



## Text of the draft

### Draft Law organising the occasional remunerated transport of persons by taxis and private hire vehicles with drivers

We, the undersigned, Henri, Grand Duke of Luxembourg, Duke of Nassau;

Having heard the Council of State,

Having regard for the adoption by the Chamber of Deputies;

Having regard for the decision made by the Chamber of Deputies of... and the decision made by the Council of State of... that no second vote should take place;

Have ordered and hereby do order:

#### Article 1. Definitions

The following definitions shall apply for the purposes of this law:

- a) “driver card”: an administrative document conferring on its holder the right to operate a taxi or PHV as defined in (u) when providing these services;
- b) “transfer”: a legal act whereby the holder of a taxi or PHV operator licence or driver card transfers, for a fee or free of charge, wholly or partially, or temporarily or permanently, the ownership, enjoyment or use of these documents to one or more natural or legal persons;
- c) “customer”: the individual or legal entity who contracts a taxi or PHV service;
- d) “driver”: the natural person who drives a taxi or a PHV as part of these provided services;
- e) “journey”: the route taken by a vehicle assigned to a taxi or PHV service between the place where the passenger boards the vehicle (starting point of the journey) and the place where the passenger alights (end point of the journey);
- f) “CTIE” (Centre des technologies de l’information de l’État luxembourgeois): the Information Technology Centre of the Luxembourg State;
- g) “applicant”: any individual or legal entity that undertakes administrative procedures to obtain a licence to operate a taxi or PHV, a driver card or ministerial authorisation to operate as a booking intermediary;
- h) “manager”: a manager is defined according to the terms given in Article 4 of the amended Law of 2 September 2011 regulating access to artisanal, trade, industrial and certain independent professions;



- i) “operator”: a natural or legal person holding a taxi or PHV operator licence and who is authorised to provide these services;
- j) “booking intermediary”: all natural or legal persons who undertake any action to market or promote taxi and PHV services or offer other services that bring operators, customers and users into contact;
- k) “taxi operator licence”: an administrative document conferring on the holder the right to operate a taxi as defined in (r) and with a view to providing taxi services;
- l) “PHV operator licence”: an administrative document conferring on its holder the right to operate a PHV as defined in (u) and for the purpose of providing PHV services;
- m) “minister”: the member of the Government responsible for transportation and its related responsibilities;
- n) “complainant”: any individual or legal entity who lodges a complaint following a journey that they deemed unsatisfactory;
- o) “taxi service”: the occasional remunerated transport of persons by taxi;
- p) “PHV service”: the occasional remunerated transport of persons by PHVs carried out on the basis of a reservation made by the customer or user at a set-in-advance price which cannot be changed;
- q) “SNCA” (Société Nationale de Circulation Automobile S.à.r.l.): The National Society of Automotive Traffic;
- r) “taxi”: motor vehicle for passenger transport which has at least three and no more than eight seats, excluding the driver's seat, and is intended for use as a taxi;
- s) “taximeter”: a device coupled to a signal generator which serves as a measuring instrument. It is designed to measure the duration of a journey and calculate the distance of that journey based on the signal produced by the generator. It also calculates and displays the price to be paid for a journey based on its calculated time and distance;
- t) “user”: the person who uses the taxi or PHV service;
- u) “private hire vehicle with a driver” or “PHV”: a passenger vehicle with at least three and not more than eight seats, excluding the driver’s seat, which is intended for use in pre-booked PHV services.

## Article 2. Administrative procedures

- (1) All requests made under this law, particularly those related to the granting, modification, renewal or duplication of taxi or PHV operator licences or driver cards, shall be submitted electronically via the dedicated platform set up by the CTIE.
- (2) In order to ensure the security and integrity of communications, all requests and responses must be accompanied by strong authentication measures, in accordance with the security standards established by the CTIE and guaranteeing the identity of the applicant.
- (3) An electronic acknowledgement of receipt is automatically sent to the applicant following the submission of any request.



- (4) The ministerial response to the requests referred to in paragraph 1 shall be transmitted electronically, using the same strong authentication measures mentioned above to ensure the security of any exchanges.

### **Article 3. Services for the occasional remunerated transport of persons by taxi and PHV**

- (1) Only the holders of a taxi or PHV operator licence shall be authorised to undertake these respective services.
- (2) Taxi services shall be carried out by taxis upon demand by the user at a designated taxi rank or may be hailed by hand in the street or reserved beforehand. Taxis parked in their designated area or rank must be permanently available to users. The parking and placement of taxis in these areas occurs by order of arrival. Users may freely choose any taxi in the queue.
- (3) All PHV journeys must be booked in advance. When the grouping of users is offered, each user must consent to this when booking.
- (4) Remunerated transport services or those not offered on personal demand which are organised by local authorities or the State, and defined in Article 4(3) of the amended Law of 5 February 2021 for public transport, are not considered as occasional remunerated transport services under this law.

### **Article 4. Pricing**

- (1) Taxi journeys, whether starting from a designated location or undertaken along the way at the request of a user, must be charged at the rate per kilometre calculated by the taximeter and in accordance with the fare scale laid down by Grand-Ducal regulations.
- (2) For pre-booked taxi and PHV journeys, the non-modifiable final price must be communicated to the customer and user in writing by electronic means before the start of the journey. The form and content of this communication has been specified by Grand-Ducal regulations.
- (3) The use of a taximeter meeting the requirements set out in Article 16 (5) to (7) is mandatory in taxis. This device must display the price of the journey in real time during the service. For reserved journeys, the machines must display the previously agreed price before and throughout the trip.
- (4) Every taximeter must be fitted with a printing device which allows a hard copy receipt to be issued to the user in the event they do not receive a digital one.

