

April 17, 2020

Ms. Zsuzsanna Dákai
European Commission
DG GROW
B-1049 Brussels
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Guidance on interpretation of the Directive 2014/32/EU (Measuring Instruments Directive) regarding taximeters

Dear Ms. Dákai,

The Finnish Ministry of Transport and Communications kindly requests guidance on interpretation of the Measuring Instruments Directive as follows:

1 Introduction

A major reform of the Finnish taxi regulation took effect in summer 2018. Among other things, the reform aimed to promote the digitalisation of the sector and facilitate market entry for new operators. For example, restrictions on taxi licence numbers and maximum fares were abolished, while the obligation to use a taximeter in all taxi services was also dropped. The goal was that a taximeter would no longer be a mandatory piece of equipment when using, for instance, ride-sharing applications (including Uber, Yango, Bolt).

The taxi reform has sparked a great deal of public debate, and some of its consequences have been considered undesirable. Prime Minister Marin's Government decided that taxi regulation will be reviewed for the necessary parts, taking into account such issues as the grey economy and transparency of pricing.¹

The Ministry of Transport and Communications is currently drafting legislation associated with the review of taxi regulation in keeping with the Government Programme. In this context, the Ministry of Transport and Communications is also assessing the relationship of the current and potential new regulation with the Measuring Instruments Directive. While the need for more detailed regulation on taximeters was already considered in connection with the previous legislative reform before it entered into force², Parliament preferred to first gather experiences of the reform's impacts.³ The Ministry of Transport and Communications requests the European Commission's opinions on how the Measuring

¹ Prime Minister Marin's Government Programme 10 December 2019. INCLUSIVE AND COMPETENT FINLAND – a socially, economically and ecologically sustainable society. Government publications 2019: 31, p. 115. [<http://urn.fi/URN:ISBN:978-952-287-808-3>] (in Finnish)

² See government proposal 86/2018 vp. [https://www.eduskunta.fi/FI/vaski/HallituksenEsitys/Documents/HE_86+2018.pdf] (in Finnish)

³ See Transport and Communications Committee report 37/2018 vp, p. 5. [https://www.eduskunta.fi/FI/vaski/Mietinto/Documents/LiVM_37+2018.pdf] (in Finnish)

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Instruments Directive should be interpreted in relation to the current national regulation and the options open for Finland in terms of amending its national regulation.

2 Finnish taximeter regulation and situation in the taxi market

The Finnish taximeter regulation is composed of two different statutes. The Measuring Instruments Directive was transposed into Finnish legislation as the Measuring Instruments Act (707/2011) and the government decrees issued by virtue of it. The Measuring Instruments Act, the decrees issued by virtue of it and the Annexes to the Measuring Instruments Directive specify the characteristics of taximeters and the procedures for demonstrating their compliance.

The situations in which taximeters are to be used, on the other hand, are regulated under transport sector legislation. Before the taxi reform, a car used for passenger transport subject to a licence had to have a taximeter (section 25(2) of the Vehicles Act (1090/2002)). Cars used for passenger transport subject to a licence referred to taxis. No taximeters were permitted in other vehicles. In addition, provisions on the use of a taximeter for determining the price of a taxi ride were laid down in sections 6 to 9 of the Government Decree on the Maximum Prices to be Charged to the Consumer for Taxi Transport (403/2017).

In connection with the taxi reform, section 25 of the Vehicles Act was amended (Act amending the Vehicles Act, 321/2017), and its current wording is: *“If the price of the journey is based on measuring the distance or time, a vehicle used for transport requiring a licence shall have a taximeter, or some other device or system with which a similar level of measurement accuracy and standard of data protection can be achieved shall be used to determine the price.”* In practice, the obligation to use a taximeter applies to situations where the final fare is based on measurement data produced by the meter. In these situations, the obligation to use a taximeter applies to both taxi services and bus services. The use of a taximeter in other situations is not prohibited, and no other provisions on its use have been issued. The Finnish Transport and Communications Agency may issue more detailed technical regulations on taximeters by virtue of the Vehicles Act.

According to the wording of section 25 of the Vehicles Act, the time or distance used to calculate the fare could thus also be measured by "some other device or system with which a similar level of measurement accuracy and standard of data protection can be achieved". The purpose of this provision is to enable the use of other devices besides taximeters for calculating the fare charged for a taxi trip.⁴ The relevant government proposal cites measurement based on satellite positioning as an example.⁵ Further regulations on such other devices or systems may be issued by the Finnish Transport and Communications Agency (section 27a(1)(8) of the Vehicles Act). No such regulation has been issued, however. According to the Finnish Transport and Communication Agency's interpretation, such regulations cannot be issued as, under the Measurement Instruments Directive, parallel national specifications may not interfere with the provisions of the Directive.

As more specific regulations on "other device or system" have not been issued, the requirements that the device or system should meet or the procedure in which its compliance should be demonstrated have remained unclear to taxi sector operators. Researchers at the University of Oulu examined how

⁴ See government proposal 161/2016 vp, pp. 80 and 171.

[https://www.eduskunta.fi/FI/vaski/HallituksenEsitys/Documents/HE_161+2016.pdf] (in Finnish); Transport and Communications Committee report 3/2017 vp, p. 14.

[https://www.eduskunta.fi/FI/vaski/Mietinto/Documents/LiVM_3+2017.pdf] (in Finnish)

⁵ See government proposal 161/2016 vp, p. 171.

[https://www.eduskunta.fi/FI/vaski/HallituksenEsitys/Documents/HE_161+2016.pdf] (in Finnish)

the Finnish taximeter regulation has been interpreted in the taxi sector and what types of technologies are used in Finland as taximeters or similar devices or systems referred to in the Vehicles Act.⁶

The report indicates that the taxi sector has interpreted the "other similar device or system" as meaning

- a) a taximeter which has undergone a conformity assessment procedure referred to in the Measuring Instruments Directive,
- b) a taximeter currently undergoing a conformity assessment procedure referred to in the Measuring Instruments Directive,
- c) a taximeter which has not undergone a conformity assessment procedure and which is not permanently installed in a taxi;
- d) an Internet-based ride-sharing platform (including Uber and Yango), or
- e) a taximeter application that can be downloaded from an app store.

The researchers found that all of the devices or systems listed above have been used since the reform, or are currently being used, as taximeters or similar devices in the Finnish taxi market.

The public servants at the Ministry of Transport and Communications find that both the fact that the current Finnish regulation on taximeters is open to interpretations and the prevailing practices of taximeter use in the sector are problematic from the perspective of the Measuring Instruments Directive requirements. At the same time, the digitalisation of transport systems and the central government's plans, for example concerning a requirement for electronic receipts, create pressure to find solutions that support market development in taximeter regulation. The Ministry of Transport and Communications' interpretation of the Measuring Instruments Directive and the national room for manoeuvre contained in it are discussed in greater detail in the following section.

The Ministry of Transport and Communications requests the Commission's opinion on the following questions:

- **Under the Measuring Instruments Directive, can devices other than taximeters referred to in the Directive be used for measuring the distance and time in a taxi service?**
- **Is the current Finnish regulation on taximeters incompatible with the Measuring Instruments Directive?**

3 Objectives of Finnish taximeter regulation

The Ministry of Transport and Communications is currently drafting amendments to the national regulation on taximeters to address shortcomings in the area of combating the grey economy. Three key objectives have been set for the amendments:

- 1) The regulation should ensure that sufficiently comprehensive and reliable electronic data to enable effective supervision of tax compliance will be available on all taxi trips;
- 2) In addition to traditional taximeters, it should be possible to use new digital applications and background systems in the provision of taxi services; in other words, a taximeter would not be a mandatory piece of equipment on all taxis; and

⁶ Väyrynen, K. & Lanamäki, A. (2020): Suomen taksamittarisääntelyn monitulkintaisuus. University of Oulu. [<http://urn.fi/urn:isbn:9789526225500>] (in Finnish)

- 3) The legislation should not be incompatible with the European Union's Measuring Instruments Directive.

Under Article 3 of the Measuring Instruments Directive, Member States may prescribe the use of measuring instruments for measuring tasks, where they consider it justified for reasons of public interest, public health, public safety, public order, protection of the environment, protection of consumers, levying of taxes and duties and fair trading. If the obligation to use such an instrument were based on a reason other than those referred to in the Directive, the Member States shall communicate these reasons to the Commission and the other Member States.

In Finland, the obligation to use a taximeter has traditionally been considered to have two main purposes: consumer protection and reliable collection of data required for tax supervision.⁷ In practice, other uses have also emerged for the data collected by taximeters, but these other uses have not been used as a basis for the obligation to use a taximeter.

The purpose of the obligation to use a taximeter for fare calculation is ensuring that taxi passengers can rely on the fare calculated based on the measurement result. The Ministry of Transport and Communications believes, however, that the need for taximeter regulation related to consumer protection is decreasing. Taxi customers' possibilities of assessing the length and duration of their taxi trips both before and after the trip have improved considerably as smartphones have come into widespread use. Fixed-price taxi trips have additionally become more common. The customer has better possibilities of getting an idea of the fare in advance and making informed purchase decisions without the necessity of using a taximeter for measuring the distance and time of the trip. The Ministry of Transport and Communications also believes that the taximeter does not ensure effective consumer protection in itself, even if it did measure the distance and time travelled reliably and accurately. For example, customers can be deceived by applying incorrect rates or by selecting a route that is inappropriate from the customer's perspective. This is also backed up by research evidence.⁸

Based on the above, the Ministry of Transport and Communications does not regard using taximeters for all taxi trips as necessary from the perspective of consumer protection. The Ministry of Transport and Communications also finds that digital ride-sharing applications benefit both consumers and the drivers earning an income through them. The objective is not limiting these activities unnecessarily, or imposing unnecessary costs on them.

Another reason for the mandatory use of taximeters has been the tax authority's possibilities of accessing the data collected by them for tax supervision purposes, which has been considered an effective means of preventing grey economy activities. A taximeter saves the data in a format that enables the tax authority to check the fees paid and received as well as the distance travelled by the vehicle, which has made it possible to use the data for such purposes as assessing any attempts to conceal an income. The Ministry of Transport and Communications believes that corresponding data could also be produced by devices other than the taximeters referred to in the Measuring Instruments Directive. The Ministry of Transport and Communications understands that companies providing ride-sharing services, for example, also collect data of this type on the trips they broker. However, the current Finnish legislation does not clearly specify what types of data operators other than those using taximeters should collect, what properties the device or system collecting the data should have, and

⁷ See e.g. Transport and Communications Committee report LiVM 3/2017 vp, p. 14. [https://www.eduskunta.fi/FI/vaski/Mietinto/Documents/LiVM_3+2017.pdf] (in Finnish)

⁸ Balafoutas, L., Beck, A., Kerschbamber, R. & Sutter, M. (2013): What Drives Taxi Drivers? A Field Experiment on Fraud in a Market for Credence Goods. *Review of Economic Studies* 80(3), s. 876–891; Liu, M., Brynjolfsson, E. & Dowlatabadi, J. (2018): Do Digital Platforms Reduce Moral Hazard? The Case of Uber and Taxis. NBER Working Paper No. 25015. [<https://www.nber.org/papers/w25015.pdf>]

how the collected data should be stored and reported. Consequently, this data cannot currently be effectively used for tax supervision purposes. The current Finnish legislation additionally makes it possible to not collect data on the fares, the distance travelled by the vehicle, or the duration of the trip, at least not in an electronic form, for trips where the fare is not based on measuring the distance or time.

As sufficient data to support effective tax supervision are currently not available on all taxi trips, the Ministry of Transport and Communications finds that the national taximeter regulation should be amended to ensure that sufficient and reliable data are collected on all taxi trips in an electronic format. As the objective is not to make taximeters obligatory for all taxi trips, more comprehensive regulation is needed on the properties of other measuring devices and systems, the data collected by them and the storage of data. However, challenges are created by the fact that these provisions must not be incompatible with the Measuring Instruments Directive.

4 Ministry of Transport and Communications' interpretation of the Measuring Instruments Directive and the room for manoeuvre contained in it

4.1 Principle of optionality

The Measuring Instruments Directive contains a provision on the types of measuring instruments that can be sold and used on the internal market. Under Article 1, the Directive establishes the requirements that measuring instruments have to satisfy with a view to their being made available on the market and/or put into use for the measuring tasks referred to in the Directive.

Under Article 3 of the Directive, Member States may prescribe the use of measuring instruments for measuring tasks, where they consider it justified for reasons of public interest, public health, public safety, public order, protection of the environment, protection of consumers, levying of taxes and duties and fair trading. This principle of optionality means that Member States can exercise their right to decide whether or not to prescribe the use of the measuring instruments covered by the Directive.

According to the Ministry of Transport and Communications' interpretation, the principle of optionality is associated with whether a Member State wishes to require the use of a certain type of meter, rather than, for example, the technology of measuring instruments or the procedures for demonstrating conformity. If a Member State has not decided to make use of the Directive's principle of optionality, the Ministry of Transport and Communications understands that devices meeting the requirements of the Directive should be used in the measuring task, and parallel measurement methods for the same measuring task cannot be approved under national legislation.

The Ministry of Transport and Communications requests the Commission's opinion on the following question:

- **If a Member State decides that the use of a taximeter for measuring tasks is obligatory, can the Member State, under the principle of optionality contained in the Measuring Instruments Directive, choose what type of technology may be used in a taximeter, or how a taximeter's conformity should be demonstrated (for example by adopting several parallel measurement methods nationally), or should a taximeter used for legally controlled measuring tasks always meet the Directive's requirements in compliance with the procedure defined in it?**

4.2 Definition of a taximeter

Annex IX of the Measuring Instruments Directive defines a taximeter as a device that works together with a signal generator to make a measuring instrument, which measures duration and calculates distance on the basis of a signal delivered by the distance signal generator. Additionally, it calculates and displays the fare to be paid for a trip on the basis of the calculated distance and/or the measured duration of the trip.

The Ministry of Transport and Communications understands the definition of a taximeter contained in the Measuring Instruments Directive to mean a device specifically manufactured for this purpose, which is installed⁹ permanently in a taxi, and the Directive requirements could not be met by, for example, a mobile phone performing the same measuring tasks. Consequently, such systems as ride-sharing applications, in which the measurement of the trip and fare calculation are based on cooperation between the driver's mobile phone and an external server, would not be taximeters. This was also the interpretation of a court in the United Kingdom, which found that the mobile phone used by an Uber driver cannot be considered a taximeter, as the fares are calculated on an external server rather than on this device.¹⁰

4.3 Situations in which a taximeter should be used

The Measuring Instruments Directive regulates the types of devices which may be used in certain measurement tasks. It is the understanding of the Ministry of Transport and Communications, however, that the Directive does not specify these measurement tasks. Under Article 3(1) of the Directive, Member States may prescribe the use of measuring instruments for measuring tasks, where they consider it justified for reasons of public interest, public health, public safety, public order, protection of the environment, protection of consumers, levying of taxes and duties and fair trading. The detailed definition of legally controlled measurement tasks is, however, left to national legislation.

Under Annex IX of the Measuring Instruments Directive, a taximeter is a device that works together with a signal generator to make a measuring instrument, which measures duration and calculates distance on the basis of a signal delivered by the distance signal generator, and calculates and displays the fare to be paid for a trip on the basis of the calculated distance and/or the measured duration of the trip. Consequently, its functionalities are clearly related to a) measuring distance, b) measuring time, c) calculating fares, and d) displaying fares. The name of the device (*taximeter*), on the other hand, indicates that its measurement task is specifically related to measuring taxi trips and calculating fares. However, the Measuring Instruments Directive or the guidelines and regulations¹¹ on taximeters do not specify what a taxi trip is. There is no EU regulation on taxi services, or an EU-level definition on which the taximeter's measurement task could be regarded as being based.

