

InfoCuria - Corte di giustizia dell'Unione europea

Provisional text

JUDGMENT OF THE COURT (Third Chamber)

18 December 2025 (*)

(Reference for a preliminary ruling – Internal market – Freedom to provide services – Free movement of goods – Protection or promotion of cultural diversity – Home delivery of books service – National measure providing for a minimum charge in respect of such a service – Directive 2006/123/EC – Applicability – Relationship with Articles 34 and 56 TFEU)

In Case C366/24,

REQUEST for a preliminary ruling under Article 267 TFEU from the Conseil d'État (Council of State, France), made by decision of 17 May 2024, received at the Court on 21 May 2024, in the proceedings

Amazon EU Sàrl

v

Ministre de la Culture,

Ministre de l'Économie, des Finances et de la Souveraineté industrielle et numérique,

THE COURT (Third Chamber),

composed of C. Lycourgos, President of the Chamber, O. Spineanu-Matei, S. Rodin, N. Piçarra and N. Fenger (Rapporteur), Judges,

Advocate General: M. Szpunar,

Registrar: I. Illéssy, Administrator,

having regard to the written procedure and further to the hearing on 3 April 2025,

after considering the observations submitted on behalf of:

- Amazon EU Sàrl, by A. Komninos, dikigoros, L. Nouari, M. Petite, M. Pezzetta, M. Rivollier, K. Schallenberg, A. Tombiński and Y. Utzschneider, avocats,
- the French Government, by B. Dourthe, B. Fodda and M. Guiresse, acting as Agents,
- the Belgian Government, by C. Jacob and L. Van den Broeck, acting as Agents,
- the Spanish Government, by A. Torró Molés, acting as Agent,
- the Netherlands Government, by M.K. Bulterman and J.M. Hoogveld, acting as Agents,
- the Finnish Government, by H. Leppo and M. Pere, acting as Agents,
- the European Commission, by L. Malferrari, M. Mataija, B. Stromsky and J. Szczodrowski, acting as Agents,

after hearing the Opinion of the Advocate General at the sitting on 3 July 2025,

gives the following

Judgment

1 This request for a preliminary ruling concerns the interpretation of Articles 34 and 56 TFEU and of Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ 2006 L 376, p. 36).

2 The request has been made in proceedings between Amazon EU Sàrl, on the one hand, and the ministre de la Culture (Minister for Culture, France) and the ministre de l'Économie, des Finances et de la Souveraineté industrielle et numérique (Minister for Economic Affairs, Finance, and Industrial and Digital Sovereignty, France), on the other, concerning the lawfulness of national provisions setting minimum charges to be imposed by retailers in respect of the service of delivering books that are not collected from a book retailer.

Legal context

European Union law

Directive 2000/31/EC

3 Article 1 of 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 (Directive on electronic commerce) (OJ 2000 L 178, p. 1), entitled 'Objective and scope', provides in paragraph 6 thereof:

'This Directive does not affect measures taken at Community or national level, in the respect of Community law, in order to promote cultural and linguistic diversity and to ensure the defence of pluralism.'

4 Article 2 of that directive provides:

'For the purpose of this Directive, the following terms shall bear the following meanings:

...

(h) "coordinated field": requirements laid down in Member States' legal systems applicable to information society service providers or information society services, regardless of whether they are of a general nature or specifically designed for them.

...

(ii) The coordinated field does not cover requirements such as:

- requirements applicable to goods as such,
- requirements applicable to the delivery of goods,
- requirements applicable to services not provided by electronic means.'

Directive 2006/123

5 Recitals 11 and 40 of Directive 2006/123 state:

'(11) This Directive does not interfere with measures taken by Member States, in accordance with Community law, in relation to the protection or promotion of cultural and linguistic diversity and media pluralism, including the funding thereof. ...

...

(40) The concept of "overriding reasons relating to the public interest" to which reference is made in certain provisions of this Directive ... covers at least the following grounds: public policy, public security and public health, ... cultural policy objectives, including safeguarding the freedom of expression of various

elements, in particular social, cultural, religious and philosophical values of society; the need to ensure a high level of education, the maintenance of press diversity and the promotion of the national language; the preservation of national historical and artistic heritage ...'

6 Article 1 of that directive, entitled 'Subject matter', provides, in paragraphs 1 to 6 thereof:

'1. This Directive establishes general provisions facilitating the exercise of the freedom of establishment for service providers and the free movement of services, while maintaining a high quality of services.