### **Article 5. Complaints**

- (1) Any complaint relating to a journey made in a taxi or PHV must be addressed to the Minister in writing by electronic means in the manner set out by Grand-Ducal regulations. The complaint must be lodged no later than three months from the date of the related journey. Any complaint filed after this deadline is inadmissible.



- (2) The complaint shall be admissible only if it is accompanied by the supporting documents determined by Grand-Ducal regulations. If the complaint is admissible, the Minister shall issue an acknowledgment of admissibility and a reply to the complainant within one month from the date of receipt of the complete complaint.
- (3) In the event of an incomplete case file, the Minister shall notify the complainant within fifteen days of receipt by acknowledging receipt, stating that their file is incomplete and listing the missing documents. The complainant shall have two months from the date of the sending of this notification to complete their file. If the missing elements are provided within this time, the application will be processed in accordance with the procedure applicable to admissible applications as provided for in paragraph 2. If the file has not been put in order within the prescribed period, the complaint shall be inadmissible.
- (4) The Minister is entitled to request explanations from the operator and the driver regarding a complaint by a customer or user. These actors must provide a written reply within five working days. In the event the operator or driver does not respond, they shall be summoned to appear before the commission as provided for in Article 19.

#### **Article 6. Taxi and PHV operators**

- (1) The holder of a taxi or PHV licence must be the owner or proprietor of the vehicle to which the licence pertains.
- (2) In order to obtain a taxi or PHV operator licence, applicants must prove that they have a business permit in accordance with the in force legal provisions.
- (3) The operator is required to send a quarterly record of all journeys made in electronic format to the Minister by the end of the following month at the latest. The format, deadlines and modes of transmission for this record are provided for by Grand-Ducal regulations.
- (4) The operator is also required to send the Minister a monthly statement in electronic format indicating the identity of all the drivers employed by the company during the previous month. This statement must be received by the administration no later than the fifth working day of the following month. The content, format and modes of transmission for this statement are provided for by Grand-Ducal regulations.

#### **Article 7. Operator licences**

- (1) Operator licences shall be managed in accordance with the numerus clausus principle. The number of operator licences shall be gradually increased from the entry into force of this law until 31 December 2029. After 1 January 2030, the numerus clausus principle will be abolished.
- (2) Upon the entry into force of the present law, the number of operator licences by type shall be set as follows:
  - a) taxi operator licences are set at 850; and
  - b) PHV operator licences are set at 1,200.
- (3) On 1 January 2028, the number of operator licences by type will be as follows:
  - a) taxi operator licences will be set at 950, and



- b) PHV operator licences will be set at 1,500.
- (4) On 1 January 2029, the number of operator licences by type shall be as follows:
  - a) taxi operator licences will be set at 1,100; and
  - b) PHV operator licences will be set at 1,750.

#### **Article 8. Procedures for applying for an operator licence**

- (1) Any applicant may submit an application for a taxi or PHV operator licence at any time. The request must be sent electronically to the Minister. Applications shall be processed in the chronological order in which they were received and as indicated by the time stamp on the application.
- (2) An application shall be admissible only if it is accompanied by the supporting documents determined by Grand-Ducal regulations. Where the application is admissible, the Minister shall issue a notice of admissibility to the applicant and the operator licence within one month of the date of receipt of the complete application.
- (3) In the event of an incomplete application, the Minister shall notify the applicant within fifteen days of receipt by acknowledging receipt, stating that their file is incomplete and listing the missing documents. The applicant shall have two months from the date of the sending of this notification to complete their file. If the missing elements are provided within this time, the application will be processed in accordance with the procedure applicable to admissible applications as provided for in paragraph 2. Failure to put the file in order within the prescribed period shall result in the application being inadmissible.
- (4) Any applicant granted an operator licence must commence service within six months of the date of issue of the licence.
- (5) A taxi or PHV operator licence is strictly personal and non-transferable.
- (6) The operator licence issued by the Minister shall contain the following mandatory information:
  - a) indication of whether it is a taxi or PHV licence;
  - b) the operator licence number;
  - c) the date of the assignment of the operator licence;
  - d) the name of the company where the operator is a legal person or the surname and forename of the operator if they are a natural person;
  - e) the address of the operator's registered office;
  - f) the vehicle characteristics including its make, model and chassis number.
- (7) A specific operator licence for taxis or PHVs intended for scientific tests is also hereby established. This operator licence enables experiments to be carried out for the purposes of research and innovation in the field of the occasional remunerated transport of persons.
  - a) The granting of this operator licence is subject to submitting a complete application file including:
    - i. a detailed description of the purpose of the scientific tests envisaged;



- ii. the expected duration of the tests;
  - iii. the practical arrangements for carrying out the tests, particularly with regard to passenger safety and compliance with in force standards.
- b) The operator licence granted for a scientific test shall be valid for a maximum of one year from the date of issuance. It may be renewed twice for the same period upon making a justified request and subject to the evaluation of results and compliance with regulatory requirements.
- c) The vehicle used must visibly display the words '*Essai scientifique*' (Scientific test) on the front parts on both sides of the vehicle. The customer and the user must be informed of the experimental nature of the service before the start of each journey and give their explicit agreement.
- (8) Compliance with the operating conditions shall be subject to monitoring by the competent authorities. Any breach of the provisions of the current article may result in the suspension or withdrawal of a licence in addition to the penalties provided for in Article 20.

#### **Article 9. Transferring an operator licence and its validity**

- (1) A valid taxi and PHV operator licence may be transferred to another taxi or PHV by the Minister at the request of the operator. This may be done in the event of the permanent replacement of the vehicle for which the licence was originally issued and in accordance with the conditions laid down herein.

The request must be accompanied by the following documentation:

- a) a copy of the European certificate of conformity (COC) for the new vehicle, which must be of the same type as the one being replaced;
  - b) proof of the decommissioning of the original taxi or PHV.
- (2) When a vehicle associated with an operator licence breaks down and the repair takes longer than two months, the operator is required to request a temporary suspension of the licence in question. This suspension may not exceed a period of three months and is not renewable. The application for temporary withdrawal from circulation must contain the required information and be accompanied by the supporting documents specified under Grand-Ducal regulations.

