

**Question for written answer P-001975/2018
to the Commission**
Rule 130
Miltiadis Kyrkos (S&D)

Subject: ECJ Judgment and Information Society Services

In its answer to my question of 6 October 2017 on whether electronic platforms acting as intermediaries between passengers and state-licensed drivers provide information society services, the Commission referred to the upcoming ECJ judgement.

The ECJ has now ruled that e-mediation services for the carriage of passengers are only exceptionally to be treated as part of the transport service if the intermediary creates a new market contracting non-professional drivers, enforces and controls the conditions of the transport service and determines the cost of the transport service (it is purely about the cooperative economy).

However, Article 12 of the new law of the Ministry of Transport, which concerns the electronic / telephone intermediation of transport for passengers with vehicles in professional public use (like Taxibeat), provides, contrary to the ECJ's reasoning, that such intermediation is a transport service, despite the fact that the provider of intermediation contracts licensed drivers who are already working professionally.

On the basis of the ECJ's ruling, can the Commission say:

1. How can entrepreneurship be enhanced, barriers to competition be removed and consumers protected given the obstacles created by Article 12?
2. How will sustainability and the development of new technologies and innovation be ensured if these online mediation applications are not considered information society services but transport services?
3. By analogy, should internet mediation services for the purchase of meals be licensed as food and beverage establishments?