



EUROPEAN COMMISSION

***CASE DMA.100044***

**Meta - online intermediation services - marketplace**

(Only the English text is authentic)

**Digital Markets Act**

**Regulation (EU) 2022/1925 of the European Parliament  
and of the Council**

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Article 4 Regulation (EU) 2022/1925

Date: 23/04/2025

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Brussels, 23.4.2025  
C(2025) 2547 final

## **COMMISSION DECISION**

**of 23.4.2025**

**amending Commission Decision C(2023) 6105 final, pursuant to Article 4 of Regulation (EU) 2022/1925 of the European Parliament and of the Council on contestable and fair markets in the digital sector**

**Case DMA.100044 - Meta - online intermediation services - marketplace**

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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), in particular Article 4(1) thereof<sup>1</sup>,

Whereas:

## 1. INTRODUCTION

- (1) On 5 September 2023, the Commission adopted a decision (the “Designation Decision”) designating Meta Platforms, Inc. (hereinafter, together with all legal entities directly or indirectly controlled by it, collectively referred to as “Meta” or “the Undertaking”) as a gatekeeper for six core platform services (“CPSs”), including the online intermediation service (“OIS”) Marketplace.<sup>2</sup> Meta Platforms, Inc. is the entity that wholly owns and controls Meta Platforms Ireland Limited, which operates Facebook, including Facebook Marketplace, for all users in the EU.<sup>3</sup>
- (2) On 5 March 2024, Meta submitted a request<sup>4</sup>, based on Article 4 of Regulation (EU) 2022/1925 (the “Reconsideration Request”), accompanied by two Annexes<sup>5</sup>, regarding Meta’s designation as a gatekeeper for Marketplace.

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<sup>1</sup> OJ L 265, 12.10.2022, p. 1.

<sup>2</sup> Commission Decision C(2023) 6105 final.

<sup>3</sup> Reconsideration Request, paragraph 1.1.

<sup>4</sup> Meta Platforms, Inc., Request pursuant to Article 4 of Regulation (EU) No 2022/1925 (Digital Markets Act) for amendment and/or repeal of Commission Decision C(2023) 6105 final, insofar as Article 2 lit. f lists Facebook marketplace as a core platform service, 5 March 2024.

<sup>5</sup> “[Report prepared by an economic consultancy firm], Facebook Marketplace Reconsideration Request, Annex 1 – [Economic evidence regarding Facebook Marketplace] (hereafter “Annex 1”); and [Report prepared by an economic consultancy firm], Facebook Marketplace Reconsideration Request, Annex 2 – [Further economic evidence] (hereafter “Annex 2”).”

## **2. PROCEDURE**

- (3) On 17 April 2024, the Commission sent a request for information to Meta (“RFI 1”),<sup>6</sup> to which Meta replied on 2 May 2024 (“Meta’s RFI 1 answer”).<sup>7</sup>
- (4) On 29 November 2024, the Commission sent a follow-up request for information to Meta (“RFI 2”),<sup>8</sup> to which Meta replied on 13 December 2024 (“Meta’s RFI 2 answer”).<sup>9</sup>
- (5) On 21 January 2025, the Commission sent last request for information to Meta (“RFI 3”),<sup>10</sup> to which Meta replied on 4 February 2025 (“Meta’s RFI 3 answer”).<sup>11</sup>

## **3. LEGAL FRAMEWORK FOR THE RECONSIDERATION REQUEST PURSUANT TO REGULATION (EU) 2022/1925**

- (6) Article 3 of Regulation (EU) 2022/1925 sets out the rules for the designation of gatekeepers. An undertaking shall be designated as gatekeeper under that Regulation if it satisfies the requirements set out in Article 3(1) thereof. Pursuant to Article 3(1), point (b), of that Regulation, designation is to be made only in relation to one or more core platform services provided by the undertaking that are an important gateway for business users to reach end users.
- (7) Pursuant to Article 4(1) of Regulation (EU) 2022/1925, the Commission may, upon request or on its own initiative, reconsider, amend or repeal at any moment a designation decision adopted pursuant to Article 3 for one of the following reasons:
  - (a) there has been a substantial change in any of the facts on which the designation decision was based;
  - (b) the designation decision was based on incomplete, incorrect or misleading information.
- (8) According to Recital 30 of Regulation (EU) 2022/1925, not every change in the facts on the basis of which an undertaking providing core platform services was designated as a gatekeeper should require amendment of the designation decision. Amendment will only be necessary if the change in the facts also leads to a change in the assessment. Whether or not that is the case should be based on a case-by-case assessment of the facts and circumstances.

