

## Written contribution on Workshop on local transport of the June 29, 2021

Good morning,

I would like to thank you for the invitation and the opportunity that the Commission has given us to expose the serious problems that Italian rental companies with driver find in the exercise of their activity. In Italy there are 29,000 companies operating in the chauffeur-driven car hire sector, and for some time now, as the EU Transport Commission is already aware, they have found themselves in enormous difficulty due to legislative interventions that have placed unreasonable restrictions on the exercise of their activity.

The first intervention in 2008, requested to the then Italian Government by the cab industry and intended to determine a position of dominance in the local public transport market; these restrictive rules in 2009 were suspended in their implementation effectiveness, for 10 years, by the same Government and then by subsequent ones, thanks also to the intervention of the EU Transport Commission.

The second intervention in 2018, always requested and then claimed by the cab sector. Also in this case, the EU Transport Commission was informed by means of a report sent by our Association; the Italian Constitutional Court intervened on this last mentioned legislative intervention, declaring in part its constitutional illegitimacy due to violations of the principles of reasonableness, but failing to intervene on further points of the legislation that presented as many reasons of unreasonableness and constitutional criticality, thus leaving, in fact, conflicting interpretative spaces within the legislation in question.

Despite the interventions of the Authorities and of the Constitutional Court, the Italian legislative situation regarding the PHV sector appears to be totally opposed to the principles dictated by the European Community regarding the protection of competition as well as the TFEU, the quota of authorizations has now become a tool in the hands of certain specific lobbies and used by them in order to maintain an illegitimate market for the purchase and sale of authorizations and licenses.

This situation is prevalent in Italy, while in many other EU member states the operating authorization is free and issued following the attainment of specific requirements which, although different for each member state, allow to operate with more than one vehicle against a single authorization granted to the company. In Italy, in order to understand the absurdity of the restrictive rules for the rental with driver, a hirer from Naples, according to the current legislation, would be unable to participate in a European call for tenders, issued by an entity based in Rome, because he would have to return to the garage every end of working day. This situation leads to discrimination between companies carrying out the same activity, in violation of both the Italian Constitution and the European Union Treaties.

The Italian Competition Authority (AGCM) and the Transport Regulatory Authority (ART) have repeatedly pointed out to various Italian Governments their opposition to the above-mentioned restrictive rules imposed on car rental with driver companies, but have never been listened to by the various Governments that have followed since 2008.

In light of the above and in the face of requests from the European Commission to Member States of substantial reforms aimed at economic recovery after the dramatic situation caused by the health emergency Covid-19, ANITraV invites this Commission to urge the current Italian Government to prepare within the upcoming competition decree that the President of the Council of Ministers Prof. Draghi, is preparing to launch, an intervention aimed at remedying the legislation on the service PHV.

The undersigned Association also invites to accelerate the work of the Commission in order to reach in the shortest possible time the issuance of a Community directive aimed at indicating, to the EU Member States, uniform modalities in issuing rules on the sector under discussion, aimed at encouraging competition in the local public transport market, eliminating any territorial operating constraints within the Member States and opening the public transport market to all those subjects who have the necessary requirements, also in order to support employment after the serious pandemic that has hit the whole world.

Thank you again for your kind attention.

Il Presidente  
Mauro Ferri