

Judgment of the General Court of 23 September 2020 — Hypo Vorarlberg Bank v SRB(Case T-414/17) ⁽¹⁾

(Economic and monetary union — Banking union — Single Resolution Mechanism for credit institutions and certain investment firms (SRM) — Single Resolution Fund (SRF) — Decision of the SRB on the calculation of the 2017 ex ante contributions — Action for annulment — Direct and individual concern — Admissibility — Essential procedural requirements — Authentication of the decision — Obligation to state reasons — Limitation of the temporal effects of the judgment)

(2020/C 390/37)

Language of the case: German

Parties

Applicant: Hypo Vorarlberg Bank AG, formerly Vorarlberger Landes- und Hypothekbank AG (Bregenz, Austria) (represented by: G. Eisenberger and A. Brenneis, lawyers)

Defendant: Single Resolution Board (represented by: P. Messina and J. Kerlin, acting as Agents, and B. Meyring, S. Schelo, T. Klupsch and S. Ianc, lawyers)

Re:

Application based on Article 263 TFEU seeking annulment of the decision of the SRB in its executive session of 11 April 2017 on the calculation of the 2017 ex-ante contributions to the Single Resolution Fund (SRB/ES/SRF/2017/05), in so far as it concerns the applicant.

Operative part of the judgment

The Court:

1. annuls the decision of the Single Resolution Board (SRB) in its executive session of 11 April 2017 on the calculation of the 2017 ex-ante contributions to the Single Resolution Fund (SRB/ES/SRF/2017/05), in so far as it concerns Hypo Vorarlberg Bank AG;
2. orders the SRB to bear its own costs and to pay those incurred by Hypo Vorarlberg Bank.

⁽¹⁾ OJ C 277, 21.8.2017.

Judgment of the General Court of 23 September 2020 — Portigon v SRB(Case T-420/17) ⁽¹⁾

(Economic and monetary union — Banking union — Single Resolution Mechanism for credit institutions and certain investment firms (SRM) — Single Resolution Fund (SRF) — Decision of the SRB on the calculation of the 2017 ex ante contributions — Action for annulment — Direct and individual concern — Admissibility — Essential procedural requirements — Authentication of the decision — Obligation to state reasons — Limitation of the temporal effects of the judgment)

(2020/C 390/38)

Language of the case: German

Parties

Applicant: Portigon AG (Düsseldorf, Germany) (represented by: D. Bliesener, V. Jungkind and F. Geber, lawyers)

Defendant: Single Resolution Board (represented by: P. Messina and J. Kerlin, acting as Agents, and B. Meyring, S. Schelo and T. Klupsch, lawyers)

Intervener in support of the defendant: European Commission (represented by: A. Steiblytė and K.-Ph. Wojcik, acting as Agents)

Re:

Application based on Article 263 TFEU for annulment of the decision of the Single Resolution Board in its executive session of 11 April 2017 on the calculation of the 2017 ex ante contributions to the Single Resolution Fund (SRB/ES/SRF/2017/05) in so far as it concerns the applicant.

Operative part of the judgment

The Court:

1. Annuls the decision of the Single Resolution Board (SRB) of 11 April 2017 on the calculation of the 2017 ex ante contributions to the Single Resolution Fund (SRB/ES/SRF/2017/05) in so far as it concerns Portigon AG;
2. Orders the SRB to bear its own costs and to pay those incurred by Portigon;
3. Orders the Commission to bear its own costs.

⁽¹⁾ OJ C 277, 21.8.2017.

Judgment of the General Court of 9 September 2020 — P. Krücken Organic v Commission

(Case T-565/18) ⁽¹⁾

(Institutional law — Action for damages — Conditions in which the European Union incurs non-contractual liability — Arrangements for imports of organic products from third countries — Private inspection body — Concept of appropriate supervision within the meaning of Article 33(3) of Regulation (EC) No 834/2007 — Regulation (EC) No 1235/2008 — Attributability of conduct)

(2020/C 390/39)

Language of the case: German

Parties

Applicant: P. Krücken Organic GmbH (Mannheim, Germany) (represented by: H. Schmidt, lawyer)

Defendant: European Commission (represented by: B. Eggers, B. Hofstötter and A. Dawes, acting as Agents)

Re:

Application based on Article 268 TFEU seeking compensation for the harm allegedly suffered by the applicant as a result, first, of the alleged infringement by the Commission of its duties under Article 33(3) of Regulation (EC) No 834/2007 of Council Regulation (EC) No 834/2007 of 28 June 2007 on organic production and labelling of organic products and repealing Regulation (EEC) No 2092/91 (OJ 2007 L 189, p. 1) and, second, of certain conduct on the part of Ecocert SA allegedly attributable to the Commission.

Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders P. Krücken Organic GmbH to pay the costs.

⁽¹⁾ OJ C 427, 26.11.2018.