2. This Directive does not deal with the liberalisation of services of general economic interest, reserved to public or private entities, nor with the privatisation of public entities providing services.

3. This Directive does not deal with the abolition of monopolies providing services nor with aids granted by Member States which are covered by Community rules on competition.

This Directive does not affect the freedom of Member States to define, in conformity with Community law, what they consider to be services of general economic interest, how those services should be organised and financed, in compliance with the State aid rules, and what specific obligations they should be subject to.

4. This Directive does not affect measures taken at Community level or at national level, in conformity with Community law, to protect or promote cultural or linguistic diversity or media pluralism.

5. This Directive does not affect Member States' rules of criminal law. However, Member States may not restrict the freedom to provide services by applying criminal law provisions which specifically regulate or affect access to or exercise of a service activity in circumvention of the rules laid down in this Directive.

6. This Directive does not affect labour law ... which Member States apply in accordance with national law which respects Community law. Equally, this Directive does not affect the social security legislation of the Member States.'

7 Article 2 of that directive, headed 'Scope', provides:

'1. This Directive shall apply to services supplied by providers established in a Member State.

2. This Directive shall not apply to the following activities:

...

(d) services in the field of transport, including port services, falling within the scope of Title V of the [EC] Treaty;

...'

8 Article 4 of that directive, entitled 'Definitions', provides:

'For the purposes of this Directive, the following definitions shall apply:

1) "service" means any self-employed economic activity, normally provided for remuneration, as referred to in Article 50 of the Treaty;

...'

9 Chapter IV of that directive, entitled 'Free movement of services', includes Article 16(1)(b) thereof, which provides:

'1. Member States shall respect the right of providers to provide services in a Member State other than that in which they are established.

The Member State in which the service is provided shall ensure free access to and free exercise of a service activity within its territory.

Member States shall not make access to or exercise of a service activity in their territory subject to compliance with any requirements which do not respect the following principles:

...

(b) necessity: the requirement must be justified for reasons of public policy, public security, public health or the protection of the environment;'

French law

Law of 10 August 1981

10 The fourth paragraph of Article 1 of the loi n° 81-766, relative au prix du livre, du 10 août 1981 (Law No 81-766 on book prices of 10 August 1981) (JORF of 11 August 1981, p. 2198), in the version applicable to the dispute in the main proceedings ('the Law of 10 August 1981'), states:

'The actual selling price charged by retailers to the public shall be between 95% and 100% of the price set by the publisher or importer. Where a book is sent to the purchaser and is not collected from a book retailer, the selling price shall be the price set by the publisher or importer. Under no circumstances may the book delivery service, either directly or indirectly, be offered by the retailer free of charge, unless the book is collected from a book retailer. The delivery service must be invoiced in compliance with a minimum amount set by order of the ministers responsible for culture and for the economy, based on a proposal from the Autorité de régulation des communications électroniques, des postes et de la distribution de la presse [(Regulatory Authority for Electronic Communications, Postal Affairs and Press Distribution)]. That order shall take into account the charges offered by postal service providers in the retail book market and the need to maintain a dense network of retailers across the country.'

Order of 4 April 2023

11 Article 1 of the arrêté du 4 avril 2023 relatif au montant minimal de tarification du service de livraison du livre (Order on the minimum charge for book delivery services of 4 April 2023) (JORF of 7 April 2023, Text No 22, 'the Order of 4 April 2023') provides:

'The minimum amount for the book delivery service referred to in the fourth paragraph of Article 1 of the Law of 10 August 1981 ... shall be set at:

- [EUR] 3 inclusive of all taxes for any order comprising one or more books in respect of which the new purchase value is less than [EUR] 35 inclusive of all taxes;
- more than [EUR] 0 inclusive of all taxes for any order comprising one or more new books in respect of which the purchase value for new books is greater than or equal to [EUR] 35 inclusive of all taxes;

The minimum charge set accordingly shall apply to the delivery of an order irrespective of the number of packages making up that order.

The delivery service shall be paid for by the purchaser at the same time as payment for the order.'

The dispute in the main proceedings and the questions referred for a preliminary ruling

12 Amazon EU, a company governed by Luxembourg law, brought an action for annulment of the Order of 4 April 2023 before the Conseil d'État (Council of State, France).

