, the French say they save on average 257 EUR and earn 238 EUR per year. Overall, these modes of consumption thus bring in an average of 495 EUR. Among 25–34-year-olds, this figure even reaches 613 EUR (118 EUR difference), and among the higher socio-professional categories, 686 EUR (191 EUR difference with the French average).

In the remaining parts of this report on the collaborative economy in France, the way it is defined will be presented, followed by the key questions that are raised, some examples, the context, essentially legal, its developments, related issues, the other major players, and the future directions.

Definition

In France, either state agencies or associations have provided several definitions of the collaborative economy and its manifestations (platforms and business models). We have selected here the ones that seemed the most elaborate.

The Ministry of the Economy provides the following definition: “The collaborative economy or sharing economy is today an innovative mode of consumption, manufacturing, and trade. It brings together initiatives of loan, rental, gift, barter, or sale of goods and services between individuals, carpooling to the exchange of equipment between neighbours” (DGCCRF 2018).

A study of the State Council conducted in 2017 on the “Uberisation” of the society (Conseil d’Etat 2017) suggests a categorisation of collaborative platforms in five groups: platforms for creating common goods (e.g., Wikipedia, OpenStreetMap); fee-sharing platforms (e.g., BlaBlaCar, Heetch); contributory economy platforms (e.g., Coyote); brokerage platforms (e.g., leboncoin, eBay); and activity-platforms (e.g., Uber, Deliveroo).

For one year (March 2014-March 2015), FING and OuiShare led an action research named Sharevolution (partners were ADEME, Bouygues Immobilier, Bouygues construction, EDF, regions Île-de-France and Nord-Pas-de-Calais, Renault). This research was dedicated to the collaborative consumption and the sharing economy in France. This research was rooted in the fact that in 2012 (source ObSoCo), 60% of French people have bought a used product, one on a third have used a grouped website, 14% have bought a product together, sharing its use, and carpool is a real success. Some start-ups made a success, but some doubts arose related to this new economic sector. The final report issued in 2015 (<https://fr.slideshare.net/slidesharefing/je-partage-et-vous>) categorises the business models of the sharing economy in seven groups: subscription (e.g., couchsurfing, velib); pay-per-use (e.g., Lokeo, velib); service fee (e.g., BlaBlaCar); freemium (e.g., Pretachanger, leboncoin.fr); resale (e.g., vestiaire collective); advertisement (e.g., leboncoin.fr, freecycle.org); and subsidy (e.g., freecycle.org).

Key Questions

The key questions raised by the collaborative economy in France are at the political, legal, and tax levels. At the political level, the humanist and sharing values are questioned, as they seem to have gradually given way to a real business, with the professionalisation of the platforms' participants: On Airbnb, some owners are now real professional hoteliers managing up to twenty apartments exclusively dedicated to tourist rentals. The Dares (department of studies and statistics from the ministry of work) has indicated that 50% of UberX drivers in France work more than 30 hours a week and 71% derive most of their income from it. On Le Bon Coin, there are as many individuals as professional merchants who use the site as a virtual store. This development deeply annoys professionals. The French Group of Independents of the Hotel and Catering Industry (GNI) thus filed a complaint in May 2017 against two hosts of Vizeat and VoulezVoudDiner, two sites allowing to welcome strangers at home to share a meal and qualified as "clandestine restaurants."

This questioning at the political level relates to questions at the legal level to better position the platform in the ecosystem and guarantee the workers and consumers' rights. In France, regulations have been put in place by the public authorities aiming at clarifying the boundaries between wage labour and self-employment in order to safeguard workers' rights and guaranteeing the loyalty and the transparency of the relations between the collaborative platforms and their users-consumers.

Finally, France has also harmonised the tax obligations of economic operators in order to guarantee fair competition, notably by clarifying the notion of professional activity by using thresholds (see section "context" below).

Examples

As already mentioned, France offers a lot of collaborative economy platforms in very different areas. The action research Sharevolution (2015) identified four principal models.

Redistribution

Redistribution is the oldest collaborative model, aiming at transferring a good from one person to another. It concerns selling second-hands goods (Leboncoin, Videdressing), home-made goods (fait-maison, ungrandmarché (alternatives to Etsy)), or the donation or bartering of used goods (recupe.net, Pretachanger).

