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The political origins of platform economy regulations. Understanding variations in governing Airbnb and Uber across cities in Switzerland

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Abstract

In the past decade, digital platforms have entrenched themselves within key urban sectors, opening the way for radical changes in traditional industries. Along with new opportunities for city residents, globally operating platforms such as Airbnb and Uber also raised specific challenges, sparking calls for adequate responses by city governments around the world. The aim of this paper is to explain the diversity of regulations across cities. Holding constant national factors, we conducted comparative case studies in six Swiss cities (Zurich, Geneva, Davos, Montreux, Aarau, and Neuchâtel) to investigate political processes leading to local regulations of Airbnb and Uber. Four crucial factors shape regulatory trajectories. First, intensity of platform-related issues in cities is key in shaping the stringency of regulatory responses. Second, grassroots and political mobilization plays a role: where these issues become politically salient, regulations are stricter. Third, the inscription of platform-related issues on a city's institutional agenda tends to produce stricter regulatory responses. Finally, local governments tend to adopt a stricter control over platforms in cities where relevant urban sectors are already highly regulated. We conclude that the varying stringency of governmental responses to the platform economy lays in the dynamics of politicization from which they emerged.

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KEYWORDS

Airbnb, digital platforms, regulation, Switzerland, Uber, urban governance

INTRODUCTION

A pervasive feature of the digital transformation of contemporary societies is the “rise of the platform economy” (Kenney & Zysman, 2016). The term broadly describes economic and social exchange mediated online, usually by apps, often involving big data analyses to ensure that supply and demand are matched in the most efficient way. While the earliest platforms appeared in the late 1990s in the form of websites for second-hand goods, house exchange, and the like, the platform economy experienced its major take-off towards the end of the 2000s, epitomized by the introduction of globally operating platforms such as Airbnb (in 2008) and Uber (in 2009). In many sectors, the advent of digital platforms opened the way for radical changes and disrupted traditional organizational patterns. For clients, they reaped huge benefits in terms of prices, availability, diversity, and quality of goods and services that are exchanged and bought through these platforms. For providers, platforms flexibilized working habits, facilitated market entry, and thereby spurred competition. But along with new opportunities, the explosion of the platform economy also created new regulatory challenges. In particular, globally operating platforms often appear as footloose players that easily escape existing legal regulations. Governments across the world are thus reflecting on the ways in which to safeguard public interests affected by the rise of the platform economy. The main ones are the following: maintaining a level playing field between platforms and traditional industry incumbents, tax compliance, consumer protection, labor protection, privacy protection (Frenken et al., 2020), as well as limiting environmental burdens resulting from additional resource usage or rebound effects (Vith et al., 2019).

But the platform economy also poses particular challenges for city governments. Some of the platforms indeed have the potential to profoundly transform market dynamics in crucial urban sectors such as transport or housing. City governments around the world thus face the challenge of how to engage with the platform economy to mitigate its negative impacts and benefit from its positive effects at the same time. Studies on city governments' reaction to the platform economy have shown a bewildering variety of responses from city to city, ranging from a total laissez-faire to outright bans of specific platforms (for an overview see Voytenko Palgan et al., 2021). Starting out from this observation, the aim of this paper is to explain the underlying causes for this diversity of regulatory approaches across cities. Indeed, while the emerging research on this topic has come up with useful analytical frameworks to describe the similarities and differences in city governments' reactions to the platform economy, explanations for the variations between cities are still scarce. So far, existing research tends to focus either on single cities (see Gurran & Phibbs, 2017; McNeill, 2016) or on the regulations in specific sectors across cities in different national contexts (see Aguilera et al., 2021; Courmont, 2018; Nieuwland & Van Melik, 2020; Thelen, 2018). But city governments' responses to the platform economy also vary between cities within one and the same country. To understand these cross-city differences, a more fine-grained approach is thus necessary. This is precisely what this paper aims to provide, based on a discussion of results from a study of governmental responses to the advent of two major global platforms, Airbnb and Uber, adopted by six cities in Switzerland. It is based on the assumption that local responses to the platform economy by individual cities must be apprehended as “the product of the struggle between collective actors with various interests,

modes of action and narratives embedded into place specific institutional arrangements” (Aguilera et al., 2021, p. 3). Holding constant the national macro-level factors, our analytical approach focuses on the *political processes* surrounding platform economy regulation in individual cities and aims to single out the relevant features of these processes that lead to varying governmental responses across cities.

The paper is structured as follows. After a brief literature review, we present our analytical framework based on four hypotheses and explain our approach and case selection. The core of the article focuses on exploring the dynamics of politicization that led to governmental responses to Uber and Airbnb across the six cities under scrutiny. We then compare those dynamics to identify how and why they have led to different regulatory approaches, before concluding with pointing out the main factors that influence local governments' propensity to adopt a more or less strict regulatory response vis-à-vis the platform economy.

ANALYZING CITY GOVERNMENTS' RESPONSES TO THE PLATFORM ECONOMY

Governing the platform economy: Cities as regulators

The rapid penetration of platform giants such as Airbnb and Uber has taken many cities by surprise (Voytenko Palgan et al., 2021, p. 2). The disruptions they caused in the targeted sectors—the taxi and the hotel industries—but also in associated fields—the transport and the housing markets—quickly sparked calls for adequate responses by city governments. These responses, however, were far from self-evident. The recency of the platform economy made it difficult to understand, measure and assess its effects—both positive and negative. And the absence of experience also made it difficult to assess the pros and cons of various regulatory choices or instrumentations. Given this largely experimental context, in which every city government had to reinvent the wheel so to speak, the wide variety of responses is not unexpected. In their recent comprehensive overview, Voytenko Palgan et al. (2021, p. 8ff.) suggest a systematic characterization of cities' governmental responses to the platform economy. They argue that, to understand cities' responses to the platform economy, it is useful to distinguish between five governance mechanisms: (regulating, providing, enabling, self-governing, and collaborating) and 11 governing roles (regulator, data provider, investor, host, owner, sharer, consumer, partner, negotiator, matchmaker, and communicator). Focusing, more particularly, on the city government's role of a *regulator*—which is at the core of our study—Voytenka Palgan et al. note that this role consists in using “laws, taxes, bans, and policies to govern the establishment, operation and scaling-up of (digital platforms) either supporting or restricting them” (Voytenko Palgan et al., 2021, p. 9).

