

2. The decision of the Executive Session of the Single Resolution Board of 11 April 2017 on the calculation of the 2017 ex ante contributions to the Single Resolution Fund (SRB/ES/SRF/2017/05) is annulled, in so far as it concerns Portigon AG.
3. The effects of the decision of the Executive Session of the Single Resolution Board of 11 April 2017 on the calculation of the 2017 ex ante contributions to the Single Resolution Fund (SRB/ES/SRF/2017/05), in so far as it concerns Portigon AG, are maintained until the entry into force, within a reasonable period which cannot exceed six months from the date of service of this order, of a new decision of the Single Resolution Board fixing the 2017 ex ante contribution to the Single Resolution Fund of that institution.
4. The Single Resolution Board shall bear its own costs, both at first instance and on appeal, and shall pay the costs incurred by Portigon AG at first instance.
5. Portigon AG shall bear its own costs relating to the appeal proceedings.
6. There is no longer any need to adjudicate on the application submitted by the Kingdom of Spain for leave to intervene in support of the form of order sought by the Single Resolution Board.

(¹) OJ C 44, 8.2.2021.

**Order of the Court (Tenth Chamber) of 31 January 2022 (request for a preliminary ruling from the
Sąd Okręgowy w Łodzi — Poland) — TM v EJ**

(Case C-28/21) (¹)

(Reference for a preliminary ruling — Article 99 of the Rules of Procedure of the Court of Justice — Insurance against civil liability in respect of the use of motor vehicles — Directive 2009/103/EC — Article 3 — Compulsory cover of damage to property — Scope — Legislation of a Member State excluding loss of earnings from cover by compulsory insurance against civil liability in respect of the use of motor vehicles)

(2022/C 222/05)

Language of the case: Polish

Referring court

Sąd Okręgowy w Łodzi

Parties to the main proceedings

Applicant: TM

Defendant: EJ

Operative part of the order

Must the first paragraph of Article 3 of Directive 2009/103/EC of the European Parliament and of the Council of 16 September 2009 relating to insurance against civil liability in respect of the use of motor vehicles, and the enforcement of the obligation to insure against such liability be interpreted as not precluding a provision of national law under which compulsory insurance against civil liability in respect of the use of motor vehicles does not cover damage consisting of loss of earnings, on condition that that limitation of cover applies without any difference in treatment depending on the Member State of residence of the injured party or of the owner or holder of the damaged vehicle.

(¹) OJ C 182, 10.5.2021.