Product-Services

Product-service is a model in which the use of the product is sold instead of the product itself. It can concern material goods among individuals (Zilok, Placedelaloc, Bricolib, ShareVoisins) or in a business-to-consumer model (Kiloutou, Loeko), mobility, when renting cars between individuals (Koolicar, Drivy), space for lodging (Echangedefinitif, EasyRoommate, Toitchezmoi), working (Copass, Bureauxapartager, Bird Office), or other kinds of places (Jestocke, Parkadom)

Peer-to-Peer/On-Demand Services

Peer-to-peer/on-demand services see service exchanges and not a product as in the two earlier categories. Some people wishing a service are linked to other people offering this service. The service can be related to mobility (Roulezmalin, IDvroom, Kapten), logistic (You2You, cocolis), or services to individuals (Sefaireaider, Animal Fute (pets), Famihero, Jemepropose, Lestrocheures, Yakasaider, Monptivoisinage (By districts), Autourdeto (For Yvelines department), Mydemenageur (Moving assistance), Livementor), or catering (Frichti, MyCuistot, MiamMiamConnection).

Local Cooperatives

Local cooperatives are based on local networks and are less platform-oriented. They are often related to time banking and short supply chains issues. They operate in several domains such as food (AMAP, LaLouve, Plantezcheznous), time banking and knowledge exchanges (Accorderie, Réseaux d'Echanges Reciproques de Savoirs), Carpooling (Mobicoop), energy (energiescollectives, Energie Partagée).

Made in Share, an online collaborative economy directory and comparison engine (<https://madeinshare.com>), has mapped the French collaborative start-ups. These illustrations perfectly show the diversity of the collaborative economy in France.

Figure 1. Mapping of French Start-ups in the Collaborative Economy per Sector (Part 1)



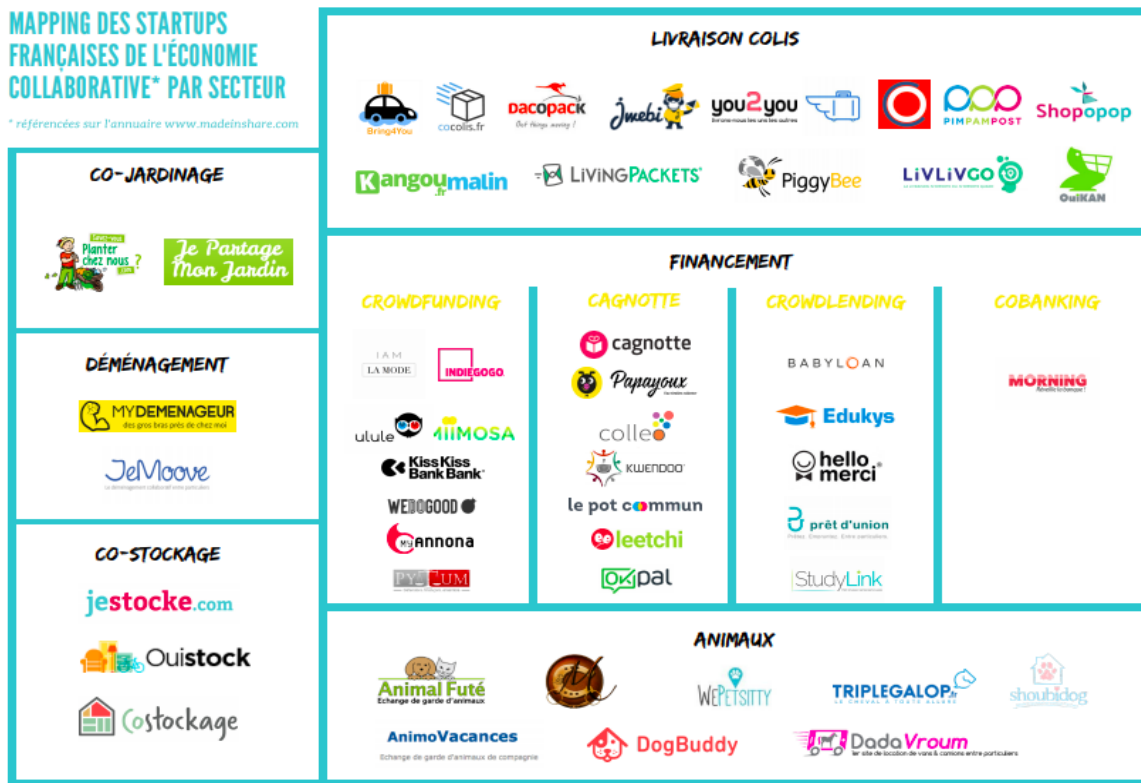
Source: Made in Share (2018).

