

Form of order sought

- Annul the staff reports for 2014 and 2015 definitively adopted on 5 December 2016;
- Order the defendant to pay the costs.

Pleas in law and main arguments

In support of the action, the applicant relies on three pleas in law, alleging that, in the present case, the staff reports for 2014 and 2015 adopted by the Council of the European Union concerning the applicant are vitiated by a manifest error of assessment, insufficient reasoning and a breach of the duty of care.

Action brought on 6 August 2017 — Hernández Díaz v SRB**(Case T-521/17)****(2017/C 382/57)***Language of the case: Spanish***Parties**

Applicant: Alberto Hernández Díaz (San Martín del Rey Aurelio, Spain) (represented by: L. Hernández Cabeza, lawyer)

Defendant: Single Resolution Board

Form of order sought

The applicant claims that that the General Court should:

- Annul the resolution decision concerning the Banco Popular, on grounds of serious and irreparable irregularities that result in the invalidity of that decision, in that (i) it is based on a Deloitte report which was not independent, (ii) shareholders are subjected to much more significant losses than they would be had an arrangement with creditors been entered into and (iii) the bail-in tool was not applied.
- Annul the sale of Banco Popular to the bank acquiring it for the price of EUR 1 on the ground of lack of transparency of the sale process which implies a serious violation of the principle of transparency as well as the principle of competition.
- Order SRB to pay compensation to the shareholders for the compulsory transfer of their shares, the value of which cannot at present be assessed given the lack of transparency of the resolution process.

Pleas in law and main arguments

The pleas in law and main arguments are similar to those put forward in Cases T-478/17, *Mutualidad de la Abogacía and Hermandad Nacional de Arquitectos Superiores y Químicos v Single Resolution Board*, T-481/17, *Fundación Tatiana Pérez de Guzmán el 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*, T-497/17, *Sánchez del Valle and Calatrava Real State 2015 v Commission and Single Resolution Board*, and T-498/17, *Pablo Álvarez de Linera Granda v Commission and Single Resolution Board*.