

2. Second plea in law, in the alternative, based, pursuant to Article 277 TFEU, on a plea of illegality, and seeking that the General Court declare inapplicable Articles 12 and 14 of the delegated regulation on the ground of infringement of Article 103(2) and (7) of Directive 2014/59/EU^(?)

— In that regard, the applicant claims that, if Articles 12 and 14 of the delegated regulation are to be interpreted as meaning that an institutional protection scheme established in 2018 is not to be recognised for the purposes of calculating *ex ante* contributions to the Single Resolution Fund for the 2019 contribution period, then the aforementioned articles of the delegated regulation infringe Article 103(2) and (7) of Directive 2014/59/EU, in that they disregard the conditions for delegating power to the Commission, which require that (i) contributions to the Fund be in line with the risk profile of the contributing institution and (ii) contributions to the Fund take into account participation in an institutional protection scheme.

(1) 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 2016 L 233, p. 1).

(2) Directive 2014/59/EU of the European Parliament and of the Council of 15 May 2014 establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directive 82/891/EEC, and Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC, 2011/35/EU, 2012/30/EU and 2013/36/EU, and Regulations (EU) No 1093/2010 and (EU) No 648/2012, of the European Parliament and of the Council (OJ 2014 L 173, p. 170).

Action brought on 12 July 2019 — Corneli v ECB

(Case T-501/19)

(2019/C 312/31)

Language of the case: Italian

Parties

Applicant: Francesca Corneli (Velletri, Italy) (represented by: F. Ferraro, lawyer)

Defendant: European Central Bank

Form of order sought

The applicant claims that the Court should:

- annul the ECB Executive Board's decision of 29 May 2019, ref L/LDG/19/182, refusing access to the ECB's decision to place Banca Carige S.p.A., having its registered office in Genoa, Italy, under special administration and to the relevant case file, and order the defendant to produce and submit to the Court the abovementioned decision and all prior, preparatory, related and consequent acts; and
- order the defendant to pay the costs.

Pleas in law and main arguments

This action has been brought for the annulment of the ECB Executive Board's decision of 29 May 2019, ref L/LDG/19/182, refusing access to the ECB's decision to place Banca Carige S.p.A., having its registered office in Genoa, Italy, under special administration and to the relevant case file, and for an order that the defendant produce and submit to the Court the abovementioned decision and all prior, preparatory, related and consequent acts.

In support of the action, the applicant relies on four pleas in law.

1. First plea in law, alleging infringement of Article 4 of ECB Decision 2004/3 and misapplication of the exception relating to the confidentiality of information that is protected as such under EU law.
 - The applicant claims in this respect that the contested decision is unlawful in so far as it lacks actual evidence indicating the confidential parts of the document at issue, their function and their purpose within the ECB and the risks attached to their disclosure. It claims that, in weighing up the various interests, there is no doubt that savers' specific interest in protecting their shareholding as well as the efficiency and transparency of the governance of the company prevails over the general requirement — in respect of which no reasons are given — to protect supervision procedures.
2. Second plea in law, alleging failure to state reasons for the confidential nature of the document requested.
 - The applicant claims in this respect that the ECB fails to offer any reasons for its claim that the contested act is confidential, merely stating, as if it were obvious, that protecting its supervision procedures justifies the refusal of access.
3. Third plea in law, alleging infringement of Article 7(1) and 8(1) of ECB Decision 2004/3 and failure to state reasons.
 - The applicant claims in this respect serious infringement of Articles 7(1) and 8(1) of Decision 2004/3 and failure to state reasons, since the conditions for a general presumption of confidentiality are not satisfied and in any event the ECB failed to carry out a specific assessment of the documents to which access was requested.
4. Fourth plea in law, alleging infringement of the fundamental right to effective judicial protection (Article 47 of the Charter of Fundamental Rights of the European Union) and of Articles 7(3) and 8(2) of ECB Decision 2004/3.
 - The applicant claims in this respect that the ECB cannot completely thwart the interests of the parties to whom the measure is addressed, including the bank's shareholders, who have the right to effective protection under Article 47 of the Charter of Fundamental Rights of the European Union against the 'poor' exercise of official authority. The ECB also infringed Articles 7(3) and 8(2) of ECB Decision 2004/3 since on a number of occasions it has referred to an exceptionally high workload without providing any proof in that regard, in order to extend, by a further 20 days, the time limit laid down for replying to the applicant's request for access.

Action brought on 12 July 2019 — Corneli v ECB

(Case T-502/19)

(2019/C 312/32)

Language of the case: Italian

Parties

Applicant: Francesca Corneli (Velletri, Italy) (represented by: M. Condinanzi, L. Boggio and F. Ferraro, lawyers)