



## PRESS RELEASE No 162/25

Luxembourg, 18 December 2025

Judgment of the Court in Case C-366/24 | Amazon EU (Minimum charges for the delivery of books)

### **The imposition, by a national measure, of minimum charges for the home delivery of books must be analysed in the light of the rules on the free movement of goods**

*Such legislation does not relate to a 'selling arrangement'*

Amazon EU, established in Luxembourg, is challenging before the Council of State (France) an Order of 4 April 2023 that sets a minimum charge for the home delivery of new books: <sup>1</sup> retailers must invoice a minimum of € 3 for the delivery of books in respect of any order below € 35. Orders of € 35 or more can be delivered virtually free of charge.

Amazon EU seeks the annulment of that legislation on the ground that it infringes the Directive on electronic commerce <sup>2</sup> and the Directive on services in the internal market, <sup>3</sup> as well as the principle of free movement of goods. The French government contends, on the contrary, that those provisions are justified since they are intended to preserve editorial and cultural diversity, with the result that they fall outside the scope of those directives.

Since it considers that that legislation is intended to promote cultural diversity, the Council of State asks the Court of Justice to clarify the consequences of that classification in terms of the compatibility of that legislation with the 'Services' Directive. It also asks the Court how it should review that legislation in the light of primary EU law, depending on whether the issue concerns the free movement of goods or the freedom to provide services.

In its judgment, the Court rules that, in so far as the contested measure is intended to preserve cultural diversity, its compatibility with EU law cannot be examined in the light of either of the two directives at issue. Indeed, the EU legislature intended to exclude the possibility that the 'Services' Directive may have an impact on the measures taken by the Member States to protect or promote cultural and linguistic diversity and media pluralism. The same is true of the Directive on electronic commerce.

However, that does not obviate the need to ascertain whether the contested measure is consistent with primary EU law, in particular the rules on the free movement of goods and the freedom to provide services. The Court considers that, since **the national measure at issue** is aimed particularly at book retailers in that it affects the overall selling price of books, that is to say, of goods, the national measure **must be examined exclusively in the light of the free movement of goods**.

The Court states in that context that, in principle, any measure having an effect equivalent to quantitative restrictions on imports and, therefore, any measure of the Member States which is capable of hindering, directly or indirectly, actually or potentially, intra-EU trade, is prohibited.

It concludes that the national measure at issue cannot be regarded as relating to a 'selling arrangement' which would not be classified as a measure having equivalent effect. <sup>4</sup>

The Court states that the rules on the delivery of goods do not relate to selling arrangements. Furthermore, although it applies to all book retailers, the imposition by a national measure of minimum charges for the delivery of books that are

not collected from a book retailer has a particular impact on distance selling. That imposition of charges is more likely to affect traders from other Member States and is liable to further impede access to the market for books from other Member States and therefore constitutes a measure having equivalent effect.

The Court does not rule on whether the measure in question, despite being classified as a measure having equivalent effect, can be justified.

**NOTE:** A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of EU law or the validity of an EU act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

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The [full text and, as the case may be, the abstract](#) of the judgment is published on the CURIA website on the day of delivery.

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<sup>1</sup> That Order was issued to implement the Law of 30 December 2021 on the book market, known as 'the Darcos law'. According to that legislation, 'under no circumstances may' the delivery of new books be free of charge, 'unless the book is collected from a book retailer'.

<sup>2</sup> [Directive 2000/31/EC](#) of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market.

<sup>3</sup> [Directive 2006/123/EC](#) of the European Parliament and of the Council of 12 December 2006 on services in the internal market.

<sup>4</sup> See judgment of 18 June 2019, *Austria v Germany*, [C-591/17](#) (see also press release [No 75/19](#)), in which the Court ruled that the concept of 'selling arrangements' covers only provisions of national law that regulate the manner in which goods may be marketed; rules concerning the manner in which goods may be transported are not within the scope of that concept.