

The Banking Union and Union Courts: overview of cases as at 1 June 2018 (public sources)

Introduction

This list seeks to enhance the transparency of the cases pending before, or decided by, the Union Courts in the area of the EU banking union and to offer a tool to academics and practitioners to search these cases. (Occasionally, proceedings before Member State constitutional courts may be included.) The information is taken from the [Curia website](#) and from the [Official Journal of the European Union](#). (Occasionally, references to other sources are included.) Where possible, hyperlinks to EU legal acts, notably to the [Single Rulebook](#), are provided.

Banking union in the **Euro Area (EA)** is the term used for the attribution of supervision and resolution competences over banks (**credit institutions**) to the **European Union (EU)** level – powers which, previously, were exercised at national (i.e., Member State) level. Banking union consists of three elements: the **Single Supervisory Mechanism (SSM)**, effective as of 4 November 2014; the **Single Resolution Mechanism (SRM)**, effective as of 1 January 2016; and a single deposit insurance system, which has been proposed and is pending in the legislative process (**European Deposit Insurance Scheme**, or EDIS). The **Single Rulebook**, largely applying to the supervision of **credit institutions** in the entire EU, underpins the actions of the supervisory and resolution authorities, notably the **European Central Bank (ECB)** and the **Single Resolution Board (SRB)**.

The list below focuses on judicial proceedings concerning banking union, as it seeks to enhance the transparency of the latter's functioning and of the review of decision-making by its authorities. Readers should note that administrative and judicial review of legal acts adopted by the European Supervisory Authorities – the **European Banking Authority (EBA)**, the **European Securities and Markets Authority (ESMA)** and the **European Insurance and Occupational Pensions Authority (EIOPA)** – , which work EU-wide, are not included here.

Disclosure and disclaimer

Every effort has been undertaken to provide accurate information at the moment of publication. Nevertheless, no responsibility can be accepted for any errors or omissions.

René Smits is an Alternate Member of the **Administrative Board of Review (ABoR)**, which independently reviews prudential decisions of the **European Central Bank (ECB)**. In this capacity, he may have been involved in cases which subsequently reach the Court in Luxembourg included in this list. He is a part-time Professor of the Law of the Economic and Monetary Union (EMU) at the University of Amsterdam and a consultant on EMU law and EU financial sector regulation. **Federico Della Negra** is a supervisor in the LSI Crisis Management and Authorisations Section of the Directorate General Microprudential Supervision III of the ECB and a PhD in Law at the European University Institute. It is in our academic capacities that we have worked on this list. Neither the ECB nor the SSM is involved. Naturally, the Court of Justice is not responsible for this list either.

Comments and suggestions are welcome (rs@renesmits.eu or Federico.Della@EUI.eu).

1. Actions for annulment against ECB supervisory decisions

Please note that actions against the ECB and actions against the Commission on the resolution of Banco Popular are entered under the section devoted to the proceedings against the SRB.

No.	Case
1.	<p>Case T-122/15, <i>Landeskreditbank Baden-Württemberg – Förderbank v ECB</i>,</p> <p>[challenging qualification as a significant bank under the SSM; post-ABoR proceedings] Judgment of 16 May 2017; ECLI:EU:T:2017:337. Press release Court No 54/17: here. Appeal: Case C-450/17 P</p>
2.	<p>Case T-712/15, <i>Crédit Mutuel Arkéa v ECB</i></p> <p>[challenging an ECB SREP decision of 5 October 2015 – issue: ECB competence (“conditions permitting consolidated supervision at the level of <i>Crédit Mutuel</i> as a whole have not been met”) and the governance structure of the group] Judgment of 13 December 2017; ECLI:EU:T:2017:900. Press release Court No 135/17: here.</p> <p>The judgments in Cases T-712/15 and T-52/16 are summarised, and the seven most important points derived from them identified, in a short note by René Smits. Appeal pending: Case C-152/18 P, <i>Crédit mutuel Arkéa v ECB</i>, <i>pending</i></p>
3.	<p>Case T-52/16, <i>Crédit Mutuel Arkéa v ECB</i></p> <p>[challenging an ECB SREP decision of 4 December 2015 – issue: ECB competence and the governance structure of the group; pleas essentially identical or similar to those in Case T-712/15] Judgment of 13 December 2017 ECLI:EU:T:2017:902 Press release Court No 135/17: here.</p> <p>The judgments in Cases T-712/15 and T-52/16 are summarised, and the seven most important points derived from them identified, in a short note by René Smits. Appeal pending: Case C-152/18 P, <i>Crédit mutuel Arkéa v ECB</i>, <i>pending</i></p>
4.	<p>Case T-22/16, <i>Comprojecto-Projectos e Construções and Others v ECB</i>, <i>closed</i></p> <p>[complaint against lack of action against Banco de Portugal’s handling of supervision and alleged illegal conduct in respect of IC Millennium/BCP Bank in Portugal]</p> <p>Order of 9 March 2017 rejecting the claim as inadmissible; ECLI:EU:T:2017:172.</p> <p>See also case no. 20 below: Case T-768/17, <i>Comprojecto-Projectos e Construções and Others v ECB</i></p>
5.	<p>Case T-133/16, <i>Caisse régionale de crédit agricole mutuel Alpes Provence v ECB</i></p> <p>[alleged misconstruction of Article 13 CRD IV (<i>Effective direction of the business and place of the head office</i>) and of Articles L 511-13 (four eyes principle) and L 511-52 (sufficient time allocation requirement for directors of a credit institution) of the French <i>Code monétaire et financier</i>; infringement of Articles 13 and 88 (<i>Governance</i>)</p>

	<p>arrangements) CRD IV, and of Article L 511-58 of the French <i>Code monétaire et financier</i> (on the cumulative functions of the Chair and the CEO) in an ECB decision of 29 January 2016]</p> <p>Hearing held on 23 October 2017</p> <p>Judgment of 24 April 2018 in Joined Cases Tâ€™133/16 to Tâ€™136/16 (<i>Caisse régionale de crédit agricole mutuel Alpes Provence, Caisse régionale de crédit agricole mutuel Nord Midi-Pyrénées, Caisse régionale de crédit agricole mutuel Charente-Maritime Deux-Sèvres, Caisse régionale de crédit agricole mutuel Brie Picardie v ECB</i>). ECLI:EU:T:2018:219</p> <p>Summary by René Smits</p>
6.	<p>Case T-134/16, <i>Caisse régionale de crédit agricole mutuel Nord Midi-Pyrénées v ECB</i></p> <p>[issues as in Case T-133/16; judgment of 24 April 2018; see under 5]</p>
7.	<p>Case T-135/16, <i>Caisse régionale de crédit agricole mutuel Charente-Maritime Deux-Sèvres v ECB</i>,</p> <p>[issues as in Case T-133/16; judgment of 24 April 2018; see under 5]</p>
8.	<p>Case T-247/16, <i>Trasta Komercbanka and others v ECB</i>, <i>pending</i></p> <p>[for issues, see subsequent case]</p> <p>Order of 12 September 2017 rejecting the claim of <i>Trasta Komercbanka</i> as inadmissible and upholding the shareholders’ claim as admissible; ECLI:EU:T:2017:623; The Order on admissibility is under threefold appeal: by the ECB (Case C-663/17 P), by the Commission (Case C-665/17 P) and by <i>Trasta Komercbanka</i> (Case C-669/17 P). (Case T-247/16 now named: <i>Fursin and Others v ECB</i>).</p> <p>The appeal grounds are summarized here.</p>
9.	<p>Case T-698/16, <i>Trasta Komercbanka and others v ECB</i>, <i>pending</i></p> <p>[in each case, six pleas against withdrawal of license from a Latvian bank alleging, inter alia, that the ECB violated Article 24 SSM Regulation in connection with ABoR’s review of an earlier decision, relied on inaccurate documents submitted by the Latvian supervisory authority and violated the principles of proportionality (alternative measures allegedly available), equal treatment, legitimate expectations and legal certainty, committed <i>détournement de pouvoir</i>, violated procedural rules relating to the withdrawal of an authorisation (Article 83 SSM Framework Regulation), and violated its independence (recital 19 of the preamble and Article 19 SSM Regulation). See, also, winding-up measure announced pursuant to Directive 2001/24/EC in the Official Journal, C 123/2, 7 April 2016.]</p> <p>For the Order of 12 September 2017 and the subsequent appeals, see the previous case.</p>
10.	<p>Case T-758/16, <i>Crédit Agricole v ECB</i>, <i>pending</i></p> <p>[request for annulment of ECB Decision of 24 August 2016 dismissing the application for authorisation to exclude public-sector exposures from the calculation of the leverage ratio; alleged incorrect assessment of prudential risk associated with regulated savings: <i>Livret A</i>, deposits with the Caisse des Dépôts et Consignations (CDC); incorrect</p>

	<p>application of CRR, rendering Article 429(14) CRR ineffective]</p> <p>Hearing held on 24 April 2018</p>
11.	<p>Case T-768/16, <i>BNP Paribas v ECB</i>, <i>pending</i></p> <p>[issues as in Case T-758/16]</p> <p>Hearing held on 24 April 2018</p>
12.	<p>Case T-757/16, <i>Société générale v ECB</i>, <i>pending</i></p> <p>[issues as in Case T-758/16]</p> <p>Hearing held on 23 April 2018</p>
13.	<p>Case T-751/16, <i>Confédération Nationale du Crédit Mutuel v ECB</i>, <i>pending</i></p> <p>[issues as in Case T-758/16]</p> <p>Order of 16 May 2017 giving Finland leave to intervene in support of the ECB; initially, only non-confidential versions of the acts of the proceedings to be shared with Finland; ECLI:EU:T:2017:361.</p> <p>Hearing held on 24 April 2018</p>
14.	<p>Case T-745/16, <i>BPCE v ECB</i>, <i>pending</i></p> <p>[issues as in Case T-758/16]</p> <p>Hearing held on 23 April 2018</p>
15.	<p>Case T-733/16, <i>Banque Postale v ECB</i>, <i>pending</i></p> <p>[issues as in Case T-758/16]</p>
16.	<p>Case T-913/16, <i>Fininvest and Berlusconi v ECB</i>, <i>pending</i></p> <p>[request for annulment of ECB Decision of 25 October 2016 under Articles 22 and 23 CRD IV and Italian banking law rejecting the acquisition by <i>Finanziaria d'investimento Fininvest S.p.A.</i> of a qualifying holding in Banca Mediolanum because of a tax fraud conviction]</p>
17.	<p>Case T-321/17, <i>Niemelä e a. v ECB</i>, <i>pending</i></p> <p>[applicants Heikki Niemelä and Mika Lehto, Nemea plc, Nevestor SA and Nemea Bank plc request to:</p> <p>(i) annul the ECB's decision of 23 March withdrawing the authorisation of Nemea Bank plc as a credit institution;</p> <p>(ii) suspend the application of the ECB's decision in view the irreparable damage that the immediate and continued application of the decision is alleged to have on Nemea's stakeholders, principally its depositors, employees and shareholders, allowing or otherwise requiring the shareholders of Nemea to divest their holding in the bank;</p> <p>(iii) order the ECB to compensate the applicants: EUR 10 million with legal interest from 23 March 2017, for damage suffered as a result of the decision;</p>

