



GLOVO DSA INPUT

1. How to effectively keep users safer online?

The risk of illegal goods or content being present on a delivery platform differs from most others. As a hyperlocal service, no cross-border delivery of goods takes place on delivery platforms. The platform's commercial partners (restaurants, pharmacies, etc) are certified and regulated in their field of business. Additionally, packaging conditions are meant to delineate product liability and transport liability.

Furthermore, any inappropriate or suspicious attempt to use the "courier" service is and should be notified to the authorities. For instance, in Spain a collaboration protocol has been established regarding illicit substances with public safety bodies that recognize the value of a platform's traceable service.

2. Reviewing the liability regime of digital services acting as intermediaries?

The DSA's goals of addressing legislative fragmentation, ensuring the safety and security of EU citizens, and mitigating the information asymmetry inherent in online marketplaces, is welcome. Having said that, food and delivery have their own specificities:

- They connect customers to already highly regulated sectors (especially food and parapharmacy)
- Their service is hyperlocal (same municipality) which means (a) it is never cross-border and (b) the information asymmetry is minimal (customers are likeliest to know the partner they order from)
- Specifically on food liability, most municipal, regional and national legal frameworks already cover liability in regards to (a) cooking, (b) packaging and most often (c) delivery as well, thus ensuring demarcation and control of responsibilities.

Not least, existing EU legislation (such as the P2B regulation) adds another layer of regulatory oversight.

3. What issues derive from the gatekeeper power of digital platforms?

The risk of the "gatekeeper effect" towards the food and delivery sector is minimal and the sector should not be targeted by it. Unlike data-only platforms, food and delivery services are:

- Hyperlocal - they essentially operate in municipal markets - and therefore highly fragmented even within the same regional or national legal framework
- Hyper-competitive - there is no entrepreneurial "moat" securing their business model; it is highly replicable (and replicated) with (relatively) small cost of access to market for any new market entrant
- Rather than be a marketplace of buyer and sellers, delivery is a three-sided market of customers, partners and couriers, all of which are actively courted by (and using) multiple similar services (hence there are 3 "gates" to "keep" rather than one). The advantages of size in one of these sides do not automatically translate in advantages of size to the other two.

Having said that, steps can be taken to reduce even further any risk of "gatekeepers" emerging, specifically through:

- generalized feedback mechanisms between all parties to a transaction (couriers, partners, customers) and
- reputation portability

4. Other emerging issues and opportunities, including online advertising and smart contracts?

No.

5. How to address challenges around the situation of individuals offering services through online platforms?

Any clarification that the Commission may incorporate into the DSA that will facilitate the efforts of the self-employed to collectively bargain is welcome. The Spanish Statute of the Autonomous Workers already includes such a mechanism (the Agreement of Professional Interest) and it merits to be either replicated at the EU level or used as a basis for future policy developments.

Advanced conversations on these issues are currently ongoing between platforms on the one hand and trade unions and other social partners on the other, in both ES and IT. These conversations can yield lessons and act as precedents for a similar pan-EU measure, ideally in the confines of a future 2021 regulation of platform work.

6. What governance to reinforce the Single Market for digital services?

The DSA's updates to the current regulatory framework should acknowledge several guiding principles and priorities:

1. accommodating a diversity of business models in the sector
2. being mindful of the degree and speed at which the sector is impacted by technology, and that its current main traits will continue to be in flux for the coming decade
3. promoting harmonized regulatory frameworks across the EU that are based on best practices and hard evidence
4. distinguishing between foreign/non-resident platforms and EU platforms and reward, not punish, those companies choosing to be *fully* resident within the EU (data-wise, tax-wise, employment-wise, as a responsive partner for social dialogue, a.s.o.)
5. acknowledging the potential of delivery platforms - especially visible after the COVID19 - to facilitate European local commerce and empower SMEs (>90% of partners) by providing an accessible digitalization service, aggregating demand and facilitating online transactions.