

Action brought on 28 September 2017 — Vallina Fonseca v SRB**(Case T-659/17)**

(2017/C 424/61)

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

Applicant: José Antonio Vallina Fonseca (Madrid, Spain) (represented by: R. Vallina Hoset y A. Sellés Marco, lawyers)

Defendant: Single Resolution Board

Form of order sought

The applicant claims that the General Court should:

- Declare that the Single Resolution Board has incurred non-contractual liability and order it to repair the harm suffered by Mr José Antonio Vallina Fonseca as a result of both its actions and its omissions which deprived the applicant of the BANCO POPULAR ESPAÑOL, S.A. bonds and securities it owned;
- Order the Board to pay the applicant EUR 50 000 as compensation for the harm suffered ('the amount due');
- Increase the amount due with compensatory interest as of 7 June 2017 until delivery of the judgment disposing of the present case;
- Increase the amount due with corresponding default interest as of the date of delivery of judgment until its payment in full, at the rate set by the European Central Bank (ECB) for main refinancing operations, increased by two percentage points.

Pleas in law and main arguments

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

1. First plea in law, alleging that Decision SRB/EES/2017/08 of the Single Resolution Board of 7 June 2017, concerning a resolution scheme in respect of Banco Popular Español, S.A., infringes the *nemo auditur turpitudinem suam allegans* principle and Article 88 of Regulation No 806/2014, in that a crisis that SRB itself triggered has led to the adoption of an act adversely affecting Banco Popular and its shareholders.
2. Second plea in law, alleging that by adopting the resolution decision, the Board infringed the duty of diligence, the principle of good administration in Article 296 TFEU, the principle of prohibition of arbitrary conduct, and the principle of *nemo auditur turpitudinem suam allegans*.
3. Third plea in law, alleging infringement of Articles 17 and 41 of the Charter of Fundamental Rights of the European Union, in that the applicant was obliged to renounce its property without having been given the opportunity to be heard, either before or after.
4. Fourth plea in law, alleging that the Board infringed Article 17 of the Charter of Fundamental Rights of the European Union and Article 54 of the Treaty on European Union, in that the applicant was deprived of its property despite the existence of less restrictive measures.

Action brought on 28 September 2017 — Miralla Inversiones v Commission and SRB**(Case T-660/17)**

(2017/C 424/62)

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

Applicant: Miralla Inversiones, S.L. (Madrid, Spain) (represented by: R. Vallina Hoset and A. Lois Perreau de Pinninck, lawyers)