The original copy of the taxi or PHV operator licence must be returned to the Minister during the period of temporary removal from circulation.

- (3) A taxi or PHV operator licence is valid for the current calendar year if the corresponding annual tax has been paid. Payment of this annual tax is due at the time the licence is granted for the current year, and during subsequent years by the end of February at the latest. A request for payment shall be sent to the operator by electronic means by 15 December of the prior year under the conditions set in Article 2. If payment of the tax has not been made by 15 January, a first and final payment reminder shall be sent electronically to the operator by the end of January of the current year at the latest.
- (4) In the case of the departure of a company manager, the Minister must be informed within one month of this event. A provisional operator licence of up to six months may be issued to enable



the appointment of a new manager. This new manager must meet the conditions for obtaining a taxi or PHV operator licence as set out in Article 8.

A provisional licence may be renewed once for a maximum period of up to six months.

- (5) The licence to operate a taxi or PHV shall automatically cease to be valid:
- a) if not used for a period of two consecutive months;
  - b) in the event of non-compliance with the conditions set out in Article 8(4);
  - c) in the event a licence temporarily out of circulation under the conditions laid down in paragraph 2 does not return into circulation;
  - d) in the event activity as a taxi and PHV operator terminates;
  - e) in the case of a natural person or company manager, if the licence holder no longer ensures the effective and permanent management of the taxi or PHV business;
  - f) in the event of the transfer of the licence to a third party for any reason whatsoever;
  - g) in the event of non-payment of the annual tax by the 1st of March of the current year.

In the event of the invalidation of an operator licence, the taxi or PHV operator shall be required to return the original operator licence to the Minister as soon as possible.

#### **Article 10. Procedures for applying for a driver card**

- (1) The application for a driver card must be submitted electronically to the Minister.
- (2) The application shall be admissible only if it is accompanied by the supporting documents determined by Grand-Ducal regulations. Where the application is admissible, the Minister shall issue an acknowledgment of admissibility to the applicant and the driver card within one month of receiving the complete application.
- (3) In the event of an incomplete application, the Minister shall send the applicant an acknowledgement within fifteen days of receipt, stating the file is incomplete and listing the missing documents. The applicant shall have two months from the date of the sending of this notification to complete their file. If the missing elements are provided within this time, the application will be processed in accordance with the procedure applicable to admissible applications as provided for in paragraph 2. Failure to put the file in order within the prescribed period shall result in the application being inadmissible.
- (4) Driver cards issued by the Minister shall contain:
  - a) the driver's surname and forename;
  - b) their photograph;
  - c) the driver card number;
  - d) the document number,
  - e) the date of issue.
- (5) The driver card shall be valid for the current calendar year, subject to the payment of the annual tax as provided for in Article 18(2). Payment of this tax shall be due when the card is issued during the current year and for the following years by the end of February at the latest. A payment request will be sent to the cardholder no later than 15 December of the previous year. If the related tax payment has not been made by 15 January, a first and final electronic payment reminder shall be sent to the operator by the end of January of the current year at the latest.



### **Article 11. Conditions for obtaining a driver card**

- (1) Every driver must hold a valid driver card issued by the Minister.
- (2) In order to obtain the driver card, the applicant must:
  - a) have held a valid category B driving licence for at least two years;
  - b) have adequate knowledge of the three administrative languages as defined by the amended Law of 24 February 1984 on the language regime;
  - c) provide a recent extract from the Criminal Records Register No. 2 or its foreign equivalent;
  - d) demonstrate that they have completed a training course organised by the Minister in accordance with Article 12.
- (3) The good repute requirements shall be deemed met when the taxi or PHV driver has not been the subject, in the Grand Duchy of Luxembourg or abroad, of a finalised criminal conviction which has imposed a term of imprisonment of at least six months for theft, swindling, breach of trust, voluntary attack on the integrity of the person, sexual assault or the infringement of narcotics legislation, whether suspended or not. This applies to the last five-year period.

### **Article 12. Training**

- (1) Training shall be provided in at least one of the administrative languages as defined by the amended Law of 24 February 1984 on the language regime.
- (2) The minimum duration for a training course shall be sixteen hours. It is to be divided into four modules, covering the following subjects:
  - a) module I: Legislation relating to the occasional remunerated transport of persons, the relevant provisions of the applicable collective agreement and a review of the essential elements of the Highway Code applicable to future taxi and PHV drivers;
  - b) module II: Customer service, conflict management, basic local geography and vocabulary in several languages;
  - c) module III: Basic first aid concepts;
  - d) module IV: Practical aspects of day-to-day work.
- (3) Each module is followed by a knowledge test. These tests are indicative and not eliminatory.
- (4) A certificate of participation shall be issued to candidates who have completed the entire training course. To obtain this certificate, the applicant must have attended all modules and been present for at least eighty per cent of the time for each module.
- (5) The certificate shall attest to the applicant's actual participation in the training and will state the following information in particular:
  - a) the participant's surname(s) and forename(s);
  - b) date of birth;
  - c) the dates of participation in the different training modules;



- d) their participation rate in each of the modules;
  - e) the date of issue of the certificate;
  - f) the stamp of the training organisation and the signature of its training manager.
- (6) The organising of training may be delegated by the Minister to one or more accredited external training bodies.
- (7) The training organiser is obliged to immediately inform the Minister of the identity of each participant who has successfully completed the training.
- (8) The costs of participation in the training shall be borne by the applicant. The maximum cost of training is fixed by Grand-Ducal regulations and may not exceed EUR 750 per candidate.

