



C/2024/5617

30.9.2024

**Appeal brought on 15 August 2024 by Deutsche Bank AG and BHW Bausparkasse AG against the judgment of the General Court (Third Chamber, Extended Composition) delivered on 5 June 2024 in Case T-182/22, Deutsche Bank and Others v ECB**

**(Case C-556/24 P)**

(C/2024/5617)

*Language of the case: English*

**Parties**

*Appellants:* Deutsche Bank AG and BHW Bausparkasse AG (represented by: H. Berger, M. Weber and D. Schoo, Rechtsanwälte)

*Other parties to the proceedings:* European Central Bank (ECB) and norisbank GmbH

**Form of order sought**

The appellants claim that the Court should:

- set aside the judgment under appeal in so far as it dismisses the action as unfounded and orders the payment of costs relating to that part of the action,
- partially annul the Joint decision of the European Central Bank establishing prudential requirements of 21 December 2022 (ECB-SSM-2022-DEDEB-44) with regard to the requirements imposed on the appellants pursuant to paragraph 1.3 of this decision, and
- order the ECB to pay the costs, including the costs incurred until the replacement of the Joint decision of the European Central Bank establishing prudential requirements of 2 February 2022 (ECB-SSM-2022-DEDEB-6), in so far as the General Court found that the action was admissible.

**Pleas in law and main arguments**

In support of their appeal, the appellants rely on two pleas in law.

First plea in law, alleging that the General Court erroneously found that the ECB acted within its tasks and powers under Article 4(1)(f) and 16(2)(d), (j) of Council Regulation (EU) 1024/2013<sup>(1)</sup> when imposing the requirements under paragraph 1.3 of the decision ('IPC Requirements') on the appellants. The appellants hold that the ECB does not have the power to impose a CET 1 deduction on the appellants to address an alleged risk of overstatement of CET 1 related to the assumption of irrevocable payment commitments by the appellants towards the Single Resolution Fund and the mandatory deposit guarantee scheme.

Second plea in law, alleging that the General Court misinterpreted and misapplied Article 16(1)(c), (2)(d) of Regulation (EU) 1024/2013 by assuming that the alleged risk of overstatement of CET 1 by the Appellants can justify imposing the IPC Requirements in the individual case and by applying an erroneous legal standard for the individual assessment pursuant to Article 16(1)(c) of Regulation (EU) 1024/2013.

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<sup>(1)</sup> 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).