



PRESS RELEASE No 41/26

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Judgments of the Court in Joined Cases C-171/24 P to C-177/24 P | *EVH and Others v Commission* and in Joined Cases C-178/24 P and 179/24 P | *Mainova and Others v Commission*

The Court of Justice confirms, as the General Court did previously, the Commission's approval of the acquisition of the distribution and retail energy business as well as certain generation assets of Innogy by E.ON

In March 2018, the German energy companies RWE and E.ON, which are active in several European countries, announced that they wanted to engage in a complex asset swap by means of three concentration operations.

By the first operation, RWE wished to acquire sole or joint control over certain generation assets of E.ON. The second concentration operation consisted in E.ON's acquisition of sole control over the distribution and retail energy business, as well as certain generation assets of Innogy, a subsidiary of RWE. By the third concentration operation, RWE would acquire 16.67% of E.ON's shares.

The first and second concentration operations were reviewed and authorised by the European Commission,¹ while the third concentration operation was reviewed and authorised by the German Federal Competition Authority.

Eleven German municipal authorities challenged the two Commission approval decisions before the General Court of the European Union.

By judgments of 17 May 2023, the General Court dismissed the actions challenging the approval of the first operation (RWE's purchase of E.ON's generation assets), some on the substance and others on grounds of inadmissibility.² The General Court observed that an asset swap between independent undertakings did not constitute a 'single concentration'. It also held that the Commission had not made any manifest errors in its assessment of the compatibility of that first concentration with EU competition law.

Next, by judgments of 20 December 2023, the General Court dismissed the actions of the municipal authorities challenging the approval of the second concentration operation (E.ON's acquisition of the distribution and retail energy business as well as certain generation assets of Innogy).³ The General Court again confirmed that an asset swap between independent undertakings did not constitute a 'single concentration.' Nor had the Commission made any manifest errors in its assessment of the compatibility of that second concentration with EU competition law.

Nine of the 11 municipal authorities brought appeals before the Court of Justice against the judgments of the General Court of 17 May and 20 December 2023.⁴

By judgments of 26 June 2025, the Court of Justice ultimately confirmed, like the General Court, the Commission's approval of the first concentration (RWE's purchase of E.ON's generation assets).⁵

By its judgments of today, the Court of Justice dismisses the appeals against the judgments of the General Court of 20 December 2023 concerning the Commission's approval of the second concentration (E.ON's acquisition of the distribution and retail energy business as well as certain generation assets of Innogy) and thus, like the General

Court, also confirms that approval.

In particular, the Court confirms that the three concentrations as a whole do not constitute a 'single concentration'. They do not involve several intermediate transactions carried out in order for control over one or more undertakings to be gained by the same undertaking or undertakings.

Municipal authority	Actions before the General Court concerning the first concentration operation	Appeals before the Court of Justice against the judgments of the General Court relating to the first concentration operation	Actions before the General Court concerning the second concentration operation	Appeals before the Court of Justice against the judgments of the General Court relating to the second concentration operation
EVH	T-312/20	C-464/23 P	T-53/21	C-171/24 P
Stadtwerke Leipzig	T-313/20	C-465/23 P	T-55/21	C-172/24 P
Stadtwerke Hameln Weserbergland	T-314/20	C-466/23 P	T-58/21	C-174/24 P
TEAG	T-315/20	C-467/23 P	T-56/21	C-173/24 P
Naturstrom	T-316/20	--	T-60/21	--
EnergieVerbund Dresden	T-317/20	C-468/23 P	T-61/21	C-176/24 P
eins energie in sachsen	T-318/20	C-469/23 P	T-59/21	C-175/24 P
GGEW	T-319/20	C-470/23 P	T-62/21	C-177/24 P
Mainova	T-320/20	C-484/23 P	T-64/21	C-178/24 P
enercity	T-321/20	C-485/23 P	T-65/21	C-179/24 P
Stadtwerke Frankfurt am Main	T-322/20	--	T-63/21	--

NOTE: An appeal, on a point or points of law only, may be brought before the Court of Justice against a judgment or order of the General Court. In principle, the appeal does not have suspensive effect. If the appeal is admissible and well founded, the Court of Justice sets aside the judgment of the General Court. Where the state of the proceedings so permits, the Court of Justice may itself give final judgment in the case. Otherwise, it refers the case back to the General Court, which is bound by the decision given by the Court of Justice on the appeal.

Unofficial document for media use, not binding on the Court of Justice.

The full text and, as the case may be, an abstract of the judgments ([C-171/24 P to C-177/24 P](#) and [C-178/24 P and 179/24 P](#)) are published on the CURIA website on the day of delivery.

Press contact: Jacques René Zammit ☎ (+352) 4303 3355.

Images of the delivery of the judgment are available on 'Europe by Satellite' ☎ (+32) 2 2964106.

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¹ Decision C(2019) 1711 final of 26 February 2019 declaring a concentration compatible with the internal market and the EEA Agreement (Case M.8871 – *RWE/E.ON Assets*) and Commission Decision C(2019) 6530 final of 17 September 2019 declaring a concentration to be compatible with the internal market and the functioning of the EEA Agreement (Case M.8870 – *E.ON/Innogy*) (see also Commission press releases [IP/19/1432](#) and [IP/19/5582](#)).

² Judgments of the General Court of 17 May 2023, *EVH v Commission*, [T-312/20](#), *Stadtwerke Leipzig v Commission*, [T-313/20](#), *Stadtwerke Hameln Weserbergland v Commission*, [T-314/20](#), *TEAG v Commission*, [T-315/20](#), *Naturstrom v Commission*, [T-316/20](#), *EnergieVerbund Dresden v Commission*, [T-317/20](#), *eins energie in sachsen v Commission*, [T-318/20](#), *GGEW v Commission*, [T-319/20](#), *Mainova v Commission*, [T-320/20](#), *enercity v Commission*, [T-321/20](#) and *Stadtwerke Frankfurt am Main v Commission*, [T-322/20](#) (see also press releases Nos [81/23](#) and [82/23](#)).

³ Judgments of the General Court of 20 December 2023, *EVH v Commission*, [T-53/21](#), *Stadtwerke Leipzig v Commission*, [T-55/21](#), *TEAG v Commission*, [T-56/21](#), *Stadtwerke Hameln Weserbergland v Commission*, [T-58/21](#), *eins energie in sachsen v Commission*, [T-59/21](#), *Naturstrom v Commission*, [T-60/21](#), *EnergieVerbund Dresden v Commission*, [T-61/21](#), *GGEW v Commission*, [T-62/21](#), *Stadtwerke Frankfurt am Main v Commission*, [T-63/21](#), *Mainova v Commission*, [T-64/21](#), and *enercity v Commission*, [T-65/21](#) (see also press release No [197/23](#)).

⁴ See table above.

⁵ Judgments of the Court of 26 June 2025 in joined cases *EVH and Others v Commission*, [C-464/23 P](#), [C-465/23 P](#), [C-467/23 P](#), [C-468/23 P](#) and [C-470/23 P](#), and in *Stadtwerke Hameln Weserbergland v Commission*, [C-466/23 P](#), *eins energie in sachsen v Commission*, [C-469/23 P](#), *Mainova v Commission*, [C-484/23 P](#), and *enercity v Commission*, [C-485/23 P](#) (see also press release No [77/25](#)).