

4. Fourth plea in law, alleging that the measures taken by the Council do not, in relation to the applicant, constitute foreign policy measures, but instead constitute international cooperation in criminal proceedings, which accordingly have been adopted on an incorrect legal basis.

Action brought on 13 May 2016 — Trasta Komercbanka and others v ECB

(Case T-247/16)

(2016/C 270/58)

Language of the case: English

Parties

Applicants: Trasta Komercbanka AS (Riga, Latvia) and 6 others (represented by: O. Behrends, L. Feddern and M. Kirchner, lawyers)

Defendant: European Central Bank

Form of order sought

The applicants claim that the Court should:

- annul the ECB's decision dated 3 March 2016 withdrawing the banking license of Trasta Komercbanka AS; and
- order the defendant to pay all costs.

Pleas in law and main arguments

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

1. First plea in law, alleging that the ECB failed to examine and appraise carefully and impartially all factual aspects including without limitation that the ECB did not respond appropriately to the fact that the information and documents submitted by the local Latvian regulatory authority were inaccurate.
2. Second plea in law, alleging that the ECB violated the principle of proportionality by failing to recognise the availability of alternative measures.
3. Third plea in law, alleging that the ECB violated the principle of equal treatment.
4. Fourth plea in law, alleging that the ECB violated Art. 19 and Recital 75 SSM Regulation⁽¹⁾ and committed a *détournement de pouvoir*.
5. Fifth plea in law, alleging that the ECB violated the principles of legitimate expectations and legal certainty.
6. Sixth plea in law, alleging that the ECB violated procedural rules including the right to be heard, the right of access to the file, the right to an adequately reasoned decision, Art. 83(1) SSM Framework Regulation⁽²⁾ and the right to a fair administrative procedure.

⁽¹⁾ Council Regulation (EU) No 1024/2013 of 15 October 2013 conferring specific tasks on the European Central Bank concerning policies relating to the prudential supervision of credit institutions (OJ 2013, L 287, p. 63)

⁽²⁾ Regulation (EU) No 468/2014 of the European Central Bank of 16 April 2014 establishing the framework for cooperation within the Single Supervisory Mechanism between the European Central Bank and national competent authorities and with national designated authorities (SSM Framework Regulation) (ECB/2014/17) (OJ 2014, L 141, p. 1)
