

## V

(Announcements)

## COURT PROCEEDINGS

## COURT OF JUSTICE

**Appeal brought on 4 March 2015 by Constantinos Mallis and Elli Constaninou Malli against the order of the General Court (First Chamber) delivered on 16 October 2014 in Case T-327/13 *Mallis and Malli v Commission and European Central Bank***

(Case C-105/15 P)

(2015/C 178/02)

*Language of the case: Greek*

**Parties**

*Appellants:* Constantinos Mallis and Elli Constaninou Malli (represented by: E. Efstathiou, K. Efstathiou and K. Liasidou, dikigori)

*Other parties to the proceedings:* European Commission and European Central Bank

**Form of order sought**

The appellants claim that the Court should:

- set aside the order under appeal;
- set aside the finding of the General Court that the objection of inadmissibility should be upheld and in particular the finding that ‘statements of the Eurogroup cannot be considered to be acts intended to produce legal effects vis-à-vis third parties’ and consequently vis-à-vis the appellants, and that by the contested statement the Eurogroup ‘gave an account in very general terms of certain measures which were agreed at a political level with the Republic of Cyprus’;
- set aside the order under appeal which attributed the impairment of bank deposits to the Republic of Cyprus and failed to attribute any conduct or act or decision whatsoever either to the Eurogroup or to the defendants or to the defendants within the Eurogroup;
- set aside the order that the appellants should pay the costs.

**Grounds of appeal and main arguments**

The appellants rely on four grounds in support of the appeal. Specifically:

1. The order under appeal is vitiated by a defective statement of reasons and was made on the basis of a misinterpretation of the facts and the law in relation to the identity of the body which actually and in reality made the decision on the ‘bail in’ impairment of bank deposits.

2. The order under appeal was made contrary to general principles of law in that the General Court misinterpreted the fact that, irrespective of the shape or form taken by the Eurogroup's contested decision, that decision was in this case an act against which an appeal could be brought.
3. The order under appeal is in error in that the General Court for the making of the order failed to examine the legal and actual association of the European Commission, the European Central Bank and the Eurogroup and also failed to examine the fact that, on the basis of the principle of legal causation and the true author test, the acts of the Eurogroup constituted acts of the European Central Bank and the European Commission, which ought to have acted in a way compatible with the Treaty and the Protocols of the European Union and on the basis of secondary and derivative law.

In consequence, the General Court failed to examine the substance of the appellants' arguments and case, and thus erred in dismissing the action for annulment.

4. In the event that this appeal is upheld, the appellants should not be ordered to pay the costs of this appeal or of the proceedings at first instance.

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**Appeal brought on 4 March 2015 by Tameio Pronoias Prosopikou Trapezis Kyprou against the order of the General Court (First Chamber) delivered on 16 October 2014 in Case T-328/13 Tameio Pronoias Prosopikou Trapezis Kyprou v Commission and European Central Bank**

(Case C-106/15 P)

(2015/C 178/03)

*Language of the case: Greek*

#### **Parties**

*Appellant:* Tameio Pronoias Prosopikou Trapezis Kyprou (represented by: E. Efstathiou, K. Liasidou and K. Efstathiou, dikigori)

*Other parties to the proceedings:* European Commission and European Central Bank

#### **Form of order sought**

The appellant claims that the Court should:

- set aside the order under appeal;
- set aside the finding of the General Court that the objection of inadmissibility should be upheld and in particular the finding that 'statements of the Eurogroup cannot be considered to be acts intended to produce legal effects vis-à-vis third parties' and consequently vis-à-vis the appellant, and that by the contested statement the Eurogroup 'gave an account in very general terms of certain measures which were agreed at a political level with the Republic of Cyprus';
- set aside the order under appeal which attributed the impairment of bank deposits to the Republic of Cyprus and failed to attribute any conduct or act or decision whatsoever either to the Eurogroup or to the defendants or to the defendants within the Eurogroup;
- set aside the order that the appellant should pay the costs.