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<sup>6</sup> DMA.100044 – Meta - online intermediation services – marketplace, Request for information of 17 April 2024 pursuant to Article 21(2) of Regulation (EU) 2022/1925.

<sup>7</sup> Meta Platforms, Inc., Response to the European Commission’s Request for information (RFI) of 17 April 2024, 2 May 2024.

<sup>8</sup> DMA.100044 – Meta - online intermediation services – marketplace, Request for information of 29 November 2024 pursuant to Article 21(2) of Regulation (EU) 2022/1925.

<sup>9</sup> Meta Platforms, Inc., Response to the European Commission’s Request for information (RFI) of 29 November 2024, 13 December 2024.

<sup>10</sup> DMA.100044 – Meta - online intermediation services – marketplace, Request for information 3 of 21 January 2025 pursuant to Article 21(2) of Regulation (EU) 2022/1925.

<sup>11</sup> Meta Platforms, Inc., Response to the European Commission’s Request for information (RFI) of 21 January 2025, 4 February 2025.

#### 4. META’S ARGUMENTS SUPPORTING ITS RECONSIDERATION REQUEST

- (9) In its Reconsideration Request, Meta argues, first, that, following the Designation Decision, it has implemented important additional measures to ensure the exclusive consumer-to-consumer (“C2C”) use of Marketplace and to remove business users from Marketplace. On that basis, the Commission should reconsider and amend the Designation Decision, as these measures should lead to a change of the assessment on the designation of Marketplace.<sup>12</sup> Second, Meta argues that it provided new economic evidence that demonstrates that Marketplace is not an “important gateway” for businesses to reach end users.<sup>13</sup>

##### 4.1. Additional measures taken by Meta to show that Marketplace is an end user-facing C2C platform

- (10) Meta’s first argument is that, following the Designation Decision, in December 2023 and January 2024, Meta introduced substantial changes in its enforcement policy of the commercial terms and conditions preventing business users from using Marketplace (“the December 2023 Changes” and “the January 2024 Adjustments”). According to Meta, these changes have removed business users from Marketplace to such an extent that any remaining potential business use of Marketplace is *de minimis*.<sup>14</sup> These changes should be considered in combination with a consistent pattern of measures adopted by Meta throughout 2023, which were already detailed in the Form GD and in the Marketplace Rebuttal<sup>15</sup> (“the January 2023 Changes”<sup>16</sup> and “the July 2023 Changes”)<sup>17</sup>, that seek to ensure that Marketplace is exclusively a C2C platform.
- (11) In essence, Meta argues that it has implemented three types of additional measures after Meta’s designation as a gatekeeper for Marketplace, namely:
- (a) Additional, effective and demonstrable enforcement measures against breaches of its EEA Commerce Products Disclosure Terms by business users;<sup>18</sup>
  - (b) Highlighting Marketplace as an entirely C2C feature in the listing creation process for every new listing;<sup>19</sup> and
  - (c) Removal of public-facing language which the Designation Decision claimed could be understood as encouraging business users to continue to make listings on Marketplace via their personal profile, making it clear that they may not.<sup>20</sup>

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<sup>12</sup> Reconsideration Request, paragraphs 2.3 to 2.6.

<sup>13</sup> Reconsideration Request, paragraphs 2.9 and 2.10.

<sup>14</sup> Reconsideration Request, paragraphs 3.21 and 3.22.

<sup>15</sup> Reconsideration Request, paragraphs 3.1 to 3.32.

<sup>16</sup> See Commission Decision C(2023) 6105 final, recital 239.

<sup>17</sup> See Commission Decision C(2023) 6105 final, recital 241.

<sup>18</sup> Reconsideration Request, paragraphs 3.18 to 3.26.

