Le droit international privé dans le labyrinthe des plateformes digitales

To celebrate its 30th Private International Law Day, the SICL is holding a conference devoted to the new challenges of what is sometimes described as the "collaborative" or "sharing" economy. It will take place in Lausanne on 28th June 2018.

The concept of economy includes crowdfunding, "*Uberisation*" and all other intermediary activities using a digital platform. These mass phenomena, witnessed on a global scale, put in question the very notion of the territorial division of state borders. Is the digital space in which these platforms operate a true space, capable of being delineated and regulated at the national level, and which falls into the territorial scope of application of a law? Or is it rather a volatile cloud, globalised, delocalised, incapable of being pinned down on such a territorial basis? Is it still possible for nation states to guarantee their citizens and/or residents legal protection with regard to the intermediaries who employ them or who offer them their services? Or has it not become essential, even urgent, that a supranational law be devised and placed in the same cloudy skies in which the platform operates? Further still: is it possible to require platforms and their operators to be measured against the particular requirements of a state, notably those concerning the protection of workers and consumers? What role can contemporary private international law play in this regard?

All these questions present a challenge to the supposed neutrality sought by private international law and bring to the fore its potential political and protective role. In this respect, the state can use private international law in order to guarantee cross border protection to the weakest actors in the marketplace – notably, workers and consumers – who reside within its territory (and/or its citizens). On the other hand, however, it may be argued that state interference aimed at constraining those who operate in the digital economy may lead to harmful distortions of the global market. In this regard, what guarantees should be afforded to the freedom of the internet and, at the same time, to that of workers, whose decisions to join and work with a digital platform are made of

their own free will? These considerations therefore demand that we draw on the traditional principles of party autonomy and decisional harmony. Speakers include Janine Berg*, ILO Genève*, Andrea Bonomi, *Université de Lausanne*, Miriam Cherry, *University of St. Louis,* Valerio De Stefano, *KU Leuven,* Marie-Cécile Escande Varniol, *Université Lumière, Lyon II,* Pietro Franzina, *Università degli Studi di Ferrara*, Ljupcho Grozdanovski, *Université de Genève*, Florence Guillaume, *Université de Neuchâtel*, Tobias Lutzi, *University of Oxford*, Anne Meier*, MSS Law,* Edmondo Mostacci, *Università Bocconi,* Etienne Pataut, *Université Paris 1, Panthéon-Sorbonne,* Ilaria Pretelli, *Institut suisse de droit comparé*, Teresa Rodríguez de las Heras Ballell, *Universidad Carlos III de Madrid,* Gian Paolo Romano, *Université de Genève*, et Gerald Spindler, *Georg-August-Universität.*

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