



C/2024/562

8.1.2024

Action brought on 16 November 2023 — Apple v Commission

(Case T-1079/23)

(C/2024/562)

Language of the case: English

Parties

Applicant: Apple Inc. (Cupertino, California, United States) (represented by: D. Beard, S. Love, J. Bourke, Barristers-at-Law, W. Knibbeler and T. van Helfteren, lawyers)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the European Commission decision of 5 September 2023, notified to Apple on 6 September 2023, reference DMA.100022 to open a market investigation in relation to iMessage pursuant to Articles 16 and 17(3) of Regulation (EU) 2022/1925 ⁽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 of 11 December 2018 establishing the European Electronic Communications Code ⁽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 applicant relies on one plea in law, alleging misinterpretation and misapplication of Regulation (EU) 2022/1925 and Directive (EU) 2018/1972, and material factual errors, in concluding that iMessage is a number-independent interpersonal communications service.

⁽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).