Explaining regulatory variance: Four hypotheses

City-level regulations of the platform economy can thus be seen to vary according to the degree of stringency they put on exchanges mediated by specific platforms or given sectors in which these are active. How can this varying degree of stringency be explained? Following Thelen (2018), as well as Aguilera et al. (2021), we argue that the dynamics of the political processes from which they result are key to the characteristics of these regulations.

More precisely we argue that the politicization of the issues related to the platform economy is crucial. By politicization, we mean the process by which a social phenomenon is

successfully constructed as a salient public problem (Rocheftort & Cobb, 1994). Indeed, only when issues related to Airbnb and Uber are perceived as a public problem will governments feel called to address them. And the higher the salience of these public problems, the more likely it is that governmental responses will be far-reaching. Our general assumption thus is that governments' regulatory responses towards the platform economy depend on the "public issue salience" (Dennison, 2019) of platforms' activities. More specifically, we argue that four factors are crucial (issue intensity, stakeholder mobilization, institutional agenda setting, and pre-existing regulations) and therefore formulate four hypotheses about their influence on shaping the stringency of platform regulations.

First, public issue salience can be assumed to depend on the intensity of platforms' activities in a specific sector or city. One of the core characteristics of digital platforms is indeed that they are not uniformly implanted across urban areas. They tend to focus on cities perceived as economically attractive and considered as buoyant markets and will be very visible there, but less tangible in smaller and more rural zones (Le Galès & Courmont, 2019). As a corollary, the public salience of issues posed by Airbnb and Uber can be expected to be higher in cities in which those companies are particularly active. Following this reasoning, we hypothesize that the more intense platform-mediated activities are in a city, the stronger the public salience of the issues they pose. Sectors or cities with high platform activities are more likely to experience socio-political struggles triggered by these activities, and hence an increased pressure on governments to act:

H1. *The more intense platform-mediated activities in a city, the stricter the regulatory responses to those activities.*

Second, it is important to note that issues raised by platforms' activities are not automatically seen as salient *public* issues. Public salience of an issue is something that is actively constructed in political struggles. In these, we argue, incumbents of the sectors concerned by platform activities play an important role. Indeed, platform-mediated exchanges can "transform markets, sometimes to the point of upending previously dominant companies" (Guttentag, 2015, p. 1194). On the one hand, platforms have attracted new clients who increasingly tend to consider platforms as a valid alternative to incumbent providers. On the other hand, they have encouraged new actors to engage in the provision of platform-mediated services or goods, thereby increasing the number of units made available at the city level. In this sense, the platform economy affects the relationships between actors involved in the market of the good or service they relate to by creating new levels of competition and lines of conflicts. Consequently, well-established incumbent providers whose market position is threatened by new platform-induced competitors, have started to raise their voices against platform-based business models and to request specific regulations to protect their interests against what they qualify as an "unfair competition." But incumbent service providers are often not alone to mobilize against platforms. In some cases, they find allies among other actors in the sector who fear that their interests are crowded out by platform activities. With regard to short-term accommodation, for instance, tenants are known to fear the transformation of rental into tourist flats which adds to housing shortage and results in an increase of housing prices (Aguilera et al., 2021). In the case of ride-hailing, public transport companies have voiced concerns of losing passengers due to an increased attractiveness of individual motor vehicles (Thelen, 2018). However, mobilization of stakeholders in targeted urban sectors varies from city to city, ranging from a complete lack of engagement to very intense opposition. We, therefore, hypothesize that stakeholder mobilization is important for public issue salience and, therefore the stringency of regulatory responses:

H2. *The stronger the mobilization of stakeholders (incumbent service providers as well as other organized interests in a given sector), the stricter regulatory responses to platform-mediated activities.*

Third, formal agenda setting is crucial. Even though they are indubitably important causal drivers of strict regulations, the intensity of platform activities and stakeholder mobilization alone does not guarantee that issues related to the platform economy will be put on the agenda of political decision-makers who then take regulatory action. Indeed, high public salience of an issue also depends on whether this issue is officially recognized as a policy problem upon which decision-makers are called to act. And the ways in which political authorities seize upon, define, and frame an issue often presages the ways it will be acted upon (Rocheffort & Cobb, 1994). Depending on political players' narratives and strategies, but also on institutional or political opportunity structures (Kriesi, 2007) some problems related to platform-mediated exchanges are more likely than others to be placed on the institutional agenda. Only if these problems are discussed and debated within political institutions will there eventually be an adoption and enactment of new regulations. Following this reasoning, we hypothesize that issues related to platform-mediated activities that land on a city's institutional agenda are more likely to be addressed in more rigorous and stringent ways.

H3. *Inscription of platform-related issues on a city's institutional agenda is more likely to result in stricter regulatory responses to platform-mediated activities.*

Yet, if the inscription of platform-related issues on the agenda of a city's decision-making institutions appears as a necessary condition for a regulatory response, we must consider that this is not a sufficient explanation for diversity of regulatory approaches across cities. Indeed, cities' regulatory choices are constrained by pre-existing regulatory structures and preferences in the sectors concerned by the various platforms. Previous levels of regulation are especially relevant for cases of platform economy companies that tend to "operate outside of the law" (Jonas, 2016) and to take advantage of loopholes in the legislation to make their business model thrive. As emphasized by Thelen, platform economy companies "should have an easier time entering [...] markets that are less regulated to begin with" (2018, p. 940). Cities are indeed places with relatively dense patterns of regulations in a multitude of policy sectors. In this sense, platform businesses, especially those operating in the fields of urban housing and transport, are likely to tap into sectors with more or less constraining pre-existing regulations. Products of past policy processes, these regulations are shaped by the actor constellations in a given sector, and usually represent the settlement of a past conflict that epitomizes the balance of power in this sector at one historical moment. The intrusion of powerful new actors in crucial urban markets can reawaken the debate about the existing regulations, revive old conflicts, actualize, or rearrange the line-up of allies and opponents. Pre-existing regulations in a policy sector also shape the options that policymakers have at their disposal to address public issues. Following this reasoning, we argue that it is easier for local governments to control platform-mediated activities when targeted markets are already regulated as they do not have to create a new law from scratch. Extending this argument, we also expect it to be easier for decision-makers to toughen up platform regulations when disrupted sectors are already heavily regulated.

