

**Question for written answer E-003532/2017
to the Commission**
Rule 130
Marie-Christine Arnautu (ENF)

Subject: Regulation

On 11 May, the Advocate General of the Court of Justice of the European Union (CJEU) delivered the conclusions in the case between Uber and Elite Taxi, an association of taxi drivers in Barcelona. The latter had brought legal proceedings on the grounds that it was the victim of 'unfair competition'. The Spanish judge then referred a question to the CJEU for a preliminary ruling in order to determine the status of private hire drivers' platforms, in particular whether they are a digital service or a transport company. According to the Court's Advocate General, although Uber is a mixed service and belongs to both the digital and the transport sectors, it nevertheless 'controls the economically important aspects of the urban transport service' and should therefore be regarded as 'the organisation and management of a comprehensive system for on-demand urban transport'. Uber did not fall within the legal framework of the collaborative economy.

If the Court follows this view, Uber will not be able to invoke the Services Directive, contrary to what the Commission had implied in its communication on the collaborative economy published last June. If so, will the Commission leave national and local authorities the freedom to regulate private hire drivers' platforms?