



Univerza v Mariboru

Pravna fakulteta

Pravni izzivi servitizacije evropske proizvodnje

Janja Hojnik

Portorož, 20.5.2016

Ozadje

- Deindustrializacija razvitih gospodarstev
 - % BDP iz proizvodnje < 15%
- Gospodarska kriza: preveliko zanašanje na finančne storitve
- Industrijska renesansa – ponovna industrializacija naj bi Evropi povrnila delovna mesta.
 - A ne zgolj s ponujanjem proizvodov



Servitizacija

- Vandermerwe & Rada (1988): *‘the increasing offering of fuller market packages or ‘bundles’ of customer focused combination of goods, services, support, self-service and knowledge in order to add value to core corporate offerings’.*
- Baines (2009): „the process of creating value by adding services to products“

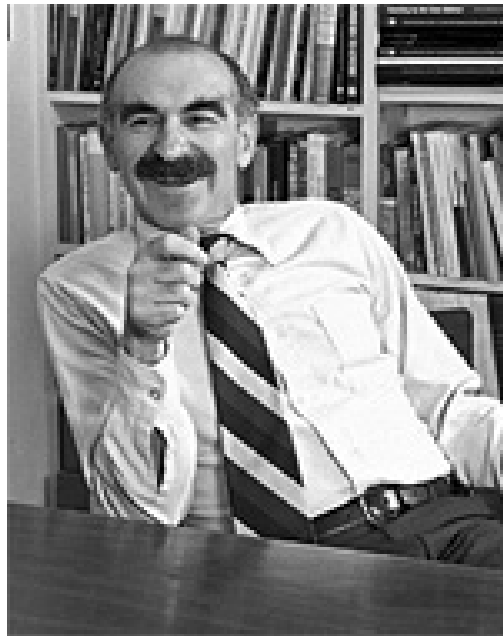
Product-service system

- Goedkoop (1999): *'a combination of products and services in a system that provides functionality for consumers and reduces environmental impact';*
- *Dematerializacija/Extended product*
- *Potrošnja na osnovi dostopa;*
 - *Car sharing: Drive now & Car2Go; Zipcar&Hertz*
 - *Ridesharing & druge oblike sodelovalne ekonomije: Uber&Lyft; SnapGoods, UmbraCity*



K rešitvi usmerjeni poslovni modeli

- **Proizvajalci kot ponudniki rešitev**



"People don't want to buy a quarter-inch drill, they want a quarter-inch hole." T. Levitt

Servitizacija v digitalni dobi

- Rust (2004): „*the service revolution and the information revolution are two sides of the same coin*“;
- IKT – omogoča inovativno servitizacijo;
 - Internet stvari
 - Proizvodnja preko oblaka
 - Sodelovalna ekonomija
 - 3D tiskanje



3D tiskani čevlji, Earl Stewart

- Elżbieta Bieńkowska: *‘digital technologies offer the key to secure a robust industrial base for Europe also in the future’*



- Dobava blaga, rezervnih delov, potrošnega materiala, linija za nasvete
- **Rolls Royce** *Power-by-the-Hour & TotalCare*
- **Xerox** cost-per-print model za fotokopirne stroje
- **Electrolux** model plačila po pranju v pralnem stroju
- **Volvo**: od obcestne pomoči za voznike do internetne povezave z mobilnim bencinskim servisom
- **Amazon**: tovornjaki s 3D tiskalniki

Primeri



The Economist | World politics | Business & finance | Economics | Science & technology | Culture

Rolls-Royce
Britain's lonely high-flier

A resurgent Rolls-Royce has become the most powerful symbol of British manufacturing. Its success may be hard to replicate, especially in difficult times