13 In support of its action, Amazon EU states that a significant proportion of the books which it sells in France are delivered from warehouses in another Member State and submits that the imposition on retailers, by the Order of 4 April 2023, of minimum charges for the service of delivering books that are not collected from a book retailer infringes, primarily, Directive 2000/31 and, in the alternative, Directive 2006/123 and the free movement of goods.

14 As regards the infringement of Directive 2000/31, Amazon EU submits that the fourth paragraph of Article 1 of the Law of 10 August 1981, which the Order of 4 April 2023 applies, infringes that directive in that it restricts the free movement of information society services from another Member State under conditions contrary to those laid down in Article 3(4) of that directive. The Minister for Culture disputes that argument.

15 As regards the infringement of Directive 2006/123, Amazon EU asserts that that fourth paragraph of Article 1 of the Law of 10 August 1981 disregards the objectives of that directive, in that it makes the free exercise of a service activity subject to a requirement that is incompatible with the conditions laid down in Article 16(1) of that directive.

16 By contrast, the Minister for Culture contends, primarily, that, since that national legislation was adopted for the purpose of maintaining editorial diversity and, consequently, cultural diversity, that national legislation falls outside the scope of Directive 2006/123 in accordance with Article 1(4) thereof. In the alternative, the Minister for Culture argues that cultural diversity is a ground that may be relied on to justify the introduction of that legislation.

17 In the first place, the referring court considers that the fourth paragraph of Article 1 of the Law of 10 August 1981 exclusively governs the service of book delivery, with the result that it establishes a requirement which, in the light of Article 2(h)(ii) of Directive 2000/31, as interpreted by the Court in the judgment of 2 December 2010, *Ker-Optika* (C108/09, EU:C:2010:725), does not fall within the scope of that directive.

18 In the second place, the referring court questions whether Article 1(4) of Directive 2006/123 must be interpreted as excluding from the scope of that directive a national measure governing the exercise, in the territory of the Member State concerned, of a service activity to protect or promote cultural diversity or whether, in conjunction with Article 16(1)(b) of that directive, Article 1(4) must be interpreted as meaning that the protection or promotion of cultural diversity is capable of justifying a derogation from the prohibition on subjecting service providers established in another Member State to a requirement introduced by such national legislation.

19 The referring court also asks whether the examination of the national legislation at issue in the main proceedings in the light of Directive 2006/123 precludes its examination in the light of primary law.

20 In the event that that examination in the light of primary law should be carried out, the referring court seeks to ascertain, in the third place, whether a national measure which sets minimum charges for the service of home delivery of a product must be regarded as relating to a selling arrangement for that product and, consequently, must be assessed in the light of the free movement of goods guaranteed in Article 34 TFEU or whether that measure must be assessed in the light of the freedom to provide services guaranteed in Article 56 TFEU, in particular, having regard to the adverse effect on the activity of selling that product online or to the distinct nature of the delivery service as compared with the sale of the product.

21 In those circumstances, the Conseil d'État (Council of State) decided to stay the proceedings and to refer the following questions to the Court of Justice for a preliminary ruling:

(1) Must Article 1(4) of [Directive 2006/123] be interpreted as excluding from the scope of that directive a national measure governing the exercise, in the territory of the Member State, of a service activity with a view to protecting or promoting cultural diversity or must it be interpreted, in conjunction with Article 16(1)(b) of that directive, as meaning that the preservation or promotion of cultural diversity is capable of justifying an exemption from the prohibition on subjecting service providers established in another Member State to a requirement introduced by such national legislation?

(2) Does the assessment of the compatibility of such national legislation with the objectives pursued by [Directive 2006/123] exclude the same examination in the light of the primary law of the [European] Union?

(3) If it is necessary to assess the compatibility of a national measure adopted with a view to protecting or promoting cultural diversity with the freedoms guaranteed by Articles 34 and 56 TFEU, must a national measure that sets a minimum charge for the home delivery of a product be regarded as relating to a selling arrangement for that product and, consequently, must it be assessed solely in the light of the free movement of goods, or should that legislation be assessed solely in the light of the freedom to provide services, in particular, having regard to the harm caused to the activity of selling that product online or to the distinct nature of the delivery service as compared with the sale of the product?’

