

- In general, the examination is erroneously limited to the present and ignored the effects for the coming years (e.g. through the increasing generation of green electricity and the phasing-out of coal), so that the defendant is unable to recognise whether there is a threat of lasting damage to competition.
3. Third plea in law, alleging that the defendant made a manifest error of assessment of the merger as being compatible with competition, partly as a result of its inadequate investigation
- The defendant incorrectly failed to assess the fact that E.ON is permanently eliminated as a competitor of RWE;
  - The defendant failed to recognise that the division of the value added stages of the energy sector between E.ON and RWE, which was agreed in connection with the overall merger, constituted a restriction of competition and was not compatible with Article 101 TFEU;
  - The defendant incorrectly classifies the increase in RWE's market power in the initial sales market as unobjectionable;
  - Finally, the decision erroneously fails to take account of the anticompetitive effects resulting from the elimination of E.ON as a competitor in the generation and wholesale trading of electricity from renewable energy sources and the provision of system services such as balancing energy.

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**Action brought on 27 May 2020 — Stadtwerke Leipzig v Commission**

(Case T-313/20)

(2020/C 247/48)

*Language of the case: German*

**Parties**

*Applicant:* Stadtwerke Leipzig GmbH (Leipzig, Germany) (represented by: I. Zenke and T. Heymann, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- annul the defendant's decision of 26 February 2019 declaring the merger 'RWE/E.ON Assets' compatible with the common market (Case M.8871) (OJ 2020 C 111, p. 1);
- order the defendant to pay the costs.

**Pleas in law and main arguments**

The action is based on three pleas in law, which are essentially identical or similar to those put forward in Case T-312/20, *EVH v Commission*.

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**Action brought on 27 May 2020 — GWS Stadtwerke Hameln v Commission**

(Case T-314/20)

(2020/C 247/49)

*Language of the case: German*

**Parties**

*Applicant:* GWS Stadtwerke Hameln GmbH (Hameln, Germany) (represented by: I. Zenke and T. Heymann, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- annul the decision of the defendant of 26 February 2019 declaring the merger ‘RWE/E.ON Assets’ compatible with the common market (Case M.8871) (OJ 2020 C 111, p. 1);
- order the defendant to pay the costs.

**Pleas in law and main arguments**

The action is based on three pleas in law which are essentially identical or similar to those put forward in Case T-312/20, *EVH v Commission*.

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**Action brought on 27 May 2020 — TEAG v Commission****(Case T-315/20)**

(2020/C 247/50)

*Language of the case: German***Parties**

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

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- annul the defendant’s decision of 26 February 2019 declaring the merger ‘RWE/E.ON Assets’ compatible with the internal market, Case M.8871 (OJ 2020 C 111, p. 1);
- order the defendant to pay the costs.

**Pleas in law and main arguments**

The action is based on three pleas in law which are essentially identical or similar to those put forward in Case T-312/20, *EVH v Commission*.

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**Action brought on 27 May 2020 — Naturstrom v Commission****(Case T-316/20)**

(2020/C 247/51)

*Language of the case: German***Parties**

*Applicant:* Naturstrom AG (Düsseldorf, Germany) (represented by: I. Zenke and T. Heymann, lawyers)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- annul the defendant’s decision of 26 February 2019 declaring the merger ‘RWE/E.ON Assets’ compatible with the common market (Case M.8871) (OJ 2020 C 111, p. 1);