C/2024/723

22.1.2024

Judgment of the General Court of 22 November 2023 — Galván Fernández-Guillén v SRB

(Case T-340/20) [1]

(Economic and monetary union — Banking union — Single Resolution Mechanism for credit institutions and certain investment firms (SRM) — Resolution of Banco Popular Español — Decision of the SRB refusing to grant compensation to shareholders and creditors concerned by the resolution actions — Right to property — Rights of the defence — Valuation of difference in treatment — Independence of the valuer)

(C/2024/723)

Language of the case: Spanish

Parties

Applicant: José María Galván Fernández-Guillén (Madrid, Spain) (represented by: M. Romero Rey and I. Salama Salama, lawyers)

Defendant: Single Resolution Board (represented by: M. Fernández Rupérez, A. Lapresta Bienz, L. Forestier and J. Rius Riu, acting as Agents, and H.-G. Kamann, F. Louis, V. Del Pozo Espinosa de los Monteros and L. Hesse, lawyers)

Intervener in support of the defendant: Kingdom of Spain (represented by: A. Gavela Llopis, acting as Agent)

Re:

By his action under Article 263 TFEU, the applicant seeks annulment of Decision SRB/EES/2020/52 of the Single Resolution Board (SRB) of 17 March 2020, determining whether compensation needs to be granted to the shareholders and creditors in respect of which the resolution actions concerning Banco Popular Español SA have been effected.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Mr José María Galván Fernández-Guillén to bear his own costs and pay those incurred by the Single Resolution Board (SRB);
3. Orders the Kingdom of Spain to bear its own costs.

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[1] OJ C 247, 27.7.2020.