

Re:

By its action based on Article 263 TFEU, the applicant seeks annulment of the decision, notified by letter of 21 March 2019, by which the European Central Bank (ECB) decided to oppose the transaction consisting of the acquisition of qualifying holdings in B.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders PNB Banka AS to bear its 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 270, 12.8.2019.

Judgment of the General Court of 7 December 2022 — PNB Banka v ECB

(Case T-230/20) ⁽¹⁾

(Economic and monetary policy — Prudential supervision of credit institutions — Regulation (EU) No 1024/2013 — Specific supervisory tasks assigned to the ECB — Decision to withdraw the authorisation of the credit institution PNB Banka — Proposal of the national competent authority to withdraw authorisation — Insolvency decision in respect of PNB Banka — Reasonable time — Obligation to state reasons — Proportionality)

(2023/C 35/54)

Language of the case: English

Parties

Applicant: PNB Banka AS (Riga, Latvia) (represented by: O. Behrends, lawyer)

Defendant: European Central Bank (represented by: C. Hernández Saseto, F. Bonnard and V. Hümpfner, acting as Agents)

Intervener in support of the defendant: Republic of Latvia (represented by: K. Pommere, J. Davidoviča and E. Bārdiņš, acting as Agents)

Re:

By its action based on Article 263 TFEU, the applicant seeks annulment of the decision of the European Central Bank (ECB) of 17 February 2020, ECB-SSM-220-LVPNB-1, WHD-2019-0016, withdrawing its authorisation as a credit institution.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders PNB Banka AS to bear its own costs and to pay those incurred by the European Central Bank (ECB), including those incurred in the proceedings for interim relief;

3. Orders the Republic of Latvia to bear its own costs.

(¹) OJ C 209, 22.6.2020.

Judgment of the General Court of 23 November 2022 — Westfälische Drahtindustrie and Others v Commission

(Case T-275/20) (¹)

(Action for annulment and for damages — Competition — Agreements, decisions and concerted practices — European market for prestressing steel — Decision finding an infringement of Article 101 TFEU and Article 53 of the EEA Agreement — Suspension of the obligation to provide a bank guarantee — Payment by instalments on a provisional basis — Judgment annulling in part the decision and setting a fine in an amount identical to the amount of the fine originally imposed — Application of payments made on a provisional basis — Default interest — First paragraph of Article 266 TFEU — Unjust enrichment — Sufficiently serious breach of a rule of law intended to confer rights on individuals — Recovery of undue payments — No legal basis — Unlawfulness)

(2023/C 35/55)

Language of the case: German

Parties

Applicants: Westfälische Drahtindustrie GmbH (Hamm, Germany), Westfälische Drahtindustrie Verwaltungsgesellschaft mbH & Co. KG (Hamm), Pampus Industriebeteiligungen GmbH & Co. KG (Iserlohn, Germany) (represented by: O. Duys and N. Tkatchenko, lawyers)

Defendant: European Commission (represented by: P. Rossi and L. Mantl, acting as Agents)

Re:

By their action, the applicants seek, principally, (i), the annulment, on the basis of Article 263 TFEU, of the European Commission's letter of 2 March 2020 by which it gave them formal notice to pay it the sum of EUR 12 236 931,69, corresponding, according to the Commission, to the outstanding balance of the fine imposed on them on 30 September 2010; (ii), a finding that the fine was paid in full on 17 October 2019 by the payment of EUR 18 149 636,24; and, (iii), an order that the Commission pay WDI the sum of EUR 1 633 085,17, plus interest from that latter date, on account of unjust enrichment on the part of that institution. In the alternative, the applicants request under Article 268 TFEU that the Commission be ordered to pay them the sum of EUR 12 236 931,69, claimed by the Commission from the applicant WDI, and a sum equivalent to the amount of overpayment to that institution of EUR 1 633 085,17, plus interest as of 17 October 2019, until the repayment in full of the amount owed.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Westfälische Drahtindustrie GmbH, Westfälische Drahtindustrie Verwaltungsgesellschaft mbH & Co. KG and Pampus Industriebeteiligungen GmbH & Co. KG to pay the costs.

(¹) OJ C 247, 27.7.2020.