

- order the defendant to produce the M.8870 and M.8871 files concerning (i) the discussions between the defendant and the merging parties before and during the merger proceedings, (ii) the separate notification of the individual parts of the transaction, and (iii) its change of opinion during the proceedings;
- order the defendant to pay the costs of the proceedings, including the applicant's lawyers' and travel costs incurred as a result of the proceedings.

Pleas in law and main arguments

In support of the action, the applicant relies on three pleas in law which are, in essence, identical or similar to those raised in Case T-53/21, *EVH v Commission*.

Action brought on 29 January 2021 — GWS Stadtwerke Hameln v Commission

(Case T-58/21)

(2021/C 138/50)

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 defendant's decision of 17 September 2019 declaring the merger of E.ON/Innogy to be compatible with the internal market, (Case M.8870) (OJ 2020 C 379, p. 16);
- order the defendant to provide the M.8870 and M.8871 files concerning (i) the discussions between the defendant and the merging parties before and during the merger proceedings, (ii) the separate notification of the individual parts of the transaction, and (iii) its change of opinion during the proceedings;
- order the defendant to pay the costs of the proceedings, including the legal and travel-related costs incurred by the applicant during the proceedings.

Pleas in law and main arguments

In support of the action, the applicant relies on three pleas in law which are, in essence, identical or similar to those raised in Case T-53/21, *EVH v European Commission*.

Action brought on 29 January 2021 — eins energie in sachsen v Commission

(Case T-59/21)

(2021/C 138/51)

Language of the case: German

Parties

Applicant: eins energie in sachsen GmbH & Co. KG (Chemnitz, Germany) (represented by: I. Zenke and T. Heymann, lawyers)

Defendant: European Commission