

Action brought on 16 February 2026 – X Internet and X Holdings v Commission**(Case T-114/26)**

(C/2026/2390)

*Language of the case: English***Parties**

Applicants: X Internet ulc (Dublin, Ireland), X Holdings Corp. (Dover, Delaware, United States) (represented by: A. Lamadrid de Pablo, S. Troch, J.-B. Douchy, A. Escrigas Cañameras, T. Milleville and N. Bayón Fernández, lawyers)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- annul, in whole or in part, the contested decision;
- in the alternative, annul, in whole or in part, the amount of the fines imposed on the applicants pursuant to Article 4 of the contested decision; and
- order the European Commission to bear the applicants' costs and expenses in connection with the present proceedings.

Pleas in law and main arguments

In support of the action, seeking the annulment, based on Article 263 TFEU, of the Commission Decision of 5 December 2025 in Cases DSA.100101, DSA.100102 and DSA.100103 – X (formerly Twitter) (the 'contested decision'), the applicants rely on six pleas in law.

1. First plea in law, alleging breach of the applicants' rights of defence and right to good administration.
 - The Commission unlawfully prevented the applicants from having direct access to the case file, including to allegedly incriminatory evidence cited in the contested decision and to non-confidential exculpatory evidence.
 - The Commission imposed arbitrary and disproportionate restrictions on the applicants' specified external advisers' ability to access, examine and use allegedly incriminatory and potentially exculpatory evidence in the case file.
 - The case file made available to the specified external advisers was curated, unreliable and incomplete, and makes it impossible to know what exculpatory evidence the Commission withheld.
 - The nature, number and gravity of the violations to the applicants' rights of defence throughout the proceedings warrant the full annulment of the contested decision.
 - Plea of Illegality concerning the DSA IR ⁽¹⁾.
2. Second plea in law, alleging that the contested decision errs in finding that the provider of X includes legal entities and individuals other than X Internet.
 - The contested decision errs in law in misinterpreting the notion of 'provider of an intermediary service' under the DSA ⁽²⁾.

⁽¹⁾ Commission Implementing Regulation (EU) 2023/1201 of 21 June 2023 on detailed arrangements for the conduct of certain proceedings by the Commission pursuant to Regulation (EU) 2022/2065 of the European Parliament and of the Council, OJ 2023 L 159, p. 51

⁽²⁾ Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market For Digital Services and amending Directive 2000/31/EC, OJ 2022 L 277, p. 1.

- The contested decision errs in law and in fact in finding that the provider of X includes entities that have not been the addressees of a designation decision.
 - The contested decision errs in law and in fact in finding that the provider of X includes entities that have not been addressees of the preliminary findings.
3. Third plea in law, alleging that the contested decision errs in finding that the provider of X failed to comply with Article 25(1) DSA by designing, organising and operating X's online interface in relation to X's blue checkmark and 'verified' status.
- The contested decision errs in finding that the design and operation of X's blue checkmark deceive or manipulate users or otherwise materially impair their ability to make free and informed decisions.
 - The contested decision errs in finding a continued infringement of Article 25(1) DSA based on the conclusion that the compliance measures adopted by the provider of X did not '*prima facie*' appear to terminate the infringement.
4. Fourth plea in law, alleging that the contested decision errs in finding that X failed to comply with Article 40(12) DSA.
- The contested decision misinterprets and misapplies Article 40(12) DSA and, in any event, fails to establish an infringement of Article 40(12) DSA throughout the alleged infringement period.
 - The contested decision errs in finding that X's alleged non-compliance with Article 40(12) DSA is ongoing.
5. Fifth plea in law, alleging that the contested decision errs in finding that the provider of X failed to comply with Article 39 DSA.
- The Commission's refusal to provide guidance or feedback in relation to the applicants' arguments and compliance measures breached the principles of legality and good administration.
 - The contested decision fails to establish its finding of non-compliance to the requisite legal standard as it rests largely on invalid evidence.
 - The contested decision misinterprets and misapplies Article 39 DSA's requirement that ad repositories be made available through a 'searchable tool'.
 - The contested decision errs in law and in fact when finding that X's ads repository is not 'reliable'.
 - The contested decision errs in finding that X failed to enable access to its ads repository through an API.
 - The contested decision fails to establish that the alleged non-compliance persisted beyond the date of adoption of the preliminary findings.
6. Sixth plea in law, alleging that the contested decision erred in calculating the fines.
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