H4. *The higher the level of regulation in targeted urban sectors, the stricter regulatory responses to platform-mediated activities.*

RESEARCH DESIGN, DATA, AND METHOD

The primary aim of this study is to analyze the political dynamics preceding the adoption of platform economy regulations and to understand how the characteristics of these dynamics shape the regulatory responses in a given city. Investigating the four hypotheses formulated above, we focus on the impact of issue intensity, stakeholder mobilization, institutional agenda setting, and constraints resulting from pre-existing regulations on cities' regulatory responses. Seeking to explain the variation of regulatory outcomes, we choose a comparative case study design (Yin, 2014). Empirically, we focus on Airbnb and Uber as two global players of the platform economy. Both tap into a crucial sector of urban politics and policy—short-term accommodation and ride-hailing—and both have become dominant players in their respective sectors. They operate roughly in the same way across the numerous local contexts in which they are present, which makes them, to paraphrase Kathleen Thelen (2018, p. 938), excellent candidates for comparative analyses of regulatory responses across individual cities, as these will reveal their characters in divergent responses to the same stimulus.

By focusing on different cities within the same national context, we hold constant a number of macro-level factors that have been shown to influence regulatory responses to the platform economy at the city level: underlying governing principles and relationships between the state and the economy, existing national regulations in the relevant sectors, distribution of competences between local and higher levels of governments, as well as basic electoral institutions and arrangements (Aguilera et al., 2021; Thelen, 2018; Voytenko Palgan et al., 2021). Instead, the six cities under scrutiny in our study were purposefully selected to vary on the most important contextual factors that are likely to influence issue salience, mobilization, agenda-setting, and pre-existing regulatory constraints. With respect to short-term accommodation, we expect regulatory challenges and reactions to the arrival of Airbnb to vary according to the importance of tourism (measured by the number of overnight hotel stays) and housing shortage (measured by flat vacancy rate) in the respective cities. In the field of ride-hailing, the importance of mobility flows within each commune is a relevant contextual factor. Unsurprisingly traffic flows are larger in densely populated and highly urbanized areas in comparison to smaller cities located in more rural zones.

As is shown in Table 1, the six selected cities vary on these contextual factors. They include cities with large tourism sectors (such as Montreux or Davos), cities with an important housing shortage (such as Geneva or Zurich), as well as cities with limited tourism and limited housing shortage (such as Aarau or Neuchâtel). And they comprise important

TABLE 1 Structural features of the six case study cities (in 2017)

	ZURICH	GENEVA	DAVOS	MONTREUX	AARAU	NEUCHÂTEL
Population	409,241	200,548	10,937	26,574	21,268	33,578
Population density per km ^{2a}	4654	12,597	38.5	795.4	1723	1859
Number of overnight hotel stays ^b	3,626,086	2,182,411	915,180	489,171	37,810	125,469
Empty flats (in percent of all flats) ^c	0.14	0.63	1.15	1.09	0.98	2.09
Total commuting movements ^d	196,325	68,916	6053	8720	10,281	14,091

^aSwiss Federal Statistical Office (2019). Portrait des communes.

^bSwiss Federal Statistical Office (2019). Hôtellerie, établissements, arrivées, nuitées.

^cSwiss Federal Statistical Office (2019). Taux de logements vacants par commune.

^dSwiss Federal Statistical Office (2019). Solde de pendulaires se rendant au travail selon les villes.

transportation hubs (such as Geneva or Zürich) subject to important mobility and commuting flows, as well as secondary cities with more limited passenger traffic (such as Davos, Montreux, Aarau, or Neuchâtel).

Implementing a process-tracing approach (Bennett & Checkel, 2015), our case studies use mainly qualitative methods of data collection and content analysis (Mayring, 2014). More precisely, we collected and analyzed documents (quoted in the text) and conducted in-depth interviews with 16 representatives from relevant governmental authorities in the six cities (see Table A1 in Appendix A).

REGULATORY RESPONSES TO AIRBNB AND UBER: A TALE OF SIX CITIES

As the case studies will show, the arrival of Airbnb and Uber in Switzerland raised particular challenges and prompted regulatory responses at the city level. However, it also posed challenges to national regulations which were also partly adapted as a consequence. Platforms generally operate at the crossroad between several public policy sectors and are hence embedded in a complex multilevel web of regulations. If both Airbnb and Uber must comply with Swiss federal fiscal rules applying to the gig economy (VAT and income tax liabilities), each company is also subject to national regulations relevant in their sector. As for any other short-term rentals and home-sharing services, Airbnb hosts must comply with national laws pertaining to tourist accommodations¹ such as the obligation for foreign guests to register with the competent authority and to pay a tourist tax. People advertising accommodations on Airbnb must also abide by federal tenants' law, in particular the need to get the permission of the landlord to sublease spaces. Platform-mediated short-term rentals (PM-STRs) however largely remain a matter of local responsibility and no additional specific regulations were taken by the federal government. As regards ride-hailing services, the federal government set a clear regulatory framework for professional passenger transport. In Switzerland to be considered as a self-employed professional driver, a professional driver's license, as well as a vehicle approved for passenger transport, is required.² Regulations beyond these minimal federal requirements are left to subnational authorities. Traditionally, taxi concessions are regulated at the city level, resulting in a wide variety of rules across cities. However, the legal status of Uber drivers remains unclear in Switzerland. This legal uncertainty caused particular problems for the case of Uberpop, a version of the application enabling private individuals without the corresponding licenses to offer transportation services. The federal government left the question open and gave cantonal and communal authorities some leeway to regulate Uberpop resulting in a wave of ban in Zurich, Basel, and Lausanne. As a result, Uber took the decision to withdraw Uberpop throughout Switzerland in December 2017, hence limiting their Swiss offer to UberX services operating with professional drivers who hold the required licenses.³ Although the question of the employment status of Uber drivers and, concomitantly, of whether the company is or not subject to social security contributions, remains open, no major legislative change was taken at the federal level to address digitally mediated ride-hailing.