<sup>19</sup> Reconsideration Request, paragraph 3.27.a.

<sup>20</sup> Reconsideration Request, paragraph 3.27.b.

- (12) According to Meta, those additional measures demonstrate that Marketplace falls outside the definition of an online intermediation service in Regulation (EU) 2022/1925, or, at the very least, that the quantitative threshold in Article 3(2), point (b), of Regulation (EU) 2022/1925 for yearly active business users is no longer met.

*4.1.1. Meta's additional enforcement measures against breaches of its EEA Commerce Products Disclosure Terms*

- (13) Meta claims that, in December 2023 and January 2024, it has taken additional, effective and demonstrable enforcement measures against breaches of its EEA Commerce Products Disclosure Terms by businesses using Marketplace illegitimately.<sup>21</sup>
- (14) More specifically, as claimed in Meta's RFI 1 answer, through the December 2023 Changes, further enhanced by the January 2024 Adjustments, Meta [implemented additional measures] to identify illegitimate business use of Marketplace. According to Meta, these checks were shown in testing to have a satisfactory level of accuracy. [Meta also continuously verifies the effectiveness of these checks].<sup>22</sup>
- (15) According to Meta, the measures introduced under both the December 2023 Changes and the January 2024 Adjustments mean that, , since 19 January 2024, the following users are identified as potentially making illegitimate business use of Marketplace (hereafter the "restriction criteria"): [description of the internal guidelines containing the restriction criteria].<sup>23</sup>
- (16) According to Meta, these restriction criteria have been (and will be) regularly reviewed to ensure their continued performance and accuracy as illustrated by the adjustments Meta made to the criteria in January 2024. In this regard, Meta [monitors and regularly verifies] the B2C restrictions it has implemented. This includes measuring the continued effectiveness of these restrictions, as well as assessing and evaluating whether additional measures are needed.<sup>24</sup>
- (17) Once identified, pursuant to the above restriction criteria, the listings of these users are eliminated from Marketplace and these users receive a message when they try to access Marketplace informing them that they no longer have access to Marketplace.<sup>25</sup>
- (18) Further, Meta indicated in its Reconsideration Request the number of users that were removed following the December 2023 Changes and January 2024 Adjustments.<sup>26</sup> In particular, [150.000 – 200.000] users were eliminated from Marketplace in the EEA, covering the period from [their initial implementation] until 21 April 2024.<sup>27</sup> As a result, Meta argued that the total number of users

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<sup>21</sup> Reconsideration Request, paragraphs 3.18 to 3.20.

<sup>22</sup> Meta's RFI 1 answer, paragraphs 1 to 4.

<sup>23</sup> Meta's RFI 1 answer, paragraph 5.

<sup>24</sup> Meta's RFI 1 answer, paragraphs 7 and 8.

<sup>25</sup> Reconsideration Request, paragraph 3.24.

<sup>26</sup> Reconsideration Request, paragraph 2.5.a.

<sup>27</sup> Meta's RFI 1 answer, paragraph 12.

meeting the [...] proxy methodology, used by the Commission in the Designation Decision to estimate the number of active business users in the Union,<sup>28</sup> fell to approximately [40.000-50.000] by December 2023 and was [less than 10.000] from 2024 onwards.<sup>29</sup>

- (19) According to Meta, any remaining potential illegitimate use by users of Marketplace in a commercial capacity is clearly *de minimis*, although Meta did not provide any exact figure for 2024 in the Reconsideration Request.<sup>30</sup>
- (20) Subsequently, in its answer to RFI 3, Meta clarified that, as a result of its additional enforcement measures, there were [less than 10,000] users in the Union (with worldwide listings) in 2024 meeting the [...] proxy, and [less than 10,000] users in the Union (with EEA listings only) in 2024 meeting this [...] proxy.<sup>31</sup>
- (21) Meta further adds that the relevant figure to consider is the “EEA listings” figure, and not the “worldwide listings” figure, as the latter would include users considered as carrying out activities outside of the Union, beyond what would be required under the legal test of the “important gateway” under Regulation (EU) 2022/1925, which according to Meta, only applies to business users in the Union reaching out to end users in the Union.<sup>32</sup>
- (22) Meta therefore considers that the quantitative threshold in Article 3(2), point (b), of Regulation (EU) 2022/1925 is no longer met in relation to Marketplace.<sup>33</sup>
- (23) According to Meta, these measures clearly demonstrate that business users are not “allowed” to offer goods or services to consumers on Marketplace, and they are certainly not “enabled in practice” to do so.<sup>34</sup>

