3. Do Framework Decision 2002/584/JHA and the second paragraph of Article 47 of the Charter indeed preclude the executing judicial authority from executing an EAW when it has established that:

— there is a real risk in the issuing Member State of breach of the fundamental right to a fair trial for any suspected person, where that risk is connected with systemic and generalised deficiencies relating to the independence of that Member State's judiciary,

— those systemic and generalised deficiencies are therefore not only liable to have negative consequences, but actually do have such consequences for the courts of that Member State with jurisdiction over the proceedings to which the requested person will be subject, and

— there are therefore serious and factual grounds to believe that the requested person runs a real risk of breach of his fundamental right to an independent tribunal and, therefore, of the essence of his fundamental right to a fair trial,

even if, aside from those systemic and generalised deficiencies, the requested person has not expressed any specific concerns, and even if the requested person's personal situation, the nature of the offences for which he is being prosecuted and the context that forms the basis of the EAW, aside from those systemic and generalised deficiencies, do not give rise to fears that the executive and/or legislature will exert concrete pressure on or influence his trial?

(1) Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States (OJ 2002 L 190, p. 1).

Appeal brought on 31 July 2020 by Talanton Anonymi Emporiki — Symvouleftiki — Ekpaideftiki Etaireia Dianomon, Parochis Ypiresion Marketing kai Dioikisis Epicheiriseon against the judgment delivered by the General Court (Seventh Chamber) on 13 May 2020 in Case T-195/18 Talanton AE v European Commission

(Case C-359/20 P)

(2020/C 320/16)

Language of the case: Greek

Parties

Appellant: Talanton Anonymi Emporiki — Symvouleftiki — Ekpaideftiki Etaireia Dianomon, Parochis Ypiresion Marketing kai Dioikisis Epicheiriseon (represented by: K. Damis, M. Angelopoulos, dikigoroi)

Other party to the proceedings: European Commission

Form of order sought

— set aside in its entirety the judgment of the General Court of the European Union of 13 May 2020 in Case T-195/18 *Talanton Anonymi Emporiki — Symvouleftiki — Ekpaideftiki Etaireia Dianomon, Parochis Ypiresion Marketing kai Dioikisis Epicheiriseon* v *European Commission*;

— uphold the action brought by the applicant/appellant on 16 March 2018;

— dismiss the counterclaim of the defendant/respondent;

— order the respondent to pay the appellant's costs.

Grounds of appeal and main arguments

(1) Error in law — Incorrect application of the principle of good faith in performance of the contract at issue and breach of the requirement of legal certainty which requires the EU institutions to exercise their powers within a reasonable time.

— Under the first part of the abovementioned ground, the appellant complains that the General Court misinterpreted the content of the principle that action is to be taken within a reasonable time, failing to take into account all the relevant circumstances of the case.

— By the second part of the first ground of appeal, the appellant asserts that both the duration of the procedure and the positions adopted by the Commission during the procedure gave it the legitimate expectation that financial corrections would not be imposed upon it.

(2) Error in law — Incorrect application of the principle of good faith as regards acceptance of the breach of the provisions regarding subcontracting in the carrying out of the audit by the Commission.

— The General Court erred in law and misapplied Article 1134 of the Belgian Civil Code, as interpreted by the Belgian Court of Cassation.

Appeal brought on 4 August 2020 by Ernests Bernis, Oļegs Fiļs, OF Holding SIA and Cassandra Holding Company SIA against the order of the General Court (Tenth Chamber) delivered on 14 May 2020 in Case T-282/18, Bernis and Others v SRB

(Case C-364/20 P)

(2020/C 320/17)

Language of the case: English

Parties

Appellants: Ernests Bernis, Oļegs Fiļs, OF Holding SIA, Cassandra Holding Company SIA (represented by: O.H. Behrends, Rechtsanwalt)

Other parties to the proceedings: Single Resolution Board (SRB), European Central Bank (ECB)

Form of order sought

The appellants claim that the Court should:

— set aside the order of the General Court;

— declare that the application for annulment is admissible;

— refer the case back to the General Court for it to determine the action for annulment;

— order the ECB to pay the appellants' costs and the costs of this appeal.

Pleas in law and main arguments

In support of the appeal, the appellants rely on the following pleas in law.

First plea in law, alleging that the General Court erred in law in relying on the fact that Regulation No 806/2014 [1] makes no provisions, in circumstances such as those of the present case, for the winding up of a credit institution. The appellants argue that this aspect concerns the legality of the SRB's contested decisions of 23 February 2018 and thus the merits whereas the admissibility solely depends on the manner in which the SRB actually acted (not how it should have acted).