

# EU states have right to ban Uber: top lawyer

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San Francisco-based Uber insists it is a service, not a transport provider, connecting riders with freelance drivers directly and much more cheaply than traditional cab companies

EU member states can ban ride-hailing pioneer Uber without informing the European Commission because at heart it is an ordinary transport company under their jurisdiction, a top EU lawyer said Tuesday.

San Francisco-based Uber insists it is a service, not a [transport](#) provider, connecting riders with freelance drivers directly and much more cheaply

than traditional cab companies.

But critics and competitors say this allows it to dodge costly regulation and several countries, led by France, have banned its low-cost UberPop service as a result.

Uber France challenged the ban, saying it amounted to regulation of an information [company](#) which Paris should have first lodged with the Commission, the European Union's administrative arm.

However, Maciej Szpunar, an advocate general with the Luxembourg-based European Court of Justice, said Uber was in fact an ordinary transport company and so member states could go ahead and regulate its activities without notifying the Commission in advance.

He recalled that in a May 11 opinion on a related case concerning Uber Spain, he had concluded that UberPop "does not constitute an information society service."

Szpunar also argued that even if the ECJ, the EU's highest court, should at some stage determine UberPop was indeed an information service provider, a ban in response to "the illegal exercise of a transport activity does not constitute a technical regulation within the meaning of the directive."

"Notification of the draft law to the Commission would not be necessary in that situation either," he said.

He argued that member states only had a duty to notify the Commission if they took a specific, targeted action against [information service](#) providers.

"Rules which affect those services only in an implicit or incidental

manner are excluded from the notification obligation," he said.

The ECJ's advocate generals—its top lawyers—are regularly called on to provide initial guidance to the court which in most instances follows their advice in its final rulings.

The French authorities banned Uber after violent protests by traditional taxi drivers.

Uber in turn filed complaint with the EU against France and other [states](#), arguing that national policies hostile to its operations violate European law.

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