Airbnb in Swiss cities: Politicization and regulations

Digital platform businesses are known to follow a very specific internationalization strategy characterized by the fact that they only locate themselves in countries or areas deemed as promising markets (Le Galès & Courmont, 2019). Airbnb's approach to the Swiss market is no exception to that rule. In Switzerland, the company opted for a national-wide deployment

strategy in the early 2010s, resulting in a rapid growth of ads posted on the website in Swiss urban regions and traditional holiday destinations.⁴ As displayed in Figure 1 below, Airbnb hosts are particularly active in the Grisons and the canton of Vaud where the cities of Davos and Montreux are located. This is not surprising given the high touristic appeal of the two regions. Airbnb ads are also particularly numerous in the cantons of Zurich and Geneva, that is, the two major economic centers of Switzerland characterized by a large number of short-term visitors both for business and tourism purposes. On the other hand, in the cantons of Argovia and Neuchâtel which feature a more industry-oriented economy, there are significantly less short-term rentals available on the platform. As a result, the issue intensity and, by extension, socio-political mobilization vis-à-vis virtually mediated short-term rentals differed from one city to another. Unsurprisingly, an intense politicization surrounding PM-STRs occurred in Zurich, Geneva, and Montreux where Airbnb is particularly well-entrenched. However, issues regarding PM-STR appeared considerably less politically sensitive in other cities like Davos and Neuchâtel while being almost completely inexistent in Aarau. These observations are not surprising for the cases of Aarau and Neuchâtel that do not record a significant number of short-term rentals available on the platform. Our results thus align in their great majority with our first assumption according to which the more intense platforms' activities are in a city, the more salient the topic and the stricter regulations are likely to be. The exception of Davos marked by a large tourism sector and tangible Airbnb activities yet shows that beyond intensity, there are other intervening factors determining why and how issues become public policy problems and are placed on political agendas (Figure 2).

The advent of Airbnb triggered different degrees of stakeholder mobilization across the cities under scrutiny. This in turn resulted in varying levels of politicization around the need to regulate PM-STR. In the city of *Aarau*, despite some complaints from the hotel industry calling for stricter regulations, the city government decided there was no need for regulatory action. On the contrary, authorities in Aarau rather pointed out the considerable touristic appeal of Airbnb and its potential to boost the tourism sector.⁵ As a result, no measures were taken to address issues posed by Airbnb in Aarau. The mobilization of the hotel industry against PM-STR was slightly stronger in *Davos*, *Montreux*, and *Neuchâtel*. However, this strong mobilization resulted in very different reactions vis-à-vis short-term rental sites between the three cities. In Neuchâtel and Davos, the most pressing concern raised by hoteliers was the nonpayment of the tourist tax by Airbnb guests. In both cities,

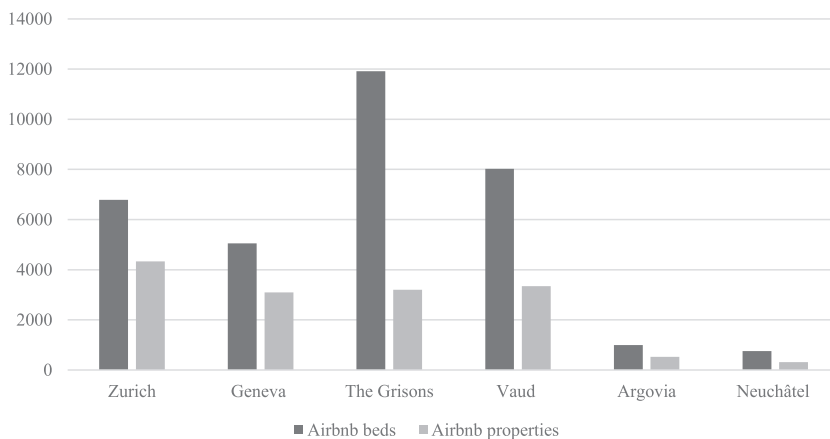


FIGURE 1 Number of Airbnb properties and beds per canton (2018)

hosts are obliged to collect this tax which is then passed on to the tax authorities. Although existing regulations on city tax were fully applicable to virtually mediated short-term rentals, the city governments proved unable to ensure that all Airbnb hosts comply with the requirements, hence causing a distortion of competition. Airbnb's data protection policy indeed prevents regulators to identify accommodation providers on the platform. Invoking the provisions of the EU E-Commerce and Service Directives, the company indeed generally refuses to disclose host information. As a consequence, governments as regulators often lack the information necessary to map the scale of the PM-STR phenomenon and to develop suitable strategies for the effective enforcement of regulations. Responding to the complaints of the hotel industry requesting a level playing field, the city of Neuchâtel implemented a manual mapping of all Airbnb properties available in the city. Comparing these with the population register allowed the city to identify the hosts behind each ad,⁶ and urge them to comply with the existing regulation. In addition to these measures, the cantonal government was urged to collect tourist taxes automatically over transactions made on the platform in October 2018,⁷ marking the beginning of lengthy negotiations between the Canton of Neuchâtel and Airbnb. A similar attempt to negotiate was undertaken by the city government of Davos, but the company proved uncooperative as it "usually [...] tends not to negotiate with [Swiss] individual municipalities."⁸ Public authorities in Davos were thus left to rely on its guest-card scheme to incentivize Airbnb guests to comply with the law: with a proof of payment of the tourist tax, guests in Davos can obtain a guest card that offers discounted access to amenities such as public transport and cable cars.