Figure 2. Mapping of French Start-ups in the Collaborative Economy per Sector (Part 2)



Source: Made in Share (2018).

Figure 3. Mapping of French Start-ups in the Collaborative Economy per Sector (Part 3)



Source: Made in Share (2018).

Context

As mentioned above, France has adopted several laws related to the taxation of the collaborative economy. The Finances Act of 2015 opened the possibility for housing platforms to collect the tourist tax. In Paris, Airbnb started to collect this tax on October 1st, 2015. The amount is 0,83 EUR per night and traveller. In total, the collection of this tax should bring several million EUR to Paris municipality. The Senate then issued a report on March 2017 on the taxation of the collaborative economy that includes the following statement: “the automatic collection of the tourist tax by the platforms is an important step forward: it is a simple and efficient process that demonstrates that a modernisation of the tax collection in the framework of the digital economy is possible” (personal translation).

The National Council of the Digital (“Conseil National du Numérique”) issued a report in which it considers that all stakeholders and activities should be included in the tax collection; this is a prerequisite to guarantee a fair and equal redistribution of wealth. Therefore, a provision of the Finances Act for 2016 expects collaborative platforms to inform their members of the amount they have to declare to the tax authorities. These platforms will have to send their members an annual report of their income. The 2015 Finance Act for 2016 (extracts) provides several articles that define how this should be organized, and the National Court of Trade (“Tribunal National de Commerce”) made a declaration on January 28, 2016, that reinforces the information obligations of the platforms linked to the digital “linking” activity.

Articles from the French 2015 Finance Act for 2016

Art. 242 bis.

I.-Companies, whatever their place of establishment, which electronically link persons for the sale of goods, the supply of a service or the exchange or sharing of a good or service, are required to provide, on the occasion of each transaction, fair, clear and transparent information on the fiscal and social obligations incumbent on the persons carrying out transactions through them. For this purpose, they may use the information provided by the competent authorities of the State. They are also required to provide an electronic link to the sites of administrations to comply, where appropriate, with these obligations.

II.-The companies mentioned in I shall also send to their users, in January of each year, a document summarising the gross amount of the transactions of which they are aware and which they have perceived, through them, in the course of the previous year.

III.-The obligations defined in I and II apply in respect of users residing in France or who carry out sales or services in France.

Art. 1731 ter.-The fact that a company does not justify compliance with the obligations defined in Article 242 bis by producing the certificate provided for in Article IV of the same Article is punishable by a fine of 10,000 EUR."

Art. L. 102 AD.-The companies mentioned in I of Article 242 bis of the general tax code must communicate to the tax authorities, each year before March 15 and electronically, the certificate mentioned in IV of the same Article."

During the Council of Ministers meeting that took place on March 28, 2018, a project for an Act related to fighting fraud was presented. Compared to the previous project, this Act includes innovations to detect fraud, and in particular, the definition of the precise arrangements to implement the automatic transmission of the incomes of the users of the collaborative economy platforms, a transmission that has been implemented in 2019.

Developments

In 2015, the PIPAME (Pôle Interministériel de Prospective et d'Anticipation des Mutations économiques—Interministerial pole for prospective and anticipation of economic mutations) issued a report on the stakes and the perspectives of collaborative economy (Pipame 2015).