Jan 8th 2009 | DERBY | From the print edition

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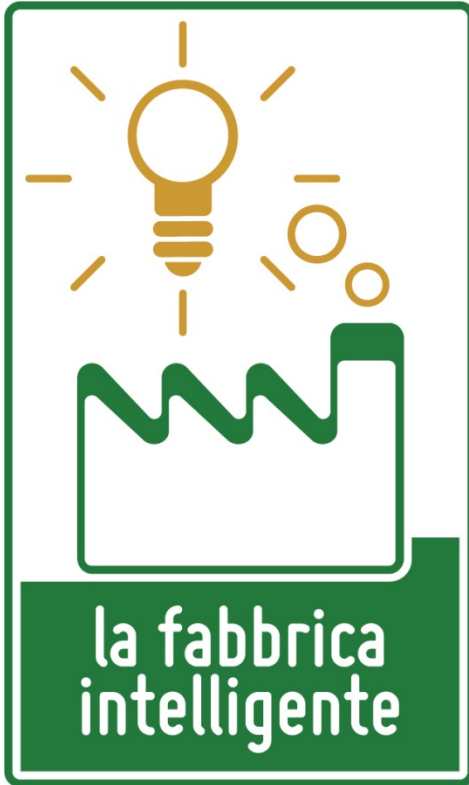
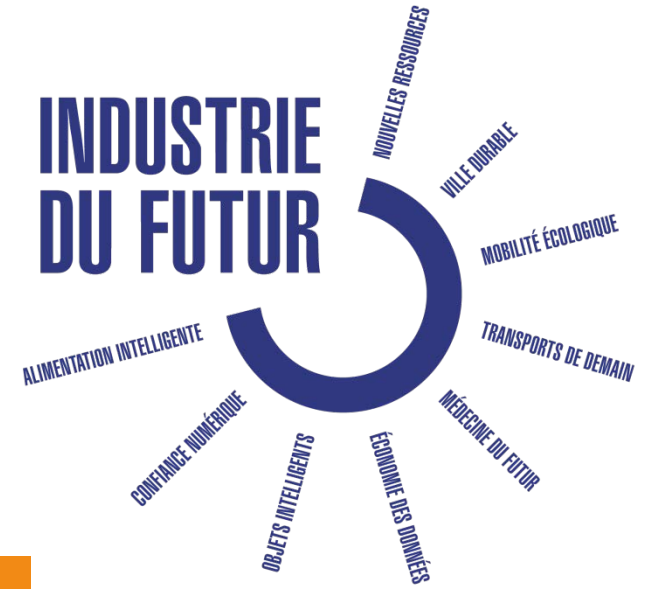
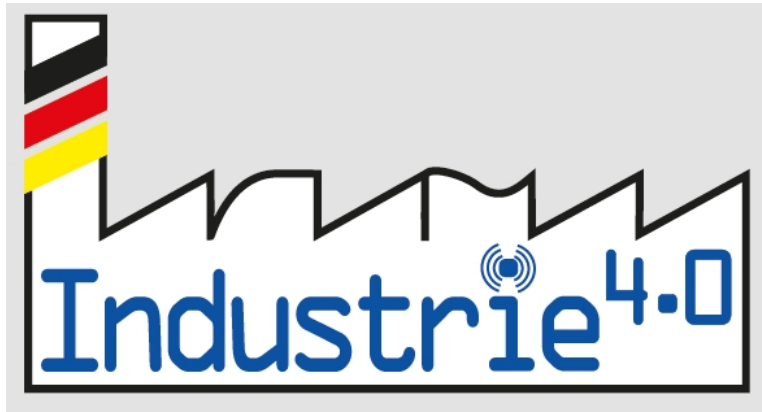
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Latest Headlines | Science | Pictures

Self-filling cars that never run out of fuel: Volvo develops vehicle that would alert mobile suppliers to top up tank when car is parked and the driver is elsewhere

Ekonomске študije

- Crozet & Milet (2015): analiza francoskih podjetij; podjetja, ki so poleg proizvodnje blaga ponujale tudi storitve, so povečale dobiček med 3,7 in 5,3 odstotka; število zaposlenih za 30 odstotkov in prodajo blaga za 3,6 odstotka;
- Študija **Oxford Economics (2013)** – na raziskavi med 400 člani upravnih odborov v industrijskih sektorjih utemeljuje povečanje poslovnih modelov servitizacije za 150 odstotkov v treh letih.



Evropska komisija: ‚Digitised industry‘

- 19. april 2016: načrt dejavnosti EK na področju digitalne industrije
- Guidelines on sharing economy do poletja 2016,
- Načrt za IoT do poletja 2016,
- Zakonodaja EU o avtonomnih avtomobilih do 2018...



Pravni izzivi servitizacije



Ali bo pravo omejevalo ali spodbujalo servitizacijo?

- *„Smart things require smart regulatory solutions“*
- Uporaba uveljavljenih pravnih načel za nove razmere na trgu;
- Ravnotežje med varnostjo, odgovornostjo, konkurenco, inovativnostjo, fleksibilnostjo itd.
- Upoštevanje uveljavljenih ustavnih in institucionalnih načel v zakonodajnem in drugih postopkih: vključitev industrije, samoregulacija itd.

Ali naj EU pohiti z zakonodajo?

TECHNOLOGY

'Drive Me London' will test Volvo's driverless cars in heavy congestion

Tests conducted in London – one of the busiest cities in the world – are expected to provide Volvo with valuable data to improve its driverless cars.