	Applicants allege, <i>inter alia</i> , incorrect and insufficient reasoning, a manifest error of assessment, misuse of powers and failure to respect the proportionality principle.]
18.	<p>Case T-798/17, De Masi and Varoufakis v ECB, <i>pending</i></p> <p>[Claim by Fabio De Masi (MEP for Die Linke, German leftist party) and Yanis Varoufakis (former Greek Minister of Finance) for annulment of the ECB’s decision, notified by letter of 16 October 2017, by which the applicants’ application for access to the ECB document <i>Responses to questions concerning the interpretation of Article 14.4 of the Statute of the ESCB and of the ECB</i> of 23 April 2015 was rejected. Please in law: incorrect application of the second indent of Article 4(2) of Decision ECB/2004/3 of 4 March 2004 on public access to ECB documents (the Access Decision) as, according to applicants publication of the legal opinion in question would not undermine the ECB’s legal advice and that there is an overriding public interest in its disclosure; alleged “lack of consideration” and inadequate reasoning; incorrect application of Article 4(3) of the Access Decision — as, publication of the legal opinion “would not undermine its internal use as part of deliberations and preliminary consultations within the ECB, or for exchanges of views between the ECB and NCBs”.]</p>
19.	<p>Case T-768/17, Comprojecto-Projectos e Construções and Others v ECB, <i>pending</i></p> <p>[See, also, item no. 4 above: a complaint against lack of action against <i>Banco de Portugal</i>’s handling of supervision and alleged illegal conduct in respect of IC Millennium/BCP (<i>Banco Comercial Português</i>) in Portugal. The applicants request annulment of the ECB’s alleged refusal to act, the ECB alleged decision not to initiate infringement proceedings (against the <i>Banco de Portugal</i> or against the credit institution?) and to annul acts by the <i>Banco de Portugal</i> and its officials “who took a position on the complaints and claims presented between 26 June 2013 and 22 April 2015”. They request the General Court to issue a judgment which allows them to proceed against Portuguese public actors (the central bank, the State and the Public Prosecutor’s Office) and request compensation of € 4.6 million against the ECB, to be paid by BCP. The applicants’ claims in law relate to infringement of the obligation to state reasons laid down in Article 41(2)(c) Charter, violation of rights under the Directive 2005/29/EC on unfair commercial practices (Directive 2005/29/EC), breach of the duty of impartiality, misuse of powers and breach of essential procedural requirements by what applicants call the ECB’ “agent”, Banco de Portugal. The claim alleges money laundering, fraud or tax evasion on the part of BCP to the detriment of the EU budget and implies that OLAF, the anti-fraud arm of the Commission, should have been involved. The applicants refer to administrative action brought on 27 October 2015 and currently pending before the <i>Tribunal Administrativo e Fiscal de Sintra</i>.]</p>
20.	<p>Case T-15/18, OCU v ECB, <i>pending</i></p> <p>[request for annulment of the ECB decision of 17 November 2017 dismissing the applicant’s ‘confirmatory application for access to ECB documents’ and for an order for the disclosure of the documents requested, relating to the resolution of <i>Banco Popular Español</i>. The applicant relies on a single plea in law, based on the right to good administration (Article 41(2) of the Charter), namely, in the form of access to documents for the proper exercise of the right of defence.]</p>
21.	<p>Case T-827/17, Aeris Invest v ECB, <i>pending</i></p> <p>[request for annulment of the ECB decisions (ECB LS/MD/17/405, LS/PT/17/406 and LS/MD/17/419) of 7 November 2017 related to confirmatory requests for access to ECB</p>

	<p>documents. In support of the action, the applicant relies upon four pleas in law: (i) the contested decisions infringe Article 4(1)(c) of the ECB Decision of 4 March 2004 on public access to ECB documents (Access Decision) as they deny access to information on the grounds that the documents are confidential documents covered by the principle of professional secrecy applicable to the institutions; (ii) Decision LS/PT/17/406 infringes the second and sixth indents of Article 4(1)(a) of the Access Decision as it states that disclosure of <i>Banco Popular's</i> use of ELA (emergency liquidity assistance) in the days preceding its resolution and of information regarding its liquidity situation and capital ratios could in fact specifically sap the efficiency of the monetary policy and financial stability of the Union or of a Member State; (iii) Decision LS/PT/17/406 and Decision LS/MD/17/419 infringe the first indent of Article 4(2) of the Access Decision by stating that the documents and information requested are commercially sensitive material that could affect the commercial interests of the <i>Banco Popular</i> and <i>Banco Santander</i>; (iv) the ECB has infringed Article 47 of the Charter by denying the applicant access to the documents upon which the ECB based its decision to declare the resolution of <i>Banco Popular</i>.]</p>
22.	<p>Case T-143/18, Société Générale v ECB, <i>pending</i></p> <p>[request for annulment of Article 4 of ECB Decision No ECB/SSM/2017 — O2RNE8IBXP4R0TD8PU41/174 of 19 December 2017 and Article 3 of its Annex A, in so far as it prescribes measures to be taken regarding irrevocable payment commitments in respect of the deposit guarantee schemes or the resolution funds.</p> <p>The applicant relies on four pleas in law: (i) there is no legal basis for the contested decision as the ECB has no jurisdiction to impose a prudential requirement of general scope and has not conducted an individual and detailed assessment of the applicant's situation as required by the applicable legislation; (ii) the contested decision is vitiated by an error of law in that the ECB wrongly interpreted the EU legislation establishing the possibility for credit institutions to use irrevocable payment commitments and, consequently, rendered those provisions ineffective; (iii) the contested decision is vitiated by a manifest error in the assessment of the risks allegedly posed by the irrevocable payment commitments having regard to Article 16 SSM Regulation; (iv) failure to state reasons, in so far as the ECB is, it is claimed, subject to an enhanced obligation to state reasons and the contested decision was inadequately reasoned]</p>
23.	<p>Case T-144/18, Crédit Agricole and others v ECB, <i>pending</i></p> <p>[request for annulment of Article 9 of ECB Decision No ECB/SSM/2017 — 969500TJ5KRTCJQWXH05/380 of 19 December 2017 and Article 3 of its Annex A, in so far as it prescribes measures to be taken regarding irrevocable payment commitments in respect of the deposit guarantee schemes or the resolution funds. The plea in law and main arguments are essentially identical or similar to those relied on in Case T-143/18, <i>Société Générale v ECB</i>]</p>
24.	<p>Case T-145/18, Confédération nationale du Crédit mutuel and others v ECB, <i>pending</i></p> <p>[request for annulment of Article 8 of ECB Decision No ECB/SSM/2017 — 9695000CG7B84NLR5984/207 of 19 December 2017, in so far as it prescribes measures to be taken regarding irrevocable payment commitments in respect of the deposit guarantee schemes or the resolution funds. The pleas in law and main arguments are essentially identical or similar to those relied on in Case T-143/18, <i>Société Générale v ECB</i>]</p>

25.	Case T-146/18 , BPCE and others v ECB, <i>pending</i>
	[request for annulment of Article 4 of ECB Decision No ECB/SSM/2017 — 9695005MSX1OYEMGDF46/338 (taken together with its annex) of 19 December 2017, in so far as it prescribes measures to be taken regarding irrevocable payment commitments in respect of the deposit guarantee schemes or the resolution funds. The pleas in law and main arguments are essentially identical or similar to those relied on in Case T-143/18, <i>Société Générale v ECB</i>]
26.	Case T-149/18 , Arkéa Direct Bank and others v ECB, <i>pending</i>
	[request for annulment of Article 8 of ECB Decision No ECB/SSM/2017 — 9695000CG7B84NLR5984/207 of 19 December 2017, in so far as it prescribes measures to be taken regarding irrevocable payment commitments in respect of the deposit guarantee schemes or the resolution funds. The pleas in law and main arguments are essentially identical or similar to those relied on in Case T-143/18, <i>Société Générale v ECB</i>]
27.	Case T-150/18 , BNP Paribas v ECB, <i>pending</i>
	[request for partial annulment of Article 9 of ECB Decision No ECB/SSM/2017 — ROMUWSFPU8MPRO8K5P83/248 of 19 December 2017 in so far as it imposes a deduction from the irrevocable payment commitments subscribed with the Single Resolution Fund (SRF), national resolution funds and national Common Equity Tier I deposit guarantee schemes, on an individual, sub-consolidated and consolidated basisThe applicant relies on four pleas in law: (i) the contested decision lacks a legal basis in that the ECB made use of its supervisory powers to impose a measure of general scope that falls within the competence of the legislature and exceeded its powers under Article 4(1)(f) and Article 16 SSM Regulation; (ii) the contested decision is vitiated by an error of law in that the ECB made an interpretation contrary to the legislative intent of the EU legislation authorising credit institutions to use irrevocable payment commitments in order to fulfil part of their obligations vis-à-vis the national resolution funds, the SRF and the national deposit guarantee schemes, thus rendering the relevant provisions ineffective. The ECB, it is claimed, also based its decision on a misreading of the EU and national legal transposition framework applicable to irrevocable payment commitments; (iii) breach of the principle of proportionality; (iv) the contested decision is based on an error of assessment and infringes the principle of good administration]
28.	Case T-203/18 , VQ v ECB, <i>pending</i>
	[request for annulment of the decision of 14 March 2018 by which the ECB imposed a penalty of EUR 1 600 000 on the applicant, a credit institution under the supervision of the ECB, for having repurchased its own shares in the period between 1 January 2014 and 7 November 2016 without prior permission and ordered the publication of this decision on its website. The applicant relies on the alleged absence of an infringement for the relevant period as the capital conservation buffer, which is governed by Article 129 of the CRD IV , was not in force nor determined until afterwards and therefore claims that the ECB breached Article 18(1) of the SSM Regulation and Article 49(1) of the Charter by imposing an administrative pecuniary penalty in the absence of a directly applicable rule of EU and national law. The applicant also alleges breach of Article 132(1)(b) of the SSM Framework Regulation , as the contested decision orders the publication of the administrative pecuniary penalty on a non-anonymised basis and claims that Article 18(6) of the SSM Regulation is unlawful as it prescribes publication of an administrative pecuniary penalty even if the

applicant intends to bring a court action against it. On 26 March 2018, the applicant made an application for interim measures requesting the President of the Court to suspend the publication of the decision, or, alternatively, to suspend its publication without anonymization of the applicant's name and all other measures necessary to protect its rights until the Court adjudicates on the action for annulment. Following the question of the President of the General Court of 28 March 2018, the ECB replied on 11 April 2018 that it would not publish the contested decision during the interlocutory proceedings].