An interesting point in terms of the development of the collaborative economy in France is its link with the traditional economy. Indeed, we can notice in France several examples of partnerships between "traditional" companies and platforms that show that the collaborative dimension can be a source of growth. For instance, in 2015, Leroy-Merlin, a large retail chain specialising in construction, do-it-yourself (DIY) and gardening, entered the capital of Frizbiz, a site that allows individuals and professionals to offer services in the DIY sector. Leroy-Merlin promotes this site to its customers who can benefit from assistance to carry out installation or renovation work following the purchase of products in its stores. In 2015, the group La Poste entered the capital of the Stuart platform, which connects customers who need to deliver products of all kinds

and couriers. In the area of local logistics, a highly competitive market, this investment enabled La Poste to have a more diversified service offering.

Moreover, there is a real complementarity between traditional economy and collaborative economy when the platforms intervene in markets that are not covered by conventional companies (Pipame 2015). For instance, the Costockage platform argues that, in the field of leasing storage space in urban areas, especially in large cities, professionals in the sector do not succeed, despite the construction of numerous storage spaces in the periphery, to meet demand because of the high growth of needs and the scarcity of available land. In addition, the platform would meet a real need without jeopardizing the activity of professionals in the sector. In the same way, according to Boaterfly, private hire of boats as proposed by the site is developing in a niche market where professionals are not present. Heetch also argued in favour of the use of non-professional drivers on a time slot during which the supply of professionals or public transport is insufficient (8 pm to 6 am); 48% of passengers surveyed by Heetch say they had no alternative transportation on their last trip (including personal car, public transportation, walking, biking, or the taxis).

Beyond the partnerships of companies, several large groups invest in the collaborative economy via investment funds dedicated to digital innovation. For instance, in 2015, RTL radio has invested in Allovoisins, and SNCf invested in Ouicar, and Maif or Allianz (insurance companies) created partnerships with several platforms (e.g., Boaterfly, Beedhelp) in order to define new assurance frameworks that suit the new services offered by the platforms.

Issues

The collaborative economy is intensively discussed and analysed in France, and issues have been raised by workers, researchers, practitioners, and politicians. The French deputy Pascal Terrasse synthesized them in a report on the collaborative economy to the Prime Minister issued in February 2016 (Barbezieux and Herody 2016). This report includes nineteen propositions related to the collaborative economy in order to tackle the potential issues related to the platforms and their workers:

- 1) Ensure the reliability of the conditions in which the different offers are listed.
- 2) Improve the reliability of online feedback by requiring platforms to inform that feedback messages have been verified and, if so, to specify the terms and conditions.
- 3) Offer a space to evaluate platforms.
- 4) Offer the consumer clear, readable, and accessible information about the responsibilities of the platform, the quality of the offer and the guarantees associated with its status.
- 5) Pursue the path of convergence between the social protection of independent workers and that of employees.
- 6) Mobilize the personal activity account (CPA) to establish real portability of rights (from one working system to another).
- 7) Take into account periods of activity on the platforms as part of the procedure of validation of acquired experience (VAE) (that allows French employees to

validate a diploma if they can demonstrate that they gained the skills through experience).

- 8) Clearly define the conditions for breaking relationships with providers.
- 9) Develop secondary security to promote access to housing, secure access to credit and improve the social security of platform workers.
- 10) Organize training actions for providers.
- 11) Ensure the contribution of platforms to public charges in France.
- 12) Clarify the doctrine of tax administration on the distinction between income and cost-sharing and that of the social administration on the notion of professional activity.
- 13) Respond to the recruitment challenges of digital professionals in the collaborative economy sector.
- 14) Engage with platforms in the process of automating tax and social procedures.
- 15) Simplify the entrepreneurial approach by allowing the platforms to act as a trusted third-party.
- 16) Take into account the development of the collaborative economy in the framework of digital inclusion policies.
- 17) Create an observatory of the collaborative economy.
- 18) Promote experimental collaborative territories.
- 19) Foster the development of working from home and secure the rights and duties of teleworkers.

Other Major Players

There is a growing awareness among independent workers that collective action is the key to strengthening their hand and defending their interests. Beyond unions, other French professional organizations such as collectives and cooperatives help independent workers defend their rights.

France Stratégie, ASTREES (Association Work Employment Europe Society) and IRES (Institute of economic and social research) convened the seminar “Building collective groups and action: What does it mean for workers in the digital era?” on July 8th, 2016 (www.strategie.gouv.fr/english-articles/building-collective-groups-and-action-what-does-it-mean-workers-digital-era). It brought together social partners, IT industry representatives and academics from both Europe and North America to look at collective action in the digital era and alternative ways of organizing independent workers.

