

THE CNMC CONCLUDES THAT AMAZON PERFORMS POSTAL OPERATOR DUTIES AND MUST COMPLY WITH POSTAL SECTOR REGULATIONS.

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- Resolves that the activity that Amazon carries out through its companies - Amazon Spain Fulfillment, S.L. and Amazon Road Transport Spain, S.L.- is considered postal activity and must be subject to compliance with the requirements established in the Postal Law.
- Undertakings performing postal activities must be previously registered in the General Register of Companies Providing Postal Services under the Ministry of Transport, Mobility and Urban Agenda.

The CNMC has determined that Amazon performs postal operator duties and therefore must comply with postal industry regulations (**STP/DTSP/006/20**).

The procedure opened in relation to two companies of the Amazon group (Amazon Spain Fulfillment, S.L. and Amazon Road Transport Spain, S.L.) intends to determine whether these companies of the Amazon group -one of the references in e-commerce in our country- have the status of postal operator, insofar as they carry out courier and parcel work to provide a comprehensive service to their customers.

For this purpose, an analysis in detail of the business model and the activities carried out by Amazon was conducted to assess whether they have protection and are consistent with the work done by other postal operators involved in the courier and parcel market.

Having examined its activities in the light of both national and European Union postal regulations, it is concluded that Amazon's business model involves carrying out postal activities, for the following reasons:

- The fact that Amazon is primarily engaged in e-commerce and that its business model is primarily supported by an electronic platform does not exclude or prevent it from performing functions that are considered to be postal in nature.
- The functions under study in this dossier have perfect fit in the postal regulations compared to other options considered, as those in the transport or logistics sector.
- The singularity that Amazon -against payment- makes its courier and parcel services available to third party retailers and does not use them exclusively for the delivery and distribution of the products in its inventory, prevents these services from being exempt from postal regulations via self-provision.
- The fact that Amazon uses different postal operators to supplement its courier and parcel services by exerting intense influence and control over

these partners distinguishes Amazon from other retailers (operating on- and off-line) who simply outsource a parcel service and gives Amazon a capacity of management on the provision of the service similar to that of any other operator in the sector.

- Having the transport authorisation does not exclude compliance with the postal regulations if, in addition to transport, other functions considered postal by the Law on the Postal Sector are carried out. Precisely this Law establishes the necessary coordination between the Register of Transport and the Register of Companies Providing Postal Services.

For all of the above, Amazon is considered to be a postal operator and must be subject to the provisions of the postal sector regulations, so that within one month from the publication of this resolution it must submit the appropriate affidavit to the Ministry of Transport, Mobility and Urban Agenda (MITMA).

Such affidavit implies a commitment to comply not only with requirements of postal regulations such as data protection and user privacy, but also with the other applicable legislation referred to in the Postal Law.

In this line, and insofar as Amazon employs partners to carry out its courier and parcel activities, it must ensure within one month that they meet these same requirements.

Finally, the Resolution states that the provisions of this dossier shall apply to any other Amazon company that, in the future, as a result of the restructuring and reorganisation of the Group, could carry out the activities that have been analysed and described in this dossier.