Order of 3 May 2018 dismissing the application for interim measures for lack of urgency [ECLI:EU:T:2018:261](#)

2. Actions for failure to act against the ECB

Please note that actions against the ECB and actions against the Commission on the resolution of Banco Popular are entered under the section devoted to the proceedings against the SRB.

No.	Case
1.	<p>Case T-641/17, <i>Ferri v ECB</i>, <i>closed</i></p> <p>[The applicant claims that the Court should declare that there has been a failure to carry out supervisory duties initiated by the note of 24 March 2017 for which, following an exchange of correspondence, the competent department of the ECB stated that it was not required to make provision, claiming that the issue relates to both self-protection and supervisory duties with regard to the adoption of standards for monitoring the conduct of Italian banks. Applicant claims that the ECB has not performed the supervisory duties incumbent on it with reference to the following: (i) failure promptly to enact the provisions implementing and subsequently to apply Legislative Decree No 385/1993 following on from the aforementioned failure by <i>Banca d'Italia</i> to enact those implementing provisions; (ii) failure to order <i>Banca d'Italia</i> to initiate an adaptation of the legislation governing litigation in relation to the application of penalties; (iii) failure to monitor the suitability of the criteria for assessing the efficiency of the banking system, which are currently clearly framed in relation to very complex and highly-structured banking institutions, and give no indication that they are flexible or in fact suitable; (iv) unreliability of the criteria for assessing the appropriateness of Banca di Credito Cooperativo di Frascati's activities, given that those criteria have clearly been designed and structured to provide an assessment of the appropriateness of a complex and highly-structured banking mechanism.]</p> <p>Order of 28 February 2018 removing the case from the register due to the plaintiff's withdrawal of its application. Consequently, the Court decided that there is no need to rule on Banca d'Italia's claim in support of the ECB. ECLI:EU:T:2018:113</p>

3. Actions for annulment against SRB decisions

There are a very high number of cases pending against the Single Resolution Board (SRB). These judicial cases come on top of **administrative review proceedings against the SRB, that this list does not encompass**. The reader is referred to the SRB Appeal panel [website](#). Several of these review

cases also concern the resolution of Banco Popular; see, notably: *case 39-17*. The judicial proceedings against the SRB mainly concern ex-ante contributions to the Single Resolution Fund (SRF), levied by the SRB, and the resolution of Banco Popular, a Spanish credit institution. Cases 1-14 below pertain to contributions to the SRF; the other cases all concern the resolution of Banco Popular.

The pending cases on the resolution of Banco Popular can be distinguished in different classes. All cases concern the SRB Decision of 7 June 2017 (SRB/EES/2017/08) (*'SRB Decision'*) adopting a resolution scheme for *Banco Popular Español S.A.* (*'Banco Popular'*). Where relevant, proceedings concern the Commission Decision (EU) 2017/1246 of 7 June 2017 endorsing the resolution scheme for Banco Popular Español S.A. (*'Commission Decision'*). Where the ECB is concerned, the proceedings concern its Failing or Likely to Fail assessment adopted on 6 June, a *public version* of which is available at the Banking Supervision website.

Information on the judicial proceedings against the SRB slowly gets into the public realm, with each successive entry in the Official Journal (C-series) and/or on the Curia website. The great number of cases leads us to publish an updated list now, with information up-to-date as of 1 June 2018. This implies that, for some cases on the list of proceedings against the SRB, no information is provided beyond the case number and the parties. A future update of the list will provide more.

Footnotes are explained at the bottom of the page.

As of Case 16, the proceedings in this part of the list all concern the *Banco Popular*.

In order to enhance the transparency of this long list of cases on the resolution of **Banco Popular** we apply colour coding.

There are cases against the SRB alone [colour: orange], while other have been instituted also against other defendants, i.e., European Commission and/or the European Central Bank [colour code: red].

In most cases the applicant requests annulment of the SRB Decision (and/or the Commission Decision) but, in several, there is an additional request for compensation of damages [colour code: light blue] (i.e., request for annulment, or for annulment and compensation). Where the request for annulment of the SRB Decision (and/or the Commission Decision) is accompanied by a request for a new calculation (i.e., request for doing the resolution procedure again and better, this time, in terms of outcome for the applicant), the case is classified as one requesting compensation.

Finally, there are proceedings in which a request is submitted for the annulment of provisions of the SRM Regulation. The applicant requests the General Court to declare SRM Regulation provisions null and void as being incompatible with higher Union law. [colour code: yellow]

Cases for which no information is as yet available except their number and the parties, are shaded grey.

Please note that actions against the ECB and actions against the Commission on the resolution of Banco Popular are entered under the section devoted to the proceedings against the SRB.

No.	Case	Colour Code
1.	<p data-bbox="288 273 790 309">Case T-365/16, <i>Portigon v SRB</i>, <i>pending</i></p> <p data-bbox="288 353 1222 1193">[request for annulment of the SRB Decisions underpinning the notices by which, on 22 April 2016 and on 10 June 2016, the German Federal Agency for Financial Market Stabilisation (<i>Bundesanstalt für Finanzmarktstabilisierung</i>) requested payment by the applicant of annual contributions to the Single Resolution Fund (SRF) for the year 2016 and to order the defendant to produce the decisions referred to in the first paragraph. Applicant relies on seven pleas in law: (i) infringement of the first, second and third subparagraphs of Article 70(2) SRM Regulation in conjunction with Article 8(1)(a) Council Implementing Regulation (EU) 2015/81 and Article 103(7) BRRD; (ii) infringement of Article 16 and Article 20 Charter of Fundamental Rights of the European Union ('Charter'); (iii) in the alternative, infringement of the first, second and third subparagraphs of Article 70(2) SRM Regulation in conjunction with Article 8(1)(a) Council Implementing Regulation (EU) 2015/81 and Article 103(7) BRRD; (iv) in the alternative, infringement of Article 70(6) SRM Regulation in conjunction with Article 5(3) and (4) Delegated Regulation 2015/63; (v) in the alternative, infringement of Article 70(6) SRM Regulation in conjunction with Article 6(8)(a) Delegated Regulation 2015/63; (vi) infringement of Article 41(1) and (2)(a) Charter, as the defendant should have given the applicant a hearing before adopting its decisions; (vii) infringement of Article 41(1) and (2)(c) Charter, as the defendant did not give adequate reasons for its decisions]</p>	
2.	<p data-bbox="288 1202 1018 1238">Case T-323/16, <i>Banco Cooperativo Español v SRB</i>, <i>pending</i></p> <p data-bbox="288 1283 1222 1850">[request for annulment of the SRB Decision of 26 April 2016 regarding the <i>ex ante</i> contributions to the Single Resolution Fund for the year 2016. The applicant relies on two pleas in law: (i) declaration that Article 5(1) Delegated Regulation 2015/63 is inapplicable because it infringes Article 103(7) BRRD, in that it establishes a system of calculation that imposes on an institution with a conservative risk profile an <i>ex ante</i> contribution of an institution with a very high risk profile; infringes Article 16 Charter, in that it unjustifiably restricts the applicant's fundamental right of freedom to conduct a business; infringes the principle of proportionality, in failing to take into consideration the double counting of certain of the applicant's liabilities, thereby generating a manifestly unjustifiable unnecessary and disproportionate restriction. (ii) infringement of the second subparagraph of Article 103(2) BRRD and Article 70 SRM Regulation, interpreted in the light of Article 16 Charter and of the principle of proportionality.]</p>	
3.	<p data-bbox="288 1859 1061 1895">Case T-376/16, <i>Oberösterreichische Landesbank v SRB</i>, <i>closed</i></p> <p data-bbox="288 1939 1222 2078">[request for annulment of the SRB Decision of 20 May 2016 on the adjustment of the 2016 <i>ex-ante</i> contributions to the Single Resolution Fund supplementing the SRB Decision of 15 April 2016 on the 2016 <i>ex-ante</i> contributions of the SRF. Applicant relied on four pleas in law: (i)</p>	