#### 4.1.2. *Highlighting Marketplace as an entirely C2C feature in the listing creation process for every new listing*

- (24) Meta also claims that it has highlighted Marketplace as an entirely C2C feature in the listing creation process for every new listing which a seller intends to create on Marketplace, as well as in the “Seller Information” section, drawing attention to the prohibition of B2C use of Marketplace in its EEA Commerce Products Disclosure Terms.<sup>35</sup>
- (25) In addition, Meta indicates that, for potential buyers, it has added a link to the “Seller Information” section, which prompts any user to “Learn about purchasing from consumers on Facebook”, and which similarly contains an

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<sup>28</sup> See Commission Decision C(2023) 6105 final, recitals 276 to 280.

<sup>29</sup> Annex 1, paragraph 22; and Meta’s RFI 1 answer, paragraph 15.

<sup>30</sup> Reconsideration Request, paragraphs 3.21 and 3.22.

<sup>31</sup> Meta’s RFI 3 answer, paragraph 8 and Table 2.

<sup>32</sup> Meta’s RFI 3 answer, paragraph 6.

<sup>33</sup> Reconsideration Request, paragraphs 2.5.a; Meta’s RFI 3 answer, paragraph 9a.

<sup>34</sup> Reconsideration Request, paragraph 3.26; Meta’s RFI 1 answer, paragraph 14; Meta’s RFI 3 answer, paragraph 9b.

<sup>35</sup> Reconsideration Request, paragraph 3.27.a.



unequivocal reminder that only consumers may list items on Marketplace.<sup>36</sup> Moreover, Meta adds that the Facebook Help Centre also unequivocally confirms the C2C nature of Marketplace and makes clear that “*Businesses that list on Marketplace may be blocked and/or have their listings removed*”.<sup>37</sup>

#### 4.1.3. Removal of public-facing language

- (26) Meta further claims that it has fully removed, in the interest of providing further comfort to the Commission, the public-facing language which the Designation Decision claimed could be understood as encouraging business users to continue to make listings on Marketplace via their personal profile,<sup>38</sup> making it clear that they may not.<sup>39</sup> According to Meta, business users therefore cannot legitimately reach end users via their personal profile for commercial purposes, and this option is also not “advertised” by Meta.

#### 4.2. Additional economic evidence aimed at demonstrating that Marketplace is not an “important gateway” for businesses to reach end users

- (27) Meta’s second argument is that it provided, together with its Reconsideration Request, two annexes containing economic expert evidence which, in Meta’s view, taking into account new facts and based on detailed and concrete data, conclusively demonstrate that even if Marketplace should be characterised as an OIS CPS, it is not – and has never been – an “important gateway” for business users to reach end users.<sup>40</sup>
- (28) Meta submits this evidence in subsidiary order, in case the Commission would seek to argue that, despite the additional facts presented in this request, Marketplace is an OIS CPS meeting the quantitative threshold in Article 3(2), point (b), of Regulation (EU) 2022/1925.<sup>41</sup>
- (29) Meta argues that:
- (a) Marketplace lacks overall scale of activities: (i) in absolute terms considering the overall OIS CPS category, and (ii) in relative terms with respect to the largest providers in the OIS CPS category (including when considered exclusively against online marketplace OIS CPS);<sup>42</sup>
  - (b) The OIS CPS segment in the Union is characterised by widespread multi-homing;<sup>43</sup> and

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<sup>36</sup> Reconsideration Request, paragraph 3.27.a.

<sup>37</sup> Reconsideration Request, paragraph 3.25.

