



Taxi or limousine drivers providing professional passenger transport services in the Canton of Geneva

Declaration procedure for service providers

Information relating to the first declaration

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1. Introduction

The business activities of taxi or limousine drivers providing passenger transport services is regulated in the **canton of Geneva**. This means that all professional drivers are required to obtain a market access notification prior to the start of their activity from the Canton of Geneva's "Service de police du commerce et de lutte contre le travail au noir ([PCTN](#))".

Since 1 September 2013, any driver who wishes to operate as a service provider benefits from a simplified procedure for obtaining notification of market access, regulated by Annex III of the Agreement on the Free Movement of Persons ([AFMP](#)) and European Directive 2005/36/EC on the recognition of professional qualifications (Title II of the Directive). The procedure is initiated by making a declaration to the State Secretariat for Education, Research and Innovation ([SERI](#)). The declaration is valid for one calendar year and must be renewed each year.

This factsheet provides additional information on the procedure and the rules to be followed when **making a declaration for the first time**. A separate factsheet is provided on **renewing the declaration each year**.

2. Context

The freedom to provide services in Switzerland and the EU has been in place since the AFMP came into effect in July 2002. The possibility of providing services is subject to certain limitations:

- Services may only be provided for a **total of 90 working days per calendar year** (e.g. 01.01.2021 - 31.12.2021). Therefore, if the 90-day limit for the provision of services has been reached during the year, the activity may not begin for the following winter season until after 1 January of the new year.

This period may be extended solely at the discretion of the cantonal authorities. SERI is unable to reply to questions relating to a service duration that exceeds 90 days.

- The service provider must be **fully qualified** to work in the profession in question in the country of establishment. If the person lacks professional qualifications in the strict sense, then he/she must have worked in the profession for two of the past ten years. This latter condition stems solely from EU legislation (see art. 5 par. 1 let. b of Directive 2005/36/EC on the recognition of professional qualifications).
- Irrespective of professional qualifications, any provision of services must also be declared to the **State Secretariat for Migration SEM** (see below “Notification procedure by the State Secretariat for Migration SEM”).

The procedure for recognising professional qualifications, which leads in this case to the PCTN granting notification of market access, is governed by Directive 2005/36/EC on the recognition of professional qualifications, which applies by virtue of Annex III AFMP.

3. Scope of application of the declaration procedure

Federal legislation on the declaration obligation does not regulate professional activities. It is based on federal or cantonal regulations. Taxi or limousine drivers who provide professional passenger transport services must therefore submit a declaration to SERI if they fall within the scope of application of the Geneva Cantonal Act on Taxis and Limousines¹. Any questions regarding the scope of application of this cantonal act must be addressed to the relevant cantonal authority, in this case the canton of Geneva’s “Service de police du commerce et de lutte contre le travail au noir (PCTN)”.

As cantonal law requires that not only the proprietor of the taxi company, but also drivers obtain authorisation, **both** must make a declaration in all cases.

The letter from the PCTN attached to this document sets out the scope of application of the “Act on Taxis and Limousines” for vehicles with up to nine seats.

Questions relating to access to Geneva Airport are not SERI's responsibility and should be addressed to the competent authority (www.gva.ch).

4. More favourable systems

The AFMP is not the only agreement regulating relations between Switzerland and the EU member states. Other agreements may permit the carriage of persons under more simple conditions than those prevailing under the AFMP for drivers or companies that meet the conditions of application.

These include the **Land Transport Agreement of 21 June 1999**², which regulates the carriage of persons by coach and bus (vehicles with more than nine seats, including the driver). Full information on the scope of application of this agreement can be found at www.licencedetransport.ch.

Persons who do not meet the more favourable conditions of the Land Transport Agreement should make the declaration to SERI.

Please note: Any question relating to the scope of application of the Land Transport Agreement should be addressed to the Federal Office of Transport ([FOI](#)), and any question relating to the scope of application of the Geneva regulations on taxis and limousines to the [PCTN](#).

¹ Geneva Cantonal Act of 21 January on Taxis and Limousines (professional carriage of persons by automobile) RS/GE H 1 30.

² [Licence à l'admission à la profession d'entreprise du transport routier](#)

5. Procedure

The declaration procedure follows certain EU rules that Switzerland has adopted. These rules have been in effect in EU member states since 2007. The competent authority should therefore be quite familiar with these rules. The SERI website (www.sbf.admin.ch/edeclaration) contains a considerable amount of information regarding the procedure, **which should be read carefully**.

6. Nature of copies

Some documents must be uploaded as **certified true copies**. A certified true copy is a photocopy produced by an authority or a public official, who or which will affix an ink stamp and the date of certification on the photocopy, confirming that the copy corresponds to the original.

Each country determines what authority has the right to certify copies. A copy need not be certified by the authority that has issued it; it may be certified, for example, by a communal government, an official notary, an embassy, etc.

As the right to certify a copy varies from country to country, SERI is unable to provide an exhaustive list of what constitutes an acceptable certification. The main requirement is to ensure that the copy is certified by an authority or public official, and not by a private agency that has no power to certify copies.

7. Supporting documents:

The documents are those that are valid in the country where the service provider is established. Accordingly, in every case, reference must be made to the relevant legal provisions in force in that country. In countries that also regulate the professional transport of passengers, there will be an authority competent to provide the documents listed below. On the other hand, if the country of establishment does not regulate such activities, the documents required may be different.

The following is general information on the supporting documents:

- Proof of **professional qualifications** is provided by documents attesting to relevant training (diploma, certificate, licence, etc.). To date, SERI has accepted professional driving licences, namely in categories C and D (but not C1 or D1), and any certificates proving professional training (such as a “carte de chauffeur de taxi” or a “carte de voiture de tourisme”).

Training must have been provided by the state. **Private training qualifications are not accepted**. It is the responsibility of the [contact point](#) in the country of establishment to advise drivers, in the event of any doubt, as to whether qualification certificates are officially recognised.

If they cannot provide a licence or training certificate, drivers must prove that they have acquired **two years of professional experience** as a professional driver in the course of the past ten years (art. 5 par. 1 let. b of Directive 2005/36/EC). The experience may have been acquired as a goods driver.

In relation to certain seasonal activities, SERI takes a certain account of the seasonal nature of the activity. As each case is specific, SERI cannot provide **more information before a specific application has been made**.

Experience can be proven for example by references from an employer, employment contracts, confirmation of payment of social insurance contributions, tax assessments, etc. Any document clearly stating the duration and nature of the professional activity is accepted. Please note that experience must be attested by an employer or by an authority. SERI does not accept self-certification.

As a matter of principle, SERI does not accept a combination of training and experience.

- **The certificate confirming legal establishment and the absence of criminal convictions** is a document used specifically for the declaration procedure. It is issued by the competent authority of the country where the person is established. Each driver who makes use of Title II of Directive 2005/36/EC is established in an EU Member State. Each country must have a competent authority as defined in Directive 2005/36/EC.

As a rule, any official document **issued by a competent authority** will be accepted. It must be materially demonstrable that the company is legally established and has not been prohibited from pursuing its activities. This document must be recent, i.e. **issued within the past three months**.

Each EU state is required by virtue of Directive 2005/36/EC to issue a certificate of legal establishment (see in particular art. 7 para. 2 let. b and art. 8 of Directive 2005/36/EC). However, due to difficulties encountered in certain countries, SERI will by way of exception accept documents other than a certificate, such as a **certified copy of a driving licence** and a **certified copy of a criminal record certificate**.

If a driver does not know the competent authority in his/her country of establishment, he/she may contact his/her [national contact point](#).

- **Proof of professional qualifications** on the one hand and the **certificate confirming legal establishment and the absence of criminal convictions** on the other are two separate documents.

However, it may be the practice in certain states to have a single document that confirms both issues. For example: Holding a taxi driver's licence in France is proof of a place of business at the address shown on the licence and of the absence of any proceedings that would prevent the exercise of the profession. Accordingly, an up-to-date certified copy of such a licence confirms **professional qualifications, legal establishment** and **absence of any proceedings** that would prevent the exercise of the profession.