⁹ See paragraphs 17 to 19 in Annex IX to the Measuring Instruments Directive, which refer to installing the taximeter in a vehicle.

¹⁰ Royal Courts of Justice: TfL v Uber & Others. Case No: CO/1449/2015. [<https://www.judiciary.gov.uk/wp-content/uploads/2015/10/tfl-v-uber-final-approved-2.pdf>]. It should be noted, however, that in this case the concept of a taximeter was primarily assessed from the point of view of UK legislation rather than the EU Measuring Instruments Directive.

¹¹ See Welmec (2015): Corresponding Tables – Taximeters. CT-007-II, 2015. [https://www.welmec.org/fileadmin/user_files/publications/Corresponding_Tables/CT-007-II_2015_Taximeters_OIML_R_21_-_MID_2004_22_EC_MI-007_II.pdf]; Welmec (2017): Taximeters common application. WELMEC 12.1. [https://www.welmec.org/fileadmin/user_files/publications/WG_12/WELMEC_Guide12.1-2017_Taximeters_common_application_-_Approved.pdf]

The meaning given to taxi services differs in different EU countries, and the regulation related to them varies considerably from one country to another. A report commissioned by the European Commission (2016) indicates that the majority of European countries differentiate between taxi services and other types of passenger transport (so-called hire cars with driver) in their legislation.¹² According to the report, the main distinctive feature between taxi transport and other transport of passengers is the absence of a taximeter.¹³ Some countries have prohibited all use of taximeters in operations other than taxi services.¹⁴

Finnish legislation does not differentiate between taxi services and other transport of passengers in this way. In the *Act on Transport Services* (320/2017), taxi trips refer to all professional transport of persons by certain vehicles in a broad sense. The same definition of taxi services was also used in the *Taxi Transport Act* (217/2007), and it has been customary in Finland to consider all professional transport of passengers to customer order as taxi services, excluding bus and coach services¹⁵. In many other countries, the definition of taxi services has typically been narrower. For example, trips brokered by ride-sharing services, for which a fixed price has been agreed in advance, are defined as taxi services under Finnish legislation.

As issuing national regulations parallel or complementary to the Directive's provisions is prohibited under the Measuring Instruments Directive, it is the Ministry of Transport and Communications' interpretation that the Member States cannot authorise the use of meters other than those meeting the Directive requirements for legally controlled measurement tasks. As the Measuring Instruments Directive contains no clear definition of the situations in which a taximeter should be used, and as in many European countries taximeters are not required, for example in ride-sharing services or for trips booked in advance for a fixed price, the Ministry of Transport and Communications interprets this to mean that the Member States may define the measurement tasks in which taximeters must be used and, on the other hand, define other tasks in which some other device or system is to be used. According to the Ministry of Transport and Communications' interpretation, it is thus possible within the framework of EU legislation to require the use of a taximeter for certain types of taxi trips and some other type of device for others, provided that the legislation differentiates between these different types of trips.

The Ministry of Transport and Communications requests the Commission's opinion on the following question:

- **Within the framework of the Measuring Instruments Directive, is it possible to require the operators to use a taximeter for certain types of taxi trips and a different device for others, provided that the legislation differentiates between these trip types?**

The following section discusses the options for amending the Finnish national regulation on taximeters in such a way that it meets the objectives described in section 3: collecting data necessary

¹² European Commission (2016). Study on passenger transport by taxi, hire car with driver and ridesharing in the EU. Final Report. [<https://ec.europa.eu/transport/sites/transport/files/2016-09-26-pax-transport-taxi-hirecar-w-driver-ridesharing-final-report.pdf>]

¹³ European Commission (2016), p. 52: "The majority of the examined Member States – – follow a two-tier system that distinguishes between taxis and hire cars with drivers. – – The main distinctive feature is the absence of a taximeter for the hire cars with drivers".

