COURT OF JUSTICE
OF THE EUROPEAN UNION

Judgment of the Court of Justice in Joined Cases C-535/25 | Amazon Italia Logistica, C-536/25 | Amazon Italia Services, and C-537/25 | Amazon Italia Transport

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Certain activities of the Amazon Italia group companies could be classified as 'postal services' and be subject to obtaining authorisation

It is for the national court to verify whether the Amazon entities concerned may be classified as postal service providers within the meaning of EU law in light of the criteria established

In 2018, the Italian Communications Regulatory Authority (AGCOM) imposed financial penalties on three Amazon group companies. AGCOM took the view that, in their capacity as intermediaries in the sale and delivery of goods offered by third-party sellers on the e-commerce platform 'Amazon Marketplace', the Amazon companies had provided postal services in Italy without having the required authorisation. [1]

More specifically, the following companies were concerned:

1. Amazon Italia Logistica, which receives, sorts and stores merchandise from third-party sellers, packages the merchandise, and affixes a label thereto, before allocating the merchandise among the undertakings responsible for delivery of the merchandise, whether these are third-party providers or Amazon Italia Transport;

2. Amazon Italia Transport, which collects the merchandise and transports it to its warehouses (Delivery Stations), in order to allocate the merchandise among the local transport undertakings responsible for delivery to customers. It also defines, upstream, the arrangements for organisation and distribution;

3. Amazon Italia Services, which makes available and manages lockers, ensuring they are monitored remotely and overseeing the depositing of parcels by transporters as well as the withdrawal of parcels by addressees.

Italian law lays down an obligation to obtain authorisation in order to perform a postal service, in accordance with the European rules which authorise the Member States to make the provision of postal services subject to conditions, where this is justified by 'essential requirements' (confidentiality of correspondence, security of the network, respect for the terms and conditions of employment and of social security, data protection, and so on) and where the principle of proportionality is observed. [2]

The three companies contested the financial penalties before the Italian administrative courts. Hearing the dispute, the Italian Council of State has put questions to the Court of Justice in order to determine whether the activities in question are indeed covered by the concept of 'postal service' within the meaning of EU law, in which case those activities would have to be subject to the authorisation regime.

In its judgment, the Court of Justice considers, first, that an undertaking cannot be classified as a postal service provider unless it provides **one of the services in the postal delivery chain (clearance, sorting or distribution, with the exception of transport-only services)**, and unless those services concern **a postal item.** [3]

Second, **a company's activity of packaging parcels and allocating parcels among the transport undertakings responsible for delivery of those parcels is covered by the concept of 'sorting'**, given that it includes the classification of items and the determination of the arrangements and operators to which each parcel is to be entrusted. [4] Furthermore,

that service concerns postal items, given that the parcels already include a final address, that is to say, the address to which the postal service providers will transport those parcels.

Third, **the activity of a company which organises the delivery of postal items to the end addressees constitutes a distribution service,** given that it covers the process from sorting at the distribution centre to delivery of the parcel to the customer. That classification holds good even if the delivery phase is carried out by legally distinct transport undertakings, where the company in question determines the arrangements in accordance with which those undertakings are required to provide their services, thereby exercising decisive influence over the conditions of provision.

Fourth, **the activity of a company which manages lockers in which transporters deposit items is also covered by the concept of 'distribution',** in so far as the parcels continue to be monitored and overseen by the company pending the actual withdrawal of those parcels by the addressee within the prescribed period, or, in the event that the parcels are not withdrawn, until those parcels are returned to the sender by that company. Thus, the delivery of items to addressees, which marks the end of the activity of postal distribution, does not take place until the addressee actually withdraws the parcel from the locker.

It is for **the national court to verify whether the criteria established apply to the Amazon group companies** in order to determine whether they may be **classified as postal service providers** within the meaning of EU law. EU law does not preclude their activities **from then being subject to** obtaining **a general authorisation** by virtue of a piece of national legislation if this is justified by one of the 'essential requirements' laid down by European legislation and if the principle of proportionality is observed.

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 of the European Union about the interpretation of EU law or the validity of an EU act.

The General Court has jurisdiction to deal with requests for a preliminary ruling coming exclusively within the following areas (1) the common system of value added tax (VAT), (2) excise duties, (3) the Customs Code, (4) the tariff classification of goods under the Combined Nomenclature, (5) compensation and assistance to passengers in the event of denied boarding or delay or cancellation of transport services, or (6) the system for greenhouse gas emission allowance trading. The Court of Justice has jurisdiction to deal with all other requests for a preliminary ruling.

Neither the Court of Justice nor the General Court decides the national dispute itself. It is for the national court or tribunal to resolve the case in accordance with the ruling by the Court of Justice or by the General Court, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

Unofficial document for media use, not binding on the Court of Justice. The presentation of the facts and the legal context refers to the relevant period and is based on the case files.

The full text and, as the case may be, an abstract of the judgment are published on the CURIA website on the day of delivery.

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[1] Those companies were providing services to third-party sellers who marketed their products on that platform but did not themselves ensure delivery of the goods to customers.

[2] Articles 2 and 9 of 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 of Community postal services and the improvement of quality of service. Furthermore, Regulation (EU) 2018/644 of the European Parliament and of the Council of 18 April 2018 on cross-border parcel delivery services, which is intended to complement Directive 97/67, is not applicable in this instance, because it concerns cross-border delivery services.

[3] By contrast, classification as a 'postal service provider' is not subject to the postal services being offered to the public in a general and undifferentiated manner, except in the case of the universal service. Moreover, such a classification does not require the provider to carry out all steps in the delivery chain; it is sufficient that a single service in that chain is performed. In addition, in order to establish the existence of a postal service, it is not essential to take into consideration the connections between the various Amazon group companies, except where there are concrete indicia of abuse, including an artificial separation of activities intended to circumvent the applicable rules.

[4] Sorting must be preceded by clearance of the postal items, which, in the current version of Directive 97/67, takes place even where the product is packaged and labelled by the postal service provider.