

C/2024/2941

6.5.2024

Judgment of the General Court of 20 March 2024 – Deutsche Kreditbank v SRB(Case T-391/21) ⁽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/2024/2941)

Language of the case: German

Parties

Applicant: Deutsche Kreditbank AG (Berlin, Germany) (represented by: H. Berger, M. Weber and D. Schoo, lawyers)

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

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

Re:

By its action under Article 263 TFEU, the applicant 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, 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 Deutsche Kreditbank AG;
2. Maintains the effects of Decision SRB/ES/2021/22, in so far as it concerns Deutsche Kreditbank AG, 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 *ex ante* contribution to the Single Resolution Fund of that institution for the 2021 contribution period;
3. Orders the SRB to bear its own costs and to pay those incurred by Deutsche Kreditbank AG;
4. Orders the European Commission to bear its own costs.

⁽¹⁾ OJ C 349, 30.8.2021.