### **Article 13. Characteristics and validity of the driver card**

- (1) The driver card is strictly personal and non-transferable.
- (2) The driver card shall automatically cease to be valid:
- a) in the event of its assignment to a third party in any capacity whatsoever;
  - b) in the event of non-payment of the annual tax in accordance with the provisions of Article 10(5);
  - c) if the conditions required for obtaining the driver card are no longer met.
- (3) The driver shall be required to present their driver card as well as their taxi or PHV operator licence or, if applicable, a certificate of temporary exemption from the driver card pursuant to Article 25(2) if requested to do so by a customer or user or officers of the Grand Ducal Police or the Customs and Excise Agency.

### **Article 14. Driver rights and obligations**

- (1) Subject to availability, taxi drivers may use any parking space reserved for taxis on roads and squares open to public traffic and which are marked as such.
- (2) Taxi drivers shall:
- a) respect the order of arrival in their reserved spaces and advance their taxi accordingly;
  - b) drive users to their destination by the shortest route, except in the case of booked journeys;
  - c) accept cash and electronic payments;
  - d) issue a printed receipt to a user or customer via the printer device connected to the taximeter or a digital receipt for journeys that are not pre-booked;

This receipt must include the following information in particular:

- i. the name of the taxi operator;
- ii. the date and time of the journey;
- iii. the place of departure and destination;
- iv. the taxi licence number;
- v. the price paid;
- vi. the distance travelled;
- vii. the driver card number;
- viii. the Minister's contact information;



- e) It must be assured that the taximeter correctly operates throughout the travel time.
- (3) Taxi drivers shall be prohibited from:
- a) refusing to take a passenger who is at a taxi rank and requests an internal taxi journey;
  - b) preventing users, in any way whatsoever, from freely choosing to take another taxi parked in the taxi rank;
  - c) carry out a journey not booked in advance at a fixed price;
  - d) start the taximeter before picking up the passenger;
  - e) prevent the user from reading and comparing the prices displayed;
  - f) charge a rate higher than that shown on the taximeter;
  - g) zero out the taximeter before the user has been able to check the amount due.
- (4) No payment shall be due for time delays due to taxi breakdowns or inspections by the Grand-Ducal Police or the Customs and Excise Agency.
- (5) Taxi or PHV drivers may:
- a) refuse journeys involving a destination abroad;
  - b) require an anticipated payment not exceeding EUR 250 for journeys abroad;
  - c) refuse to take a person who is unclean or intoxicated;
  - d) refuse to transport items likely to cause damage to the vehicle or which are clearly dangerous.
- (6) Drivers of taxis and PHVs shall be prohibited from:
- a) approaching customers or users with words, gestures or signs;
  - b) smoking inside the vehicle;
  - c) circulating continuously in the same place with the aim of acquiring passengers;
  - d) placing their vehicle in such a way as to constitute a danger or inconvenience to other road users;
  - e) taking individuals subject to public outcry or pursued by agents of the Grand-Ducal Police;
  - f) taking individuals under the influence of drugs.

#### **Article 15. Booking intermediaries**

- (1) Any natural or legal person wishing to act as a booking intermediary must apply to the Minister for authorisation. The application for authorisation must be submitted electronically.
- (2) The application for authorisation is admissible only on the condition that it is accompanied by the supporting documents determined by Grand-Ducal regulations. If the application is admissible, the Minister shall acknowledge this to the applicant and issue the authorisation within one month of receiving the complete application.
- (3) In the event of an incomplete application, the Minister shall send the applicant an acknowledgement within fifteen days of receipt also stating the file is incomplete and listing the missing documents. The applicant shall have two months from the date of receiving this notification to complete their file. If the missing elements are provided within this time, the application will be processed in accordance with the procedure applicable to admissible applications as provided for in paragraph 2. Failure to put the file in order within the prescribed period shall result in the application being inadmissible.



- (4) The booking intermediary should undertake to conclude contracts only with operators holding valid taxi and PHV licences.
- (5) The authorisation shall be issued for a period of five years and is renewable under the same conditions as those laid down in paragraphs 1, 2 and 3.
- (6) A person who offers a booking service based on their own licences is not considered a booking intermediary.

#### **Article 16. Vehicles and equipment**

- (1) The metrological data transmitted through the interface and between the taximeter and the printing device, as well as that printed on the receipt, shall be identical to the information as measured and calculated by the taximeter, including for flat-rate tariffs.

- (2) The use of vehicles other than a taxi is not permitted in the context of taxi services.

In addition to the taximeter referred to in paragraph 5, taxis must be equipped with a taxi panel as well as a "TAXI" light in accordance with the conditions laid down by Grand-Ducal regulations.

The devices referred to in paragraph 2 cannot be installed in or on any other road vehicles except taxis.

A road vehicle equipped with one or more of these devices may only be used as a taxi.

- (3) The use of vehicles other than PHVs is not permitted in the context of PHV services.

A PHV must be fitted with a PHV panel in accordance with the conditions laid down in the Grand-Ducal regulations.

The device referred to in paragraph 2 cannot be installed in any other road vehicle except a PHV.

A road vehicle equipped with this device may only be used as a PHV.

- (4) Advertising on the exterior of taxis and PHVs is permitted by means of signage on the bodywork of the vehicle. This must not be bright or reflective.

All advertising is prohibited on the windows.

- (5) All taximeters must comply with the requirements set in Annexes I and IX of Directive 2014/32/EU of the European Parliament and of the Council of 26 February 2014 on the harmonisation of the laws of the Member States relating to the marketing of measuring instruments. The taximeter should carry the CE marking required under Article 20 of that Directive.

- (6) The taximeter and its installation must be protected from unauthorized activity by sealing it or by using any other type of closing device which requires the use of specialised tools. The criteria for installing taximeters and their complementary devices, their sealing, and their methods of verification and monitoring are laid down by Grand-Ducal regulations.