<sup>38</sup> See Commission Decision C(2023) 6105 final, recital 265, footnote 251: “*While the ability to post vehicle, property and rental listings from Facebook business Pages will no longer be available on Marketplace, **you can continue reaching vehicle and property buyers or property renters on Facebook in other ways. Create Marketplace listings from your personal profile: You can create Marketplace listings for vehicles, property sales and property rentals from your personal profile***” (emphasis added) (<https://www.facebook.com/business/help/492940666175475>, last accessed on 24 July 2023)”.  
<sup>39</sup> Reconsideration Request, paragraph 3.27.b.

<sup>40</sup> Reconsideration Request, paragraphs 3.33 to 3.60.

<sup>41</sup> Reconsideration Request, paragraph 3.33.

<sup>42</sup> Reconsideration Request, paragraphs 3.36 to 3.49.

<sup>43</sup> Reconsideration Request, paragraphs 3.50 to 3.54.

- (c) The OIS CPS segment in the Union is characterised by low barriers to entry and expansion, as evidenced by concrete data on the successful entry and expansion of multiple OIS CPSs, including some with similarly varied offerings as the types of listings on Marketplace.<sup>44</sup>

## **5. ASSESSMENT OF META’S RECONSIDERATION REQUEST**

### **5.1. Additional measures taken by Meta allegedly showing that Marketplace is an end user-facing C2C platform**

- (30) The Commission acknowledges Meta’s December 2023 Changes and January 2024 Adjustments aimed at enforcing its “no business users” policy, including the fact that for the first time Meta not only polices its commercial terms and conditions through quantitative criteria, but also through qualitative criteria, and actively removes users meeting these criteria. It also acknowledges that Meta [monitors and regularly verifies] its “no business users” policy in the long-term, and eventually adapt this [policy] if needed.<sup>45</sup>
- (31) The Commission also acknowledges that Meta has additionally highlighted Marketplace as an exclusively C2C feature in the listing creation process for every new listing which a seller intends to sell on Marketplace, and that Meta has removed the public-facing language which the Designation Decision identified as encouraging business users to continue making listings on Marketplace via their personal profile.
- (32) While the Commission considers that some business users may still be able in practice to list products on Marketplace despite Meta’s additional enforcement measures,<sup>46</sup> it considers that it is not necessary to take a position on whether Marketplace no longer meets the definition of an OIS pursuant to Article 2(5) of Regulation (EU) 2022/1925. This is because the Commission considers that the data provided by Meta in its answer to RFI 3<sup>47</sup> demonstrates that, as a result of its additional enforcement measures and its monitoring, during 2024 there were less than 10 000 users meeting the [...] proxy used by the Commission in the Designation Decision in order to determine the number of yearly active business users of Marketplace.
- (33) The Commission however disagrees that the relevant figure to consider is the “EEA listings” figure, and not the “worldwide listings” figure. Contrary to Meta’s argument, the legal test of the “important gateway” under Regulation

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<sup>44</sup> Reconsideration Request, paragraphs 3.55 to 3.59.

<sup>45</sup> Meta’s RFI 1 answer, paragraphs 7 and 8.

<sup>46</sup> For instance, the fact that [description of restriction criteria] is a prerequisite to be identified [description of restriction criteria] as a business user, might not be sufficient to ensure a widespread and effective removal of business users from Marketplace in the medium term. This is because [description of restriction criteria] might not be sufficient to exclude the usage of Marketplace by business users [description of restriction criteria]. Therefore, [description of restriction criteria] might not, by itself, be sufficient to exclude the commercial use of Marketplace. Similarly, [description of restriction criteria] which serve as the basis for the identification of users [description of restriction criteria] could be improved in order to effectively target potential business users. Indeed, [description of restriction criteria] does not currently cover [elements] which were contained in the screenshots identified in Meta’s Designation Decision, Recital 261, Figure 1 “Examples of listings on Marketplace by business users from a personal profile”, and indicate that the listing is made by a business user.

<sup>47</sup> Meta’s RFI 3 answer, paragraph 8 and Table 2.

(EU) 2022/1925 does not only apply to business users in the Union reaching out to end users in the Union.<sup>48</sup> Article 1(2) of Regulation (EU) 2022/1925 makes clear that this Regulation “*shall apply to core platform services provided or offered by gatekeepers to business users established in the Union or end users established or located in the Union*” (emphasis added). Therefore, to the extent that business users established in the Union list products for sale on Marketplace, it is irrelevant whether these listings are targeted at end users in the Union or also at end users outside of the Union.

