



C/2024/5079

26.8.2024

**Request for a preliminary ruling from the Conseil d'État (France) lodged on 21 May 2024 – Amazon
EU Sàrl v Ministre de la Culture, Ministre de l'Économie, des Finances et de la Souveraineté
industrielle et numérique**

(Case C-366/24, Amazon EU)

(C/2024/5079)

Language of the case: French

Referring court

Conseil d'État

Parties to the main proceedings

Applicant: Amazon EU Sàrl

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

Questions referred

1. Must 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 ⁽¹⁾ 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/EC 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 of the Treaty on the Functioning of the European Union, 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?

⁽¹⁾ OJ 2006 L 376, p. 36.