



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Enforcement

Notification of Regulatory Barriers

Message 103

Communication from the Commission - TRIS/(2025) 1249

Directive (EU) 2015/1535

Notification: 2025/0085/IT

Forwarding of the observations of a Member State (Estonia) (article 5, paragraph 2, of Directive (EU) 2015/1535). These observations do not have the effect of extending the standstill period.

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1. MSG 103 IND 2025 0085 IT EN 13-06-2025 12-05-2025 EE COMMS 5.2 13-06-2025

2. Estonia

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4. 2025/0085/IT - SERV60 - Internet services

5. article 5, paragraph 2, of Directive (EU) 2015/1535

6. Notice No 85 of Italy on "Decree of the President of the Council of Ministers laying down rules governing the activity of technological platforms for intermediation between supply and demand for non-scheduled public car services pursuant to Article 10a(8) of Decree-Law No. 14" concerns technological platforms providing the intermediation service of ride-hailing services. The draft law seeks to impose an obligation on platform service providers to register with the Italian Ministry of Infrastructure and Transport and to report data on participating carriers, as well as to establish certain general principles and requirements for the activities of technological platforms mediating ride-hailing services.

Online platforms providing ride-hailing services constitute an information society service within the meaning of Article 1(1)(b) of Directive (EU) 2015/1535. Article 3 of the e-Commerce Directive 2000/31/EC provides that Member States may restrict a specific information society service originating from another EU or EEA country only if this is necessary for the protection of public policy, public health, public security or the protection of consumers (so-called country of origin principle). In its judgment in case C-376/22, the European Court of Justice has clarified that general and abstract measures which a Member State wishes to apply indiscriminately to each provider of a given category are incompatible with Article of the Directive. The Court found that measures under Article 3(4) of the E-Commerce Directive can only be applied to an individual service provider.

Therefore, we ask you to justify how the Italian draft law is consistent with the country of origin principle, i.e. Article 3 of the E-Commerce Directive 2000/31/EC. In doing so, we recommend analysing whether the general objectives of the draft law could be achieved with less burdensome measures for platform operators, such as the registration obligation.

European Commission

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