



C/2025/2415

28.4.2025

Action brought on 14 March 2025 – Landesbank Baden-Württemberg v SRB

(Case T-181/25)

(C/2025/2415)

Language of the case: German

Parties

Applicant: Landesbank Baden-Württemberg (represented by: H. Berger, M. Weber and D. Schoo, lawyers)

Defendant: Single Resolution Board

Form of order sought

The applicant claims that the Court should:

- annul the decision of the Single Resolution Board of 17 December 2024 on the re-adoption of the decision on the calculation of the 2017 *ex ante* contributions to the Single Resolution Fund concerning Landesbank Baden-Württemberg ('New 2017 Decision') (SRB/ES/2024/53), including the annexes thereto;
- order the SRB to pay the costs of the proceedings.

In the alternative, in the event that the Court considers that the contested decision is legally non-existent due to the use of the incorrect official language by the SRB and that the action for annulment is therefore inadmissible on the ground that it is devoid of purpose, the applicant claims that the Court should:

- declare that the contested decision is legally non-existent;
- order the SRB to pay the costs of the proceedings.

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 that the second subparagraph of Article 7(4) of Delegated Regulation (EU) 2015/63 ⁽¹⁾ infringes higher-ranking law, on the grounds that the Commission exceeded the powers conferred on it, that the rule allows for an objectively inappropriate distinction to be made between the members of an Institutional Protection Scheme (IPS), that it disregards the principles of the *Meroni* case-law, ⁽²⁾ and that it fails to meet the requirement that full account be taken of the facts.
2. Second plea in law, alleging that Article 6 of, and Step 2 in Annex I to, Delegated Regulation (EU) 2015/63 infringe higher-ranking law, on the grounds that the Commission exceeded the powers conferred on it, that the rules fail to meet the requirement that full account be taken of the facts and infringe Article 20 of the Charter of Fundamental Rights of the European Union, ⁽³⁾ that they are based on manifest errors of assessment and that they disregard the principles of the *Meroni* case-law.

⁽¹⁾ Commission Delegated Regulation (EU) 2015/63 of 21 October 2014 supplementing Directive 2014/59/EU of the European Parliament and of the Council with regard to *ex ante* contributions to resolution financing arrangements (OJ 2015 L 11, p. 44).

⁽²⁾ Judgment of 13 June 1958, *Meroni v High Authority*, 10/56, EU:C:1958:8.

⁽³⁾ OJ 2012 C 326, p. 391.

3. Third plea in law, alleging that Article 70(7) of Regulation (EU) No 806/2014 ⁽⁴⁾ und Article 8(1) of Implementing Regulation (EU) 2015/81 ⁽⁵⁾ infringe the applicable primary law, because Article 70(7) of Regulation (EU) No 806/2014 does not state reasons in accordance with Article 291(2) TFEU, and Article 8 of Implementing Regulation (EU) 2015/81 exceeds the limits drawn by Article 70(7) of Regulation (EU) No 806/2014, read in conjunction with Article 291 TFEU.
4. Fourth plea in law, alleging that the decision infringes Article 81(1) of Regulation (EU) No 806/2014, read in conjunction with Article 3 of Regulation No 1, ⁽⁶⁾ and also Article 20 of the Charter of Fundamental Rights of the European Union or the general principle of equality, because it was not drawn up in German, which is the language chosen by the applicant.
5. Fifth plea in law, alleging that the decision fails to comply with the obligation to state reasons under the second paragraph of Article 296 TFEU and Article 41(1) and (2)(c) of the Charter of Fundamental Rights of the European Union, because there are gaps in the reasoning.
6. Sixth plea in law, alleging that, with regard to the determination of the IPS indicator, the decision fails to meet the requirements of the primary and secondary law applicable.
7. Seventh plea in law, alleging that the decision infringes higher-ranking law due to obvious errors of assessment in determining the risk indicators of risk pillar IV.
8. Eighth plea in law, alleging that the decision infringes Article 6(6)(a)(iv) and (b)(ii) and the first and second sentences of Article 20(1) of Delegated Regulation (EU) 2015/63, because the defendant did not implement the requirements of Article 6(6)(a)(iv) and (b)(ii) of Delegated Regulation (EU) 2015/63 when determining the risk indicators under Article 6(1)(d), Article 6(5)(a) and Article 6(6) of Delegated Regulation (EU) 2015/63.

⁽⁴⁾ Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014 establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Resolution Fund and amending Regulation (EU) No 1093/2010 (OJ 2014 L 225, p. 1).

⁽⁵⁾ Council Implementing Regulation (EU) 2015/81 of 19 December 2014 specifying uniform conditions of application of Regulation (EU) No 806/2014 of the European Parliament and of the Council with regard to *ex ante* contributions to the Single Resolution Fund (OJ 2015 L 15, p. 1).

⁽⁶⁾ Regulation No 1 of 15 April 1958 determining the languages to be used by the European Economic Community (OJ, English Special Edition 1952-1958 (I), p. 59).