

Judgment of the Court (Grand Chamber) of 20 March 2018 (request for a preliminary ruling from the Corte suprema di cassazione — Italy) — Garlsson Real Estate SA, in liquidation, