



Judgment of the General Court of 20 December 2023 — TEAG v Commission
(Case T-56/21) ⁽¹⁾

(Competition — Concentrations — German electricity and gas markets — Decision declaring a concentration compatible with the internal market — Obligation to state reasons — Concept of 'single concentration' — Right to effective judicial protection — Right to be heard — Definition of the market — Period of analysis — Assessment of the effects of the transaction on competition — Manifest errors of assessment — Undertakings — Duty of diligence)

(C/2024/1681)

Language of the case: German

Parties

Applicant: TEAG Thüringer Energie AG (Erfurt, Germany) (represented by: I. Zenke and T. Heymann, lawyers)

Defendant: European Commission (represented by: G. Meessen and J. Szczodrowski, acting as Agents, and T. Funke and A. Dlouhy, lawyers)

Intervenors in support of the defendant: E.ON SE (Essen, Germany) (represented by: C. Grave, C. Barth and D.-J. dos Santos Goncalves, lawyers), RWE AG (Essen) (represented by: U. Scholz, J. Ziebarth and J. Siegmund, lawyers)

Re:

By its action under Article 263 TFEU, the applicant seeks the annulment of Commission Decision C(2019) 6530 final of 17 September 2019 declaring a concentration to be compatible with the internal market and the EEA Agreement (Case M.8870 — E.ON/Innogy).

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders TEAG Thüringer Energie AG to bear its own costs and to pay those incurred by the European Commission, E.ON SE and RWE AG.

⁽¹⁾ OJ C 138, 19.4.2021.