C/2024/3623

17.6.2024

Action brought on 22 April 2024 – Apple and Apple Distribution International v Commission

(Case T-214/24)

(C/2024/3623)

Language of the case: English

Parties

Applicants: Apple Inc. (Cupertino, California, United States), Apple Distribution International Ltd (Cork, Ireland) (represented by: D. Beard, S. Love and J. Bourke, Barristers-at-Law, and W. Knibbeler, T. van Helfteren and M. Lawton, lawyers)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

— annul the European Commission's decision of 12 February 2024 and notified to Apple on 13 February 2024 with number C(2024)785 final, reference DMA.100022, closing the market investigation opened by Decision C(2023) 6077, pursuant to Article 17 of Regulation (EU) 2022/1925 of the European Parliament and of the Council [1] insofar as it is wrongly predicated on a finding that iMessage is a number-independent interpersonal communications service within the meaning of Regulation (EU) 2022/1925 and Directive (EU) 2018/1972 of the European Parliament and of the Council [2]; and

— order the European Commission to pay the applicant's costs pursuant to Article 134 of the Rules of Procedure of the General Court, including the costs relating to any intervening parties.

Pleas in law and main arguments

In support of the action, the applicants rely on one plea in law alleging misinterpretation and misapplication of Regulation 2022/1925 and Directive 2018/1972, and material factual errors, in concluding that iMessage is a number-independent interpersonal communications service.

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[1] Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act) (OJ 2022 L 265, p. 1).

[2] Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code (OJ 2018 L 321, p. 36).