

C/2024/2422

8.4.2024

Judgment of the General Court of 21 February 2024 — NRW.Bank v SRB(Case T-466/16 RENV) ⁽¹⁾

(Economic and monetary union — Banking union — Single Resolution Mechanism for credit institutions and certain investment firms (SRM) — Single Resolution Fund (SRF) — Decision of the SRB on the calculation of the 2016 ex ante contributions — Duty to state reasons — Principle of non-retroactivity — Article 5(1)(f) of Delegated Regulation (EU) 2015/63 — Exclusion of certain liabilities from the calculation of ex ante contributions — Promotional loans — Ancillary promotional activities — Plea of illegality)

(C/2024/2422)

Language of the case: German

Parties

Applicant: NRW.Bank (Düsseldorf, Germany) (represented by: J. Seitz and C. Marx, lawyers)

Defendant: Single Resolution Board (SRB) (represented by: H. Ehlers, J. Kerlin and C. De Falco, acting as Agents, assisted by B. Meyring, S. Schelo, T. Klupsch and S. Ianc, lawyers)

Interveners in support of the defendant: Council of the European Union (represented by: A. Sikora-Kalèda and J. Bauerschmidt, acting as Agents), European Commission (represented by D. Triantafyllou, A. Steiblytė and A. Nijenhuis, acting as Agents)

Re:

By its action under Article 263 TFEU, the applicant seeks the annulment of Decision SRB/ES/2022/23 of the Single Resolution Board (SRB) of 27 April 2022 withdrawing Decision SRB/ES/SRF/2016/06 of the SRB of 15 April 2016 on the 2016 ex-ante contributions to the Single Resolution Fund, in so far as it concerns NRW.Bank, and Decision SRB/ES/SRF/2016/13 of the SRB of 20 May 2016 on the adjustment of the 2016 ex-ante contributions to the Single Resolution Fund supplementing Decision SRB/ES/SRF/2016/06, in so far as it concerns NRW.Bank, and calculating the 2016 ex ante contributions to the Single Resolution Fund of NRW.Bank.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders the Single Resolution Board (SRB) to bear its own costs and to pay those incurred by NRW.Bank relating to the appeal proceedings before the Court of Justice, in the context of Case C-662/19 P;
3. Orders NRW.Bank to bear its own costs and to pay those incurred by the SRB relating to the referral proceedings, in the context of Case T-466/16 RENV, and the initial proceedings before the Court, in the context of Case T-466/16;
4. Orders the Council of the European Union and the European Commission to bear their own costs.

⁽¹⁾ OJ C 371, 10.10.2016.