

GENERAL COURT

Judgment of the General Court of 11 May 2022 — Fininvest and Berlusconi v ECB

(Case T-913/16) ⁽¹⁾

(Economic and monetary policy — Prudential supervision of credit institutions — Specific supervisory tasks assigned to the ECB — Assessment of acquisitions of qualifying holdings — Opposition to the acquisition of a qualifying holding — Non-retroactivity — Res judicata — Application of national transposing measures — Rights of the defence — Right of access to the file — Right to be heard — New plea — Primacy of EU law — Right to effective judicial protection)

(2022/C 266/22)

Language of the case: Italian

Parties

Applicants: Finanziaria d'investimento Fininvest SpA (Fininvest) (Rome, Italy), Silvio Berlusconi (Rome) (represented by: R. Vaccarella, A. Di Porto, M. Carpinelli, A. Saccucci, B. Nascimbene, N. Ghedini and A. Baldaccini, lawyers)

Defendant: European Central Bank (represented by: C. Hernández Saseta and G. Buono, acting as Agents, and by M. Lamandini, lawyer)

Intervener in support of the defendant: European Commission (represented by: V. Di Bucci and A. Steiblytė, acting as Agents)

Re:

Application under Article 263 TFEU for annulment of the ECB's decision ECB/SSM/2016 — 7LVZJ6XRIE7VNZ4UBX81/4 of 25 October 2016, by which the latter refused to authorise the acquisition of a holding by Fininvest and by Mr Silvio Berlusconi in the credit institution Banca Mediolanum SpA.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Finanziaria d'investimento Fininvest SpA (Fininvest) and Mr Silvio Berlusconi to bear their own costs and to pay those incurred by the European Central Bank (ECB);
3. Orders the European Commission to bear its own costs.

⁽¹⁾ OJ C 63, 27.2.2017.