

EN
E-000014/2021
Answer given by Ms McGuinness
on behalf of the European Commission
(8.4.2021)

It is not uncommon for shareholders and creditors to bring court actions when they suffered losses in the resolution of a bank. The EU resolution framework protects the fundamental rights of shareholders and creditors in resolution and guarantees judicial review of resolution decisions. In addition, pursuant to Article 92(4) of Regulation (EU) No 806/2014 (Single Resolution Mechanism Regulation - SRMR)¹, the Court of Auditors reports on any contingent liabilities that may result from the performance by the Single Resolution Board (SRB), the Council and the Commission of their tasks under the SRMR. Following the resolution of Banco Popular in 2017, a number of annulment actions were brought against the Commission, but it did not disclose any contingent liabilities because it considers that the potential financial risk arising from those cases is remote.

With regard to banks' contributions to the Single Resolution Fund, the Commission is aware of the *Landesbank Baden-Württemberg* judgment² that found Articles 4 to 7, 9 of and Annex I to Delegated Regulation 2015/63³ to be illegal. Yet, the legal effects of that judgment are limited to the particular case and do not prejudice the SRB's collection of contributions. The judgment is currently under appeal at the Court of Justice.

While the Commission is aware of a number of legal actions brought by ABLV Bank and PNB Bank, those actions have not challenged the legality of the resolution framework and therefore pose no legal risk in this regard.

¹ Regulation (EU) No 806/2014 of the European Parliament and of the Council of 15 July 2014 establishing uniform rules and a uniform procedure for the resolution of credit institutions and certain investment firms in the framework of a Single Resolution Mechanism and a Single Resolution Fund and amending Regulation (EU) No 1093/2010, OJ L 225, 30.7.2014, p. 1–90.

² Judgment of the General Court of 23 September 2020, *Landesbank Baden-Württemberg v Single Resolution Board*, Case T-411/17.

³ Commission Delegated Regulation (EU) 2015/63 of 21 October 2014 supplementing Directive 2014/59/EU of the European Parliament and of the Council with regard to ex ante contributions to resolution financing arrangements, OJ L 11, 17.1.2015, p. 44–64.