

GENERAL COURT

Judgment of the General Court of 1 June 2022 — Eleveté Invest Group and Others v Commission and SRB

(Case T-523/17) ⁽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 by the SRB of a resolution scheme in respect of Banco Popular Español — Right to be heard — Obligation to state reasons — Articles 18 and 20 of Regulation (EU) No 806/2014 — Non-contractual liability)

(2022/C 294/25)

Language of the case: Spanish

Parties

Applicants: Eleveté Invest Group, SL (Madrid, Spain) and the other 19 applicants whose names are listed in the annex to the judgment (represented by: B. Cremades Roman, J. López Useros, S. Cálal Martín and P. Marrodán Lázaro, lawyers)

Defendants: European Commission (represented by: L. Flynn and A. Steiblytė, acting as Agents, and by J. Rivas Andrés, lawyer), 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 defendants: Kingdom of Spain (represented by: J. Rodríguez de la Rúa Puig and L. Aguilera Ruiz, 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:

First, application based on Article 263 TFEU for 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, and for annulment of Commission Decision (EU) 2017/1246 of 7 June 2017 endorsing the resolution scheme for Banco Popular Español S.A. (OJ 2017 L 178, p. 15), second, application based on Article 268 TFEU seeking compensation for the damage which the applicants claim to have suffered as a result of those decisions and, third, application for a declaration that the provisional valuation is invalid, and for compensation.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Eleveté Invest Group, SL and the other applicants whose names are listed in the annex to bear their own costs and to pay the costs incurred by the European Commission, the Single Resolution Board (SRB) and Banco Santander, SA;
3. Orders the Kingdom of Spain to bear its own costs.

⁽¹⁾ OJ C 374, 6.11.2017.