- (7) Every taximeter shall be equipped with a driver authorisation device. This device shall be mandatory and will allow the taximeter to be adjusted at the beginning and end of a shift.

During a shift, the taximeter should record specific information in a secure and tamper-proof manner and in such a way that it cannot be altered by the driver or operator. The data to be registered include the following:



- a) for the shift:
- i. the driver card number;
  - ii. the licence plate number of the vehicle used;
  - iii. the date and time of the start and end of the shift;
  - iv. the total duration;
  - v. the total number of kilometres driven with and without users;
  - vi. the total amount of revenue earned;
  - vii. the number of journeys made.
- b) for each completed journey:
- i. a unique sequential number;
  - ii. the driver card number;
  - iii. the licence plate number of the vehicle used;
  - iv. the date and time of the trip start and finish;
  - v. the address of the place of departure and destination;
  - vi. the distance travelled;
  - vii. the duration;
  - viii. the price.
  - ix. an indication of the type of payment, be it “pre-booked”, “at the per kilometre rate of” or “using a booking intermediary”.

This data must be kept for at least 5 years.

- (8) A taxi or PHV presented for registration that meets all applicable technical and legal requirements, but whose owner or holder does not have a valid taxi or PHV operator licence, cannot be registered as a taxi or PHV.

Following the registration of a taxi or a PHV, the SNCA shall immediately and electronically send the information relating to the registration certificate and the technical inspection certificate of the vehicle to the Ministry. They will also send this to the insurance policy certification entity in order to certify the civil liability coverage which may pertain to the taxi or PHV.

At the time of registration, the vehicle will be assigned a registration number corresponding to the operator licence number plus the letters “TX” for taxis and “VL”(voiture de location) for PHVs. This number will then be entered on its registration certificate.

- (9) As part of the technical inspection provided for under Article 4*bis* of the amended law of 14 February 1955, concerning traffic regulations on all public roads, the technical inspection of taxis or PHVs is to cover:
- a) the specific technical equipment referred to in paragraphs 2 and 3;
  - b) the sealing of the taximeter and its associated installation or of the closing device referred to in paragraphs 5 and 6 and of the sealing sticker referred to in Article 17(2)(2);
  - c) compliance of advertising with the provisions of paragraph 4;
  - d) compliance with environmental standards in accordance with paragraph 10;
  - e) the presence and compliance of the tariff scheme as defined in Article 4(1);
  - f) the presence and compliance of the display of the Minister’s contact details in accordance with Article 14(2)(d)(viii).



- (10) To operate as a taxi or PHV, a vehicle must be less than nine years old counting from its first registration, meet at least the Euro 6 standard and comply with a maximum CO<sub>2</sub> emissions threshold of 250 g/km, which is to be measured as a combined value according to the WLTP (Worldwide Harmonised Light Vehicles Test Procedure) test cycle. The exact CO<sub>2</sub> emissions values, as well as the deadlines for complying with these standards, are laid down by Grand-Ducal regulations.

#### **Article 17. Compliance monitoring**

- (1) The Minister may entrust the SNCA with compliance monitoring within the framework of this law and as provided for under Grand-Ducal regulations.

When the SNCA is appointed to do this by the Minister, it should assign experts of a high professional integrity and with a good knowledge of the rules applicable to taximeters and their installation. On the one hand, they must have the professional training and technical experience required to correctly carry out the monitoring, testing and other actions required by law. On the other, they must have the ability to draft documents substantiating their checks, tests and actions. In addition, the SNCA must have the appropriate infrastructure and equipment required to carry out this work and use such assets to this end.

In this particular case, the SNCA may not simultaneously engage in any activity linked to taxi or PHV transport or to the manufacture, distribution, sale, installation or calibration of taximeters.

- (2) Any taximeter installed in a vehicle must be accompanied by a metrology sheet. The model, updating method and content of this sheet shall be determined by Grand-Ducal regulations.

Any taximeter whose installation has been checked and sealed by the SNCA must be fitted with a sticker. The model for this sticker, the manner of fixing and sealing it and its contents shall be determined by Grand-Ducal regulations.

- (3) The SNCA shall immediately inform the Minister, by any means allowing proof of receipt, of any tampering or unlawful interference or any attempt of such actions as soon as they may become aware of them.
- (4) The installation, monitoring or sealing services for taximeters provided by SNCA shall be invoiced by them to the party requesting these services. The fee for these services may not exceed EUR 200 per service and is determined by Grand-Ducal regulations.

#### **Article 18. Financial provisions**

- (1) A file processing fee, similar to a stamp duty, is payable to the Registration Duties, Estates and VAT Authority for the following procedures:
- a) issuing a taxi or PHV operator licence;
  - b) issuing a provisional operator licence for taxis or PHVs;
  - c) issuing a taxi or PHV driver card;
  - d) issuing duplicates;
  - e) amending a taxi or PHV operator licence;
  - f) amending a taxi or PHV driver card;
  - g) transferring a taxi or PHV operator licence under the conditions set out in Article 9;
  - h) the issuing and renewal of a booking intermediary authorisation.



The cost of these fees is determined by Grand-Ducal regulations and varies depending on the material resources and the time required on the one hand, and the complexity of the operation requested on the other. Under no circumstances may a fee exceed EUR 500.

Payment of the fee must be made by the applicant when they file their application.

This fee is non-refundable.

- (2) Taxi and PHV operators are also subject to an annual tax, payable to the Registration Duties, Estates and VAT Authority. This amount is determined by Grand-Ducal regulations based on CO<sub>2</sub> emissions. This annual tax may not exceed EUR 2,500. This tax is non-refundable.

Drivers are also subject to an annual tax, payable to the Registration Duties, Estates and VAT Authority, the amount of which is determined by Grand-Ducal regulations. This annual tax may not exceed EUR 50. This tax is non-refundable.

