



St. Gallen, 11 January 2024

## Press Release

regarding judgments A-4721/2021 and A-4350/2022 of 3 January 2024

### Food deliveries are not postal items

**The conveyance of food deliveries via an Internet platform is not a postal service. The Federal Administrative Court clarifies this question on the basis of deliveries from Uber and eat.ch.**

According to the Postal Act the providers of postal services are subject to an obligation to report. This obligation results in, among other things, the fact that suppliers must guarantee the implementation of customary working conditions and must negotiate a collective labour agreement with employee associations.

PostCom, the regulating authority in the postal market, insisted that Uber Portier B.V. and eat.ch GmbH were obliged to report, since express and courier shipments were also covered by the Postal Act. Food deliveries would thereby be qualified as postal services. Both companies, however, appealed these decisions separately to the Federal Administrative Court (FAC).

#### Commodities and package freight are not postal services

The FAC declares that the legislator did not want to deviate from the federal constitution by insinuating that express and courier services fall under postal services. Therefore commodities and package freight do not fall under postal services. This includes the conveyance of food deliveries. These do therefore not qualify as postal services. Due to the lack of postal services Uber Portier B.V. and eat.ch GmbH are not obliged to report as providers of postal services. The court allows their appeals.

These judgments may be appealed to the Federal Supreme Court.

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### **About the Federal Administrative Court**

Located in St. Gallen, the Federal Administrative Court (FAC) was established in 2007. With its staff of 351 employees (296.1 FTE) and its 73 judges (65 FTE) it is the largest federal court in Switzerland. The Federal Administrative Court has jurisdiction to hear appeals against decisions rendered by Swiss federal administrative authorities. In specific matters, the FAC may grant review on decisions rendered by cantonal authorities. Recourse actions are also reviewed by the Court. The FAC is composed of six divisions. It renders an average of 6,500 judgments every year.