	<p>flagrant breach of essential procedural requirements due to a failure to state reasons; (ii) flagrant breach of essential procedural requirements due to a lack of full disclosure; (iii) insufficient correction of the contribution concerning applicant for the SRF for 2016; (iv) illegality of the non-repayment of the overpaid contribution until 2017.</p> <p>Order of 2 March 2017 for the removal of the case from the register; ECLI:EU:T:2017:141.</p>	
4.	<p>Case T-377/16, <i>Vorarlberger Landes- und Hypothekenbank v SRB</i>, <i>pending</i></p> <p>[request for annulment of the SRB Decision of 20 May 2016 on the adjustment of the 2016 <i>ex-ante</i> contributions to the SRF; in the alternative, annul the SRB Decision of 20 May 2016 on the adjustment of the 2016 <i>ex-ante</i> contributions to the SRF in so far as it orders that the repayment of the overpaid contribution in connection with the setting of the contribution for the SRF should occur in 2017. The pleas in law are similar to the ones in Case T-376/16.]</p>	
5.	<p>Case T-466/16, <i>RW. Bank v SRB</i>, <i>pending</i></p> <p>[request for annulment of the SRB Decision on the applicant's annual contribution to the restructuring fund for the contribution year from 1 January to 31 December 2016. Applicant relies on three pleas in law: (i) infringement of Article 103(2) and (7) BRRD and of Article 70(2) SRM Regulation (ii) infringement of the regulations giving effect to the BRRD and of the SRM Regulation, which are to be interpreted giving preference to auxiliary development business; (iii) in the alternative, the unlawfulness of the regulations giving effect to the BRRD and the SRM Regulation: applicant argues that if an interpretation of the implementing regulations in accordance with the BRRD and the SRM Regulation is not possible, the implementing regulations are, in that respect, unlawful. Consequently, the defendant's decision based on those implementing regulations is also unlawful.]</p>	
6.	<p>Case T-645/16, <i>Vorarlberger Landes- und Hypothekenbank v SRB</i>, <i>pending</i></p> <p>[request for annulment of the SRB Decision of 15 April 2016, at least in so far as that decision concerns applicant. Applicant relies on two pleas in law: (i) flagrant breach of essential procedural requirements by reason of a lack of (full) disclosure of the contested decision; (ii) flagrant breach of essential procedural requirements by reason of an inadequate statement of reasons for the contested decision].</p> <p>Order of 6 February dismissing the request for interim measures for lack of urgency; ECLI:EU:T:2017:62.</p>	
7.	<p>Case T-661/16, <i>Credito Fondiario v SRB</i>, <i>pending</i></p> <p>[request for annulment of the SRB Decision of 15 April 2016 (first decision) and of 20 May 2016 (second decision) which determine the <i>ex-ante</i> contribution to resolution financing arrangements; declare Article 5(1)(f) of the Delegated Regulation 2015/63, on which the contested</p>	

	<p>decisions are based, incompatible with the principles of equal treatment, proportionality and legal certainty recognised by the Charter; declare Annex I to Delegated Regulation 2015/63, on which the contested decisions are based, incompatible with the principles of equal treatment, proportionality and legal certainty recognised by the Charter; declare Delegated Regulation 2015/63, on which the contested decisions are based, incompatible with the principle of freedom to conduct a business recognised by the Charter.</p> <p>Applicant relies on seven pleas in law; (i) failure to notify the first and second decision; (ii) infringement of the second paragraph of Article 296 TFEU for failure to state reasons and infringement of the rule <i>audi alteram partem</i> in respect of decisions relating to <i>ex ante</i> contributions; (iii) incorrect application of Article 5(1)(f) Delegated Regulation 2015/63; (iv) infringement of Article 4(1) and Article 6 Delegated Regulation 2015/63; (v) infringement of Articles 20 and 21 Charter; (vi) infringement of the principle of proportionality and legal certainty; (vii) infringement of Article 16 Charter.]</p>	
8.	<p>Case T-809/16, <i>Vorarlberger Landes- und Hypothekenbank v SRB</i>, <i>pending</i></p> <p>[request for annulment of the SRB Decision of 15 April 2016 on the 2016 <i>ex-ante</i> contributions to the Single Resolution Fund and the SRB Decision of 20 May 2016 on the adjustment of the 2016 <i>ex-ante</i> contributions to the SRF, at least in so far as those decisions concern applicant. Applicant relies on two pleas in law (i) flagrant breach of essential procedural requirements by reason of a lack of (full) disclosure of the contested decisions; (ii) flagrant breach of essential procedural requirements by reason of an inadequate statement of reasons for the contested decisions.]</p>	
9.	<p>Case T-14/17, <i>Landesbank Baden Württemberg v SRB</i>, <i>pending</i></p> <p>[request for annulment of the SRB Decision of 15 April on the 2016 <i>ex-ante</i> contributions to the Single Resolution Fund and the SRB Decision on the adjustment of the 2016 <i>ex-ante</i> contributions to the SRF, in so far as the contested decisions concern the applicant's contribution. Applicant relies on four pleas in law (i) infringement of Article 296(2) TFEU and Article 41(1) and (2)(c) Charter due to a lack of sufficient reasons given for the contested decisions; (ii) infringement of the right to be heard under Article 41(1) and (2)(a) Charter; (iii) infringement of Article 103(7)(h) BRRD, Article 113(7) CRR², the first sentence of Article 6(5) Delegated Regulation 2015/63, Article 16 and 20 Charter and the principle of proportionality due to the application of the multiplier of 0.556 for the IPS (Institutional Protection Scheme) — Indicator; (iv) infringement of Article 16 Charter and the principle of proportionality due to the application of the risk adjustment multiplier.]</p>	
10.	<p>Case T-42/17, <i>VR-Bank Rhein-Sieg v SRB</i>, <i>pending</i></p> <p>[request for annulment of the SRB Decision of 15 April 2016 on the <i>ex-ante</i> contributions to the SRF for 2016 and the SRB Decision of 20 May</p>	

	<p>2016 on the adjustment of the <i>ex-ante</i> contributions to the Single Resolution Fund for 2016, in so far as the contested decisions affect the applicant's contribution. Applicant relies on four pleas in law which are essentially identical or similar to those relied on in Case T-14/17.]</p>	
11.	<p>Case T-411/17, <i>Landesbank Baden-Württemberg v SRB</i>, <i>pending</i></p> <p>[request for annulment of the SRB Decision of 11 April 2017 concerning the calculation of the <i>ex-ante</i> contributions to the SRF for 2017 by alleging breaches of the Charter, notably the duty to state reasons, the right to be heard, the right to effective legal protection and the principle of proportionality. Also, plea of illegality of Delegated Regulation 2015/63 on contributions to the SRF.]</p>	
12.	<p>Case T-414/17, <i>Vorarlberger Landes- und Hypothekenbank v SRB</i>, <i>pending</i></p> <p>[request for annulment of the SRB Decision 11 April 2017 on the calculation of the 2017 <i>ex-ante</i> contributions to the SRF, to the extent that that decision concerns Applicant. Applicant relies on two pleas in law: (i) flagrant breach of essential procedural requirements by reason of incomplete notification of the decision; (ii) flagrant breach of essential procedural requirements by reason of an inadequate statement of reasons.</p>	
13.	<p>Case T-420/17, <i>Portigon v SRB</i>, <i>pending</i></p> <p>[request for annulment of the SRB Decision of 11 April 2017 concerning the calculation of the <i>ex-ante</i> contributions to the SRF for 2017 in particular because a mandatory contribution for institutions under resolution is not provided for under the SRM Regulation and Article 114 TFEU prohibits levying contributions on institutions, such as the applicant, which are resolving their remaining business operations; also the institution allegedly has no risk exposure and is not systemically relevant, and Article 41 of the Charter has allegedly been infringed (right to be heard; motivation).]</p>	
14.	<p>Case T-494/17, <i>Iccrea Banca v Commission and SRB</i>, <i>pending</i></p> <p>[request for annulment of the SRB Decision of 15 April 2016, as well as all subsequent decisions of the SRB on the basis of which the <i>Banca d'Italia</i> seeks contributions to the Single Resolution Fund, and to pay compensation to <i>ICCREA Banca</i> for the damage caused by the SRB when determining contributions in the form of higher rates paid by <i>ICCREA Banca</i>; in the event that the above claims are rejected, declare Article 5(1)(a) and (f) (or, as the case may be, Delegated Regulation 2015/63 in its entirety) invalid, as contrary to the basic principles of equality, non-discrimination and proportionality.</p> <p>Applicant relies on six pleas in law: (i) failure to communicate the measures, infringement of the principle of transparency, infringement and misapplication of Article 15 TFEU and infringement of the principle of the protection of legitimate expectations; (ii) failure to carry out a proper enquiry, error of assessment of the facts, infringement and misapplication of Article 5[(1)](a) Delegated Regulation 2015/63, and infringement of the principles of non-discrimination and sound administration; (iii) failure to</p>	

	<p>carry out a proper enquiry, error of assessment of the facts, infringement and misapplication of Article 5[(1)](a) Delegated Regulation 2015/63, and infringement of the principles of non-discrimination and sound administration in the application of Article 5[(1)](f) Delegated Regulation 2015/63, thereby resulting in double counting; (iv) unlawful conduct of an EU body and claiming non-contractual liability under Article 268 TFEU; (v) in the alternative and incidentally, alleging that Delegated Regulation 2015/63 is in breach of the principles of effectiveness, equivalence and equal treatment and is consequently inapplicable; (vi) infringement of Article 15 TFEU.]</p>	
15.	<p>Case T-62/18, Aeris Invest v SRB, pending</p> <p>[request for annulment of the Appeal Panel of the Single Resolution Board in Case 43/2017 of 28 November 2017 (‘Panel’s Decision’) and Decision SRB/CM01/ARES(2017)4898090 of 6 September 2017. The applicant relies on six pleas in law:</p> <p>(i) Decision SRB/ES/2017/01 on public access to the Single Resolution Board documents (‘Access Decision’) infringes Article 90 SRM Regulation and Article 4 of Regulation No 1049/2001 in that, first, it makes provisions ultra vires concerning the right of access to documents and, second, it creates exceptions to the right of access to documents which are not included in Regulation No 1049/2001.</p> <p>(ii) the Panel’s Decision infringes Article 296 TFEU in that it merely claims, in vague and general terms, that disclosure of the full text of the 2016 Plan, the Resolution Decision and the Valuation Report infringes Article 4(1)(a) and 4(2) Regulation No 1049/2001.</p> <p>(iii) the Panel’s Decision infringes Article 15 TFEU, Article 42 Charter and Article 4(1)(a) Regulation No 1049/2001, in that the resolution policy for credit institutions is not a valid exception for restricting the fundamental right to access to documents, the requirements of Article 4(1)(a) Regulation No 1049/2001 are not met and the valuation of the interests at stake makes it necessary to grant access to the documents requested.</p> <p>(iv) the Panel’s Decision infringes Article 15 TFEU, Article 42 Charter and Article 4(2) Regulation No 1049/2001, in that granting full access to the Resolution Decision, the Valuation Report and the 2016 Plan does not affect the commercial interests of natural and legal persons and in any event, the weighing up of the interests at stake comes down in favour of granting access to the documents.</p> <p>(v) the Panel’s Decision infringes Article 15 TFEU and Article 88 SRM Regulation, by denying access to information which is not protected by professional secrecy provided that there exists no-presumption of confidentiality pursuant to Article 88 SRM Regulation and Article 339 TFEU and (even if a presumption of confidentiality did exist, it would not apply because the documents are being requested for use in the context of</p>	