The application for the oral part of the procedure to be reopened

22 Following the delivery of the Advocate General’s Opinion, Amazon EU, by document lodged at the Registry of the Court of Justice on 1 August 2025, requested that the Court order the reopening of the oral part of the procedure, pursuant to Article 83 of the Rules of Procedure of the Court of Justice.

23 In support of its request, Amazon EU submits that the Advocate General’s Opinion covers arguments relating to Directive 2000/31 and Directive 2006/123 which have not been sufficiently debated between the parties. As regards Directive 2000/31, Amazon EU criticises that Opinion, first, in that it does not define the facts on which it is based and, second, in that the judgment of 2 December 2010, *Ker-Optika* (C108/09, EU:C:2010:725) was insufficiently analysed. As regards Directive 2006/123, Amazon EU takes issue with several aspects of the manner in which the Advocate General interpreted that directive in his Opinion.

24 Pursuant to Article 83 of its Rules of Procedure, the Court may at any time, after hearing the Advocate General, order the reopening of the oral part of the procedure, in particular if it considers that it lacks sufficient information or where a party has, after the close of that part of the procedure, submitted a new fact which is of such a nature as to be a decisive factor for the decision of the Court, or where the case must be decided on the basis of an argument which has not been debated between the parties or the interested persons referred to in Article 23 of the Statute of the Court of Justice of the European Union.

25 Under the second paragraph of Article 252 TFEU, it is the duty of the Advocate General, acting with complete impartiality and independence, to make, in open court, reasoned submissions on cases which, in accordance with the Statute of the Court of Justice of the European Union, require the Advocate General’s involvement. The Court is not bound either by the Advocate General’s Opinion or by the reasoning on which it is based (judgments of 11 November 2010, *Hogan Lovells International*, C229/09, EU:C:2010:673, paragraph 26, and of 4 September 2025, *Nissan Iberia*, C21/24, EU:C:2025:659, paragraph 30).

26 The Statute of the Court of Justice of the European Union and the Rules of Procedure make no provision for the parties or the interested persons referred to in Article 23 of that statute to submit observations in response to the Advocate General’s Opinion. The fact that a party or such an interested person disagrees with the Advocate General’s Opinion, irrespective of the questions examined in the Opinion, cannot therefore, in itself, constitute grounds justifying the reopening of the oral part of the procedure (see, to that effect, order of 4 February 2000, *Emesa Sugar*, C17/98, EU:C:2000:69,

paragraphs 17 and 18, and judgment of 4 September 2025, *Nissan Iberia*, C21/24, EU:C:2025:659, paragraph 31).

27 In the present case, contrary to what Amazon EU claims, Amazon EU and the interested parties who participated in the present proceedings have been able to set out, during both the written and oral parts of the procedure, the matters of law relating to Directive 2000/31 and Directive 2006/123 which they considered relevant to enable the Court to answer the questions raised by the referring court. Accordingly, none of the matters on which Amazon EU relies in support of its request that the oral part of the procedure be reopened constitutes grounds to reopen the procedure under Article 83 of the Rules of Procedure.

28 In those circumstances, after hearing the Advocate General, the Court does not find it appropriate to order the reopening of the oral part of the procedure.

Consideration of the questions referred

The first question

29 By its first question, the referring court asks, in essence, whether Article 1(4) of Directive 2006/123 must be interpreted as excluding from the scope of that directive a measure adopted by a Member State which, in order to protect or promote cultural diversity, sets minimum charges for the delivery, in the territory of that Member State, of books that are not collected by the purchaser from a book retailer.

30 Article 2 of Directive 2006/123, entitled 'Scope', provides, in paragraph 1 thereof, that that directive is to apply to services supplied by providers established in a Member State. The concept of 'service' covers, in accordance with Article 4(1) of that directive, any self-employed economic activity, normally provided for remuneration, as referred to in Article 50 EC, now Article 57 TFEU.

31 The Court has stated that, for the purpose of applying Directive 2006/123, the activity of retail trade in goods constitutes a 'service' (judgment of 30 January 2018, *X and Visser*, C360/15 and C31/16, EU:C:2018:44, paragraph 97).

32 In the present case, the national measure at issue in the main proceedings concerns the activity of retail trade in books, with the result that Directive 2006/123 is, in principle, applicable to the case in the main proceedings. It is not the primary purpose of the service covered by that national measure to convey those goods, with the result that, contrary to what the French Government submits, such a service does not constitute a service in the field of transport, falling outside the scope of Directive 2006/123, under Article 2(2)(d) thereof (see, to that effect, judgment of 19 January 2023, *CNAE and Others*, C292/21, EU:C:2023:32, paragraphs 34 and 35).