¹⁴ European Commission (2016), Annex III, pp. 17–24. [<https://ec.europa.eu/transport/sites/transport/files/2016-09-26-pax-transport-taxi-hirecar-w-driver-ridesharing-country-reports.pdf>]. See also Private Hire Vehicles (London) Act 1998 [<https://www.legislation.gov.uk/ukpga/1998/34/section/11>], section 11, under which using a taximeter in so-called private hire vehicle services is prohibited in London area.

¹⁵ The definition of a bus in the Vehicles Act (1090/2002) is a category M2 and M3 vehicle primarily designed and built for the carriage of passengers and their luggage with more than eight seats in addition to the driver's seat (section 10(2), paragraph 2).

for effective tax supervision in electronic format, enabling the use of new digital applications and background systems, and being compliant with the Measuring Instruments Directive.

5 Ministry of Transport and Communications' assessment of possible national measures

The Ministry of Transport and Communications has identified at least the following ways in which the national regulation on taximeters could be amended: 1) dropping the obligation to use a taximeter in all taxi trips, 2) differentiating between types of taxi trips based on the method used to book them and imposing different obligations regarding taximeter use on them, 3) distinguishing between different taxi trips based on the fare calculation method and imposing different obligations regarding taximeter use on them, and 4) allowing the use of other devices or systems for calculating the fare while adopting provisions on the data to be collected and the properties of the device or system collecting the data. Below, these options are assessed in relation to the objectives described in section 3.

1) Dropping the obligation of using a taximeter in all taxi services

The principle of optionality contained in the Measuring Instruments Directive would make it possible not to require the use of a taximeter for any types of taxi trips. A solution in which the obligation to use a taximeter is dropped completely would meet the second and third but not the first objective described in section 3, as in this case, there would be no obligation to use a device or system that would reliably collect data for the purposes of tax supervision in taxis. Consequently, choosing this option would not be possible in practice in Finland.

2) Differentiation between types of taxi journeys based on the booking method

The Ministry of Transport and Communications understands that under the Measuring Instruments Directive, subject to the criteria described above, the use of a taximeter could be required for certain types of taxi trips, whereas for other types of trips, other devices or systems would have to be used to calculate the fare and collect the data required for tax supervision.

One possible way of differentiating between types of taxi trips is the method used to book them. In Estonia, for example, a taximeter must only be used for taxi trips where the booking and fare calculation do not take place through an 'information society service' or where the ride is offered at a taxi rank.¹⁶ The Ministry of Transport and Communications understands that in Estonia, the term 'information society service' refers to such systems as ride-sharing applications, and that these applications perform largely the same measurement task as taximeters, i.e, measure the length and duration of the taxi trip and calculate the fare on this basis. In other words, the only difference between this and the measurement task performed by a taximeter is the booking method of the trip to be measured. It is not known to the Ministry of Transport and Communications if any technical requirements apply to the 'information society services' in Estonia, or if these services are required to collect and store certain data.

This solution would meet Finland's objectives described in section 3 if it is compatible with the Measuring Instruments Directive and if national regulation on the properties of a system other than a taximeter used for fare calculation were possible. For example, national regulation could concern the accuracy of measuring the distance or time, or the data collected by the device and the modification and storage of these data.

¹⁶ Section 64, subsection 3 of the Ühistranspordiseadus. For an English translation of this decree, visit <https://www.riigiteataja.ee/en/eli/ee/519052015001/consolide/current>.

