COURT OF JUSTICE
OF THE EUROPEAN UNION

Judgment of the General Court in Case T-357/24 | Opera Norway v Commission

Press release No 113/26

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Digital Markets Act: the General Court upholds the Commission's decision not to designate Microsoft as a gatekeeper in relation to Edge

In its decision of 12 February 2024, [1] the Commission took the view that the web browser Microsoft Edge did not constitute an important gateway within the meaning of the Digital Markets Act (DMA) [2] and, consequently, it decided not to designate Microsoft as a 'gatekeeper' for that service.

Opera Norway, the publisher of the browser Opera, is challenging the Commission's decision before the General Court of the European Union.

The General Court dismisses Opera Norway's action in its entirety.

The General Court rules that Opera Norway is directly and individually concerned by the contested decision and therefore has standing to bring proceedings.

On the substance, it confirms the Commission's assessment that **Edge does not constitute an important gateway** within the meaning of the DMA. It considers that the Commission was entitled, in particular, to rely on the low scale of usage of that browser and to compare it with that of other browsers, as those elements are relevant for assessing the actual importance of Edge as a gateway for business users to reach their end users.

The General Court also finds that the Commission was entitled to take into account the fact that Edge relies on the browser engine Blink, which reduces Microsoft's ability to exercise autonomous control over certain key aspects of the service.

Furthermore, it considers that the Commission was entitled to find that the integration of Edge into the Microsoft ecosystem, including its pre-installation on Windows and the other mechanisms to promote its use from which it benefits, did not contribute sufficiently to making Edge an important gateway.

In those circumstances, the General Court finds that the **Commission did not err** in considering that, although Microsoft had met the quantitative thresholds laid down in the DMA, it had put forward **sufficiently substantiated arguments to demonstrate that Edge did not constitute an important gateway.**

NOTE: An action for annulment seeks the annulment of acts of the institutions, bodies, offices and agencies of the European Union that are contrary to EU law. The Member States, the European institutions and individuals may, under certain conditions, bring an action for annulment before the Court of Justice or the General Court. If the action is well founded, the act is annulled. The institution concerned must fill any legal vacuum created by the annulment of the act.

NOTE: An appeal, limited to points of law only, may be brought before the Court of Justice against the decision of the General Court within two months and ten days of notification of the decision.

Unofficial document for media use, not binding on the General Court. The presentation of the facts and the legal context refers to the relevant period and is based on the case file.

The full text and, as the case may be, an abstract of the judgment is published on the CURIA website on the day of delivery.

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Images of the delivery of the judgment are available on 'Europe by Satellite' ✆ (+32) 2 2964106.

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[1] Commission Implementing Decision C(2024) 806 final of 12 February 2024, closing the market investigation concerning Bing, Edge and Microsoft Advertising under the Digital Markets Act (DMA).

[2] 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).

The DMA targets large digital platforms that occupy a central position in the digital economy. It applies to services that constitute an 'important gateway', that is to say an essential gateway enabling businesses wishing to offer their online services to reach end users. Those may include, for example, a search engine, an operating system, a social media platform or a web browser when it is widely used to access other digital services. Undertakings that provide such services and meet certain criteria regarding size and market influence are classified as 'gatekeepers' and are subject to specific obligations designed to ensure that the markets in which they operate are and remain contestable and fair.