The mobilization of the hotel industry was also important in Montreux. This is not surprising given the strong presence of the platform in these popular tourist areas. But in the canton of Vaud, issues pertaining to Airbnb went beyond the simple question of tourist tax collection and became extremely politicized. In 2016, the cantonal government was urged to tighten regulations regarding PM-STRs.⁹ This formal request supported by both right and left-wing parties and pushed by the hotel industry advocated for a fair competition within the touristic sector. Three years later, the cantonal government announced its willingness to modify existing regulations on economic activities and on the maintenance of rental properties. This is the notification of a draft law to control the activities of PM-STRs in the whole canton. The proposed legislation aims to introduce a 90-day limit on Airbnb rentals. Above this threshold, landlords are expected to request a specific rental permit to the responsible office, or else they may be liable to penalties up to 60,000 francs. In addition, the bill also prescribes the obligation for Airbnb hosts to register with the municipal authorities and to keep a guest register (passport copy and arrival and departure dates) to facilitate police and fiscal controls. This first and foremost intends to enable public authorities to map the scale of the PM-STR phenomenon in the canton. Beyond facilitating the control of the tourist tax collection from Airbnb hosts, this draft legislation also aims to avoid potential adverse effects on residential housing units as well as to regulate the competition with the hotel industry.¹⁰

The case of *Zurich* and *Geneva* also featured intense socio-political struggles around the regulation of Airbnb. For several decades, the rental market in Geneva has been facing a serious crisis. Fighting the shortage of available rental housing and rent increases in the canton has led to the development of a complex legislative framework. In 2016, a socialist member of the cantonal parliament filed a proposal on behalf of the regional tenants' association, aimed at protecting the housing stock against the development of PM-STRs.¹¹ In September 2017, the cantonal parliament decided to strengthen the existing policy against the housing shortage by adopting new regulations directly targeting PM-STR. This regulation initially established a maximum of 60 nights per year for which flats can be rented out on the platform. Following a court decision in April 2019, this threshold was extended to 90 days per year. Like in the canton of Vaud, should they exceed this limit,

landlords would require a specific permit. The aim is to prevent the proliferation of professional and commercial rentals on the platform. But the anonymity of Airbnb hosts made it difficult to enforce this new regulation, and the hotel industry voiced its displeasure and accused the platform of helping hosts to escape the new rule.¹² Negotiations took place with Airbnb to directly implement the 90 days limit in its system, but the proposal was rejected by the platform. The canton therefore mainly operates by denunciation to track down alleged infringers—resulting in a very low risk of being sanctioned. To respond to the rising anger from hoteliers, the canton of Geneva started discussing a direct collection of the tourist tax by Airbnb, featuring the development of a new draft law on tourism to simplify the city tax pricing and facilitate the negotiations with the company. In August 2020, Airbnb and the cantonal government signed an agreement and since September 2021, 3.75 francs per night is automatically collected via the platform and paid to the canton. Similar debates took place in *Zurich* but resulted in very different regulatory responses. In *Zurich*, issues related to PM-STR were raised by the city council in 2009, in relation to wider aspects of urban planning and housing. Left-wing municipal councilors emphasized the urgent need to regulate the short-term housing market, following requests by *Zurich* tenants' association to exclude tourist accommodations from residential areas as stipulated in the building and zoning regulations.¹³ While discussions were initially concerned with second homes in general, the debate quickly polarized around Airbnb blamed for worsening the housing shortage by contributing to transform residential flats into short-term accommodation.¹⁴ This statement was also reiterated and amplified by local media.¹⁵ Considered as tourist accommodation as well, traditional hoteliers could also be potentially impacted by the requested change in planning regulations. They hence adopted a low-key approach and did not take part in the debate. After some back-and-forth discussions over several years that resulted in no regulatory change, a new regulation was adopted in 2021 that entails a better protection of primary residences in the building regulations by re-categorizing short-term rentals and service apartments as nonresidential.¹⁶ However, unlike the earlier request, traditional hotels industry is exempted from these restrictions. In parallel, after several years of negotiation between Airbnb and the cantonal authorities, an agreement was reached in 2018 for an automatic collection of the tourist tax via the platform. Since then, every time a reservation is made in the canton of *Zurich* on the Airbnb website, the tax amount per guest per night is automatically transferred to *Zurich* Tourism.¹⁷

Our comparative case study highlights that the ways in which issues are politicized matters in explaining the diversity of reactions towards PM-STR from city to city. The example of *Aarau* shows that a low issue intensity along with an absence of mobilization against short-term accommodation platforms usually results in governmental *laissez-faire*. The comparison between *Montreux*, *Davos*, and *Neuchâtel* however demonstrates that a strong issue intensity along with a strong mobilization of industry incumbents are not sufficient conditions for the adoption of strict regulations of PM-STR. While the mobilization of hoteliers was rather intense in these three cities, the issue was only placed on the institutional agenda in *Montreux* where it subsequently resulted in legal change. In *Davos* and *Neuchâtel*, public officials did not see the necessity to prompt a government decision on the matter but rather chose to stick to existing regulatory frameworks and to rely on awareness-raising policies, incentive measures, and bilateral negotiations with Airbnb to address the issue. This variation illustrates that the political color of local governments does not matter for agenda inscription. This is commensurate with the workings of Swiss consensus democracy, where urban governments are large coalition governments, and party politics often play a minor role. These findings confirm our third hypothesis according to which problems that make it onto the institutional agendas tend to result in stricter regulatory responses. But the cases of *Zurich* and *Geneva* also show that a strong politicization and successful institutional agenda setting are not sufficient conditions to explain severity of

restrictions. In both cities, PM-STRs indeed triggered intense socio-political struggles which resulted in placing the issue on institutional agendas. But two very different responses from public authorities ensued: caps on short-term rental periods in Geneva that directly affect platform activities, and rules on building regulations in Zurich that will only have mid- to long-term effects on platform activities. This difference might be explained by the fact that the residential market in Geneva features a long tradition of state intervention to address its housing crisis while being historically more liberal in Zurich.¹⁸ As they were able to rely on a dense pattern of legislation and a long-established regulationist approach to the housing sector, government authorities in Geneva might have been more prone to engage into stricter limitations to PM-STR than in Zurich.