- (3) Members of the commission referred to in Article 19 shall be entitled to compensation in an amount which shall be determined by Grand-Ducal regulations. This compensation may not exceed EUR 75 per session.

#### **Article 19. Measures and administrative sanctions**

- (1) The Minister may decide to withdraw a taxi or PHV operator licence or driver card as an administrative measure, if the operator or driver no longer fulfils one or more of the conditions needed for issuing a taxi or PHV operator licence or driver card.
- (2) As an administrative sanction, the Minister may decide:
- a) to permanently withdraw the taxi or PHV operator licence or driver card:
    - i. if the holder has made a false declaration or used fraudulent means to obtain, renew or exchange a taxi or PHV operator licence or driver card;
    - ii. in the event of the total or partial transfer of a taxi or PHV driver card or operator licence;
    - iii. if an operator allows one of its employees to drive without having a valid driver card.
  - b) the temporary suspension of the taxi or PHV operator licence or driver card for a maximum of one year in the event of non-compliance with Article 3(1) to (3), Article 4, Article 5(4), Article 6 (3) and (4), Article 13 (3), Article 14 (1) to (4) and (6), Article 16 (1) to (7) and Article 23 (1)<sup>er</sup>.
- (3) The measures referred to in paragraphs 1 and 2 shall be taken by the Minister after requesting the reasoned opinion of a commission for the occasional remunerated transport of persons, hereinafter referred to as “the commission”, and whose members shall be appointed by the Minister. In order to examine cases, the commission may request any information required. The composition, powers, operating procedures and compensation to which commission members are entitled shall be determined by Grand-Ducal regulations.
- (4) The Minister's decision shall be conveyed to the interested party by a registered letter with acknowledgement of receipt as well as by an ordinary letter. This decision may be appealed before an administrative court.



## Article 20. Penal provisions

(1) A taxi or PHV driver who has committed one or more of the following offences shall be punished by a fine of between EUR 25 and EUR 1,000:

- a) parking or placing a taxi or a PHV in violation of the provisions of Article 3;
- b) violation of the provisions of Article 4;
- c) violation of the provisions of Article 13(3);
- d) violation of the provisions of Article 14(1) to (4) and (6);
- e) violation of the provisions of Article 16.

A taxi or PHV operator who has permitted a taxi or PHV driver to commit one or more of the offences referred to in (a), (c), (d) and (e) shall be punished with the same fines.

In the event of a repeat offence by a person within three years of paying a fine for a first offence, or since a previous finalised court conviction for the same offence, the fine will be doubled.

(2) However, any taxi or PHV operator who commits one or more offences under the provisions of Article 6, Article 8(5) and Article 16 shall be liable for a fine of between EUR 250 and EUR 2,000. These offenses are termed serious contraventions. The foreseen fine provided for is of a summary nature.

A taxi and PHV driver who has committed one or more of the following offences shall be punished with the same penalty:

- a) violation of the provisions of Article 4;
- b) violation of the provisions of Article 11(1);
- c) violation of the provisions of Article 13(1).

A taxi or PHV operator who has allowed a taxi or PHV driver to commit one or more of the offences referred to in (a) and (c) shall be punished with the same penalty.

In the event of a repeat offence by a person within three years of paying a fine for a first offence, or since a previous finalised court conviction for the same offence, the fine will be doubled.

(3) Any booking intermediary who commits one or more offences in relation to Article 15 of this law, in particular not having a valid booking intermediary authorisation or concluding contracts with operators without valid licences, shall be punished with a fine of between EUR 25 and EUR 2,000.

(4) In the event of infractions or serious contraventions punishable under the provisions of paragraphs 1 and 2, warnings subject to a fee or taxed warnings may be issued in accordance with the provisions of Article 15 of the amended Law of 14 February 1955 referred to above. These warnings may be issued by members of the Grand-Ducal Police who are authorised for that purpose by their Director-General, as well as by Customs and Excise Agency officials as authorised to that end by their Director.

Such taxed warnings may also be issued by officials of the Customs and Excise Agency in performing duties conferred on them by this law and in the event of infractions or serious



contraventions of the provisions of the amended Law of 14 February 1955 referred to above. This may also be done pursuant to the regulatory provisions adopted thereto, in so far as they relate to the fitting-out of vehicles, registration plates, identification numbers and on-board documents.

- (5) A catalogue of offences and serious infringements in relation to the tax amounts to be collected shall be drawn up pursuant to Grand-Ducal regulations.
- (6) Violations of the provisions of this law and its implementing regulations shall be investigated and established by members of the Grand-Ducal Police, by officials of the Customs and Excise Agency and the Inspectorate of Labour and Mines.
- (7) In performing the duties conferred on them by this law, officials of the Customs and Excise Agency and the Inspectorate of Labour and Mines shall be responsible for ensuring the implementation of the provisions of the aforementioned amended Law of 14 February 1955. They are also responsible for the regulations issued in implementing the law, insofar as these concern the fitting-out of vehicles, registration plates, identification numbers and on-board documents. They are additionally responsible for drawing up a written record of any infractions of these provisions.
- (8) In carrying out the functions referred to in this article, officials of the Customs and Excise Agency and the Inspectorate of Labour and Mines are authorised to this end by their respective directors and shall have the status of judicial police officers.

The officials referred to in paragraph 1 shall have the right to request any information and any documents from an operator or driver which may enable them to verify compliance with the provisions of this law.

Without prejudice to the powers of the Public Prosecutor's Office, written records, reports, complaints and accusations shall be gathered and examined by the responsible Minister in relation to any infringement of the provisions for occasional remunerated transport. These items will also be examined by the Minister responsible for issuing business permits in so far as they relate to infractions of provisions addressing the right to establish a business.

#### **Article 21. Taxed warnings**

Members of the Grand-Ducal Police and officials of the Customs and Excise Agency who issue a taxed warning under the second paragraph of Article 20(4)(2) of this law shall inform the Minister electronically within fifteen days of any related tax payments made.