For instance, the French Designers Alliance (AFD) works to protect the interest of its members—most of whom are independent designers—by providing advice on things such as intellectual property rights, health, and accident insurance and legal assistance in the event of disputes. Collectif des tiers-lieux is another collective that aims at mutualizing co-working spaces in order to raise their visibility, develop private and public partnerships, and, in general, represent their interests.

Future Directions of Research

One of the main topics of discussion in France is the status of workers of the collaborative economy who are considered "legally independent" but "economically dependent" (Institut Montaigne 2019).

The judgement made on March 4th, 2020, by the Court of Cassation (Cour de cassation, chambre sociale, 24 March 2020, n° S1913316) on the requalification of an Uber driver as an employee question the compatibility of this form of employment with the French social model. Indeed, the French Labour Code recognises only two statuses of workers: the employee and the self-employed.

A platform connects referenced self-employed workers and consumers looking for a skill or service; the platform then signs a commercial contract with the worker for the latter's use of the application against payment of a fee. But, in fact, the service is partly supervised and organized by the intermediary (the digital platform), thus evoking the link of subordination characteristic of employee status. In its judgement of March 4th, 2020, the Court of Cassation thus noted the integration of an Uber driver into a transport service entirely organized by the platform without the possibility of free pricing, the exercise of control over the acceptance of races and a sanctioning power which could lead to the driver losing access to the application in the event of too frequent cancellation of races or reporting of inappropriate behaviour.

The Court of Cassation thus confirms the case law (Cour de cassation, chambre sociale, 28 November 2018, n° 1737) with regard to digital platforms offering meal deliveries through bicycle deliverers with self-employed workers. The Court had considered that the existence of a geolocation system set up by the company "TakeEatEasy" to follow in real-time the position of the courier and deactivation of the account reflected the existence of a power of direction and control characterising the bond of subordination. It also noted the fact that the courier had little choice of his working hours, the time slots being proposed by the platform.

Two main lines of thought have emerged about the status of platforms' workers (Hannelais, Rousseau-Brunel 2020). The first is the evolution of the status of an employee to include the workers who are legally self-employed but economically dependent on a platform. This would favour the development of a more flexible and independent working model carried out using technological tools, which implies extending the status of employment to the concept of economic dependence of the worker (and not only to his legal subordination). Another line of thought was to create a status for the legally independent but economically dependent workers, based on the models implemented in some of our European neighbours. This status aims to grant specific rights in terms of the notice of termination, training, and payoff for self-employed workers making most of their turnover with a client.

In France, the Labour Law of August 8, 2016, laid the foundations for a new status for the digital self-employed worker applicable to "workers using an electronic contact platform." This status consists in strengthening the obligations weighing on digital platforms by introducing the idea of their social responsibility. To this end, articles L. 7341-1 to L. 7341-6 have been included in the Labour Code, providing for minimum guarantees for the workers concerned.

More recently, during the drafting of the mobility orientation law promulgated on December 24, 2019, provisions were introduced for the establishment of charters by digital platforms, subject to administrative approval, defining "the conditions and

procedures for exercising its social responsibility,” and “its rights and obligations as well as those of the workers with which it is in contact.” The text clarified that “the establishment of the charter and the respect of the commitments made by the platform (...) cannot characterise the existence of a link of legal subordination between the platform and the workers.” However, this provision was censured by the Constitutional Council as an obstacle to the power of the judge to reclassify the relationship as an employment contract.

Two lines of reflection are currently at work, one from the Jean Jaurès foundation proposing to use the status of “associate salaried entrepreneur” from cooperatives (Giusti, Thévenoud 2020), the other aiming at defining a framework for the representation of workers on digital platforms. The mission was entrusted in January 2020 by the Prime Minister to Mr Jean-Yves Frouin, former president of the social chamber of the court of cassation. The results were supposed to be presented in June 2020, but due to the COVID-19 sanitary crisis, the mission is extended until October 2020.

The debate that will follow in the parliament and the consensus that will be reached will largely determine the future directions of the collaborative economy in France.

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