	<p>legal proceedings.</p> <p>(vi) the Panel's Decision amounts to misuse of power, in so far as it denies the applicant full access to the 2016 Plan claiming that that plan 'is fully covered by the exceptions set out in the third indent of Article 4 (1)(a), Article 4(1)(c) and Article 4(2) Access Decision whereas, in fact, there are credible reasons for believing that the reason for that denial is none other than to hide the mistakes, gaps and shortcomings vitiating that plan.]</p>	
16.	<p>Case T-520/17, <i>Gestvalor 2040 e.a. v SRB</i>, <i>pending</i></p> <p>[request for annulment of the SRB Decision.]</p> <p>Order of 9 October 2017 for partial removal of the parties from the case; ECLI:EU:T:2017:723.</p>	
17.	<p>Case T-473/17 - <i>Jarabo Sancho et Jarsan Centro de Gestion v SRB</i>, <i>closed</i></p> <p>[request for the annulment of the SRB Decision and the production of the reports mentioned in the request.]</p> <p>Order of 27 October 2017 dismissing the claim for manifest inadmissibility; ECLI:EU:T:2017:778.</p> <p>Order of 1 December 2017 ECLI:EU:T:2017:864 rectifying the previous Order (names of judges corrected); ECLI:EU:T:2017:864</p>	
18.	<p>Case T-484/17, <i>Fidesban and Others v SRB²</i>, <i>pending</i></p> <p>[request for annulment of the SRB Decision.]</p>	
19.	<p>Case T-518/17, <i>Olarreaga Marques and Saralegui Reyزابal v SRB³</i>, <i>pending</i></p> <p>[request for annulment of the SRB Decision.]</p>	
20.	<p>Case T-563/17, <i>Gayalex Proyectos v SRB³</i> <i>pending</i></p> <p>[request for annulment of the SRB Decision.]</p>	
21.	<p>Case T-625/17, <i>Vallina Fonseca v SRB³</i>, <i>pending</i></p> <p>[request for annulment of the SRB Decision.]</p>	

22.	<p>Case T-532/17 Coral Venture v SRB³, <i>pending</i></p> <p>[request for annulment of the SRB Decision.]</p>	
23.	<p>Case T-555/17, TW and Others v SRB³, <i>pending</i></p> <p>[request for annulment of the SRB Decision.]</p>	
24.	<p>Case T-685/17, Miralla Inversiones v SRB³, <i>pending</i></p> <p>[request for annulment of SRB Decision and for ordering the SRB to submit without delay the provisional valuation carried out by Deloitte in accordance with Article 20 SRM Regulation for the purpose of enabling the proper exercise of the right of the defence and, once that valuation has been submitted, allow the applicant a specific period to analyse and examine it in detail, so that it is in a position to oppose it during the reply stage; in the event that it does not accept the claims made in the previous paragraph and the proceedings continue, rule the SRB Decision is contrary to EU law.]</p>	
25.	<p>Case T-502/17, SFP Asset Management and Others v SRB³, <i>pending</i></p> <p>[request for annulment of the SRB Decision.]</p>	
26.	<p>Case T-511/17, Corra González and Others v SRB³, <i>pending</i></p> <p>[request for annulment of the SRB Decision.]</p>	
27.	<p>Case T-524/17, Folch Torrela and Others v SRB³, <i>pending</i></p> <p>[request for annulment of the SRB Decision.]</p>	
28.	<p>Case T-531/17, Promociones Santa Rosa v SRB³, <i>pending</i></p> <p>[request for annulment of the SRB Decision.]</p>	
29.	<p>Case T-700/17, (Traviacar and Others v SRB)³, <i>pending</i></p> <p>[request for annulment of the SRB Decision and the independent expert's valuation on which it is based and to declare Articles 18 and 29 SRM Regulation illegal and inapplicable.]</p>	

30.	<p>Case T-527/17, <i>Waisman and Others v SRB</i>³, <i>pending</i></p> <p>[request for annulment of the SRB Decision and for compensation for the damage caused to the applicants as a direct consequence of the Decision concerning <i>Banco Popular</i> and the value of which corresponds to the market value of the capital instruments of the banking institution the day preceding (6 June 2017) the implementation of the resolution scheme; in the alternative, if the Court does not uphold the claim for compensation, order the SRB to pay to the applicants compensation, the value of which corresponds to the difference (to be determined an independent person as meant in Article 20(16) SRM Regulation, between the payment received by the applicants pursuant to the resolution decision and the amount they would have received under a normal insolvency procedure.]</p>	
31.	<p>Case T-528/17, <i>Ballesté Torralba and Others v SRB</i>³, <i>pending</i></p> <p>[request for annulment of the SRB Decision and for compensation.]</p>	
32.	<p>Case T-529/17, <i>Blasi Gómez and Others v SRB</i>³, <i>pending</i></p> <p>[request for annulment of the SRB Decision in whole; or, if this claim is not upheld, annul in part the decision, with respect to the valuation of the institution, the Court having to carry out, or order the carrying out of, a fair, actual and equitable valuation of <i>Banco Popular</i> which implies the compensation of all its shareholders and creditors in accordance with the new valuation; or, in the further alternative, if neither of the previous claims is upheld, annul in part the decision, with respect to the valuation of the institution, the Court having to carry out, or order the carrying out of, a fair, actual and equitable valuation of <i>Banco Popular</i> which implies the compensation of the applicants, as shareholders and creditors of that institution in accordance with the new valuation.]</p>	
33.	<p>Case T-530/17, <i>López Campo and Others v SRB</i>³, <i>pending</i></p> <p>[request for annulment of the SRB Decision and for compensation; in the alternative, annul Decision SRD/EES/2017/08 and declare that the SRB is responsible for compensating the applicants in the amounts resulting from the multiplication of the number of their shares by the final listing price prior to the resolution.]</p>	
34.	<p>Case T-538/17, <i>Jess Liberty v SRB</i>³, <i>pending</i></p> <p>[request for access to all the documents in the file and for the possibility of making further claims, and for annulment and revocation of the SRB Decision, reinstating in full the legal effect of the applicant's economic rights, in accordance with the requirements of full compensation.]</p>	

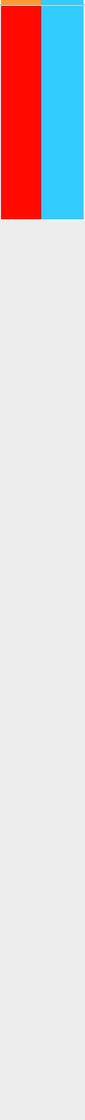
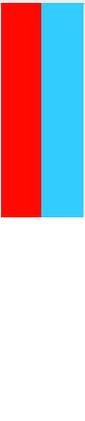
35.	<p>Case T-545/17, Afectados Banco Popular v SRB³, <i>pending</i></p> <p>[request for annulment of the SRB Decision, declaring transactions carried out under it ineffective and order the return of the property of <i>Banco Popular</i> to the shareholders and bondholders, putting them back in the position they were in before the intervention; if that is not possible, declare in any event that the conversion of the bonds into shares is ineffective, maintaining bondholders in the same position as they were in on 6 June 2017 and order the payment of compensation to shareholders by payment corresponding to the actual value of the bank and, accordingly, of the shares on 30 June 2016.]</p>	
36.	<p>Case T-522/17, Nap Innova Hoteles v SRB, <i>closed</i></p> <p>[request for annulment of the SRB Decision and for compensation.]</p> <p>Order of 4 December 2017, dismissing the claim as manifestly inadmissible; ECLI:EU:T:2017:881</p>	
37.	<p>Case T-554/17 González Calvet v SRB³, <i>pending</i></p> <p>[request for annulment of the SRB Decision and for compensation.]</p>	
38.	<p>Case T-514/17 Garriga Sadurní and Martí Fonts v SRB³, <i>pending</i>[</p> <p>request for annulment of the SRB Decision and for compensation.]</p>	
39.	<p>Case T-515/17 Sánchez Valverde e Hijos v SRB³, <i>pending</i></p> <p>[request for annulment of the SRB Decision and for compensation.]</p>	
40.	<p>Case T-566/17, Molina García v SRB³, <i>pending</i></p> <p>[request for annulment of the SRB Decision and for compensation.]</p>	
41.	<p>Case T-597/17, Poza Poza v SRB³, <i>pending</i></p> <p>[request for annulment of the SRB Decision and for compensation.]</p>	

42.	<p>Case T-597/17, Poza Poza v SRB³, <i>pending</i></p> <p>[request for annulment of the SRB Decision and for compensation.]</p>	
43.	<p>Case T-662/17, Link Flexible and Others v SRB³, <i>pending</i></p> <p>[request for annulment of the SRB Decision and for compensation]</p>	
44.	<p>Case T-663/17, Sahece and Others v SRB³, <i>pending</i></p> <p>[request for annulment of the SRB Decision and for compensation.]</p>	
45.	<p>Case T-670/17, LG Vaquero Aviación and Others v SRB³, <i>pending</i></p> <p>[request for annulment of the SRB Decision and for compensation.]</p>	
46.	<p>Case T-675/17, Aplicacions de Servei Monsan and Others v SRB³, <i>pending</i></p> <p>[request for annulment of the SRB Decision and for compensation.]</p>	
47.	<p>Case T-679/17, Grupo Villar Mir v SRB³, <i>pending</i></p> <p>[request for annulment of the SRB Decision and for compensation.]</p>	
48.	<p>Case T-521/17, Hernández Díaz v SRB³, <i>pending</i></p> <p>[Action for annulment based on the following grounds (i) it is based on a Deloitte report which was not independent, (ii) shareholders are subjected to much more significant losses than they would be had an arrangement with creditors been entered into and (iii) the bail-in tool was not applied. Action for the annulment of the sale is based on lack of transparency of the sale process, implying a serious violation of the principle of transparency and the principle of competition. Action for compensation based on the ground that the value of the shares could not be assessed given the lack of transparency of the resolution process.]</p>	