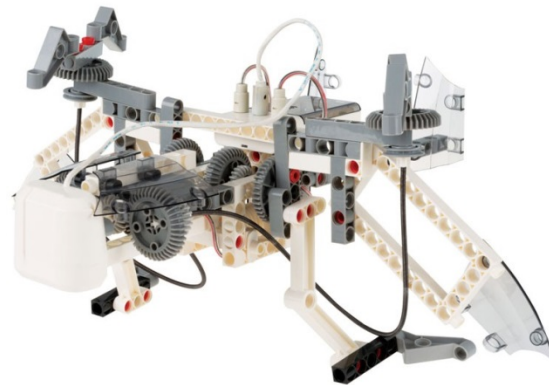
By **Bamzi Banchiri**, Staff  | APRIL 27, 2016

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Vse bolj zabrisana razlika med blagom in storitvami

- Vandermerwe in Rada: it is no longer valid *'to draw simplistic distinctions between goods and services'* and that it is necessary to move from *'the old and outdated focus on goods or services to integrated 'bundles' or systems (...) with services in the lead role'*;



2 skupini servitizacijskih modelov

- Transakcije, kjer se LP na proizvodu prenese na potrošnika, to pa vključuje nekatere storitve, ki povečajo dodano vrednost proizvoda
 - **POGODBA O PRODAJI** (Consumer Rights Directive)
- Transakcije, kjer LP na proizvodu ostane na ponudniku in se zgolj storitev prenese na potrošnika
 - **POGODBE O STORITVAH** (CRD)

Konkurenčno pravo

- „Locking-out“ competition:
- Izzivi velikega podatkovja (Big Data);
- Vertikalna integracija;
- Storitve, ki se ponujajo „zastonj“
- Sodelovalna ekonomija kot grožnja pošteni konkurenci



Odgovornost & varnost proizvodov

- Omejena uporaba Direktive o odgovornosti za proizvode:
 - Ponudba programske opreme preko interneta
 - Prodaja digitalnih datotek za 3D tiskane proizvode
- Direktiva o odgovornosti za ponudnike storitev?
- Avtomatizirani sistemi: tovarniški roboti, avtomobili, brezpilotni letalniki... - zgolj orodje v rokah drugih akterjev?

3D tiskanje

- Potrošniki postanejo proizvajalci – izogibanje strogi odgovornosti za proizvode
- 3D tiskalni medicinski pripomočki
- 3D tiskane pištole



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3D PRINTING SERVICES

<http://aa.net.uk/printing-3d.html>

SEU in sodelovalna ekonomija

- Zadeve C-434/15 & C-526/15
- Ali je Uber ponudnik digitalnih storitev ali taxi služba?

euobserver



Register Log

EU court to classify Uber: taxi or information company?

ft.com > companies >

Technology

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Energy Financials Health Industrials Luxury 360 Media Retail & Consumer Tech

July 20, 2015 3:50 pm

Judge refers Spanish Uber case to European Court of Justice

Murad Ahmed, European Technology Correspondent

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Comments



The European Court of Justice has been called on to decide whether Uber should be considered a transport company or a digital service, in a move that could upend bans on the company across the continent.

A Barcelona judge has referred a series of questions to the EU's highest court that

relate to how the group should be treated for regulatory purposes.

Druge teme

- Notranji trg (digitalni notranji trg?)
- Globalizacija (Environmental Goods Agreement znotraj WTO?)
- Intelektualna lastnina
- Okoljsko pravo
- Davčno pravo...

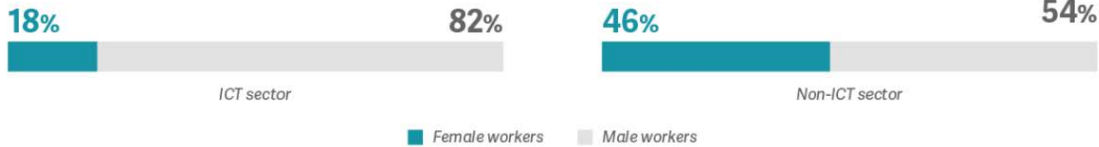
Pravniki bomo že sledili razvoju, kaj pa družba kot celota?

■ Evropska komisija:

- 800.000 premalo IT strokovnjakov v EU do 2020;
- Številni poklici se bodo spremenili, številni pa izginili;
- Prekvalifikacija delovne sile eden od največjih izzivov EU
- Kaj bo s položajem žensk na trgu delovne sile?

WOMEN IN ICT – HOW DO EU MEMBER STATES MEASURE UP?

Women are underrepresented in the technology industry in Europe, constituting only 18% of the workforce.



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World Economic Forum

Tech transformation – 4th Industrial Revolution ‘tsunami’ warning in Davos

Produced by [Sarah Chappell](#)

Hvala za Vašo pozornost!

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