

GENERAL COURT

Judgment of the General Court of 1 June 2022 — *Fundación Tatiana Pérez de Guzmán el Bueno and SFL v SRB*

(Case T-481/17) ⁽¹⁾

(Economic and monetary union — Banking Union — Single Resolution Mechanism for credit institutions and certain investment firms (SRM) — Resolution procedure applicable where an entity is failing or is likely to fail — Adoption of a resolution scheme by the SRB in respect of Banco Popular Español — Action for annulment — Challengeable act — Admissibility — Right to be heard — Right to property — Obligation to state reasons — Articles 18, 20 and 24 of Regulation (EU) No 806/2014)

(2022/C 284/24)

Language of the case: Spanish

Parties

Applicants: Fundación Tatiana Pérez de Guzmán el Bueno (Madrid, Spain), Stiftung für Forschung und Lehre (SFL) (Zürich, Switzerland) (represented by: R. Pelayo Jiménez, A. Muñoz Aranguren and R. Pelayo Torrent, lawyers)

Defendant: Single Resolution Board (represented by: J. King and M. Fernández Rupérez, acting as Agents, and by B. Meyring, S. Schelo, F. Fernández de Trocóniz Robles, T. Klupsch and S. Ianc, lawyers)

Interveners in support of the defendant: Kingdom of Spain (represented by: S. Centeno Huerta, L. Aguilera Ruiz, S. Jiménez García and J. Rodríguez de la Rúa Puig, acting as Agents), European Parliament (represented by: P. López-Carceller, M. Martínez Iglesias, L. Visaggio, J. Etienne, M. Menegatti and M. Sammut, acting as Agents), Council of the European Union (represented by: A. de Gregorio Merino, J. Bauerschmidt, A. Westerhof Löfflerová and H. Marcos Fraile, acting as Agents), European Commission (represented by: L. Flynn and A. Steiblyté, acting as Agents), Banco Santander, SA (Santander, Spain) (represented by: J. Rodríguez Cárcamo, A. Rodríguez Conde, D. Sarmiento Ramírez-Escudero and J. Remón Peñalver, lawyers)

Re:

Application under Article 263 TFEU seeking the annulment of Decision SRB/EES/2017/08 of the Executive Session of the SRB of 7 June 2017, concerning the adoption of a resolution scheme in respect of Banco Popular Español, SA.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Fundación Tatiana Pérez de Guzmán el Bueno and Stiftung für Forschung und Lehre (SFL) to bear their own costs and to pay the costs incurred by the Single Resolution Board (SRB) and Banco Santander, SA;
3. Orders the Kingdom of Spain, the European Parliament, the Council of the European Union and the European Commission to bear their own costs.

⁽¹⁾ OJ C 318, 25.9.2017.