

C/2024/561

8.1.2024

**Action brought on 15 November 2023 — Meta Platforms v Commission**

**(Case T-1078/23)**

(C/2024/561)

*Language of the case: English*

**Parties**

*Applicant:* Meta Platforms, Inc. (Wilmington, Delaware, United States) (represented by: D. Jowell, D. Bailey, Barristers-at-Law, J. Aitken, S. Malhi, Solicitors, A. Pliego Selie, O. Brouwer, T. Janssens, T. Oeyen and T. Lübbig, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- annul Article 2 of the European Commission's decision C(2023) 6105 final, dated 5 September 2023 (the Contested Decision), insofar as it stipulates 'The following core platform services of Meta are an important gateway for business users to reach end users within the meaning of Article 3(1), point (b), of Regulation (EU) 2022/1925 <sup>(1)</sup>: [...] (e) Meta's number-independent interpersonal communication service Messenger', or alternatively, annul Article 2(e) of the Contested Decision;
- annul Article 2 of the Contested Decision, insofar as it stipulates 'The following core platform services of Meta are an important gateway for business users to reach end users within the meaning of Article 3(1), point (b), of Regulation (EU) 2022/1925: [...] (f) Meta's online intermediation service Marketplace', or alternatively, annul Article 2(f) of the Contested Decision;
- annul Article 2 of the Contested Decision, insofar as it stipulates 'The following core platform services of Meta are an important gateway for business users to reach end users within the meaning of Article 3(1), point (b), of Regulation (EU) 2022/1925: [...] (a) Meta's online social networking service Facebook', or alternatively, annul Article 2(a) of the Contested Decision; each at least insofar as this listed core platform service excludes Facebook Messenger (pursuant to paragraph 77 of the Contested Decision, which stipulates that 'this [Facebook] CPS does not include and is distinct from [...] Messenger'); and,
- order the Commission to pay the Applicant's costs, including the costs of eventual interveners that would not bear their own costs.

**Pleas in law and main arguments**

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

1. First plea in law, alleging that the Contested Decision is vitiated by errors of law, manifest errors of assessment, inadequate reasoning and/or breach of an essential procedural requirement in relation to the listing of Facebook Messenger as a Core Platform Service pursuant to Article 3(9) DMA.
2. Second plea in law, alleging that the Contested Decision is vitiated by errors of law, manifest errors of assessment, inadequate reasoning and/or a breach of an essential procedural requirement in relation to the listing of Facebook Marketplace as a Core Platform Service pursuant to Article 3(9) DMA.

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<sup>(1)</sup> 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).