



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Enforcement

Notification of Regulatory Barriers

Notification Number : 2022/0683/F (France)

Decree on the minimum tariff for a book delivery service

Date received : 13/10/2022

End of Standstill : 16/01/2023 (14/02/2023) (closed)

Message

Message 002

Communication from the Commission - TRIS/(2022) 03639

Directive (EU) 2015/1535

Translation of the message 001

Notification: 2022/0683/F

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidējimai nepradedami - Nem nyitja meg a késéseket - Ma' jiftaħx il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 202203639.EN)

1. MSG 002 IND 2022 0683 F EN 13-10-2022 F NOTIF

2. F

3A. Ministères économiques et financiers

Direction générale des entreprises

SCIDE/SQUALPI - Pôle Normalisation et réglementation des produits

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4. 2022/0683/F - X00M

5. Decree on the minimum tariff for a book delivery service

6. New and second-hand books

7. -

8. Pursuant to Law No 2021-1901 of 30 December 2021 aimed at strengthening the book economy and strengthening equity and trust among its actors, the draft decree aims to set a minimum tariff for delivery charges.

9. This decree implements Article 1(I)(2) of Law No 2021-1901 of 30 December 2021 aimed at strengthening the book



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economy and strengthening equity and trust among its actors, amending Law No 81-766 of 10 August 1981 on the price of books, and notified under number 2021/351/F. The new regulatory framework reinforces the principles of the Law of 10 August 1981, whose objectives, both economic and cultural and recognised by Council Resolution 2001/C 73/03 of 12 February 2001 on the application of national fixed book-price systems, are to maintain a dense and diverse network of book retailers, ensuring the widest public access to the diversity and quality of the publishing offer and, in so doing, to the creative work itself.

In this context, the Law provides that the Ministers responsible for the economy and culture shall set a minimum tariff for deliveries of new books, applicable to all retailers, for both online and offline purchases, where orders are not collected from a book retailer; the amount is proposed to ministers by the Regulatory Authority for Electronic Communications, Post and Press Distribution (ARCEP).

The Law and the Decree aim to prevent a commercial practice of charging quasi-free delivery costs systematically, regardless of the economic balance of the transaction or activity, which calls into question the fixed price system for books introduced by the aforementioned Law of 10 August 1981, which is necessary for the preservation of a rich and diversified cultural offer. This practice undermines the diversity of forms of the book trade, between online sales sites and between the latter and physical shops, all of which compete in the same market. However, the diversity of the types of book retailers contributes to the development of an abundant and diverse publishing offer on which creative diversity is based. The Law and the Decree, in line with the principles laid down by the aforementioned Law of 10 August 1981, guarantee the preservation of as many retail operators as possible and stimulate competition between these operators which is not based on price but on the quality of the service offered to readers, which naturally and in the first place includes the originality, richness and diversity of the range of books.

The basis of this practice is also not unfair insofar as it favours operators of a considerable size who are active in sectors that go beyond the book sector. This commercial strategy, which consists of incurring losses on delivery services, is unattainable for smaller remote sellers, whose commercial terms with suppliers are less advantageous or who could not have entered into a preferential agreement with postal service providers.

On the basis of a public consultation carried out between 28 April and 27 May 2022, on 5 July 2022 the ARCEP adopted a pricing proposal taking into account the tariffs offered by postal service providers in the retail market for books and the need to maintain a dense network of retailers throughout the country, under the conditions laid down by law. This proposal is taken up by the draft Decree, i.e. a minimum rate of EUR 3 for any order of less than EUR 35 of book purchases and quasi-free shipping for orders above this threshold.

10. References to basic texts: Article 1 of Law No 81-766 of 10 August 1981 on the price of books

11. No

12. -

13. No

14. No

15. -

16. TBT aspect

No - The draft is neither a technical regulation nor a conformity assessment procedure

SPS aspect



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No - The draft is not a sanitary or phytosanitary measure.

European Commission

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