

2. Second plea in law, alleging that the Commission has failed to properly consider the ability of the applicant to be able to comply with the additional requirement of only transferring the Remedy Slots as part of a going concern where it includes the transfer of its operating licence, in contradiction of what is possible under UK airline licensing regulations.
3. Third plea in law, alleging that the Commission has failed to take account of the factual, economic and legal context of the slot release agreement, which showed that there is no need to impose a requirement in relation to the transfer of an operating licence.
4. Fourth plea in law, alleging that the Commission's approach is contrary to the principle of legal certainty. The applicant states that the International Consolidated Airlines Group Commitments did not contain a restriction on the transfer of the Remedy Slots.
5. Fifth plea in law, alleging that the Commission has breached the applicant's right to be heard by imposing a restriction without first discussing that restriction with the applicant.
6. Sixth plea in law, alleging that the Commission has infringed the duty to give reasons. The applicant states that the Commission gives no reasons for imposing the restriction on the applicant, in breach of the requirement that legal acts shall state the reasons on which they are based.

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**Action brought on 7 July 2021 — Banque postale v SRB**

**(Case T-383/21)**

(2021/C 338/39)

*Language of the case: French*

**Parties**

*Applicant:* La Banque postale (Paris, France) (represented by: A. Gosset-Grainville, M. Trabucchi and M. Dalon, lawyers)

*Defendant:* Single Resolution Board

**Form of order sought**

The applicant claims that the Court should:

- pursuant to Article 263 TFEU, annul Decision SRB/ES/2021/22 of 14 April 2021 on the calculation of the 2021 ex-ante contributions to the SRF in so far as it concerns the applicant;
- pursuant to Article 277 TFEU, declare the following provisions of the SRM Regulation, the Implementing Regulation and the Delegated Regulation inapplicable:
  - Articles 69(1), 69(2), 70(1) and 70(2)(a) and (b) of the SRM Regulation;
  - Article 4(2) and Articles 6 and 7 of the Delegated Regulation and Annex I thereto;
  - Article 4 of the Implementing Regulation;
- order the defendant to pay all the costs.

**Pleas in law and main arguments**

In support of the action, the applicant relies on eight pleas in law.

1. First plea in law, alleging infringement of the principle of equal treatment in that the methods of calculation of ex ante contributions to the Single Resolution Fund (SRF) laid down in the SRM Regulation and the Delegated Regulation do not reflect the actual size or the actual risk of the institutions.

2. Second plea in law, alleging infringement of the principle of proportionality in that the mechanism of ex ante contributions to the SRF laid down in the SRM Regulation and the Delegated Regulation is based on an assessment that artificially exacerbates the risk profile of large French institutions such as the applicant, and therefore leads to disproportionately high contributions.
3. Third plea in law, alleging infringement of the principle of legal certainty, since the calculation of the amount of the ex ante contributions fixed by the SRM Regulation, the Delegated Regulation and the Implementing Regulation, first, cannot be predicted with clarity sufficiently early and, second, does not depend so much on the inherent situation and risk profile of the institution but rather on its relative situation compared to the other contributing institutions. Lastly, the applicant considers that the Commission should not have had responsibility for determining risk indicators in the context of the Delegated Regulation, since those criteria have an extremely fundamental and decisive function in determining the amounts of the contributions (Article 290 TFEU).
4. Fourth plea in law, alleging infringement of the principle of good administration in that the contested decision does not put forward sufficiently clear and precise information to justify the amount of the contribution owed and to enable that amount to be reviewed.
5. Fifth plea in law, alleging infringement of the principle of effective judicial protection. In support of that plea, the applicant also relies on the fact that the contested decision does not put forward sufficiently clear and precise information to justify the amount of the contribution owed and to enable that amount to be reviewed.
6. Sixth plea in law, alleging infringement of the obligation to state reasons as regards the restriction on the use of irrevocable payment commitments, on the ground that the contested decision does not show in a clear and detailed way why there is any need for, first, setting a ceiling on the use of irrevocable payment commitments ('IPCs') at 15 % and, second, accepting as collateral only cash.
7. Seventh plea in law, alleging a manifest error of assessment. The applicant claims in that regard that the pro-cyclicality and liquidity risks relied on by the SRB in order to limit the use of IPCs are unfounded, particularly in the light of the specific characteristics of the IPCs and the context of their use.
8. Eighth plea in law, alleging an error in law. The applicant claims that the SRB, first, relies on a misinterpretation of the provisions allowing the use of IPCs in imposing an identical measure on all the institutions on the basis of an abstract analysis and, second, negates the effectiveness of those provisions in so far as the proportion of IPCs is consistently and without sufficient justification limited to the statutory minimum.

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**Action brought on 7 July 2021 — Confédération nationale du Crédit Mutuel and Others v SRB**

**(Case T-384/21)**

(2021/C 338/40)

*Language of the case: French*

**Parties**

*Applicants:* Confédération nationale du Crédit Mutuel (Paris, France) and 26 other applicants (represented by: A. Gosset-Grainville, M. Trabucchi and M. Dalon, lawyers)

*Defendant:* Single Resolution Board

**Form of order sought**

The applicants claim that the Court should:

- pursuant to Article 263 TFEU, annul Decision SRB/ES/2021/22 of 14 April 2021 on the calculation of the 2021 ex-ante contributions to the SRF in so far as it concerns the applicants;