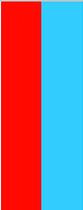
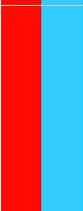
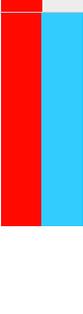
49.	<p>Case T-557/17 <i>Liaño Reig v SRB</i>³, <i>pending</i></p> <p>[request for annulment of the resolution measure consisting in the conversion of the Level 2 capital instrument relating to the subordinated bonds into newly issued <i>Banco Popular</i> shares on the ground that it is unfounded and contrary to the Regulation and the Charter. If this claim is upheld, applicant claims a specific amount of compensation. In the alternative, applicant claims compensation in the amount equivalent to that which she would have received as holder of the subordinated bond had that company been liquidated at the date of the Decision as a result of an ordinary insolvency procedure, with the amount of compensation requested in this case depending on the Spanish legal requirements for opening an ordinary insolvency procedure.]</p>	
50.	<p>Case T-573/17, <i>Inversiones Flandes and Others v SRB</i>³, <i>pending</i></p> <p>[request for annulment of the SRB Decision and the adoption of a new decision which reflects, with full transparency and certainty, the actual financial situation, in commercial terms, of <i>Banco Popular</i>, and, on that basis, order that appropriate measures be taken.]</p>	
51.	<p>Case T-585/17, <i>Alonso Goñi and Others v SRB</i>, <i>pending</i></p> <p>[request for annulment of the SRB Decision and for compensation.]</p>	
52.	<p>Case T-592/17, <i>Serra Noguera and Others v SRB</i>³, <i>pending</i></p> <p>[request for annulment of the SRB Decision and for compensation.]</p>	
53.	<p>Case T-619/17 (<i>de la Fuente Martín and Others v SRB</i>)³, <i>pending</i></p> <p>[request for annulment of the SRB Decision, thereby depriving it of effect and repealing it, and order the return to shareholders and owners of capital instruments of their respective shares and capital instruments of <i>Banco Popular</i> and, consequently, reinstate their rights in full; in the alternative, declare that SRB's contested decision has caused harm to <i>Banco Popular</i> shareholders and bond- holders, which the SRB is under an obligation to pay compensation and to order the SRB and, consequently, the European Union to pay compensation to the applicants in an amount equivalent to the financial value of the shares and capital instruments which were held by the applicants the day before the adoption of the contested decision or, where appropriate, in the alternative, in an amount equivalent to the financial value those shares and instruments would have maintained had the financial institution been subject to an ordinary insolvency procedure at the time of the adoption of the contested decision.]</p>	

54.	<p>Case T-623/17, <i>Previsión Sanitaria Nacional, PSN, Mutua de Seguros y Reaseguros a Prima Fija v SRB³</i>, <i>pending</i></p> <p>[request for annulment of the SRB Decision and for compensation.]</p>	
55.	<p>Case T-640/17, <i>Escriba Serra and Others v Commission et SRB³</i>, <i>pending</i></p> <p>[request for partial annulment of the SRB Decision in so far as it orders the conversion and write down of <i>Banco Popular</i> subordinated bonds and for partial annulment of the Commission Decision in so far as it orders the conversion of <i>Banco Popular</i> subordinated bonds; in the alternative, annulment in full of the SRB and Commission Decisions; request to declare Articles 15, 18, 20, 21, 22 and/or 24 SRM Regulation inapplicable in accordance with Article 277 TFEU]</p>	
56.	<p>Case T-642/17, <i>González Buñuel and Others v SRB³</i>, <i>pending</i></p> <p>[request for annulment of the SRB Decision and for compensation.]</p>	
57.	<p>Case T-648/17, <i>Dadimer and Others v SRB³</i>, <i>pending</i></p> <p>[request for annulment of the SRB Decision and for compensation.]</p>	
58.	<p>Case T-535/17 <i>Asociación de Consumidores de Navarra 'Irache' v SRB³</i>, <i>pending</i></p> <p>[request for annulment of the SRB Decision, declare the transactions carried out under it ineffective and order the return of the property of <i>Banco Popular</i> to the shareholders and bond-holders concerned, putting them back in the position they were in before the intervention; if that is not possible, declare the conversion of the bonds into shares to be ineffective, maintaining bond-holders in the same position as they were in on 6 June 2017 and order the payment of compensation to shareholders by payment corresponding to the actual value of the bank and, accordingly, of the shares on 30 June 2016.]</p>	
59.	<p>Case T-544/17, <i>Imabe Ibérica v SRB³</i>, <i>pending</i></p> <p>[request to acknowledge the lodging of the action against the SRB Decision in compliance with the provisions of Article 29 SRM Regulation, after having allowed access to all the documents in the file and given the possibility of making further claims, annul or revoke the contested decision, reinstating in full the legal effect of the applicant's economic rights, in accordance with the requirements of full compensation.]</p>	

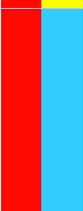
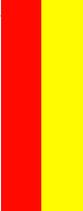
60.	<p>Case T-646/17, Addicion Sicav and Others v SRB³, <i>pending</i></p> <p>[request for compensation.]</p>	
61.	<p>Case T-659/17, Vallina Fonseca v SRB, <i>pending</i></p> <p>[request for compensation – applicant relies on four pleas in law: (i) the SRB Decision infringes the principle according to which no one shall be heard, who invokes his own guilt and Article 88 SRM Regulation, in that a crisis that SRB allegedly itself triggered has led to the adoption of an act adversely affecting <i>Banco Popular</i> and its shareholders; (ii) the SRB infringed the duty of diligence, the principle of good administration in Article 296 TFEU, the principle of prohibition of arbitrary conduct, and the principle of <i>nemo auditur turpitudinem suam allegans</i>; (iii) infringement of Articles 17 and 41 Charter; (iv) the SRB infringed Article 17 Charter and Article 54 Treaty on European Union (<i>on ratification of the TEU, so this must be a misquote; Article 54 TFEU concerns the treatment as natural persons/nationals of the Member States of corporations registered, having their central administration or principle place of business in the EU; and Article 54 Charter concerns the prohibition of abuse of Charter rights to limit or destruct rights and freedoms, RS</i>)]</p>	
62.	<p>Case T-680/17, Helibética v SRB⁴, <i>pending</i></p> <p>[request for compensation.]</p>	
63.	<p>Case T-686/17, Policlínico Centro Médico de Seguros and Medicina Asturiana v SRB⁴, <i>pending</i></p> <p>[request for compensation.]</p>	
64.	<p>Case T-688/17, Hola v SRB⁴, <i>pending</i></p> <p>[request for compensation.]</p>	
65.	<p>Case T-689/17, Top Cable v SRB⁴, <i>pending</i></p> <p>[request for compensation.]</p>	

66.	<p>Case T-707/17, Euroways v SRB⁴, pending</p> <p>[request for compensation.]</p>	
67.	<p>Case T-497/17, <i>Sánchez del Valle and Calatrava Real State 2015 v Commission and SRB</i>, pending</p> <p>request for annulment of the SRB and Commission Decisions, relying on 11 pleas in law: (i) lacking or insufficient reasoning for the contested decision; (ii) infringement of Article 20(1) SRM Regulation by failing to carry out a reasonable, prudent and realistic valuation of the assets and liabilities of <i>Banco Popular</i> by an independent person before the resolution decision; (iii) infringement of Article 18(1)(a) in conjunction with Article 18(4)(c) SRM Regulation: the contested decisions uphold the resolution of <i>Banco Popular</i> while, as at 6 June 2017, the bank had no solvency problems and its liquidity problems were temporary; (iv) infringement of Article 18(1)(b) SRM Regulation: the contested decisions consent to the resolution of <i>Banco Popular</i>, while there were reasonable prospects that other means from the private sector could prevent it become unviable within a reasonable time; (v) infringement of Article 14(2) SRM Regulation: no attempt was made to minimise the cost of resolution and to avoid the destruction of wealth, which was unnecessary to achieve the objectives of resolution; (vi) infringement of Article 22 SRM Regulation: failing to weigh the contested decisions and adopt resolution tools other than the sale of the business, provided for in paragraph 2, in accordance with the factors set out in paragraph 3; (vii) infringement of Article 15(1)(g) SRM Regulation: the shareholders ought to have received more than they would receive in the event of insolvency; (viii) infringement of Article 29 SRM Regulation; (ix) infringement of the right to property; (x) infringement of the right to an effective remedy, given the inability of the shareholders to protect their position; (xi) infringement of the right of the shareholders and other holders of securities included in the scope of the write-down and conversion to be heard]</p>	
68.	<p>Case T-501/17, <i>Mutualidad Complementaria de Previsión Social Renault España v Commission and SRB</i>³ pending</p> <p>[request for annulment of the SRB and Commission Decisions; in the alternative, if the General Court does not uphold the invalidity application above, declare the partial invalidity and annul in part SRB's decision mentioned above in so far as it concerns Article 6(1)(b) and (c) of that decision, relating to the conversion and depreciation of 64 695 preference shares (allegedly classified erroneously as additional capital Tier 1 instruments of <i>Banco Popular</i>), although they were instruments issued by Banco Popular].</p>	

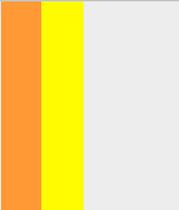
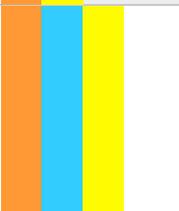
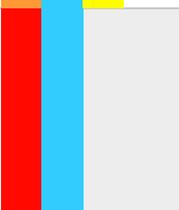
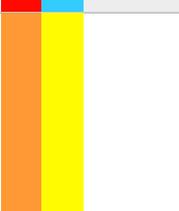
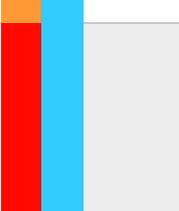
69.	Case T-505/17 , <i>Inverni and Others v Commission and SRB</i> ³ , <i>pending</i> [request for annulment of the SRB and Commission Decisions.]		
70.	Case T-507/17 , <i>Fundación Pedro Barrié de la Maza, Conde de Fenosa v Commission and SRB</i> ³ , <i>pending</i> [request for annulment of the SRB and Commission Decisions.]		
71.	Case T-508/17 , <i>Financiere Tesalia and Others v Commission and SRB</i> ³ , <i>pending</i> [request for annulment of the SRB and Commission Decisions.]		
72.	Case T-509/17 , <i>Cartera de Inversiones Melca and Others v Commission and SRB</i> ³ , <i>pending</i> [request for annulment of the SRB and Commission Decisions.]		
73.	Case T-516/17 , <i>Imasa, Ingeniería y Proyectos v Commission and SRB</i> ³ , <i>pending</i> [request for annulment of the SRB and Commission Decisions.]		
74.	Case T-517/17 , <i>Grúas Roxu v Commission and SRB</i> ³ , <i>pending</i> [request for annulment of the SRB and Commission Decisions.]		
75.	Case T-482/17 , <i>Comercial Vascongada Recalde v Commission and SRB</i> ³ , <i>pending</i> [request for annulment of the SRB and Commission Decisions and for compensation, relying on two pleas in law: (i) infringement of Article 18(1)(a) and (4)(c) SRM Regulation insofar as <i>Banco Popular</i> was not ‘failing’ as described in those provisions; (ii) infringement of Articles 10(10), 10(11) and 21(2)(b) SRM Regulation insofar as there were alternatives to the resolution of <i>Banco Popular</i>]		
76.	Case T-483/17 , <i>García Suárez and Others v Commission and SRB</i> ³ , <i>pending</i> [request for annulment of the SRB and Commission Decisions and for compensation.]		

