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TECH

## Uber to Fight EU Rules in Europe's Top Court

European Court of Justice is expected to consider if company is an online service, rather than a taxi firm



Taxi drivers in Barcelona protested against Uber during a strike last year. *PHOTO: DAVID RAMOS/GETTY IMAGES*

By **SAM SCHECHNER**

Updated July 20, 2015 1:24 p.m. ET

PARIS—Uber Technologies Inc. is bringing its fight against European Union taxi regulations before the bloc's highest court, setting up a potential decision on whether national transportation laws across the region can apply to such online services as Uber.

California-based Uber said on Monday that a judge in Barcelona has granted its request to refer a case brought by a local taxi association to the European Court of Justice. The referral asks the Luxembourg-based court to determine whether Spanish taxi rules and court decisions violate EU treaties and laws.

Uber argues the EU court should overturn what the company claims is a patchwork of European taxi regulations that protect established taxi companies from new competitors.

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“Outdated rules, such as return-to-garage regulations or minimum price and duration rules, are being used across the European Union to squash competition,” said Mark MacGann, Uber’s head of public policy for Europe, the Middle East and Africa. The court will now determine if the national rules currently being applied to digital services like Uber are legal, he said.

Representatives of the Spanish court weren’t available to comment, but an official said in June that the court was considering referring the case. A spokeswoman for the European Court of Justice on Monday said the referral hadn’t yet been received, but that the court would be obliged to hear it once it is sent.

The appeal opens a new front in Uber’s legal fight in Europe. Seeking to challenge existing laws and new ones that restrict its services, Uber has fought court cases in countries from Italy to the Netherlands to France.

Uber has filed complaints with the EU’s executive arm, arguing that national laws in France, Germany and Spain violate EU treaties.

The legal salvos come as the company faces a wave of restrictions in Europe. Earlier this month, following violent taxi protests in France, and the indictment of two Paris-based executives, Uber suspended its Uberpop service that uses drivers without professional licenses in France. That follows court bans on Uberpop in Germany and Italy, among other countries.

At issue before the European Court of Justice is whether Uber, which runs a popular smartphone app that allows people to hail cars for trips across town, is a transportation company or an “information society service.”

Uber says it is the latter, which would give it sounder legal footing under EU directives to avoid certain elements of national taxi laws. The Spanish judge has asked Luxembourg for guidance, according to a copy of the ruling made available by Uber.

Under current EU law, transportation regulations are exempt from the EU-wide services directive, giving countries more of a free rein to regulate them. But online services are granted freedom from some kinds of regulatory interference.

It isn't clear how long it would take for Uber's case to be heard. Nevertheless, he said he is confident Uber will prevail because EU court decisions “rarely if ever have the effect of closing markets and restricting competition.”

Uber says its goal isn't to eliminate all regulations in Europe, but rather to force the creation of new ones that account for how its business works. In the U.S., the company has had some success pushing for new flexible rules.

“We're not arguing that we're exempt from any regulations whatsoever. We're saying regulations in some of these countries were designed decades ago,” Mr. MacGann said. “We think regulations need to be fit for purpose in [the] digital age.”

—*David Román contributed to this article.*

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