It is not possible to provide a precise and exhaustive list of documents accepted from each country because, as mentioned above, the documents may change if the country of establishment changes its rules. Each service provider is therefore asked to contact their [national contact point](#) in order to find out which documents correspond to the above categories.

The examples cited above relate to SERI's practices at a specific time and are no indication of the future position of the Swiss authorities. There may be changes in the rules on which documents are accepted at any time. In particular, a change in the legislation in the country of establishment, over which SERI has no control, is always possible.

8. What should be done if the online declaration is incomplete?

In such cases, you will be informed about the missing documents by e-mail. You must then upload the missing documents in the online portal and resubmit the declaration.

9. How long does the procedure take?

As soon as the declaration is complete, the procedure should not take too long. Once SERI has received the complete declaration, it will immediately be forwarded to the PCTN, which will then proceed with the "notification of market access" (authorisation to work as a service provider).

10. What should you do if you have other questions?

This factsheet has been produced in response to numerous queries that SERI has received. **It contains all the information that SERI can give without knowing the precise details of the case in question.** Any question not answered in this factsheet will be considered once the declaration has been submitted. **We expressly draw service providers' attention to the fact that SERI, as a matter of principle, will not provide any information other than that provided in this factsheet.**

11. Notification procedure by the State Secretariat for Migration SEM:

As stated earlier, each self-employed service provider and each seconded worker must declare their activity to the SEM (www.sem.admin.ch > Entry, residence & working > Notification procedure for short-term work in Switzerland). Here again, this obligation has been in effect since 2002. The SEM is responsible for responding to any questions relating to the registration procedure. SERI will not respond to any questions on that subject.

12. Legal disclaimer

SERI provides this document for information purposes only in order to assist service providers in their work. It may be modified at any time without prior notice. SERI may not be held liable for any change in the content of this factsheet.



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A l'att. de M. Frédéric Berthoud
Secrétariat d'Etat à la formation, à la
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N/réf. : PBL/JCM/NK

Re: Technical note – definition of limousines under Genevan law


Subject to the response from the Federal Office of Transport to the letter of 16 December 2013 from Cantonal Councillor Mr Pierre Maudet regarding the relationship between the declaration requirement under the DRPA [Federal Act of 14 December 2012 on the Declaration Requirement and the Verification of Service Provider Qualifications in Regulated Professions] and the Land Transport Agreement, this note contains the definition of limousines under Swiss law. According to article 2 para. 1 of the Law on Taxis and Limousines (professional carriage of persons by car) of 21 January 2005 (LTaxis), the professional carriage of persons by car on the territory of the canton of Geneva is subject to the law. Article 2 para. 3 LTaxis contains the criteria which define the professional character of transport.

Automobiles as understood under article 3 para. 1 are passenger vehicles intended for the carriage of persons and with a maximum of nine seats including the driver's (category M1) (lit. a), and also minibuses with a maximum total weight of 3500 kg, intended for the carriage of persons and with more than nine seats including the driver's (category M2 up to 3.5 t) (lit. b).

Under article 3 para. 3, limousines are automobiles for the professional carriage of persons as defined in the previous paragraph which are not intended for use as taxis and can be booked in advance and hired by clients for a fee and for a period of time on conditions set by the parties in advance.

Under LTaxis, the category "limousine" includes all vehicles used for professional purposes which are not taxis (cf. article 3 para. 3 LTaxis: cars for the carriage of persons as defined in the previous paragraph which are not intended for use as taxis). This distinction is also made in the dispatch on the LTaxis (MGC 2003-2004NII A 3212) and the parliamentary discussions on LTaxis (MGC 2004-2005/IV A 1673 and 1694).

To conclude, companies engaged in the carriage of persons using minibuses with a maximum of nine seats to transport persons from Geneva Airport are actually limousine companies under Geneva law, given that they use vehicles which are classed as "limousine" under article 3 para. 3 LTaxis and for the professional carriage of persons, providing vehicles for a defined period of time or defined journey for a pre-arranged fee.


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