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Opinion of the Advocate General in Cases C-535/25 | Amazon Italia Logistica, C-536/25 | Amazon Italia Services and C-537/25 | Amazon Italia Transport

### According to Advocate General Campos Sánchez-Bordona, companies in the Amazon group provide postal services in Italy

*Consequently, the requirement under Italian law for an authorisation to that effect is compatible with EU law*

In 2018, the Italian Communications Regulatory Authority (AGCOM) imposed fines on three companies within the Amazon group (Amazon Italia Logistica, Amazon Italia Services and Amazon Italia Transport) on the grounds that they were providing a postal service without the required authorisation. According to AGCOM, the service of delivering products sold by third-party sellers on Amazon's online marketplace (Amazon Marketplace) to end customers is in no way different from that provided by other postal operators.

The Amazon companies challenged AGCOM's penalty before the Italian courts. The cases have come before the Italian Council of State, which decided to refer the matter to the Court of Justice for a preliminary ruling. The question is whether the Postal Services Directive <sup>1</sup> precludes a Member State from subjecting activities such as those carried out by Amazon's companies <sup>2</sup> to the authorisation required to provide postal services to the public.

In his Opinion delivered today, Advocate General Manuel Campos Sánchez-Bordona considers, first of all, that Amazon Italia Logistica handles items that are already of a postal nature. He adds that it is for the Council of State to determine whether the activities carried out by that company fall within the concept of **'sorting' of postal items**. In his view, sorting occurs **when items are separated and organised for inclusion in the postal chain and various logistical elements** (routes, transit times, resources, etc.) **are optimised, so that those activities could be regarded as such**.

Secondly, the Advocate General considers that the **management of lockers** carried out by Amazon Italia Services forms part of the **'distribution of postal items'** stage within the meaning of the Directive, which is the final stage of the postal chain. The **active nature** of that management and the **automatic return to the sender** in the event that the item is not collected precludes any parallel being drawn with items deposited in customers' letterboxes.

Thirdly, on the basis of the facts set out by the Italian Council of State, the Advocate General considers that a company such as Amazon Italia Transport may be regarded as a 'postal service provider' within the meaning of the Directive. Indeed, although it does not substantively carry out the 'postal service' itself, that company exercises **decisive influence over the conditions under which the service is provided by a local operator** which it subcontracts (including those relating to the management of that operator's staff). In fact, the local operator only deals substantively with carriage to the final addressee in accordance with the detailed instructions of Amazon Italia Transport.

Finally, as regards whether the **internal link between the activities of the three Amazon companies** is of any relevance, the Advocate General points out that **the Directive allows each of the service providers involved in the successive stages of the postal chain, within the framework of a fragmented operation, to be classified as a 'postal service provider'**. In this case, an analysis of the activities of the three companies within the Amazon group appears to show that each of them provides postal services.

**NOTE:** The Advocate General's Opinion is not binding on the Court of Justice. It is the role of the Advocates General to propose to the Court, in complete independence, a legal solution to the cases for which they are responsible. The Judges of the Court are now beginning their deliberations in this case. Judgment will be given at a later date.

**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](#) of the Opinion is published on the CURIA website on the day of delivery.

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It has pictures from the reading of the Opinion in '[Europe by Satellite](#)' ☎ (+ 32) 2 2964106.

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<sup>1</sup> [Directive 97/67/EC](#) of the European Parliament and of the Council of 15 December 1997 on common rules for the development of the internal market in Community postal services and the improvement of quality of service.

<sup>2</sup> Specifically, it wishes to know, in essence, whether the allocation of parcels by Amazon Italia Logistica following their labelling can be regarded as the 'sorting' of a 'postal item' (Case C-535/25); whether the management by Amazon Italia Services of the lockers where the end customer can request delivery forms part of the 'distribution' stage of a postal item (Case C-536/25); whether a company such as Amazon Italia Transport, which, although it does not substantively carry out the tasks of distributing postal parcels, organises them by directing and coordinating local operators, is a 'postal service provider' (Case C-537/25), and whether the link between the activities carried out by the three companies affects the classification of those services as 'postal services'.