33 Article 1 of Directive 2006/123, entitled 'Subject matter', provides, in paragraph 4 thereof, that that directive 'does not affect' measures taken at national level, in conformity with EU law, to protect or promote cultural or linguistic diversity or media pluralism.

34 In order to ascertain whether that provision limits the scope of Directive 2006/123, it is necessary to determine the scope of the wording 'does not affect', within the meaning of that provision, by considering its usual meaning in everyday language, while considering the context in which that wording occurs and the objectives pursued by that directive. The legislative history of Article 1(4) of that directive may also reveal elements that are relevant to its interpretation (see, to that effect, judgment of 7 September 2022, *Staatssecretaris van Justitie en Veiligheid (Nature of the right of residence under Article 20 TFEU)*, C624/20, EU:C:2022:639, paragraph 28).

35 The wording 'does not affect', taken in its usual meaning, tends to indicate that the EU legislature intended to exclude the possibility that Directive 2006/123 may have an impact on the measures taken by

the Member States to protect or promote cultural and linguistic diversity and media pluralism. Recital 11 of that directive, which states that it ‘does not interfere’ with such measures, supports that interpretation.

36 In addition, as the Advocate General observed in point 57 of his Opinion, while it is true that, in its French-language version, Article 1(3), (4) and (6) of Directive 2006/123 appears to distinguish between cases in which that directive does not apply to certain areas and cases in which that directive does not affect certain measures taken at national level, it must be stated that such a nuance does not appear in other language versions of that Article 1, such as the Danish-, German-, Greek-, English-, Italian-, Polish- and Romanian-language versions. All the official languages of the European Union are the authentic languages of the acts in which they are drafted and, therefore, all the language versions of an act of the European Union must, as a matter of principle, be recognised as having the same value (judgment of 25 June 2020, *A and Others (Wind turbines at Aalter and Nevele)*, C24/19, EU:C:2020:503, paragraph 39).

37 It should also be noted, as regards the context in which Article 1(4) of Directive 2006/123 occurs, that the Court has previously held that Article 1(2), (3) and (6) contains provisions which delimit the scope of that directive (see, in that regard, judgments of 13 November 2018, *Čepelnik*, C33/17, EU:C:2018:896, paragraph 36, and of 10 July 2025, *INTERZERO and Others*, C254/23, EU:C:2025:569, paragraphs 90 and 91).

38 Consequently, contrary to what Amazon EU, the Netherlands Government and the European Commission submit, it cannot be inferred from the mere fact that that paragraph 4 is to be found in Article 1 of that directive, which is entitled ‘Subject matter’, and not in Article 2 thereof, which is entitled ‘Scope’, that it does not concern the applicability of that directive.

39 In addition, it should be observed that, in the judgment of 7 September 2022, *Cilevičs and Others* (C391/20, EU:C:2022:638), as regards national legislation which obliged higher education institutions to provide teaching for remuneration solely in the official language of the Member State concerned, the Court examined the case which gave rise to that judgment solely in relation to the freedom of establishment, enshrined in Article 49 TFEU, even though the provision of education for remuneration constitutes an ‘economic activity’ within the meaning of Article 4(1) of Directive 2006/123 (judgment of 6 October 2020, *Commission v Hungary (Higher education)*, C66/18, EU:C:2020:792, paragraph 195).

40 It follows implicitly from the judgment of 7 September 2022, *Cilevičs and Others* (C391/20, EU:C:2022:638), that the Court considered that such legislation was capable of falling within Article 1(4) of that directive and, consequently, of being excluded from the scope of that directive, and that the examination of its compatibility with EU law was to be carried out in the light of primary law alone.

41 As for the intention of the EU legislature, it is clear from the report of the European Parliament on the proposal for a directive of the European Parliament and of the Council on services in the internal market (A60409/2005) that the introduction of what became recital 11 of Directive 2006/123, relating to the current Article 1(4) of that directive, was intended to ‘set out more clearly [the scope of that directive]’.

