

In particular, the defendant failed to properly define the market. In addition, the defendant had based its assessment of the effects of the transaction on an incorrect scope of assessment and had incorrectly assessed RWE's incentives created by the transaction to deliberately withhold generation capacities. In this respect, the defendant came to the incorrect conclusion that the merger could be examined separately and that it had no adverse effects on Community-wide competition.

(¹) Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings (OJ 2004 L 24, p. 1).

Action brought on 27 May 2020 — enercity v Commission

(Case T-321/20)

(2020/C 247/53)

Language of the case: German

Parties

Applicant: enercity AG (Hannover, Germany) (represented by: C. Schalast, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the defendant's decision of 26 February 2019 (Case M.8871);
- join the proceedings within the meaning of Article 68(5) of the Rules of Procedure of the Court with actions concerning the same order M.8871, which, because of the substantive link, are cumulative and form a single decision terminating the proceedings;
- order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

The action is based on two pleas in law which are essentially identical or similar to those put forward in Case T-320/20, *Mainova v Commission*.

Action brought on 27 May 2020 — Stadtwerke Frankfurt am Main v Commission

(Case T-322/20)

(2020/C 247/54)

Language of the case: German

Parties

Applicant: Stadtwerke Frankfurt am Main Holding GmbH (Frankfurt am Main, Germany) (represented by: C. Schalast, lawyer)

Defendant: European Commission

Form of order sought

The applicant claims that the Court should:

- annul the defendant's decision of 26 February 2019 (Case M.8871);