

Summary of the Pleas in Law and Main Arguments relied on in the Application

I. Parties

Applicant: Amazon Services Europe S.à r.l.

Seat/Address: 38 Avenue John F. Kennedy, 1855, Neudorf-Weimershof, Luxembourg

Representatives: A. Conrad, M. Frank, R. Spano, I. Ioannidis, lawyers

Defendant: European Commission

II. Subject Matter

Application under Articles 263, 264, 277 TFEU for annulment of the European Commission Decision of 25 April 2023 designating Amazon Store as a very large online platform in accordance with Article 33(4) of Regulation (EU) 2022/2065 of the European Parliament and of the Council (C(2023) 2746 final).

III. Form of Order Sought

The applicant claims that the Court should:

1. Annul the European Commission Decision of 25 April 2023 designating Amazon Store as a very large online platform in accordance with Article 33(4) of Regulation (EU) 2022/2065 of the European Parliament and of the Council (C(2023) 2746 final);
2. Alternatively, annulment of the European Commission Decision of 25 April 2023 designating Amazon Store as a very large online platform in accordance with Article 33(4) of Regulation (EU) 2022/2065 of the European Parliament and of the Council (C(2023) 2746 final) insofar as it imposes on Amazon the obligation to provide users with an option for each recommender system that is not based on profiling under Article 38 and declaration of inapplicability of Article 38 of Regulation (EU) 2022/2065 of the European Parliament and of the Council (C(2023) 2746 final);
3. Furthermore or alternatively, annul the European Commission Decision of 25 April 2023 designating Amazon Store as a very large online platform in accordance with Article 33(4) of Regulation (EU) 2022/2065 of the European Parliament and of the Council (C(2023) 2746 final) insofar as it imposes on Amazon an obligation to compile and make publicly available an advertisement repository under Article 39 and declaration of inapplicability of Article 39 of Regulation (EU) 2022/2065 of the European Parliament and of the Council (C(2023) 2746 final);
4. Order the European Commission to bear the costs of the proceedings.

IV. Pleas in Law and Main Arguments

In support of the action, the applicant relies on three pleas in law:

- 1. First plea in law, alleging that the designation as a very large online platform in accordance with Article 33(4) of Regulation (EU) 2022/2065 of the European Parliament and of the Council (C(2023) 2746 final) is based on a discriminatory criterion and disproportionately violates the principle of equal treatment and the applicant's fundamental rights.**
- 2. Second plea in law, alleging that Article 38 of Regulation (EU) 2022/2065 of the European Parliament and of the Council (C(2023) 2746 final) violates the principle of equal treatment and the applicant's fundamental rights.**
- 3. Third plea in law, alleging that Article 39 of Regulation (EU) 2022/2065 of the European Parliament and of the Council (C(2023) 2746 final) violates the principle of equal treatment and the applicant's fundamental rights.**