

Action brought on 9 July 2019 — Banco Cooperativo Español v SRB**(Case T-498/19)**

(2019/C 312/30)

*Language of the case: Spanish***Parties**

Applicant: Banco Cooperativo Español (Madrid, Spain) (represented by D. Sarmiento Ramírez-Escudero and J. Beltrán de Lubiano Sáez de Urabain, lawyers)

Defendant: Single Resolution Board

Form of order sought

The applicant claims that the General Court should:

- Principally, annul the contested decision;
- In the alternative,
 - a. Declare, as set out in the application, that Articles 12 and 14 of Delegated Regulation 2015/63 are inapplicable; and
 - b. Annul the contested decision; and
- In any event, order the Single Resolution Board to pay the costs.

Pleas in law and main arguments

The present action is brought against the decision of the Single Resolution Board of 16 April 2019 on the calculation of *ex ante* contributions to the Single Resolution Fund for the 2019 contribution period (SRB/ES/SRF/2019/10).

In support of the action, the applicant relies on two pleas in law.

1. First plea in law, alleging infringement of Article 12(2) of Commission Delegated Regulation (EU) 2015/63 ⁽¹⁾
 - In that regard, the applicant claims that Articles 12 and 14 of the delegated regulation should be interpreted as meaning that an institutional protection scheme established in 2018 is to be recognised for the purposes of calculating *ex ante* contributions to the Single Resolution Fund for the 2019 contribution period.

2. Second plea in law, in the alternative, based, pursuant to Article 277 TFEU, on a plea of illegality, and seeking that the General Court declare inapplicable Articles 12 and 14 of the delegated regulation on the ground of infringement of Article 103(2) and (7) of Directive 2014/59/EU ⁽²⁾

— In that regard, the applicant claims that, if Articles 12 and 14 of the delegated regulation are to be interpreted as meaning that an institutional protection scheme established in 2018 is not to be recognised for the purposes of calculating *ex ante* contributions to the Single Resolution Fund for the 2019 contribution period, then the aforementioned articles of the delegated regulation infringe Article 103(2) and (7) of Directive 2014/59/EU, in that they disregard the conditions for delegating power to the Commission, which require that (i) contributions to the Fund be in line with the risk profile of the contributing institution and (ii) contributions to the Fund take into account participation in an institutional protection scheme.

⁽¹⁾ Commission Delegated Regulation (EU) 2015/63 of 21 October 2014 supplementing Directive 2014/59/EU of the European Parliament and of the Council with regard to *ex ante* contributions to resolution financing arrangements (OJ 2016 L 233, p. 1).

⁽²⁾ Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ 2014 L 173, p. 170).

Action brought on 12 July 2019 — Corneli v ECB

(Case T-501/19)

(2019/C 312/31)

Language of the case: Italian

Parties

Applicant: Francesca Corneli (Velletri, Italy) (represented by: F. Ferraro, lawyer)

Defendant: European Central Bank

Form of order sought

The applicant claims that the Court should:

- annul the ECB Executive Board's decision of 29 May 2019, ref L/LDG/19/182, refusing access to the ECB's decision to place Banca Carige S.p.A., having its registered office in Genoa, Italy, under special administration and to the relevant case file, and order the defendant to produce and submit to the Court the abovementioned decision and all prior, preparatory, related and consequent acts; and
- order the defendant to pay the costs.

Pleas in law and main arguments

This action has been brought for the annulment of the ECB Executive Board's decision of 29 May 2019, ref L/LDG/19/182, refusing access to the ECB's decision to place Banca Carige S.p.A., having its registered office in Genoa, Italy, under special administration and to the relevant case file, and for an order that the defendant produce and submit to the Court the abovementioned decision and all prior, preparatory, related and consequent acts.