



C/2023/782

20.11.2023

**Action brought on 10 October 2023 — Tiktok Technology v European Data Protection Board**

**(Case T-1030/23)**

(C/2023/782)

*Language of the case: English*

**Parties**

*Applicant:* Tiktok Technology Ltd (Dublin, Ireland) (represented by: J.-F. Bellis, T. D'hulst, C. Monaghan, O. Tobin, P. Gallagher, D. McGrath, E. Egan McGrath, lawyers)

*Defendant:* European Data Protection Board

**Form of order sought**

The applicants claim that the Court should:

- annul Binding Decision 2/2023 on the dispute submitted by the Irish SA regarding TikTok Technology Limited (Art. 65 GDPR) of 2 August 2023; and
- order the defendant to bear the costs of the proceedings.

**Pleas in law and main arguments**

In support of the action, the applicant relies on four pleas in law.

1. First plea in law, alleging that the defendant exceeded its competence under Article 65(1)(a) of Regulation (EU) 2016/679 of the European Parliament and of the Council.<sup>(1)</sup>
2. Second plea in law, alleging that the defendant infringed the applicant's rights under Article 41 of the Charter of Fundamental Rights of the European Union.
3. Third plea in law, alleging that the defendant erred in law in finding that the Account Information Pop-Up and First Post Pop-Up infringed Article 5(1)(a) of Regulation (EU) 2016/679.
4. Fourth plea in law, alleging that the procedure under Article 65(1)(a) of Regulation (EU) 2016/679 is incompatible with Articles 41, 47 and 48 of the Charter of Fundamental Rights of the European Union and with the *Meroni* principles and must be declared unlawful and invalid.

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<sup>(1)</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ 2016 L 119, p. 1).