

**Pleas in law and main arguments**

In support of the action, the applicants rely on 11 pleas in law.

1. First plea in law, alleging lacking or insufficient reasoning for the contested decision, which entails infringement of Articles 41(2) and 47 of the Charter of Fundamental Rights of the European Union.
2. Second plea in law, alleging infringement of Article 20(1) of Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014 by failing to carry out a reasonable, prudent and realistic valuation of the assets and liabilities of Banco Popular by an independent person before the resolution decision.
3. Infringement of Article 18(1)(a) in conjunction with Article 18(4)(c) of Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014, insofar as the contested decisions uphold the resolution of Banco Popular while, as at 6 June 2017, that bank had no solvency problems and its liquidity problems were temporary.
4. Infringement of Article 18(1)(b) of Regulation (EU) No 806/2014, insofar as the contested decisions consent to the resolution of Banco Popular, while there were reasonable prospects that other means from the private sector could prevent it become unviable within a reasonable time.
5. Infringement of Article 14(2) of Regulation (EU) No 806/2014, since no attempt was made to minimise the cost of the resolution and avoid the destruction of wealth, which was unnecessary to achieve the objectives of the resolution.
6. Infringement of Article 22 of Regulation (EU) No 806/2014, by failing to weight the contested decisions and adopt resolution tools other than the sale of the business, provided for in paragraph 2 thereof, in accordance with the factors set out in paragraph 3.
7. Infringement of Article 15(1)(g) of Regulation (EU) No 806/2014, insofar as the shareholders ought to have received more than they would receive in the event of insolvency.
8. Infringement of Article 29 of Regulation (EU) No 806/2014.
9. Infringement of the right to property and, in consequence, of Article 17 of the Charter of Fundamental Rights of the European Union.
10. Infringement of the right to an effective remedy, given the inability of the shareholders to protect their position.
11. Infringement of the right of the shareholders and other holders of securities included in the scope of the write-down and conversion to be heard before adoption of the individual measure, which adversely affects them, of write-down of their assets.

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**Action brought on 4 August 2017 — *Álvares de Linera Granda v Commission and SRB***

**(Case T-498/17)**

(2017/C 330/21)

*Language of the case: Spanish*

**Parties**

*Applicant:* *Álvares de Linera Granda* (Madrid, Spain) (represented by: E. Pastor Palomar, F. Arroyo Romero and N. Subuh Falero, lawyers)

*Defendants:* Commission and SRB

**Form of order sought**

- Annul Decision SRB/EES/2017/08 of the Single Resolution Board of 7 June 2017 addressed to the Fund for Orderly Bank Restructuring (FROB) approving a restructuring plan in respect of Banco Popular Español;
- Annul European Commission Decision 2017/1246 of 7 June 2017 supporting the resolution plan for Banco Popular Español; and
- By virtue of the provision in Article 340 TFEU, declare that the SRB and European Commission are non-contractually liable and order them to make good the harm caused to the applicant.

**Pleas in law and main arguments**

The pleas in law and main arguments are similar to the arguments raised in Cases T-478/17, *Mutualidad de la Abogacía y Hermandad Nacional de Arquitectos Superiores y Químicos v Single Resolution Board*; T-481/17, *Fundación Tatiana Pérez de Guzmán y Bueno and SFL v Single Resolution Board*; T-482/17, *Comercial Vascongada Recalde v Commission and Single Resolution Board*; T-483/17, *García Suárez and Others v Commission and Single Resolution Board*; T-484/17, *Fidesban and Others v Single Resolution Board* and T-497/17, *Sánchez del Valle and Calatrava Real State 2015 v Commission and Single Resolution Board*.

In particular, the applicant claims that the Commission misused its powers in the present case.

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**Action brought on 4 August 2017 — Esfera Capital Agencia de Valores v Commission and SRB****(Case T-499/17)**

(2017/C 330/22)

*Language of the case: Spanish***Parties**

*Applicant:* Esfera Capital Agencia de Valores, SA (Madrid, Spain) (represented by: E. Pastor Palomar, F. Arroyo Romero and N. Subuh Falero, lawyers)

*Defendants:* Commission and Single Resolution Board

**Form of order sought**

- Annul Decision SRB/EES/2017/08 of the Single Resolution Board of 7 June 2017 addressed to the Fund for Orderly Bank Restructuring (FROB) approving a restructuring plan in respect of Banco Popular Español;
- Annul European Commission Decision 2017/1246 of 7 June 2017 supporting the resolution plan for Banco Popular Español; and
- By virtue of the provision in Article 340 TFEU, declare that the SRB and European Commission are non-contractually liable and order them to make good the harm caused to the applicant.

**Pleas in law and main arguments**

The pleas in law and main arguments are similar to the arguments raised in Cases T-478/17, *Mutualidad de la Abogacía y Hermandad Nacional de Arquitectos Superiores y Químicos v Single Resolution Board*; T-481/17, *Fundación Tatiana Pérez de Guzmán y Bueno and SFL v Single Resolution Board*; T-482/17, *Comercial Vascongada Recalde v Commission and Single Resolution Board*; T-483/17, *García Suárez and Others v Commission and Single Resolution Board*; T-484/17, *Fidesban and Others v Single Resolution Board* and T-497/17, *Sánchez del Valle and Calatrava Real State 2015 v Commission and Single Resolution Board*.

In particular, the applicant claims that the Commission misused its powers in the present case.

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