



C/2024/2148

25.3.2024

Judgment of the General Court of 24 January 2024 — Völkskreditbank v SRB

(Case T-348/21) ⁽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 2021 ex ante contributions — Obligation to state reasons — Right to be heard — Principle of legal certainty — Right to effective judicial protection — Plea of illegality — Limitation of the temporal effects of the judgment)

(C/2024/2148)

Language of the case: German

Parties

Applicant: Völkskreditbank AG (Linz, Austria) (represented by: G. Eisenberger, A. Brenneis and J. Holzmann, lawyers)

Defendant: Single Resolution Board (represented by: J. Kerlin, C. Flynn and D. Ceran, acting as Agents, and by B. Meyring, T. Klupsch and S. Ianc, lawyers)

Intervenors in support of the defendant: European Parliament (represented by: J. Etienne, M. Menegatti and G. Bartram, acting as Agents), Council of the European Union (represented by: J. Bauerschmidt, J. Haunold and A. Westerhof Löfflerová, acting as Agents)

Re:

By its action based on Article 263 TFEU, the applicant seeks the annulment of Decision SRB/ES/2021/22 of the Single Resolution Board (SRB) of 14 April 2021 on the calculation of the 2021 *ex ante* contributions to the Single Resolution Fund, in so far as that decision concerns it.

Operative part of the judgment

The Court:

1. Annuls Decision SRB/ES/2021/22 of the Single Resolution Board (SRB) of 14 April 2021 on the calculation of the 2021 *ex ante* contributions to the Single Resolution Fund, in so far as it concerns Völkskreditbank AG;
2. Maintains the effects of Decision SRB/ES/2021/22, in so far as it concerns Völkskreditbank, until the entry into force, within a reasonable period which cannot exceed six months from the date of delivery of the present judgment, of a new decision of the SRB fixing the 2021 *ex ante* contribution to the Single Resolution Fund of that institution;
3. Orders the SRB to bear its own costs and to pay those incurred by Völkskreditbank;
4. Orders the European Parliament and the Council of the European Union to bear their own costs.

⁽¹⁾ OJ C 320, 9.8.2021.