

- Annul Commission Decision (EU) 2017/1246 of 7 June 2017 endorsing the resolution scheme of Banco Popular Español, S.A.;
- Where appropriate, declare Articles 15, 18, 20, 21, 22 and/or 24 of Regulation No 806/2014 inapplicable, in accordance with Article 277 TFEU;
- Order SRB and the Commission to pay the costs.

### **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*.

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### **Action brought on 15 September 2017 — Erdősi Galcsikné v Commission**

(Case T-632/17)

(2017/C 382/64)

*Language of the case: German*

### **Parties**

*Applicant:* Éva Erdősi Galcsikné (Budapest, Hungary) (represented by: D. Lazar, lawyer)

*Defendant:* European Commission

### **Form of order sought**

The applicant claims that the Court should:

- annul Commission Decision Ares(2017)2755900 of 1 June 2017;
- annul Commission Decision C(2017)5146 final of 17 July 2017;
- order the Commission to grant the applicant access to all documents relating to EU Pilot procedure 8572/15, CHAP (2015)00353, irrespective of whether they are already available or are to be made available only in the future; and
- order the Commission to pay the costs.

### **Pleas in law and main arguments**

In support of the action, the applicant relies on two pleas in law.

1. First plea in law: disclosure of the documents at issue would not compromise the protective purpose of investigations

According to the applicant, the subject matter of EU pilot procedure 8572/15 is the large-scale and extensive infringements of the right to independent and impartial judicial authorities and the right to a fair trial by the Hungarian courts through the application of legislation relating to the conversion of so-called foreign currency loans into Hungarian currency. That legislation infringes the principle of the separation of powers as it interferes with private legal relationships between citizens. In particular, that legislation forces borrowers to bear the losses resulting from the exchange rate risk and prohibits challenges to the validity of credit agreements from being brought before the courts.

The applicant maintains that negotiations between the European Commission and the Hungarian Government with a view to bringing the Hungarian legal system into conformity with EU law are inappropriate for achieving this objective since the courts in a State based on the rule of law are independent.

The disclosure of the contested documents would not undermine the protective purpose of investigations but would, rather, further that objective, since only an open debate is capable of altering the case-law of the Hungarian courts.

2. Second plea in law: there is an overriding public interest in disclosure of the contested documents

The applicant claims that there is a public interest in disclosure of the contested documents in so far as such disclosure would:

- lead to a change in the legal culture of the Hungarian courts;
- make possible an open debate throughout Europe on the Hungarian Government's interpretation of fundamental rights;
- make possible an open debate on the Commission's understanding in relation to the interpretation of Article 47 of the Charter of Fundamental Rights of the European Union and of the first sentence of Article 6(1) of the European Convention on Human Rights.

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**Action brought on 15 September 2017 — Sárossy v Commission**

**(Case T-633/17)**

(2017/C 382/65)

*Language of the case: German*

**Parties**

*Applicant:* Róbert Sárossy (Budapest, Hungary) (represented by: D. Lazar, lawyer)

*Defendant:* European Commission

**Form of order sought**

The applicant claims that the Court should:

- annul the Commission's decision of 12 June 2017 relating to Ares (2017) 2929030;
- annul Commission Decision C(2017)5147 final of 17 July 2017;
- order the Commission to make all of the documents relating to EU Pilot Case 8572/15 (CHAP (2015)00353) accessible to the applicant, irrespective of whether they are already available or are to be made available only in the future; and
- order the Commission to pay the costs of the proceedings.

**Plea in law and main arguments**

In support of his action, the applicant relies on a single plea in law.

According to the applicant, there is an overriding public interest in the disclosure of the contested documents since making the documents available to the public would make it possible for:

- the economic interests of consumers to be protected;
- the internal market to be protected;
- the Commission's investigation activity to be reviewed;
- democracy in Hungary to be strengthened; and