

5. Fifth plea in law: The decision infringes, inter alia, Article 113(7) of Regulation (EU) No 575/2013⁽⁴⁾ and the requirement of risk-appropriate assessment of contributions because it uses a relative multiplier for the IPS indicator in the case of the applicant. A differentiation between institutions at the level of the IPS indicator is, on account of the extensive protective effect of an IPS, incompatible with the scheme and arbitrary.
6. Sixth plea in law: Articles 6, 7 and 9 of, as well as Annex I to, Delegated Regulation (EU) 2015/63 infringe higher-ranking law, inter alia because they infringe the requirement to assess contributions in a risk-appropriate manner, the principle of proportionality and the requirement to take full account of the facts.
7. Seventh plea in law: The decision infringes the applicant's freedom to conduct a business under Article 16 of the Charter and the principle of proportionality because the underlying risk-adjustment multipliers are not commensurate with the applicant's risk profile, which is better than average.
8. Eighth plea in law: The decision infringes Articles 16 and 20 of the Charter as well as the principle of proportionality and the right to good administration on account of obvious errors in the exercise by the defendant of numerous discretionary powers.
9. Ninth plea in law: The first and second sentences of Article 20(1) of the delegated regulation infringe Article 103(7) of Directive 2014/59/EU⁽⁵⁾ and the requirement to assess contributions in a risk-appropriate manner.

⁽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⁾ Regulation No 1 determining the languages to be used by the European Economic Community (OJ, English Special Edition, Series I Volume 1952-1958, p. 59).

⁽³⁾ 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).

⁽⁴⁾ 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).

⁽⁵⁾ Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ 2014 L 173, p. 190).

Action brought on 28 June 2022 — Bayerische Landesbank v SRB

(Case T-397/22)

(2022/C 380/11)

Language of the case: German

Parties

Applicant: Bayerische Landesbank (Munich, Germany) (represented by: H. Berger and W. Weber, lawyers)

Defendant: Single Resolution Board (SRB)

Form of order sought

The applicant claims that the Court should:

- annul the decision of the Single Resolution Board of 11 April 2022 on the calculation of the 2022 *ex ante* contributions to the Single Resolution Fund (SRB/ES/2022/18), including the annexes thereto, in so far as the contested decision, including Annex I, Annex II and Annex III thereto, concerns the applicant's contribution;

— order the defendant to pay the costs of the proceedings.

In the alternative, in the event that the Court takes the view that the contested decision is legally non-existent as a result of the use of the incorrect official language by the defendant and the action for annulment is therefore inadmissible on the ground that it is devoid of purpose, the applicant claims that the Court should:

— declare that the contested decision is legally non-existent;

— order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

The applicant relies on nine pleas in law which are essentially identical or similar to those relied on in Case T-396/22 *Landesbank Baden-Württemberg v SRB*.

Action brought on 28 June 2022 — Deutsche Bank v SRB

(Case T-398/22)

(2022/C 380/12)

Language of the case: German

Parties

Applicant: Deutsche Bank AG (Frankfurt am Main, Germany) (represented by: H. Berger and W. Weber, lawyers)

Defendant: Single Resolution Board (SRB)

Form of order sought

The applicant claims that the Court should:

— annul the decision of the Single Resolution Board of 11 April 2022 on the calculation of the 2022 *ex ante* contributions to the Single Resolution Fund (SRB/ES/2022/18), including the annexes thereto, in so far as the contested decision, including Annex I, Annex II and Annex III thereto, concerns the applicant's contribution;

— order the defendant to pay the costs of the proceedings.

Pleas in law and main arguments

In support of its action, the applicant relies on six pleas in law:

1. First plea in law: The decision infringes the obligation to state reasons laid down in the second paragraph of Article 296 TFEU and Article 41(1) and (2)(c) of the Charter of Fundamental Rights of the European Union ('the Charter') and the fundamental right to effective judicial protection under the first paragraph of Article 47 of the Charter, because it contains instances of failure to state reasons, in particular with regard to the use by the defendant of numerous discretionary powers conferred by law, it does not disclose the data of other institutions and a judicial review of the decision is practically impossible.
2. Second plea in law: The decision infringes Article 4 of Implementing Regulation (EU) 2015/81⁽¹⁾ in conjunction with Articles 69 and 70 of Regulation (EU) No 806/2014⁽²⁾ and Articles 16, 17, 41 and 52 of the Charter, in so far as the defendant fixed the annual target level for 2022 at EUR 14 253 573 821,46; in the alternative, Articles 69 and 70 of Regulation (EU) No 806/2014 infringe higher-ranking law.
3. Third plea in law: Articles 6, 7 and 9 of, as well as Annex I to, Delegated Regulation (EU) 2015/63⁽³⁾ infringe higher-ranking law, inter alia because they infringe the requirement to assess contributions in a risk-appropriate manner, the principle of proportionality and the requirement to take full account of the facts.