



C/2024/1857

11.3.2024

Judgment of the General Court of 20 December 2023 — Landesbank Baden-Württemberg v Single Resolution Board (SRB)

(Case T-389/21) ⁽¹⁾

(Economic and monetary union — Banking union — Single Resolution Mechanism for credit institutions and certain investment firms (SRM) — Single Resolution Fund (SRF) — Decision of the SRB on the calculation of the 2021 ex ante contributions — Duty to state reasons — Effective judicial protection — Equal treatment — Principle of proportionality — SRB's discretion — Plea of illegality — Commission's discretion — Limitation of the temporal effects of the judgment)

(C/2024/1857)

Language of the case: German

Parties

Applicant: Landesbank Baden-Württemberg (Stuttgart, Germany) (represented by: H. Berger, M. Weber and D. Schoo, lawyers)

Defendant: Single Resolution Board (SRB) (represented by: J. Kerlin, T. Wittenberg and D. Ceran, acting as Agents, and H. G. Kamann, F. Louis, P. Gey and L. Hesse, lawyers)

Intervener in support of the defendant: European Commission (represented by: D. Triantafyllou, A. Nijenhuis and A. Steiblytè, acting as Agents)

Re:

By its action under Article 263 TFEU, the applicant, Landesbank Baden-Württemberg, seeks the annulment of Decision SRB/ES/2021/22 of the Single Resolution Board (SRB) of 14 April 2021 on the calculation of the 2021 ex ante contributions to the Single Resolution Fund ('the contested decision'), in so far as that decision concerns it.

Operative part of the judgment

The Court:

1. Annuls Decision SRB/ES/2021/22 of the Single Resolution Board (SRB) of 14 April 2021 on the calculation of the 2021 ex-ante contributions to the Single Resolution Fund, in so far as it concerns Landesbank Baden-Württemberg;
2. Maintains the effects of Decision SRB/ES/2021/22, in so far as it concerns Landesbank Baden-Württemberg, until the entry into force, within a reasonable period which cannot exceed six months from the date of delivery of the present judgment, of a new decision of the SRB fixing the applicant's ex ante contribution to the Single Resolution Fund for the 2021 contribution period;
3. Orders the SRB to bear its own costs and to pay those incurred by Landesbank Baden-Württemberg;
4. Orders the European Commission to bear its own costs.

⁽¹⁾ OJ C 349, 30.8.2021.