The Ministry of Transport and Communications requests the Commission's opinion on the following question:

- **Under the Measuring Instruments Directive, would it be possible to introduce taximeter regulation similar to the Estonian legislation in Finland, and only require the use of a taximeter for trips starting from a taxi rank, or which have not been booked using an 'information society service'?**
- **If this is the case, would it be possible to impose national requirements on the properties of the 'information society service' and the data collected through it?**

3) Differentiation between types of taxi trips based on the fare calculation method

Another way of differentiating between different types of taxi trips would be using the fare calculation method. In this solution, taximeter use would be required for taxi trips where the fare is based on measuring the distance or duration of the trip while driving. If not, taxies would be required to have some other device or system that collects the data specified in the legislation for tax supervision purposes. In this case, using a taximeter would not be necessary if the price has been estimated in advance, for example based on the distance calculated by a map application, and the customer is already informed of the fare as the trip is booked.

This solution would meet the objectives described in section 3 if it is compatible with the Measuring Instruments Directive and if national regulation on the properties of a system other than a taximeter used for fare calculation were possible.

The Ministry of Transport and Communications requests the Commission's opinion on the following questions:

- **Under the Measuring Instruments Directive, could the Finnish taximeter regulation be amended in such a way as to make it possible to require taximeter use when the fare is based on measuring the distance and time of a trip while driving, and in other cases, the use of some other device or system?**
- **In this situation, would it be possible to set national requirements for the properties of a device or system other than a taximeter and the data it collects?**

4) More detailed regulation on other devices or systems

Another option would be only differentiating between types of taxi trips on the basis of whether a taximeter or some other device or system is used for fare calculation. In this case, a taxi company could freely decide which type of a device or system they would use to measure the distance and time of the trip and calculate the fare, insofar as it meets either the requirements of the Measuring Instruments Directive or the national requirements set for another device or system.

In the Ministry of Transport and Communications' view, however, this would not be possible under the Measuring Instruments Directive, as it would mean adopting national provisions parallel to the Directive.

The Ministry of Transport and Communications requests the Commission's opinion on the following question:

- **Under the Measuring Instruments Directive, would it be possible to amend Finnish regulation on taximeters by giving taxi companies the freedom to decide which type of**

a device or system they would use to measure the distance and time of the trip and calculate the fare, insofar as it meets either the requirements of the Measuring Instruments Directive or the national requirements set for another device or system?

6 Summary of questions to the Commission

- Under the Measuring Instruments Directive, can devices other than taximeters referred to in the Directive be used for measuring the distance and time in a taxi service? Is the current Finnish regulation on taximeters incompatible with the Measuring Instruments Directive?
- If a Member State decides that the use of a taximeter for measuring tasks is obligatory, can the Member State, under the principle of optionality contained in the Measuring Instruments Directive, choose what type of technology may be used in a taximeter, or how a taximeter's conformity should be demonstrated (for example by adopting several parallel measurement methods nationally), or should a taximeter used for legally controlled measuring tasks always meet the Directive's requirements in compliance with the procedure defined in it?
- Within the framework of the Measuring Instruments Directive, is it possible to require the operators to use a taximeter for certain types of taxi trips and a different device for others, provided that the legislation differentiates between these trip types?
- Under the Measuring Instruments Directive, would it be possible to introduce taximeter regulation similar to the Estonian legislation in Finland, and only require the use of a taximeter for trips starting from a taxi rank, or which have not been booked using an 'information society service'? If this is the case, would it be possible to impose national requirements on the properties of the 'information society service' and the data collected through it?
- From the perspective of the Measuring Instruments Directive, could the Finnish taximeter regulation be amended in such a way as to make it possible to require taximeter use when the fare is based on measuring the distance and time of a trip while driving, and in other cases, the use of some other device or system? In this situation, would it be possible to set national requirements for the properties of a device or system other than a taximeter and the data collected with it?
- Under the Measuring Instruments Directive, would it be possible to amend Finnish regulation on taximeters by giving taxi companies the freedom to decide which type of a device or system they would use to measure the distance and time of the trip and calculate the fare, insofar as it meets either the requirements of the Measuring Instruments Directive or the national requirements set for another device or system?

Yours sincerely,

Olli-Pekka Rantala
Director-General of the Services Department