42 It follows from all of those considerations that, in order to ensure the objective of protecting or promoting cultural or linguistic diversity, the EU legislature considered it appropriate not to bring within the scope of Directive 2006/123 measures pursuing that objective, although, according to the very wording of Article 1(4) thereof, that choice does not dispense with the obligation to ascertain whether those measures are consistent with EU law, in particular Articles 34 and 56 TFEU, referred to in the third question raised by the referring court.

43 Furthermore, in the light of the observations lodged by Amazon EU and the Commission regarding the applicability of Directive 2000/31, it should be added that Article 1(6) of that directive has the same legal scope as that of Article 1(4) of Directive 2006/123, which is, in essence, worded in identical terms. Thus, without it being necessary to examine whether the national measure at issue in the main proceedings

falls within the scope of the second indent of Article 2(h)(ii) of Directive 2000/31 or whether it falls within the 'coordinated field' established by that directive, it is sufficient to note that that directive does not, in any event, apply to a national measure intended to preserve cultural or linguistic diversity, as has been noted in the preceding paragraph as regards Directive 2006/123.

44 Consequently, in so far as the national measure at issue in the main proceedings may be regarded as a measure intended to preserve cultural diversity, as the referring court considers, the compatibility of that measure with EU law cannot be examined in the light of either of those two directives.

45 In the light of all the foregoing considerations, the answer to the first question is that Article 1(4) of Directive 2006/123 must be interpreted as excluding from the scope of that directive a measure adopted by a Member State which, in order to protect or promote cultural diversity, sets minimum charges for the delivery, in the territory of that Member State, of books that are not collected by the purchaser from a book retailer.

The second question

46 In the light of the answer given to the first question, there is no need to answer the second question.

The third question

47 By its third question, the referring court asks, in essence, whether Articles 34 and 56 TFEU must be interpreted as meaning that a measure adopted by a Member State setting minimum charges for the delivery, in the territory of that Member State, of books that are not collected by the purchaser from a book retailer must be examined solely in the light of the free movement of goods guaranteed by Article 34 TFEU or solely in the light of the freedom to provide services guaranteed by Article 56 TFEU and, in the first of those situations, be regarded as relating to a 'selling arrangement' within the meaning of the judgment of 24 November 1993, *Keck and Mithouard* (C267/91 and C268/91, EU:C:1993:905).

48 In the first place, in order to determine which fundamental freedom applies to the dispute in the main proceedings, it is necessary to take into account the purpose of the national measure at issue in the main proceedings (see, to that effect, judgments of 14 October 2004, *Omega*, C36/02, EU:C:2004:614, paragraphs 24 and 25, and of 19 December 2024, *Halmer Rechtsanwalts-gesellschaft*, C295/23, EU:C:2024:1037, paragraph 50).

49 Where a national measure affects both the freedom to provide services and the free movement of goods, it is appropriate, in principle, to examine it in relation to just one of those two fundamental freedoms if it is clear that, in the circumstances of the case, one of those freedoms is entirely secondary in relation to the other and may be attached to it (see, to that effect, judgments of 24 March 1994, *Schindler*, C275/92, EU:C:1994:119, paragraph 22, and of 11 February 2021, *Katoen Natie Bulk Terminals and General Services Antwerp*, C407/19 and C471/19, EU:C:2021:107, paragraph 84).

50 In the present case, by setting minimum charges for the delivery of books that are not collected from a book retailer, charges in respect of which book retailers must invoice the purchasers, the national measure at issue in the main proceedings governs neither the contracts concluded between those retailers and the delivery service providers nor the prices or conditions to which those providers must adhere.

51 By contrast, as the Advocate General observed, in essence, in points 76 and 77 of his Opinion, that measure ultimately affects the overall price paid by the purchaser in order to take possession of a book. That overall price is increased in accordance with that measure where the book is not collected from a book retailer, even though the retailers have only a very limited margin of discretion to set the price of that book, as such.

52 Consequently, since the national measure at issue in the main proceedings 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.

53 In the second place, in so far as the referring court seeks to establish whether the national measure at issue in the main proceedings relates to a 'selling arrangement', within the meaning of the judgment of 24 November 1993, *Keck and Mithouard* (C267/91 and C268/91, EU:C:1993:905), it must be recalled that the free movement of goods is a fundamental principle of the FEU Treaty which is expressed in the prohibition, set out in Article 34 TFEU, of quantitative restrictions on imports between Member States and all measures having equivalent effect (judgment of 18 June 2019, *Austria v Germany*, C591/17, EU:C:2019:504, paragraph 119).