77.	<p>Case T-498/17, <i>Pablo Álvarez de Linera Granda v Commission and SRB</i>³, <i>pending</i></p> <p>[request for annulment of the SRB and Commission Decisions and for compensation.]</p>	
78.	<p>Case T-499/17, <i>Esfera Capital Agencia de Valores v Commission and SRB</i>³, <i>pending</i></p> <p>[request for annulment of the SRB and Commission Decisions and for compensation.]</p>	
79.	<p>Case T-678/17, <i>Minera Catalano Aragonesa and Luengo Martínez v Commission and SRB</i>³, <i>pending</i></p> <p>[request for annulment of the SRB and the Commission Decisions]</p>	
80.	<p>Case T-523/17, <i>Eleveté Invest Group and Others v Commission and SRB</i>³, <i>pending</i></p> <p>[request for annulment of the SRB and Commission Decisions, for compensation and for the invalidity of the valuation carried out by SRB's independent expert and, following the calculation of the net value of the assets of <i>Banco Popular</i>, order SRB and the European Commission to pay compensation to the applicants]</p>	
81.	<p>Case T-639/17, <i>Madrid Diario de la Noche and Others v Commission and SRB</i>³, <i>pending</i></p> <p>[request for annulment of the SRB Decision and Commission Decisions, to order the SRB and the European Commission to refund to the applicants their investments in <i>Banco Popular</i> or, in the alternative, to pay damages to the applicants on grounds of non-contractual liability; to declare the invalidity of the valuation carried out by SRB's independent expert and, following the calculation of the net value of the assets of <i>Banco Popular</i>, order SRB and the European Commission to pay compensation to the applicants]</p>	
82.	<p>Case T-552/17, <i>Maña and Others v SRB</i>³, <i>pending</i></p> <p>[request, after having allowed access to all the documents in the file and given the possibility of making further claims, to annul or revoke the contested decision, reinstating in full the legal effect of the applicant's economic rights, in accordance with the requirements of full compensation.]</p> <p>Order of 25 October 2017 for the partial removal of the case from the register; ECLI:EU:T:2017:780</p>	

83.	<p>Case T-510/17, <i>Del Valle Ruiz and Others v Commission and SRB</i>, <i>pending</i></p> <p>[request for annulment of the SRB Decision and to declare illegal Articles 18 and 22 SRM Regulation - applicants rely on nine pleas in law: (i) Article 18 SRM Regulation is unlawful, in that the process stipulated therein fails to provide stakeholders with an opportunity to be heard and allows for no judicial oversight, in violation of (a) Articles 41, 47 and 48 Charter and (b) the principle of proportionality; (ii) the contested SRB Decision and the contested Commission Decision infringed Articles 41, 47 and 48 Charter; (iii) the SRB and Commission infringed, without justification or proportion, the applicants' right to property; (iv) the SRB and Commission infringed Article 20 SRM Regulation by failing to undertake a proper and independent valuation prior to taking the contested Decisions; (v) the SRB and Commission infringed Article 18(1) SRM Regulation in determining that the conditions precedent set out under Articles 18(1)(a) and (b) were satisfied; (vi) the SRB and Commission infringed Article 21(1) SRM Regulation in determining that the conditions for the exercise of the power to write down or convert relevant capital instruments were satisfied; (vii) the SRB and Commission breached an essential procedural requirement in failing to provide an adequate statement of reasons for the contested Decisions; (viii) in selecting the sale of business tool, the SRB and Commission have failed to comply with (a) the principle of proportionality; and (b) the legitimate expectations of the applicants, by departing from the resolution plan without justification; (ix) Articles 18 and 22 SRM Regulation breached the principles relating to the delegation of powers.]</p>	
84.	<p>Case T-628/17, <i>Aeris Invest v Commission and SRB</i>³, <i>pending</i></p> <p>[request for annulment of the SRB and Commission Decisions and to Articles 15, 18, 20, 21, 22 and/or 24 SRM Regulation inapplicable, in accordance with Article 277 TFEU.]</p>	
85.	<p>Case T-630/17, <i>Top Cable v Commission and SRB</i>³, <i>pending</i>[</p> <p>request for annulment of the SRB and Commission Decisions and to Articles 15, 18, 20, 21, 22 and/or 24 SRM Regulation inapplicable, in accordance with Article 277 TFEU.]</p>	
86.	<p>Case T-631/17, <i>Hola v Commission and SRB</i>³, <i>pending</i></p> <p>[request for annulment of the SRB and Commission Decisions and to Articles 15, 18, 20, 21, 22 and/or 24 SRM Regulation inapplicable, in accordance with Article 277 TFEU.]</p>	
87.	<p>Case T-637/17, <i>Policlínico Centro Médico de Seguros and Medicina Asturiana v Commission and SRB</i>³, <i>pending</i></p> <p>[request for annulment of the SRB and Commission Decisions and to Articles 15, 18, 20, 21, 22 and/or 24 SRM Regulation inapplicable, in accordance with Article 277 TFEU.]</p>	

88.	<p>Case T-638/17, <i>Helibética v Commission and SRB</i>³, <i>pending</i></p> <p>[request for annulment of the SRB and Commission Decisions and to Articles 15, 18, 20, 21, 22 and/or 24 SRM Regulation inapplicable, in accordance with Article 277 TFEU.]</p>	
89.	<p>Case T-640/17, <i>Escriba Serra and Others v Commission and SRB</i>³, <i>pending</i></p> <p>[request for the partial annulment of the SRB Decision in so far as it orders the conversion and write down of <i>Banco Popular</i> subordinated bonds and of the Commission Decision in so far as it orders the conversion of <i>Banco Popular</i> subordinated bonds; in the alternative annul both decisions in full; and to declare Articles 15, 18, 20, 21, 22 and/or 24 SRM Regulation inapplicable, in accordance with Article 277 TFEU.]</p>	
90.	<p>Case T-643/17, <i>Euroways v Commission and SRB</i>³, <i>pending</i></p> <p>[request for annulment of the SRB and Commission Decisions and to Articles 15, 18, 20, 21, 22 and/or 24 SRM Regulation inapplicable, in accordance with Article 277 TFEU.]</p>	
91.	<p>Case T-660/17, <i>Miralla Inversiones v Commission and SRB</i>³, <i>pending</i></p> <p>[request for annulment of the SRB and Commission Decisions and to Articles 15, 18, 20, 21, 22 and/or 24 SRM Regulation inapplicable, in accordance with Article 277 TFEU.]</p>	
92.	<p>Case T-613/17, <i>La Guirigaña and Others v ECB and SRB</i>³, <i>pending</i></p> <p>[request for a declaration that the European Union incurred financial liability due to the ECB and for annulment of the SRB Decision of 7 June 2017; in the alternative, compensation by the SRB.]</p>	
93.	<p>Case T-525/17, <i>Taberna Ángel Sierra and Others v SRB</i>³, <i>pending</i></p> <p>[request for annulment of the SRB Decision and to declare Articles 18 and 29 SRM Regulation illegal and inapplicable]</p>	
94.	<p>Case T-512/17, <i>OCU and Others v SRB</i>³, <i>pending</i></p> <p>[request for annulment of the SRB Decision and to declare Articles 18 and 29 SRM Regulation illegal and inapplicable]</p>	
95.	<p>Case T-552/17, <i>Maña and Others v SRB</i>³, <i>pending</i></p> <p>request for annulment of the SRB Decision and to declare Articles 18 and 29 SRM Regulation inapplicable]</p>	

96.	<p>Case T-705/17, <i>Temes Rial and Others v SRB</i>³, <i>pending</i></p> <p>[request for annulment of the SRB Decision and of the independent expert's valuation on which that decision is based in accordance with Article 20(15) SRM Regulation and to declare Articles 18 and 29 SRM Regulation illegal and inapplicable]</p>	
97.	<p>Case T-570/17, <i>Algebris (UK) and Others v Commission</i>, <i>pending</i></p> <p>[request for annulment of the Commission Decision, relying on six pleas in law: (i) the Commission failed properly, or at all, to comply with its legal obligation to assess the discretionary aspects of the Resolution Scheme; (ii) the Commission failed to provide adequate reasons for its contested decision; (iii) the Commission committed serious breaches of the principles of confidentiality and professional secrecy, contrary to Article 339 TFEU and Article 88(1) SRM Regulation (2) and the case-law of the Court of Justice, thereby also failing to respect the applicants' right to good administration enshrined in Article 41 Charter; (iv) manifest errors of assessment in the Commission's application of Articles 14, 18, 20, 21, 22 and 24 SRM Regulation. The applicants argue that the valuation of <i>Banco Popular</i> was not fair, prudent or reliable, and was inconsistent with the 'no creditor worse off principle'; it did not therefore constitute accurate and reliable and consistent evidence on which to base the Resolution Scheme; and it was not capable of supporting the contested decision. The Resolution Scheme (and so the Decision) allegedly manifestly disproportionate by going beyond the measures necessary to secure the resolution objectives; (v) the Resolution Scheme endorsed by the contested decision violates the applicants' property rights as enshrined in general principles of EU law and in Article 17 of the Charter; (vi) the Resolution Scheme was adopted and endorsed by the Commission in violation of the applicants' right to be heard, in accordance with Article 41 Charter and the case law of the Court of Justice.</p>	
98.	<p>Case T-575/17, <i>Algebris (UK) and Others v SRB</i>, <i>pending</i>[</p> <p>request for annulment of the SRB Decision, relying on five pleas in law. The first four pleas in law are the same as the ones raised in Case T-570/17. With the fifth plea, applicant claims that the resolution scheme was not lawfully endorsed by the Commission and so the contested decision was not lawfully brought into force. In this connection it is argued that, before adopting its Decision endorsing the Resolution Scheme, the Commission failed to assess properly, or at all, the discretionary aspects of the Resolution Scheme. This constituted a breach of the Commission's obligations under the SRM Regulation and of the principles of the <i>Meroni</i> case-law of the Court of Justice. Accordingly, the SRB committed a manifest error of assessment and law by concluding that its decision adopting the Resolution Scheme could, or had, come into force; further, or alternatively, and in any event, the Resolution Scheme adopted by the contested decision did not lawfully come into force.]</p>	

