

2. **Second ground of appeal: the General Court erred in law in its interpretation of Article 75 of the [Implementing measures for the Statute for Members of the European Parliament ('the IMS')], Article 28 of the Statute for Members of the European Parliament, and of Annexes I, II and III to the PEAM Rules, and also infringed the right to a pension, general principles, and the Charter of Fundamental Rights.** The appellants claim that the judgment under appeal is unlawful in so far as that judgment (i) incorrectly interpreted the reference standards, attributing an ongoing validity and effectiveness to Annex III to the PEAM Rules despite the express repeal thereof and notwithstanding the lack of any express provision regarding continued validity, and (ii) unlawfully failed to find that, in the present case, the requirements for the right to a pension were amended beyond the scope of Article 2 of Annex III [to those rules], in breach of the general principles of the European Union and the Charter of Fundamental Rights.
3. **Third ground of appeal: the General Court erred in law and/or fact by finding that the decision at issue was in line with the general principles of the European Union and the Charter of Fundamental Rights, the principles of legitimate expectations, proportionality and equality, and the right to property.** The appellants claim that the judgment under appeal is unlawful in so far as (i) that judgment, failing to assess the specific circumstances of the present case and incorrectly interpreting the reference standards, held that the decisions at issue were in line with EU law and the principles of the Charter of Fundamental Rights, (ii) it failed to consider the evidence, including documentary evidence, demonstrating the many assurances given to the appellants regarding the maintenance of the acquired right and the immutable nature of that right, and (iii) it did not find that the decisions at issue lacked any reasoning or reason and that those decisions resulted in manifestly disproportionate and completely unjustified action being taken.
4. **Fourth ground of appeal: the General Court erred in law in its interpretation of Articles 74 and 75 of the IMS and Annex III to the PEAM Rules.** The appellants claim that the judgment under appeal is unlawful because it incorrectly found that the decisions at issue could be legitimately based on Annex III to the PEAM Rules when that annex was no longer in force, as it had been repealed in the meantime.
5. **Fifth ground of appeal: the General Court erred in law in its assessment of procedural infringements: competence.** The appellants claim that the judgment [under appeal] is unlawful because it incorrectly held that the Head of the Members' Salaries and Social Entitlements Unit was competent to adopt the decisions at issue, which were, however, acts that could not be delegated as they were acts of extraordinary administration falling within the competence of the Bureau of the European Parliament.
6. **Sixth ground of appeal: the General Court erred in law in its assessment of procedural infringements: reasoning.** The appellants claim that the judgment under appeal is unlawful because (i) it incorrectly held that there was adequate reasoning, whereas in actual fact no reasoning was provided, (ii) it failed to find that the European Parliament was required to carry out a review of conformity, providing an account of that review supported by adequate reasoning, and that the Parliament had failed to conduct such a review and to provide such reasoning, and (iii) it referred to Article 1(7) of Resolution No 14/2018 — a rule that no longer exists since it was annulled by the Chamber of Deputies itself by Decision No 2/2020, which is already in effect — as an element of protection.

Appeal brought on 30 March 2021 by ABLV Bank AS, in liquidation, against the judgment of the General Court (Tenth Chamber, Extended Composition) delivered on 20 January 2021 in Case T-758/18, ABLV Bank v SRB

(Case C-202/21 P)

(2021/C 217/38)

Language of the case: English

Parties

Appellant: ABLV Bank AS, in liquidation (represented by: O. Behrends, Rechtsanwalt)

Other parties to the proceedings: Single Resolution Board (SRB), European Commission

Form of order sought

The appellant claims that the Court should:

— set aside the judgement under appeal;

— declare void the decision of the SRB with respect to ABLV Bank AS dated 17 October 2018;

- order the SRB to pay the appellant's costs and the costs of this appeal;
- to the extent that the Court of Justice is not in a position to rule on the substance refer the case back to the General Court.

Pleas in law and main arguments

In support of the appeal, the appellant relies on thirteen pleas in law.

First plea in law, alleging that the General Court incorrectly interpreted Article 70(4) SRMR ⁽¹⁾.

Second plea in law, alleging that the judgement under appeal based on an erroneous interpretation and application of Article 12 Delegated Regulation 2015/63 ⁽²⁾.

Third plea in law, alleging that the General Court erred with respect to the relevance of Article 7 of Delegated Regulation 2017/2361 ⁽³⁾ for the interpretation of Article 12(2) of Delegated Regulation 2015/63.

Fourth plea in law, alleging that the General Court erred with respect to the proper interpretation and application of the principle of unjust enrichment.

Fifth plea in law, alleging that the General Court failed to address the appellant's plea of illegality as regards the applicable provision in the present case.

Sixth plea in law, alleging that the General Court erred in law by regarding irrelevant as a mere practice the reimbursement by the SRB of *ex ante* contributions SRB's Decision SRB/ES/SRF/2018/03 which pursuant to that same provisions are owed as a matter of law.

Seventh plea in law, alleging that the General Court erred as to the interpretation and relevance of Article 17 of Delegated Regulation 2015/63.

Eighth plea in law, alleging that the General Court erred as to the legal relevance of the existence of irrevocable payment commitments.

Ninth plea in law, alleging that the General Court erred in law by failing to address the appellant's pleas in connection with the request for reimbursement of the balance of the 2015 contributions.

Tenth plea in law, alleging that the General Court erred as regards the principles of legal certainty and legitimate expectations.

Eleventh plea in law, alleging that the General Court erred as regards the application of the principle of proportionality.

Twelfth plea in law, alleging that the judgement under appeal is based on an incorrect application of the *nemo auditur* principle.

Thirteenth plea in law, alleging that the judgement under appeal is based on erroneous application of the requirement as to a statement of reason (Article 296 TFEU).

⁽¹⁾ Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014 establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Resolution Fund and amending Regulation (EU) No 1093/2010 (OJ 2014, L 225, p. 1).

⁽²⁾ Commission Delegated Regulation (EU) 2015/63 of 21 October 2014 supplementing Directive 2014/59/EU of the European Parliament and of the Council with regard to *ex ante* contributions to resolution financing arrangements (OJ 2015, L 11, p. 44).

⁽³⁾ Commission Delegated Regulation (EU) 2017/2361 of 14 September 2017 on the final system of contributions to the administrative expenditures of the Single Resolution Board (OJ 2017, L 337, p. 6).