



Press and Information

Court of Justice of the European Union

**PRESS RELEASE No 39/18**

Luxembourg, 10 April 2018

Judgment in Case C-320/16  
Uber France SAS

**Member States may prohibit and punish, as a matter of criminal law, the illegal exercise of transport activities in the context of the UberPop service, without notifying the Commission in advance of the draft legislation laying down criminal penalties for the exercise of such activities**

The French company Uber France provides, by means of a smartphone application, a service called UberPop, through which it puts non-professional drivers using their own vehicle in contact with persons who wish to make urban journeys. In the context of the service provided by means of that application, Uber France fixes the rates, collects the fare for each journey from the customer (before paying part of it to the non-professional driver of the vehicle) and prepares the invoices.

Criminal law proceedings have been brought against Uber France for having organised, by means of the UberPop service, a system for putting customers in touch with non-professional drivers who transport passengers for remuneration using vehicles with fewer than ten seats. Uber France maintains that the French legislation on which those criminal proceedings against it are based constitutes a technical regulation which concerns an information society service within the meaning of the directive on technical standards and regulations.<sup>1</sup> That directive requires Member States to notify the Commission of any draft legislation or rules laying down technical regulations relating to products and information society services, failing which that legislation or those rules will be subsequently unenforceable against individuals. In the present case, the French authorities had not notified the criminal legislation in question to the Commission prior to its promulgation. Uber France infers from this that it cannot therefore be prosecuted on the charges set out above.

The tribunal de grande instance de Lille (Regional Court, Lille, France), before which the matter was brought, has asked the Court of Justice whether the French authorities were required to notify the Commission of the draft legislation in advance.

By today's judgment, the Court rules that **Member States may prohibit and punish the illegal exercise of a transport activity such as UberPop without having to notify the Commission in advance of the draft legislation laying down criminal penalties for the exercise of such an activity.**

The Court points out, first of all, that it ruled on 20 December 2017 in the *Uber Spain* case<sup>2</sup> that **the UberPop service** offered in Spain came within the field of transport and **did not constitute an information society service within the meaning of the directive**. In the Court's view, the UberPop service offered in France is essentially identical to the service provided in Spain, that being a matter for the tribunal de grande instance de Lille to verify.

As the UberPop service does not therefore come within the scope of the directive, the Court accordingly concludes that the obligation to notify the Commission in advance, provided for in that

<sup>1</sup> Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services (OJ 1998 L 204, p. 37), as amended by Directive 98/48/EC of the European Parliament and of the Council of 20 July 1998 (OJ 1998 L 217, p. 18).

<sup>2</sup> [C-434/15](#) Asociación Profesional Elite Taxi v Uber Systems Spain, see Press Release No. [136/17](#).

directive, cannot apply. It follows that the French authorities were not required to notify the Commission in advance of the draft criminal legislation in question.

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**NOTE:** A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of EU law or the validity of a European Union act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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The [full text](#) of the judgment is published on the CURIA website on the day of delivery.

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