

The applicant also raises a plea in law in the alternative in respect of the 2016-2021 contracts. In that regard, it submits that the SRB's refusal to return the sums corresponding to the cash collateral relating to the irrevocable payment commitments for the years 2015 to 2021 constitutes unjust enrichment of the SRB.

- (¹) Council Implementing Regulation (EU) 2015/81 of 19 December 2014 specifying uniform conditions of application of Regulation (EU) No 806/2014 of the European Parliament and of the Council with regard to ex ante contributions to the Single Resolution Fund (OJ 2015 L 15, p. 1).
- (²) Regulation EU No 806/2014 of the European Parliament and of the Council of 15 July 2014 establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Resolution Fund and amending Regulation (EU) No 1093/2010 (OJ 2014 L 225, p. 1).

Action brought on 22 October 2021 — Auken and Others v Commission

(Case T-689/21)

(2021/C 513/48)

Language of the case: English

Parties

Applicants: Margrete Auken, Tilly Metz, Jutta Paulus, Michèle Rivasi and Kimberly van Sparrentak (represented by: B. Kloostra, lawyer)

Defendant: European Commission

Form of order sought

The applicants claim that the Court should:

- annul the defendant's implied rejection decision of 13 August 2021 following their confirmatory application of 30 June 2021 against the decision of 9 June 2021 to partially deny access to the documents requested by the applicants; and
- order the defendant to pay the costs.

Pleas in law and main arguments

In support of the action, the applicants rely on five pleas in law.

1. First plea in law, alleging that the defendant unlawfully applied the exceptions provided for in the first indent of Article 4 (2) of Regulation (EC) No 1049/2001 (¹).
2. Second plea in law, alleging that the defendant has failed to justify the application of exceptions under Article 4 of Regulation (EC) No 1049/2001 and therefore violated Regulation (EC) No 1049/2001 as no strict interpretation and application of the first indent of Article 4(2) and of Article 4(3) of Regulation (EC) 1049/2001 was followed by the defendant.
3. Third plea in law, alleging that the defendant incoherently applied the exceptions provided for in the first indent of Article 4(2) of Regulation (EC) No 1049/2001.
4. Fourth plea in law, alleging that the defendant did not take into account that there is an overriding public interest in the disclosure of the requested information.
5. Fifth plea in law, alleging that the contested decision violates Article 52(3) of the Charter of Fundamental Rights of the EU and Article 10(1) of the European Convention on Human Rights.

(¹) Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ 2001 L 145, p. 43-48).