



C/2024/4865

12.8.2024

Action brought on 27 June 2024 – Meta Platforms Ireland v EDPB

(Case T-319/24)

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Language of the case: English

Parties

Applicant: Meta Platforms Ireland Ltd (Dublin, Ireland) (represented by: H.-G. Kamann, F. Louis, M. Braun, A. Vallery, lawyers, P. Nolan, B. Johnston, L. Joyce, D. Breatnach, Solicitors, D. McGrath, E. Egan McGrath, SC, S. Horan and H. Godfrey, Barristers-at-Law)

Defendant: European Data Protection Board

Form of order sought

The applicant claims that the Court should:

- annul ‘Opinion 08/2024 on Valid Consent in the Context of Consent or Pay Models Implemented by Large Online Platforms adopted under Article 64(2) GDPR’, adopted by the European Data Protection Board (EDPB) on 17 April 2024 (Contested Opinion); and
- order the defendant to compensate for the damage which Meta Platforms Ireland Ltd is suffering because of the Contested Opinion, which necessitates its withdrawal;
- order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

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

1. First plea in law, alleging that either Article 64(2) GDPR is illegal and inapplicable pursuant to Article 277 TFEU, or it requires a restrictive interpretation conforming with the Meroni and Romano principles and the Charter of Fundamental Rights of the European Union (Charter), which must conclude that it is the EDPB’s interpretation and application of Article 64(2) GDPR in Contested Opinion that violates the fundamental rights enshrined in the Charter and the balance of powers established by the Treaties.
2. Second plea in law, alleging that the Contested Opinion violates Article 19(1) TEU because it does not respect the binding nature of judgments of the CJEU or at the very least erred in law by misinterpreting the judgment in Case C-252/21, Meta Platforms and Others.
3. Third plea in law, alleging that the Contested Opinion is an illegal and disproportionate interference with Article 16 of the Charter that fails to strike a fair balance between conflicting fundamental rights.
4. Fourth plea in law, alleging that the Contested Opinion violates the principle of equal treatment enshrined in Article 20 of the Charter.
5. Fifth plea in law, alleging that the Contested Opinion introduces a novel and incoherent obligation that is nowhere to be found in the GDPR, in violation of Article 52(1) of the Charter, the principle of legal certainty, the notion of consent (Article 4(1) GDPR), and the principle of data minimisation (Article 5(1)(c) GDPR).
6. Sixth plea in law, alleging that the EDPB failed to act as an impartial body in violation of Article 41(1) of the Charter.
7. Seventh plea in law, alleging submitting that the EDPB violated Meta Platforms Ireland Ltd’s right to be heard enshrined in Article 41(2)(a) of the Charter.