54 In accordance with settled case-law, the prohibition of measures having an effect equivalent to quantitative restrictions on imports that is laid down in Article 34 TFEU covers any measure of the Member States which is capable of hindering, directly or indirectly, actually or potentially, intra-EU trade (see, to that effect, judgments of 11 July 1974, *Dassonville*, 8/74, EU:C:1974:82, paragraph 5, and of 10 July 2025, *Purefun Group*, C365/24, EU:C:2025:558, paragraph 40).

55 It is apparent from paragraphs 16 and 17 of the judgment of 24 November 1993, *Keck and Mithouard* (C267/91 and C268/91, EU:C:1993:905) that the application to products from other Member States of national provisions restricting or prohibiting certain 'selling arrangements' is not such as to hinder directly or indirectly, actually or potentially, trade between Member States, provided that those provisions apply to all relevant traders operating in the national territory and that they affect in the same manner, in law and in fact, the marketing of domestic products and of products from other Member States. Provided that those conditions are fulfilled, the application of such rules to the sale of products from another Member State meeting the requirements laid down by that State is not by nature such as to prevent their access to the market or to impede access any more than it impedes the access of domestic products.

56 Furthermore, it is apparent from the case-law that even if a measure adopted by a Member State does not have the object or the effect of treating products coming from other Member States less favourably, that measure is covered by the concept of a 'measure having an effect equivalent to quantitative restrictions', for the purposes of Article 34 TFEU, if it hinders access of products originating in other Member States to the market of a Member State (see, to that effect, judgment of 10 February 2009, *Commission v Italy*, C110/05, EU:C:2009:66, paragraph 37).

57 It follows from that case-law, first, 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 delivered to the purchasers are not within the scope of that concept (see, by analogy, judgment of 18 June 2019, *Austria v Germany*, C591/17, EU:C:2019:504, paragraphs 128 and 129).

58 Second, 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, since it entails an increase in the overall price of the book paid by the purchaser in order to take possession of that book outside of those shops. Thus, such imposition of charges as provided for by the legislation of a Member State is more likely to affect traders from other Member States, who are less able to deliver books ordered by distance selling to those shops, than traders in the first Member State. Such imposition of charges is thus liable to further impede access to the market for books from other Member States and therefore constitutes a measure having an effect equivalent to a quantitative restriction within the meaning of Article 34 TFEU (see, by analogy, judgment of 19 October 2016, *Deutsche Parkinson Vereinigung*, C148/15, EU:C:2016:776, paragraph 23).

59 It must therefore be held that the concept of ‘selling arrangement’, within the meaning of the judgment of 24 November 1993, *Keck and Mithouard* (C267/91 and C268/91, EU:C:1993:905), does not refer to a national measure such as that at issue in the main proceedings.

60 In the light of the foregoing, the answer to the third question is that Articles 34 and 56 TFEU must be interpreted as meaning that a measure adopted by a Member State setting minimum charges for the delivery, in the territory of that Member State, of books that are not collected by the purchaser from a book retailer must be examined solely in the light of the free movement of goods guaranteed by Article 34 TFEU and cannot be regarded as relating to a ‘selling arrangement’ within the meaning of the judgment of 24 November 1993, *Keck and Mithouard* (C267/91 and C268/91, EU:C:1993:905).

Costs

61 Since these proceedings are, for the parties to the main proceedings, a step in the action pending before the referring court, the decision on costs is a matter for that court. Costs incurred in submitting observations to the Court, other than the costs of those parties, are not recoverable.

On those grounds, the Court (Third Chamber) hereby rules:

1. Article 1(4) of Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market

must be interpreted as excluding from the scope of that directive a measure adopted by a Member State which, in order to protect or promote cultural diversity, sets minimum charges for the delivery, in the territory of that Member State, of books that are not collected by the purchaser from a book retailer.

2. Articles 34 and 56 TFEU must be interpreted as meaning that a measure adopted by a Member State setting minimum charges for the delivery, in the territory of that Member State, of books that are not collected by the purchaser from a book retailer must be examined solely in the light of the free movement of goods guaranteed by Article 34 TFEU and cannot be regarded as relating to a ‘selling arrangement’ within the meaning of the judgment of 24 November 1993, *Keck and Mithouard* (C267/91 and C268/91, EU:C:1993:905).

[Signatures]

* Language of the case: French.