The Prosecutor General shall inform the Minister of any finalised judicial conviction for any offence detected by members of the Grand-Ducal Police or Customs and Excise Agency officials under this law.

#### **Article 22. Immobilisation of a taxi or PHV**

- (1) Without prejudice to Article 17 of the amended Law of 14 February 1955 referred to above, members of the Grand-Ducal Police shall be entitled to immobilise a taxi or PHV on public roads, either by taking the ignition keys from the driver or by immobilising the taxi or PHV by



mechanical means. This may be done when the driver is not habitually resident in the Grand Duchy of Luxembourg, is in breach of this law, or does not pay a taxed warning. In lieu of that, they may require the driver to pay a sum in accordance with Article 16 of the amended Law of 14 February 1955 referred to above.

- (2) Customs and Excise Agency officials are entitled to immobilise a vehicle on a public highway either by confiscating the ignition keys from the driver or by mechanical means when:
  - a) a driver who is not habitually resident in the Grand Duchy of Luxembourg, and is in breach of this law or of road legislation regarding the fitting-out of vehicles, registration plates, identification numbers and on-board documents, fails to pay a taxed warning or, in lieu of that, a sum in accordance with Article 16 of the amended Law of 14 February 1955 referred to above;
  - b) the taxi or PHV has either a grave irregularity in terms of its on-board documents or an obvious technical defect liable to seriously endanger traffic;
  - c) if the road vehicle tax has not been paid for the taxi or PHV in question for more than sixty days.
- (3) In the cases referred to in paragraphs 1 and 2, respectively, members of the Grand-Ducal Police and Customs and Excise Agency officials shall have the right to retain the vehicle's registration documents until payment of a tax warning or settlement of the sum to paid in accordance with Article 16 of the aforementioned amended Law of 14 February 1955 occurs.

#### **Article 23. Verification and monitoring**

- (1) If the conditions for granting a taxi or PHV operator licence or a driver card are no longer met, or in the event of their expiration, the Minister shall be notified of this by electronic means no later than one month after these conditions take effect.
- (2) The Minister may, at any time, verify or have verified that the conditions justifying the issuing of a taxi or PHV operator licence or driver card are still met.

#### **Article 24. Processing of personal data**

- (1) The Minister shall keep a computerised register of taxi and PHV operators and drivers and booking intermediaries.

This register shall contain all the data necessary for the following purposes:

- a) to award and issue a taxi or PHV operator licence, issue a provisional operator licence, or for the modification, transfer, duplication, or exchange of a taxi or PHV operator licence;
- b) to issue, duplicate or modify a driver card;
- c) to grant, renew or withdraw an authorisation for a booking intermediary;
- d) to manage complaints as referred to in Article 5;
- e) to implement the administrative measures and penalties referred to in Article 19;
- f) to implement analyses and research for the purpose of planning and evaluating the quality of services for the occasional remunerated transport of persons after anonymisation of their related data.



- (2) The Minister shall be the data controller in accordance with Article 4(7) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, which repealed Directive 95/46/EC (General Data Protection Regulation). The Minister may cause all or part of their obligations under the law to be carried out under their responsibility by a senior Ministry staff member.
- (3) To fulfil the purposes described in paragraph 1, the Minister may access the following data processing operations:
- a) for the purposes referred to in paragraph 1 (a), (c), (d), (e) and (f), the national register of legal persons established by the amended Law of 30 March 1979 organising the digital identification of natural and legal persons, in order to obtain the identification information of taxi and PHV operators and booking intermediaries;
  - b) for the purposes referred to in paragraph 1 (b), (d), (e) and (f), the national register of natural persons set up by the amended Law of 19 June 2013 relative to the identification of natural persons, the national register of natural persons, identity cards, municipal registers of natural persons and amending certain other legal provisions, in order to obtain identification information for taxi and PHV drivers;
  - c) for the purposes referred to in paragraph 1 letters (a) and (c), the file of the Trade and Companies Register operated under the amended Law of 19 December 2002 on this Register and on the accounting and annual accounts of businesses and amending certain other legal provisions;
  - d) for the purposes referred to in points (a), (d) and (e) of paragraph 1, the register of businesses carrying out an activity referred to in the above-mentioned amended Law of 2 September 2011;
  - e) for the purposes referred to in paragraph 1, the files used by the Grand-Ducal Police and the Customs and Excise Agency for the maintenance of tax warnings;
  - f) for the purpose referred to in paragraph 1 (a), (d), (e) and (f), the register operated by the Minister and giving details on the vehicles registered in the Grand Duchy of Luxembourg;
  - g) for the purpose referred to in paragraph 1 (b), (d), (e) and (f), the file operated by the Minister and containing information on driving licences.
- (4) The data which may be collected directly from the operator, the driver or the booking intermediary are those needed to make interconnections. Otherwise, in the absence of the transmission of the related registers, other data which may be used include the national register of natural persons, the national register of legal persons, the register of vehicles registered in the Grand Duchy of Luxembourg, the register of driving licences and the register of businesses carrying out an activity referred to in the abovementioned amended Law of 2 September 2011. The following data shall be collected for the purposes referred to in paragraph 1:
- These include:
- a) for the driver: national identity number, driving licence number, identity photo, the name of the operator who the driver works for, a copy of their Social Security Centre (CCSS/Centre commune de la sécurité sociale) membership certificate, their training session participation certificate, and their contact email address and contact data;