Uber in Swiss cities: Politicization and regulations

Just as Airbnb, Uber is not equally present in every Swiss city.¹⁹ The company entered the Swiss market in March 2013. The application was first made available in Zurich. One year later, it was launched in Geneva, followed by Basel 3 months later and by Lausanne in 2015. In 2020, the company expanded its business further to four more cities namely Bern, Fribourg, Sion, Winterthur, and Zoug. Once again, Uber's development strategy follows the known pattern of prioritizing economically dynamic cities offering an addressable market for the platform activities (Le Galès & Courmont, 2019). Uber's early insertion in Zurich and Geneva is not surprising given the presence of international airports and important railway stations that constitute major transport hubs. Those two cities are also characterized by significant commuter flows going in and out of the municipality from and to other cantons and bordering countries (see Table 1). These commuters constitute a sizeable market for the passenger transport industry. The implantation of Uber in Lausanne in the canton of Vaud at an early stage might be explained by its proximity to Geneva and to the Geneva international airport as well as its vicinity with the French border. Unsurprisingly, this uneven presence of Uber across the Swiss territory triggered different levels of mobilization from one city to another. In municipalities in which the application is not available such as Davos, Aarau, and Neuchâtel, the regulation of digital ride-hailing services was not at all considered a salient issue and there were no debates on regulatory measures, neither at the communal nor at the cantonal level. In the cantons of Vaud, Zurich, and Geneva, however, issues related to platform-mediated ride-hailing were a very salient topic. They resulted in an intense mobilization of taxi industry incumbents, drawing the attention of elected officials who placed these issues on the institutional agendas, which eventually resulted in the adoption of new cantonal legislation to regulate the taxi industry. In the canton of Vaud, new regulations on commercial passenger transportation were adopted in 2019 to create a level playing field for traditional taxi drivers and Uber drivers. They subject all commercial drivers to the obligation to pursue professional training, obtain a professional license, register with the cantonal authorities, and display a distinctive sticker on their vehicles.²⁰ In Zurich, the new taxi law, adopted in 2020, stipulates that Uber drivers must display a distinctive sticker on their cars and register with the cantonal authorities. The aim is to ensure a level playing field with taxi drivers and to facilitate police control of vehicles. These measures were advocated by a large coalition between the right-wing Swiss People's Party and the left-wing Socialist Party and supported by both the taxi industry and the trade unions.²¹ In Geneva, a 2017 revision of the existing taxi law introduces a distinction between taxi and other professional drivers. While taxi drivers are allowed to use bus corridors or to canvass customers in front of major transportation hubs (airports, train stations...), other passenger transporting vehicles can only drive from one place to another to drop or pick up customers.²² Like in Zurich and Vaud, Uber drivers in Geneva are also expected to obtain a professional license and to display a

distinctive license plate on their vehicles to be more easily identifiable by the police. Presumably drawing from the 2017 ruling by the Court of Justice of the European Union,²³ the cantonal government in Geneva decided, 2 years after adoption of the new law, to classify Uber as an employer—rather than as an intermediation service for self-employed drivers—thereby obliging the company to the payment of employment benefits.²⁴ The company appealed against this governmental decision, but it was confirmed by Geneva's court of justice as well as the Federal Court, thereby obliging the multinational company to comply with local labor laws if it wants to continue operating in Geneva—de facto banning Uber's business model.²⁵ Subsequently, Geneva became the theater for open conflicts between the company and cantonal authorities. In July 2019, the general manager of Uber Switzerland announced that the company could leave Geneva should the canton refuse to come back on its decision.²⁶ This request was backed up by a petition launched and signed by over 400 Uber drivers asking the government to affirm their status of self-employment.²⁷ Uber's reaction was condemned by the cantonal government who qualified it as an “act of propaganda”²⁸ and claimed that “virtually-mediated ride-hailing must adapt to the local legal system and not the other way round.”²⁹

The politicization of issues related to digital ride-hailing thus triggered very different regulatory responses between the three places in terms of both substance and form. While Uber is allowed to operate under some restrictions in Zurich and Vaud, its business model is banned in Geneva. This shows that, beyond the formal inscription of these issues on the current agenda of political decision-makers, pre-existing regulation of the taxi sector shapes regulatory responses. In contrast to Vaud and Zurich, the political debate on taxi legislation in Geneva dates back to the early 2000s, culminating in the adoption of the first cantonal taxi law in 2005. As a representative of the cantonal government declared in an interview: “In Geneva, we have been making and re-making taxi-laws for at least 15 years”³⁰—a statement showing that the regulation of professional passenger transport is entangled in a tradition of detailed legislation at the cantonal level. Since 1999, three legislative bills have succeeded each other.³¹ Originally, aimed at controlling the competition between “yellow” taxi drivers (authorized to use specific traffic lanes) and “blue” taxi drivers (subject to fewer taxes but excluded from the same advantages), recent regulations were primarily targeted at platform-mediated ride-hailing activities. Unlike in Geneva, where the passenger transport issue has been a longstanding debate, in Zurich and Vaud, it is only with the discussions on ride-hailing platforms that an up-scaling of regulations on ride-hailing services (including taxis) took place from the municipal to the cantonal level. Traditionally, municipalities were in charge of granting professional licenses, parking authorizations, and tariffs. To address issues related to ride-hailing activities, cantonal authorities in both Zurich and Vaud had to formulate legislation from scratch, while they could rely on a very detailed pre-existing legislative framework in Geneva. The pre-existing regulatory framework explains much of the difference in governments' reactions to virtually mediated professional passenger transport between the three places. First, past regulations crystalize well-entrenched socio-political conflicts which, if reopened, reaffirm strong and consolidated stances taken by long-established actor coalitions in the sector. Traditionally heated and politically sensitive debates then necessarily lead to a strong politicization that public authorities may be tempted to address in a stringent way. Second, prior legislations also shape the options that governments have at their disposal to engage in regulatory action. Thanks to a pre-existing complex set of regulations in the field of ride-hailing, it was relatively easy for cantonal authorities in Geneva to toughen up the legislation more comprehensively, addressing platform-mediated ride-hailing issues not only in revisions of the taxi law but also through decisions related to labor legislation. In contrast, governments in Zurich and Vaud spent considerable time and energy on the formulation of a new law which, as a result, contains less stringent regulations. The ways in which issues are politicized obviously matter in

