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Goodwin Antitrust & Regulatory Shorts: 10 Key Takeaways From the European Commission's Recent DMA Decisions Against Apple and Meta

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On 23 April 2025, the European Commission (the Commission) imposed its first ever fines under the Digital Markets Act (DMA). Apple and Meta were fined for failing to comply with their respective obligations under the DMA, becoming the first companies to face financial penalties since the regulation entered into force. Apple was fined €500 million for its steering practices¹ (Case DMA.100109), while Meta received a €200 million fine for its “consent or pay” model (Case DMA.100055). These landmark decisions underscore the Commission’s strong commitment to rigorously enforcing the DMA and highlight the importance of proactive engagement with regulators.

Overview

At the end of April, the Commission announced fines against Apple and Meta for breaches of their obligations under the DMA. Apple was found to have unlawfully restricted app developers’ ability to offer users alternative purchase options outside the App Store ecosystem, violating Article 5(4) of the DMA. Following a 13-month investigation, the Commission concluded that Apple imposed technical and commercial restrictions which

- prevented developers from including additional data in URLs that direct users from the App Store to the developer’s own website (“linking out”);
- restricted developers’ ability to communicate with and promote offers to end users; and
- disallowed developers from concluding contracts free of charge, imposing fees on steered transactions instead.

These restrictions prevented developers from fully benefiting from alternative distribution channels beyond the App Store.

Meta was fined for violating Article 5(2) of the DMA by forcing consumers to choose between consenting to the combination of their personal data for personalised advertising or paying a monthly subscription. The Meta investigation also lasted 13 months.

The provisional nonconfidential version of the Apple decision was published on 26 May 2025, providing insights into the Commission’s analysis and Apple’s arguments. The nonconfidential version of the Meta decision has not yet been released. The following timeline outlines the investigations, emphasizing significant steps and milestones.

Key Milestones in Apple and Meta Investigations	
25 March 2024	The Commission opens noncompliance investigations into Apple's rules on steering in the App Store and Meta's "consent or pay" model.
24 June 2024/1 July 2024	The Commission informs Apple and Meta, respectively, of its preliminary findings.
23 April 2025	The Commission issues the noncompliance decisions.
26 May 2025	The nonconfidential version of the Apple decision becomes available.

10 Key Takeaways

1. "Cosmetic" Compliance Is Not Enough

The Commission found that Apple's user-facing choices were not genuinely meaningful or operable, as developers faced disincentives such as fees and technical barriers. The existence of one set of terms allowing steering did not compensate for others that did not. Nominal or formal compliance fails to meet the DMA standard.

2. Compliance Must Be Clear and Individual

Gatekeepers cannot average compliance across multiple business terms; each set of terms must independently comply with the DMA.

3. Ignoring Regulator Warnings Carries Risks

Despite multiple meetings and feedback from the Commission, Apple did not make sufficient changes. Disregarding regulatory guidance strengthens the case for noncompliance and increases the risk of heavy fines.

4. Vague Security Claims Are Rejected

Apple's justification for its linking restrictions on security grounds was dismissed. The Commission found Apple failed to show why the app developer's own website would be less secure than third-party sites or why restrictions were necessary and proportionate.

5. Compliance Is an Ongoing Process

The Commission reviewed both Apple's original and updated terms, highlighting that compliance is dynamic and requires continuous, proactive engagement with regulators.

6. Remedies Extend Beyond Fines

The Commission imposed significant fines comparable to those under Articles 101 and 102 of the Treaty on the Functioning of the European Union but also reserved the right to impose periodic penalty payments and behavioural remedies to ensure sustained compliance.

7. Interpretative Challenges Persist

The Apple decision reveals gaps and ambiguities in the DMA's wording and translations, underscoring the complexity of the new regime and the need for ongoing dialogue with the Commission.

8. Expedited Enforcement Signals Priority

The Apple and Meta investigations took approximately 13 months — a relatively swift timeline compared to traditional competition cases — demonstrating the Commission's commitment to timely DMA enforcement.

9. Procedural Safeguards Require Attention

Under Implementing Regulation (EU) 2023/814, gatekeepers receive limited initial access to the case file, raising concerns about their ability to fully defend themselves. Apple challenged aspects of this approach, which may become a basis for legal review. Balancing expediency with robust procedural rights remains crucial.

10. Cooperation With Regulators Is Key

Given the evolving nature of DMA enforcement and interpretive uncertainties, constructive engagement with the Commission is essential. Companies maintaining open, cooperative relationships are better positioned to adapt and avoid penalties.

Conclusion

These decisions send a clear message: full compliance with the DMA's requirements is nonnegotiable. Gatekeepers must not only align their business practices with current obligations but also stay alert to evolving interpretations and procedural developments. Transparent communication and proactive regulatory engagement are now critical to successful navigation of the EU's digital regulatory landscape.

Additionally, these decisions underscore that the DMA is a robust enforcement tool with real "teeth," offering a meaningful opportunity for parties adversely affected by gatekeepers' conduct to seek redress. By holding dominant platforms accountable and imposing significant fines and behavioural remedies, the Commission demonstrates its willingness and capacity to protect competition and consumer choice in digital markets. This sends a strong signal to affected businesses and stakeholders that the DMA framework can be an effective avenue to challenge anticompetitive practices and secure fairer conditions in the digital ecosystem. Ultimately, the rulings affirm that the DMA is not merely a regulatory framework on paper but a practical tool capable of delivering real outcomes and remedies for those harmed by gatekeeper abuses.

At the same time, it is important to note that President Trump has publicly criticised the DMA, describing it as a regulatory burden that unfairly targets US tech companies. He has characterised the DMA as a "tax" on US businesses, arguing that it hampers US innovation and competitiveness by imposing stringent rules and penalties on major firms such as Apple, Meta, and Google. It remains uncertain whether, or how, these comments might influence the Commission's enforcement of the DMA going forward.

^[1] For the purposes of the Apple decision, "steering" means "the communication or promotion of an offer by the app developer to an acquired end user, within an app downloaded from the App Store." (Apple decision, recital 24).

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