

**Priority question for written answer P-002807/2023
to the Commission**

Rule 138

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Subject: Compensation for damages caused by the Commission's incorrect decision in the Tercas case

On 19 March 2019, the EU General Court annulled the Commission decision that the intervention in support of Banca Tercas by the 'Fondo Interbancario per la tutela dei depositi' (Inter-bank Deposit Guarantee Fund – FITD) constituted 'illegitimate state aid', holding that, on the contrary, it was entirely legitimate and compatible with the internal market. On 2 March 2021 the Court of Justice of the EU threw out the Commission's appeal against the General Court's ruling. On 21 September 2023 the Commission reassessed the case in the light of these rulings, concluding that the support granted by the FITD to Banca Tercas was not imputable to Italy and did not constitute unlawful state aid.

If the FITD's actions in this case had not been deemed unlawful state aid, then the subsequent burden-sharing operation to rescue four banks (Etruria, CariChieti, CariFerrara and Marche) would have taken their non-performing loans at book value and the rights of subordinated creditors would not have been trampled upon.

Can the Commission therefore say:

1. Whether it intends to apologise publicly for the mistake made in its decision on Tercas?
2. How and when it intends to address the damages unjustly done to Italy, savers and the banks directly and indirectly affected by that incorrect decision, given that similar interventions were ruled out in the banking crises following the Tercas case, causing instability and incurring huge costs for the Italian financial system as a whole?

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