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C/2025/2851

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Judgment of the General Court of 9 April 2025 – Hypo Vorarlberg Bank v SRB (2016 *ex ante* contributions)

(Case T-336/20) ([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 2016 ex ante contributions – Duty to state reasons – Right to be heard – Principle of legal certainty – Right to effective judicial protection – Principle of non-retroactivity – Plea of illegality)

(C/2025/2851)

Language of the case: German

Parties

Applicant: Hypo Vorarlberg Bank AG (Bregenz, Austria) (represented by: G. Eisenberger, A. Brenneis and J. Holzmann, lawyers)

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

Interveners in support of the defendant: European Parliament (represented by: L. Visaggio, J. Etienne and G. Bartram, acting as Agents), Council of the European Union (represented by: J. Bauerschmidt and E. d'Ursel, acting as Agents), European Commission (represented by: D. Triantafyllou and A. Steiblytė, acting as Agents)

Re:

By its action under Article 263 TFEU, the applicant seeks the annulment of Decision SRB/ES/2022/79 of the Single Resolution Board (SRB) of 7 December 2022 withdrawing Decision SRB/ES/2020/16 of the SRB of 19 March 2020 on the calculation of the 2016 [*ex ante*] contributions due by Banco Cooperativo Español SA, Hypo Vorarlberg Bank AG (formerly: Vorarlberger Landes- und Hypothekenbank AG), and Portigon AG to the Single Resolution Fund, and newly calculating their 2016 [*ex ante*] contributions to the Single Resolution Fund, in so far as it concerns the applicant.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders each party to bear its own costs.

([1]) OJ C 240, 20.7.2020.