

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 opropiam 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)

Defendants: European Commission and Single Resolution Board

Form of order sought

The applicant claims that the General Court should:

- Annul Decision SRB/EES/2017/08 of the Single Resolution Board of 7 June 2017 concerning the adoption of a resolution scheme in respect of Banco Popular Español, S.A.;
- 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*.

Action brought on 29 September 2017 — Fundación Agustín de Betancourt v SRB

(Case T-661/17)

(2017/C 424/63)

Language of the case: Spanish

Parties

Applicant: Fundación Agustín de Betancourt (Madrid, Spain) (represented by: I. Salama Salama, lawyer)

Defendant: Single Resolution Board

Form of order sought

The applicant claims that the General Court should:

- On the basis of Article 263 TFEU, annul Decision SRB/EES/2017/08 of the Single Resolution Board (SRB) of 7 June 2017 adopting a resolution scheme in respect of the Banco Popular Español, S.A.;
- In accordance with Article 340(2) TFEU and Article 41(3) of the Charter of Fundamental Rights of the European Union, order the Single Resolution Board to pay compensation to the applicant for the harm suffered, in a precise amount which will be determined once the information required by the applicant's representatives is provided in full and, in particular Deloitte's provisional report and those prepared by independent experts in accordance with Regulation (EU) No 806/2014, access to which is hereby requested;
- In accordance with Articles 133 and 134 of the Rules of Procedure of the General Court, order the Single Resolution Board to pay the costs of these proceedings.