- b) for the operator: national identity number of the company for legal persons or the national identity number of the natural persons, their contact email address and contact data;
  - c) in the case of a transfer request: the original or duplicate of the taxi or PHV operator licence, a copy of the registration certificate and proof that the original vehicle has been taken out of service; and in the case of temporary withdrawal of the taxi or PHV from service, a statement from the repairer indicating the reasons for and the duration of the repair work and the original taxi or PHV operator licence;
  - d) for the booking intermediary: the national company identity number for legal persons or the national identity number for natural persons, their contact email address and contact data.
- (5) The computer system through which personal data is accessed or processed is organised as follows:
- a) access to files is secured by strong authentication;
  - b) any data processing included in the databases and personal data files, which are managed by the Minister or to which the Minister has access, as well as any consultation of this data, may take place only for a specific reason and must also indicate, for any processing and consultation, the personal digital identifier of the person carrying this out. The date and time of any processing or consultation, as well as the identity of the person carrying it out, must be trackable in the computer system which is set up for this purpose;
  - c) logged data shall be kept for a period of two years from its recording, after which time it shall be erased unless it is subject to a monitoring procedure.
- (6) Only strictly necessary personal data may be processed in accordance with the principle of proportionality. For the purposes set out in paragraph 1 (a) to (c), access to data may only occur in the context of a request from an interested party or as a follow-up to that request and in relation to the taxi or PHV operator licence, the driver card or the booking intermediary authorisation.
- (7) At the time of the granting of a taxi or PHV operator licence or driver card or booking intermediary authorisation, the operator, driver or booking intermediary shall be informed individually in writing of:
- a) the entity in charge of data processing;
  - b) the data recipients;
  - c) their right of access to the data;
  - d) their right to rectify the data;
  - e) the procedures for exercising the rights referred to in point (d);
  - f) the consequences of refusing to provide the information requested under this law, of refusing to provide it within the prescribed time, and of intentionally providing inaccurate or incomplete information.
- (8) Access to data processing is managed via an identity and access rights management system. This system will form the basis for managing access rights at all data levels, from allocation to deletion, and for all ministerial agents who may act on this data pursuant to this law.
- (9) The Minister is authorised to communicate, by computerised or non-computerised means, personal data relating to operators or drivers to the SNCA or to the CTIE for the purpose of



enabling the verification of taxi or PHV operator licences being processed and for issuing and affixing a taxi or PHV panel or light.

The data that may be communicated to the SNCA shall be determined by Grand-Ducal regulations.

This communication shall be done directly by electronic means.

- (10) Computer or other media containing personal data shall be kept in a safe place subject to secure access.

The Minister shall take all measures to ensure the confidentiality and security of the data in accordance with the Law of 1 August 2018 on the organisation of the National Commission for Data Protection and the implementation of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data. The latter regulation repealed Directive 95/46/EC (General Data Protection Regulation) thereby amending the Labour Code and the Law of 25 March 2015, which had laid down the rules on data processing operations and the conditions and procedures for the advancement of state officials.

Data may be retained for a maximum of two years after the forfeiture of a taxi or PHV operator licence or driver card or a booking intermediary authorisation.

- (11) The processing or communication to third parties of data concerning taxi and PHV operators or drivers, by computerised or non-computerised means, for the purposes of statistical analysis and research may only be carried out using depersonalised data. This will disallow the identification of the persons to whom the data applies.

#### **Article 25. Transitional provisions**

- (1) Persons holding a driver card, in accordance with the amended Law of 5 July 2016 on the organisation of taxi services, may apply for a new driver card under this law within six months of its entry into force. This application should be accompanied by the supporting documents provided for in Article 10.
- (2) Persons who have been employed by a PHV operator for at least one year prior to the entry into force of this law may apply for a temporary exemption certificate from the driver card requirement within six months of this law's entry into force. This exemption certificate is valid for a maximum period of two years and expires as soon as the holder has completed the training provided for in Article 12. The exemption certificate may not be renewed. The content and form of this certificate shall be determined by Grand-Ducal regulations.
- (3) Persons holding a valid taxi operator licence in accordance with the amended Law of 5 July 2016 on the organisation of taxi services shall apply for a new taxi operator licence pursuant to this law within nine months of its entry into force. This application must be accompanied by the supporting documents as provided for in Article 8.
- (4) Operators who can demonstrate that they have been continuously engaged in PHV activities for at least two years over a five-year period from the date of entry into force of this law may apply for an operator licence for a vehicle of the same type within six months of the date of this law's entry into force. This application must be accompanied by the following information and supporting documents:



- a) the number of the valid business permits issued to a “renter of taxis and private hire vehicles”;
- b) a copy of the COC - European certificate of conformity;
- c) a copy of the registration certificate showing that the vehicle is registered as a PHV;
- d) a copy of daily records or any other document proving the continuous exercise of activity for the vehicle.

(5) Applications shall be processed by order of arrival, with the time stamp of the application being taken as authentic.

#### **Article 26. Amending provisions**

(1) Points 1 and 2 of Article 4 (2) of the amended Law of 5 February 2021 on public transport are modified as follows:

- “1. taxi services as defined in Article 1(o) of the law on the organisation of occasional remunerated transport of persons by taxis and private hire vehicles with drivers;
2. private hire vehicle services with a driver as defined in Article 1(p) of the law on the organisation of occasional remunerated transport of persons by taxis and private hire vehicles with a driver”.

(2) The Consumer Code is amended as follows:

- a) Article L.112-8 (2)(2) is deleted;
- b) In Article L.112-9, a new paragraph (2) is added to (1) and worded as follows: “This article does not apply to taxi and PHV services regulated by the law governing the organisation of the occasional remunerated transport of persons by taxis and private hire vehicles with a driver”.

#### **Article 27. Repeal provision**

The amended Law of 5 July 2016 on the organisation of taxi services and the amendment of the Consumer Code is hereby repealed.

#### **Article 28. Final provisions**

This law shall enter into force on the first day of the sixth month following its publication in the Belgian Official Gazette.

We mandate and order that this law be inserted in the Official Journal of the Grand Duchy of Luxembourg in order to be executed and observed by all those concerned with the matter.