



Paris, 13 May 2026

PRESS RELEASE

[Legal decision]

The Conseil d'État rejects Amazon's appeal against the minimum delivery charge for books

Petitioned by Amazon EU, the Conseil d'État today ruled that the minimum delivery charge for books set by the French Government in accordance with the law is compliant with European law. Indeed, the Order of 4 April 2023, setting delivery charges for new books at €3 for orders under €35 that are not collected from a bookshop, and at a minimum of €0.01 for orders above that threshold, does not infringe upon the free movement of goods guaranteed by the Treaty on the Functioning of the European Union.

The Law of 10 August 1981 introducing a fixed price for books helped to ensure that books are available at the same price throughout France and preserved a dense network of bookshops despite the rise of online sales and e-books. After realising that certain major players in the online retail sector were applying symbolic delivery charges, the French Parliament adopted the principle of a minimum delivery charge for new printed books not collected from a bookshop in the Law of 30 December 2021.¹ It asked the Ministers for Culture and the Economy to set the amount of the minimum delivery charge on the recommendation of the Electronic Communications, Postal and Print Media Distribution Regulatory Authority (Arcep). The Order of 4 April 2023 set the amount at €3 for all orders of new books coming to under €35 including VAT and at least €0.01 for orders above that threshold.

Amazon EU petitioned the Conseil d'État to annul this order, arguing that, among other things, it is not compliant with EU law.

In an initial ruling of 17 May 2024, the Conseil d'État dismissed the objections lodged against the order under French law and Directive 2000/31/EC of 8 June 2000, known as the e-commerce Directive.² However, it referred the matter to the Court of Justice of the European Union (CJEU) for a ruling on the interpretation of Directive 2006/123/EC of 12 December 2006, known as the Services Directive and articles 34 and 56 of the Treaty on the Functioning of the European Union, relating respectively to the free movement of goods and the freedom to provide services within the EU.

Restricting the free movement of goods is possible, but subject to certain conditions

In its judgement of 18 December 2025, the Court of Justice of the European Union answered the questions referred to it for a preliminary ruling by the Conseil d'État.³ The Court of Justice began by clarifying that a measure taken by a Member State with a view to protecting or promoting cultural or linguistic diversity falls outside the scope of the Services Directive. It went on to state that legislation setting tariffs for the delivery of books constitutes a measure that amounts to a quantitative restriction on the free movement of goods guaranteed by article 34 of the Treaty on the Functioning of the European Union, which is, in principle,

¹ Law of 30 December 2021 aimed at supporting the book industry and improving fairness and trust among its stakeholders¹

² [Decision of the Conseil d'État No. 474398 of 17 May 2024](#)

³ [Judgement of the Court of Justice of the European Union in Case C-366/24 dated 18 December 2025](#)

forbidden between Member States. However, a regulation of this kind may be justified on public interest grounds, provided that it is capable of achieving the goal pursued and does not go beyond the measures necessary to achieve it.

A measure forming part of a long-term public policy to support books and bookshops, which is proving effective without being disproportionate.

In light of the CJEU's interpretation of EU law, the Conseil d'État ruled that the contested measure was in the public interest. The minimum delivery charge for new printed books that are not collected from a bookshop is intended to maintain a balance between the various book distribution channels in France and within each channel. This balance ensures pluralism and cultural diversity as bookshops play a key role in promoting and disseminating published works by providing readers with a wide and varied selection of books, and contribute to cultural life throughout France.

The Conseil d'État then ruled that the Government's measure was also appropriate and proportionate.

It forms part of a long-term public policy to support books and bookshops and, since its adoption, has helped maintain a dense network of bookshops across France and foster the diversity of online booksellers. In spite of the higher prices of new printed books purchased online, people with limited buying power and those living far from urban areas continue to account for a growing proportion of book sales by the leading online retailers, and the density of the network of bookshops across the country makes it widely possible to collect books purchased online for no extra fee.

Finally, the Conseil d'État noted that the minimum pricing levels adopted do not exceed the levels necessary to achieve the goal in question, which could not be achieved by other, less restrictive measures.

On these grounds, the Conseil d'État dismissed Amazon EU's appeal.

Decision No. 474938, Amazon EU, 13 May 2026