



Reports of Cases

Case C-253/16

**Flibtravel International SA
and
Léonard Travel International SA
v
AAL Renting SA and Others**

(Request for a preliminary ruling from the cour d'appel de Bruxelles)

(Reference for a preliminary ruling — Article 96 TFEU — Applicability — National legislation prohibiting taxi services from offering individual seats — National legislation prohibiting taxi services from predetermining their destination — National legislation prohibiting taxi services from touting for custom)

Summary — Judgment of the Court (Third Chamber), 15 March 2017

Freedom to provide services — Provisions of the Treaty — Scope — Transport — National legislation prohibiting taxi services from offering individual seats, predetermining their destination and touting for custom — Not included

(Art. 96 TFEU)

Article 96(1) TFEU must be interpreted as not applying to restrictions, such as those at issue in the main proceedings, imposed on taxi operators.

The purpose of that provision is to prevent Member States from adopting supportive or protective measures indirectly benefiting the customers of the operator concerned, which applies those rates and conditions to them, without adopting supportive or protective measures directly benefiting other operators which are in competition with the operator concerned.

That interpretation is borne out by Article 96(2) TFEU, pursuant to which the Commission, in order to authorise a measure in principle prohibited by Article 96(1) TFEU, must take into consideration, in particular, the requirements of an appropriate regional economic policy, the needs of underdeveloped areas and the problems of areas seriously affected by political circumstances.

The contrary interpretation, advocated by the defendants in the main proceedings, would moreover be such as to undermine the effectiveness of Article 58 TFEU, which implies, in accordance with Article 91 TFEU, that application of the principles governing freedom to provide transport services must be achieved by introducing a common transport policy (see judgment of 22 December 2010, *Yellow Cab Verkehrsbetrieb*, C-338/09, EU:C:2010:814, paragraph 30), inasmuch as Article 96(1) TFEU would thus have the effect of directly prohibiting a large proportion of the measures which could be described as restrictions on the freedom to provide transport services without such a rule having been adopted by the EU legislature.

(see paras 20, 21, 23, 24, operative part)