99.	<p>Case T-701/17, OCU v SRB³, <i>pending</i></p> <p>[request for annulment of the SRB Decision and the independent expert's valuation on which it is based and to declare Articles 18 and 29 SRM Regulation illegal and inapplicable.]</p>	
100.	<p>Case T-693/17, García Gómez and Others v SRB³, <i>pending</i>[</p> <p>request for annulment and compensation, and to declare Articles 21, 22(2)(a) and 24, as well as Articles 18 and 23, SRM Regulation inapplicable]</p>	
101.	<p>Case T-690/17, Uluru and Others v Commission and SRB³, <i>pending</i>[</p> <p>request for annulment of the SRB and Commission decisions and of the independent expert's valuation and for compensation]</p>	
102.	<p>Case T-687/17, Vendrell Marti v SRB³, <i>pending</i></p> <p>[request for annulment of the SRB Decision and the independent expert's valuation on which it is based and to declare Articles 18 and 29 SRM Regulation illegal and inapplicable.]</p>	
103.	<p>Case T-669/17, Hernando Avendaño and Others v SRB³, <i>pending</i></p> <p>[request for annulment of the SRB Decision and for compensation]</p>	
104.	<p>Case T-653/17 Relea Álvarez and Others v SRB³, <i>pending</i></p> <p>[request for annulment of the SRB Decision and for compensation]</p>	
105.	<p>Case T-618/17, Activa Minoristas del Popular v ECB and SRB³, <i>pending</i></p> <p>[request for annulment of the SRB and ECB decisions and of the independent expert's valuation and for compensation]</p>	
106.	<p>Case T-526/17, Ruiz Jayo and Others v SRB, <i>pending</i></p> <p>[request for annulment and compensation, and to declare Articles 21, 22(2)(a) and 24, as well as Articles 18 and 23, SRM Regulation inapplicable]</p>	

107.	Case T-731/17 , <i>Escribà Serra and Others v SRB</i> ⁴ , <i>pending</i> [request for compensation]	
108.	Case T-16/18 , <i>Activos e Inversiones Monterosso v SRB</i> , <i>pending</i> [claim for annulment of the SRB decision of 8 November 2017 denying applicants the right to access documents in relation to the resolution of <i>Banco Popular</i> . Pleas in law: the SRB confused the <i>general right of access to documents</i> , on which any EU citizen can rely to the “clearly separate” <i>right of access to the file</i> , which can be exercised only by parties which have an interest in the proceedings to which the file relates; the different scope of those rights is alleged to imply that the range of exceptions applicable to each right is also different, with a distinction between ‘commercial interests’ in the former and ‘business secrets’ in the latter right of access; “the existence of business secrets must be weighed against the remaining interests involved, such as the right of defence”; the invoked ‘confidentiality’ must be justified and reasoned; Article 41(2)(b) of the Charter requires that Article 90(4), and not 90(1) of the SRM Regulation must be applied.]	
109.	Case T-735/17 , <i>Asociación de Usuarios de Bancos, Cajas y Seguros de España v SRB</i> ³ , <i>pending</i> [request for annulment of the SRB Decision]	

4. Preliminary ruling proceedings on EU Banking Law (CRR, CRDIV, SSM Regulation, BRRD, FICOD)

No.	Case
1.	Case C-52/17 , <i>VTB Bank (Austria) AG v Österreichische Finanzmarktaufsicht</i> , <i>pending</i> [reference from Bundesverwaltungsgericht (Federal Administrative Court) concerning the CRR and the initiation of a supervisory procedure: is a national provision levying interest on excess of large exposures beyond Article 395 CRR 's Large Exposures Limit compatible with EU law? // when is there a “formally initiated supervisory procedure?” (Article 48 SSM Framework Regulation : competence change ECB/NCA)]
2.	Case C-219/17 , <i>Berlusconi and Fininvest</i> , <i>pending</i>

	<p>[reference from the Consiglio di Stato (Italian Supreme Administrative Court) asking whether (i) challenges for judicial review of an NCA's draft proposal to the ECB in a qualifying holding procedure (Article 22 CRD IV; Article 15 SSM Regulation) are within the competence of national or EU courts; (ii) whether the CJEU is competent when the applicant claims the nullity of these acts for the infringement of <i>res iudicata</i>.]</p> <p>Hearing held on 18 April 2018</p>
3.	<p>Case C-282/16, <i>RMF Financial Holdings S.a.r.l. v Heta Asset Resolution AG</i>, <i>closed</i></p> <p>[subsequently withdrawn reference from the <i>Handelsgericht Wien</i> (Commercial Court, Vienna) on Directive 2014/59/EU (BRRD) in relation to Directive 2001/24/EC (on the reorganisation and winding up of credit institutions) asking whether the (i) a wind-down entity that no longer holds a banking licence to transact banking business or is now permitted to transact banking business on the basis of a statutory licence solely for the purposes of portfolio liquidation also falls within the scope of Article 1(1) BRRD; if the first question is answered in the negative: (ii) whether Article 3(2) Directive 2001/24/EC implies that a write-down measure ordered by a national administrative authority is fully effective as against persons resident in other Member States, also having regard to Article 17(1) of the Charter (right to property) (iii) if the free movement of capital (Article 63(1) TFEU) precludes a national provision extending the scope of the BRRD to a wind-down entity; (iv) if a write-down measure ordered by a national administrative authority is to be recognised in another Member State (v) whether the term “secured liability” in Articles 2(1)(67) and 44(2)(b) BRRD is to be interpreted, in particular having regard its Article 1(2), as also encompassing liabilities for which a regional public authority (<i>i.c.</i> the Austrian Province of Carinthia) has assumed a statutory deficiency guarantee? (vi) are Articles 43(2)(b) and 59(3)(b) and (4) of the BRRD to be interpreted as precluding a national provision by virtue of which a measure corresponding to the bail-in tool of Article 43 BRRD is implemented in a case where there is no longer a realistic prospect that the institution's viability may be restored and where no systemically important services are transferred to a bridge institution and no other parts of the institution's business may be sold any longer, but the sole purpose of that institution is management of assets, rights and liabilities with a view to the orderly, active and optimum realisation of those individual assets, rights and liabilities (portfolio liquidation)? In such a case, in accordance with the BRRD, should the liquidation of that wind-down entity preferentially be carried out in the context of orderly insolvency proceedings?]</p> <p>Order of 25 November 2016; ECLI:EU:C:2016:945: withdrawal of the request for a preliminary ruling</p>

5. Judicial proceedings concerning Banking Union legislation and/or acts of EU institutions before national courts

No.	Case
1.	Bundesverfassungsgericht German Constitutional Court 2 BvR 1685/14

	<p>[Constitutional complaint by the Europolis Gruppe against the SSM and the relevant national legislation (Gesetz zum Vorschlag für eine Verordnung des Rates zur Übertragung besonderer Aufgaben im Zusammenhang mit der Aufsicht über Kreditinstitute auf die Europäische Zentralbank vom 25. Juli 2013, BGBl. II 2013, S. 1050); Act of 25 July 2013 on the proposal of the Council conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions) and secondary law acts on banking union – an analysis of the issue in the context of the German constitution by the academic service of the Bundestag (German Lower House of Parliament) can be found here.</p>
<p>2.</p>	<p>Tribunale di Vicenza (<i>ufficio del giudice per le indagini preliminari</i>), order of 8 February 2018</p> <p>[The Tribunal of Vicenza, in the context of the criminal proceedings for the alleged crimes of market manipulation, obstacles to supervisory activity and false prospectus against managers of <i>Banca Popolare di Vicenza SpA</i>, decided that the ECB, as well as the <i>Banca d'Italia</i>, the <i>CONSOB</i> and some private entities, cannot be called on these criminal proceeding as persons liable for the damages caused by these managers to the investors. The Tribunal motivated this conclusion by holding that there is no legal provision that requires the ECB to be responsible for the damages committed by others and because, in accordance with Article 268 and 340 of the TFEU, Italian courts do not have jurisdiction on the ECB.]</p>
<p>3.</p>	<p>Corte Costituzionale (Italian Constitutional Court), judgment of 21 March 2018, n. 99</p> <p>[The Italian Constitutional Court dismissed the questions for constitutionality raised by the Consiglio di Stato with regard to Article 1 of the Law Decree n. 3/2015, converted into Law n. 33/2015 ('Law Decree'). This provision allows cooperative banks (<i>banche popolari</i> and <i>banche di credito cooperativo</i>) to limit the right of shareholders to have their shares redeemed in case of withdrawal from the company, when this limitation is necessary to meet the own funds requirements (Article 28(2ter) of the Legislative Decree n. 385/1993). The judgment is motivated by the following reasons. First, the Law Decree was adopted in compliance with the requirements of urgency and necessity laid down by Article 77(2) of the Italian Constitution. Second, the limitation to the shareholders' right to redeem their shares does not violate the right to property enshrined in Articles 41, 42, 117 of the Italian Constitution, Article 1 of the Protocol to the ECHR and Article 17 of the Charter. The Court held that the limitation to the right to property is legitimate, in that (i) it respects the EU own funds requirements, in particular, Article 10(2) of the Commission Delegated Regulation (EU) No 241/2014, (ii) it is necessary in order to reduce the risks that the withdrawal of a high number of shareholders and the redemptions of their shares would pose to the stability of the banks and the system and (iii) it is proportionate in order to ensure the stability of the banking and financial system as a whole and to avoid that the bank may be subject to resolution. Third, <i>Banca d'Italia</i> by exercising its power to implement, through 9° aggiornamento alla Circolare n. 285/2017 the Law Decree, did not exceed the limits of its mandate.]</p>

