



Must Uber hold the legal authorizations required for taxi services in each country in which she offers its services ? The Court of Justice responds positively : Uber may therefore be subject to national rules regarding the exploitation of taxi services. (CJCE, 20 décembre 2017, C-434/15, Asociación Profesional Elite Taxi)

To oppose the application of the national rules applicable in each country where it is active, Uber invoked the rule of the “country of origin”, i.e. an European rule according to which the (sole) legal requirements applicable to the provision of services are those of the country in which the service provider is established, even if the service is provided in another Member State.

This rule can be found in two important texts: (i) the Electronic Commerce Directive (Directive 2000/31) and (ii) the Services Directive (Directive 2006/123).

In its decision of 20 December 2017, the ECJ considers that the service offered by Uber does not fall under Directive 2006/123, neither under Directive 2000/31.

Uber’s services may therefore be subject to the national laws of the countries in which the drivers are active.

In addition to the practical importance of this decision for Uber, it also provides interesting information on how to approach the definition of “*service of the information society*”, when intermediation services are provided in regulated sectors: to remain an intermediary, stay away from the organization of the underlying services.

Are you interested in this topic? Further information can be found [\[here\]](#)



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