shaping governmental reactions across cities. On the one hand, in places where Uber is not present such as the Davos, Aarau, and Neuchâtel, there was no mobilization from the taxi industry, and issues related to platform mediated ride-hailing were not seen as public policy problems worth being placed on the political agenda. On the other hand, in the three cities where Uber is present (Zurich, Geneva, and Montreux), regulatory issues became extremely salient, triggered heated socio-political debates, and resulted in the adoption of new regulations. If our analysis confirms that placing the issue on the institutional agenda is a necessary condition for the adoption of regulations targeting Uber's activities by local governments, it also highlights the diversity of regulatory approaches across cities, despite a similar politicization. Regulatory responses to digitally mediated ride-hailing were indeed more stringent in Geneva where these services were subject to a set of long-standing cantonal legislation. In Zurich and Montreux, the complexity of virtually mediated ride-hailing services led to an upscaling of government competencies from the municipal to the cantonal level and to the enactment of two softer cantonal laws built from scratch. These results align with our fourth hypothesis according to which the higher the density of pre-existing regulations, the stricter regulatory responses to platform-mediated activities are likely to be.

Summary

In terms of regulatory responses to Airbnb and Uber, the case studies show that the stringency of the regulations varies widely across the six cities (see Table 2). With respect to short-term rentals, they range from explicit decisions to do nothing (Aarau), over incentives to increase tax compliance by guests (Davos), and persuading Airbnb to act as a collector of tourist taxes (Neuchâtel, Montreux, Zurich, Geneva), to the adoption of new zoning rules (Zurich), as well as caps on the yearly number of days that hosts can rent out their flats (Montreux, Geneva). With respect to platform-mediated ride-hailing, the topic is unsurprisingly not politicized in areas where Uber is not present (Aarau, Davos, Neuchâtel). In cities where the application is available, regulations range from new obligations for Uber drivers to officially register (Montreux, Zurich), to new labor law regulations that resulted in a de facto ban of the platform's activities (Geneva).

Reiterating the processes through which these regulations occurred, the case studies suggest that four factors play a role in shaping regulatory trajectories. First, platform-mediated businesses are not uniformly present across Switzerland as they prioritize their developments in cities offering an addressable market for their activities. This caused the intensity of issues related to the two platforms to vary between those cities in which Uber and Airbnb constitute major players and those in which the platforms are not or weakly present. The case of Uber is particularly interesting here as regulatory issues posed by the multinational ride-hailing company were extremely salient in cities where the platform is available (Zurich, Geneva, Montreux) but did not trigger significant discussions in the other regions (Aarau, Davos, Neuchâtel). Second, the arrival of the digital platforms sometimes revives long-standing public policy problems, hence triggering an intense stakeholder mobilization against them. This makes platform-mediated activities more likely to move to top priority on local institutional agendas. As emphasized by Aguilera et al., actors mobilize in “an already institutionalized political space [and] therefore play a crucial role in coupling the framing of [virtually-mediated exchanges] with pre-existing issues that have been high on the broader political agenda” (2021, p. 14). This is especially well illustrated by the cases of Zurich and Geneva that both featured an extremely tight housing market and in which PM-STRs were quickly framed as an issue of housing policy by interest groups and political actors. Finally, the nature of pre-existing regulatory and institutional frameworks in the sectors in which platform businesses operate also constrain local policy responses. On the

TABLE 2 The politicization of platform-related issues in Swiss cities

City	Platform	Issue intensity	Stakeholder mobilization	Issue put on the institutional agenda	Regulation density in targeted sectors	Regulatory responses
Zurich	Airbnb	High	High	Yes	Low	Laissez-faire (but: short term rentals classified as secondary homes) + negotiations with Airbnb for an automatic city tax collection
	Uber	High	High	Yes	Nonexistent	Restrictions (professional license, training, sticker for drivers) + up-scaling of competences from the communal to the cantonal level
Geneva	Airbnb	High	High	Yes	High	Restrictions (limit Airbnb rentals to 90 nights a year) + negotiations with Airbnb for an automatic city tax automatic collection
	Uber	High	High	Yes	High	Ban (Uber classified as an employer subject to labor laws and social contributions)
Davos	Airbnb	Low	High	No	Low	Laissez-faire + incentivization via guest card to push visitors to register
	Uber	Low	Low	No	Low	n.a. (platform not available)
Montreux	Airbnb	Low	High	Yes	Low	Restrictions (limit Airbnb rentals to 90 nights a year) + negotiations with Airbnb for an automatic city tax automatic collection
	Uber	High	High	Yes	Nonexistent	Restrictions (professional license, training, sticker for drivers) + up-scaling of competences from the communal to the cantonal level
Aarau	Airbnb	Low	Low	No	Low	Laissez-faire
	Uber	Low	Low	No	Low	n.a. (platform not available)
Neuchâtel	Airbnb	Low	High	No	Low	Laissez-faire + negotiations with Airbnb for an automatic city tax collection + mapping of Airbnb objects to identify all Airbnb tenants
	Uber	Low	Low	No	Low	n.a. (platform not available)

one hand, the division of power and competence between government levels plays a decisive role, as a more stringent regulation of platform economy was paralleled by an upscaling from the city to the canton. This was the case, for example, in Zurich and Montreux, where new taxi laws were adopted at the cantonal level. On the other hand, the nature of prior legislative frameworks also constrained the panoply of governments' regulatory choices. This is illustrated by the case of Uber for which some cantons enacted new laws (Vaud, Zurich), while others simply modified pre-existing legislative frameworks to better target virtually mediated activities (Geneva).

However, if structural institutional and socioeconomic differences between cities seem to matter in the development of local responses to the platform economy, they cannot be considered as a sufficient condition for the explanation of those variations. Indeed, policy reactions toward Uber and Airbnb also differ between cities displaying similar institutional and socioeconomic backgrounds. This confirms our initial postulate according to which the processes of politicization must be considered when investigating the regulation of P2P exchanges.