- (34) Nevertheless, even when considering business users established in the Union with worldwide listings, there were [less than 10,000] such users in 2024 meeting the [...] proxy used by the Commission in the Designation Decision.<sup>49</sup> The number of Marketplace’s active business users established in the Union significantly decreased in 2024 as a consequence of the additional measures adopted by Meta, and, over the year 2024, has fallen below the threshold of 10 000 active business users established in the Union, as set out in Article 3(2), point (b), of Regulation (EU) 2022/1925. Consequently, that threshold, as well as the criteria set out in Article 3(2), point (c), of Regulation (EU) 2022/1925, which requires that the thresholds in point (b) of that provision are met in each of the last three financial years, are no longer met for Marketplace.
- (35) In view of this, the Commission considers that, while some business users may still be able in practice to list products on Marketplace, despite Meta’s additional enforcement measures, Meta has demonstrated a substantial change in the facts on which the Designation Decision was based, and which is capable of leading to a change in the Commission’s assessment in the Designation Decision. Considering the facts and circumstances of this case, in particular the additional enforcement and monitoring measures adopted by Meta, in December 2023 and January 2024, against breaches of its EEA Commerce Products Disclosure Terms, this change in the number of active yearly business users of Marketplace warrants removing Marketplace from the list of CPSs provided by Meta which are an important gateway for business users to reach end users, pursuant to Article 3(9) of Regulation (EU) 2022/1925, as Marketplace should no longer be considered as an important gateway for business users to reach end users within the meaning of Article 3(1), point (b), of Regulation (EU) 2022/1925.

## **5.2. Additional economic evidence allegedly demonstrating that Marketplace is not an “important gateway” for businesses to reach end users**

- (36) The Commission considers, in light of its findings in Section 5.1, that Meta has demonstrated a change in the facts capable of leading to a change in the assessment in the Designation Decision which would warrant removing Marketplace from the list of CPSs provided by Meta that are an important gateway for business users to reach end users, pursuant to Article 3(9) of Regulation (EU) 2022/1925. Therefore, it is not necessary to assess Meta’s additional economic evidence aimed at demonstrating that Marketplace is not an important gateway for businesses to reach end users, since such evidence was only submitted by Meta in subsidiary order in case the Commission would

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<sup>48</sup> Meta’s RFI 3 answer, paragraph 6.

<sup>49</sup> Meta’s RFI 3 answer, paragraph 8 and Table 2.

consider that, despite the additional facts discussed in Section 5.1 above, Marketplace is an OIS CPS meeting the quantitative threshold in Article 3(2), point (b) and in Article 3(2), point (c) of Regulation (EU) 2022/1925.

## **6. CONCLUSION**

- (37) Taking into consideration Meta's additional enforcement and monitoring measures, introduced in December 2023 and January 2024, against breaches of its EEA Commerce Products Disclosure Terms, as described above, the Commission concludes that Meta has demonstrated a change in the facts capable of leading to a change in the Commission's assessment in the Designation Decision. This change in the facts and the absence of other information, available to the Commission, that would contradict them warrants an amendment of the Designation Decision removing Marketplace from the list of CPSs provided by Meta which are an important gateway for business users to reach end users, pursuant to Article 3(9) of Regulation (EU) 2022/1925.

HAS ADOPTED THIS DECISION:

### *Article 1*

Meta's online intermediation service Marketplace is no longer an important gateway for business users to reach end users within the meaning of Article 3(1), point (b), of Regulation (EU) 2022/1925.

### *Article 2*

- (a) Article 2, point (f) of Commission Decision C(2023) 6105 final of 5 September 2023 is repealed.

### *Article 3*

This Decision is addressed to Meta Platforms, Inc., 1601 Willow Road, Menlo Park, California 94025, United States of America.

Done at Brussels, 23.4.2025

*For the Commission*

*Signed*

*Henna VIRKKUNEN*

*Executive Vice-President*