

ESAs' Board of Appeal dismisses case against the EBA on alleged non-application of Union law as manifestly inadmissible

The Joint Board of Appeal of the European Supervisory Authorities (ESAs – European Banking Authority, European Insurance and Occupational Pensions Authority, and European Securities and Markets Authority) published today [its decision](#) in relation to an alleged non-application of Union law by eight national competent authorities brought by Mr Howerton against the European Banking Authority (EBA). In its decision, the Board of Appeal dismisses the Appellant's claim as manifestly inadmissible as the facts described do not seem to involve a subject-matter within the remit of the EBA nor of the Board of Appeal.

The Board of Appeal finds that Mr Howerton's appeal merely reiterated the very same complaints which had been raised in the past by the Appellant towards the European Securities and Markets Authority (ESMA) and European Insurance and Occupational Pensions Authority (EIOPA), which the Board of Appeal determined to be inadmissible in their respective contexts. As in the ESMA and EIOPA Decisions, the Board of Appeal fails to see how the facts described by the Appellant, and previously filed in a complaint directed to the EBA, may involve subject-matter within the remit of the EBA and of the Board of Appeal. In addition, the Board of Appeal notes that the Appellant, at the time of filing this new appeal, was fully aware of the reasons of inadmissibility of the appeal filed against ESMA and EIOPA. The Board of Appeal, therefore, considers the appeal as manifestly inadmissible and does not allow for any further consideration.

Background

On 4 August 2020, Mr Howerton sent several requests to the EBA to investigate eight national competent authorities under Article 17 of Regulation (EU) No 1093/2010. The EBA assessed the content of the requests to investigate and concluded that the facts were outside the scope of the EBA's remit because they did not fall under any of the Union acts referred to in Article 1(2) of Regulation (EU) No 1093/2010. The Appellant was informed of this conclusion by the EBA on 21 December 2020. The appeal against EBA's communication of 21 December 2020 was filed with the Board of Appeal on 22 December 2020.