

Pleas in law and main arguments

The European Central Bank ('ECB') submits that the judgment under appeal should be set aside, because the General Court:

- exceeded the limits of judicial review by substituting its own assessment of complex economic factors for that of the ECB, in breach of the standard established by EU courts on the matter;
- breached its duty to state reasons by not allowing the ECB to understand in what way its assessment of the dual guarantee by the State, issued in the context of the regulated savings, could be flawed;
- distorted the evidence that had been submitted to it in the course of the proceedings by a manifestly incorrect reading, both of the decision contested at first instance (decision ECB-SSM-2019-FRCAG-39 of 3 May 2019), and of the methodology applied by the ECB and against which the request for exemption submitted by Crédit Lyonnais had been examined;
- infringed Article 4(1)(94) of Regulation 575/2013 ⁽¹⁾ by adding to the definition of the risk of excessive leverage the criteria that are not there, and Article 429(14) thereof, concerning the exemption of certain exposures from the calculation of the leverage ratio, thus depriving the ECB of the discretion granted to it by virtue of that article.

⁽¹⁾ Regulation (EU) No 575/2013 of the European Parliament and of the Council of 26 June 2013 on prudential requirements for credit institutions and investment firms and amending Regulation (EU) No 648/2012 (OJ 2013 L 176, p. 1), as amended by Commission Delegated Regulation (EU) 2015/62 of 10 October 2014 amending Regulation (EU) No 575/2013 of the European Parliament and of the Council with regard to the leverage ratio (OJ 2015 L 11, p. 37).

**Order of the President of the Court of 19 May 2021 (request for a preliminary ruling from the
Verwaltungsgerichtshof — Austria) — B v Finanzamt Österreich, formerly Finanzamt Wien 9/18/19**

(Case C-1/20) ⁽¹⁾

(2021/C 320/35)

Language of the case: German

The President of the Court has ordered that the case be removed from the register.

⁽¹⁾ OJ C 137, 27.4.2020.

**Order of the President of the Sixth Chamber of the Court of 20 May 2021 — Vanda Pharmaceuticals
Ltd v European Commission**

(Case C-115/20 P) ⁽¹⁾

(2021/C 320/36)

Language of the case: English

The President of the Sixth Chamber has ordered that the case be removed from the register.

⁽¹⁾ OJ C 137, 27.4.2020.