DISCUSSION AND CONCLUSION

In the past decade, the platform economy has become embedded in numerous aspects of our daily lives. This is particularly the case in cities that offer a significant and growing pool of customers and users for platform-mediated activities. In the space of 10 years, digital platforms have entrenched themselves within key urban sectors, hence becoming a substantial alternative to incumbent service providers. Digital platforms have morphed into new forms of institutions, structuring market dynamics and power balances in traditional industries sometimes in contradiction with norms and standards set by local governing bodies. As a result, city governments around the world have come under pressure to take action to regulate and control platform activities. Switzerland did not escape this global trend. The emergence of the platform economy in Swiss cities, epitomized by the rise of Airbnb and Uber, has indeed led to very diverse local government reactions ranging from a complete *laissez-faire* to an outright ban of some platforms. Leaning on this observation, this study aimed to provide explanatory paths for the diversity of regulatory approaches to the platform economy across cities.

Our analysis shows that the public salience of platform-related issues in each individual city is key to the stringency of regulations that are adopted. In some cities, platform-related activities are not defined as public policy problems significant enough to require intervention, which tends to result in no concrete measures being taken by governments. In cities where the topic was salient, the roots of the problem along with the circumstances surrounding the institutional agenda-setting process largely conditioned the ways it was acted upon by public authorities. We hence found that public issues placed on institutional agendas following an intense stakeholder mobilization resulted in stricter responses. In addition, the ways in which platform-related issues were framed also influenced the stringency of regulations. In this sense, requests for a level playing field between platforms and traditional industry usually led up to looser regulatory responses than pressures for labor protection purposes or for the preservation of spaces for residential living.

However, even between cities displaying similar agenda-setting patterns, the severity of regulations sometimes still differs. Our study indicates that the regulatory culture along with the nature of pre-existing regulation in industries and markets where Airbnb and Uber operate shaped local responses. Our analysis suggests that it is easier for local governing bodies to exercise a stricter control over platforms activities in cities where targeted urban sectors are already highly regulated, compared to less regulated sectors for which governments must create new laws from scratch to address platform-related issues.

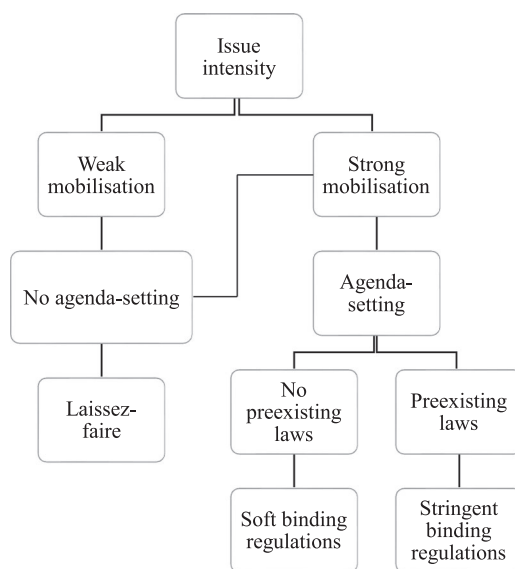


FIGURE 2 Logics behind the regulation of platform-mediated activities

Following this reasoning, a local government displaying a rather interventionist regulatory tradition, such as Geneva, tends to opt for more stringent regulations than a local government embedded in a more liberal regulatory culture such as Zurich. The following figure summarizes our results and suggests a systemic explanatory scheme to account for varying regulatory approaches of the platform economy across cities.

This paper sheds lights on the underlying political patterns behind city governments' trial and error in the regulation of the platform economy. By focusing on the regulation of two sectors characterized by the presence of two major global platforms across several cities located in the same national context, our study paves the way for a systematic characterization of cities' varying governmental responses to the platform economy. Further research including cities embedded in other countries will provide additional evidence for significant pathways in our explanatory model. We thus encourage future empirical developments in this direction.

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APPENDIX A

TABLE A1 Qualitative interviews conducted for the case studies

No.	City	Function of the interviewee	Platform	Date
1	Zürich	Departementssekretär im Hochbaudepartement der Stadt Zürich	Airbnb	21.06.2019
2	Zürich	Vizedirektor Zürich Tourismus	Airbnb	21.06.2019
3	Zürich	Stellvertretender Leiter des Fach- und Rechtsdienst beim Generalsekretariat der Volkswirtschaftsdirektion des Kantons Zürich	Uber	09.07.2019
4	Geneva	Secrétaire général adjoint chargé des questions économiques au Département du développement économique du Canton de Genève	Airbnb	01.07.2019
5	Geneva	Directrice de la direction administrative et juridique au Département du territoire du Canton de Genève	Airbnb	01.07.2019
6	Geneva	Conseiller d'Etat chargé du Département de la sécurité, de l'emploi et de la santé du Canton de Genève	Uber	30.07.2019
7	Davos	Rechtskonsulent bei der Gemeindekanzlei Davos	Airbnb and Uber	19.06.2019
8	Davos	Direktor Davos Klosters Tourismus	Airbnb	26.06.2019
9	Montreux	Conseiller municipal de la direction économie culture et tourisme	Airbnb	02.07.2019
10	Montreux	Coordinateur à Montreux-Vevey Tourisme	Airbnb	24.06.2019
11	Montreux	Juriste au Service de la promotion de l'économie et de l'innovation du Canton de Vaud	Uber	03.07.2019
12	Aarau	Geschäftsführerin der Geschäftsstelle des Vereins Aarau Standortmarketing und des Verkehrsvereins Aarau und Region	Airbnb	01.07.2019
13	Aarau	Leiter Wirtschaftsfachstelle Stadt Aarau	Uber	14.06.2019
14	Aarau	Sektionsleiter Verkehr bei der Stadtpolizei Aarau	Uber	14.06.2019
15	Neuchâtel	Chef du Service de la Consommation et des Affaires Vétérinaires du canton de Neuchâtel	Airbnb	18.06.2019
16	Neuchâtel	Collaborateur bureau d'accueil—Hébergement chez Tourisme Neuchâtelois	Airbnb	12.06.2019

Note: The interviews followed a standard guideline with open-ended questions. More precisely, interviewees were asked about their perception of platform-related issues in the two sectors (short-term rentals and ride-hailing) in their city, as well as their organization's approach, position, and actions vis-à-vis platform-mediated activities.