C/2025/5212

6.10.2025

Action brought on 30 May 2025 – Apple and Apple Distribution International v Commission

(Case T-354/25)

(C/2025/5212)

Language of the case: English

Parties

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

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

— declare Article 6(7) of Regulation (EU) 2022/1925 of the European Parliament and of the Council on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act or DMA) ([1]) inapplicable pursuant to Article 277 TFEU;

— annul pursuant to Article 263 TFEU wholly or in part Article 1 of the European Commission decision of 19 March 2025 and Annex thereto (the Contested Decision), reference DMA.100203 ([2]), adopted pursuant to Article 8(2) of the DMA; and,

— order the European Commission to pay the Applicants' 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 thirteen pleas in law.

1. First plea in law, alleging that Article 6(7) DMA is inconsistent with the requirements of the European Charter of Fundamental Rights and the principle of proportionality, and that Article 1 of the Contested Decision is unlawful insofar as it imposes and specifies obligations under Article 6(7) DMA on Apple in relation to iOS.

2. Second plea in law, alleging that the European Commission exceeded the limits on its competence imposed by Article 291 TFEU and Article 8(2) DMA.

3. Third plea in law, alleging that the European Commission misinterpreted and misapplied Article 6(7) DMA in the Contested Decision.

4. Fourth plea in law, alleging that the European Commission erred in law and in fact by imposing and/or specifying the Background Execution requirements in the Contested Decision.

5. Fifth plea in law, alleging that the European Commission erred in law and in fact by imposing and/or specifying the Automatic Audio Switching requirements in the Contested Decision.

6. Sixth plea in law, alleging that the European Commission erred in law and in fact by imposing and/or specifying the Proximity-Triggered Pairing requirements in the Contested Decision.

([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]) OJ C 2025/4646

7. Seventh plea in law, alleging that the European Commission erred in law and in fact by imposing and/or specifying the Close-range Wireless File Transfer requirements in the Contested Decision.

8. Eighth plea in law, alleging that the European Commission erred in law and in fact by imposing and/or specifying the iOS Notifications requirements in the Contested Decision.

9. Ninth plea in law, alleging that the European Commission erred in law and in fact by imposing and/or specifying the Media Casting requirements in the Contested Decision.

10. Tenth plea in law, alleging that the European Commission erred in law and in fact by imposing and/or specifying the Automatic Wi-Fi Connection requirements in the Contested Decision.

11. Eleventh plea in law, alleging that the European Commission erred in law and in fact by imposing and/or specifying the NFC Controller in Reader/Writer Mode requirements in the Contested Decision.

12. Twelfth plea in law, alleging that the European Commission erred in law and in fact by imposing and/or specifying the High-Bandwidth Peer-to-Peer Wi-Fi Connection requirements in the Contested Decision.

13. Thirteenth plea in law, alleging that the European Commission erred in law and in fact by imposing and/or specifying the future-proof effective interoperability requirements in the Contested Decision.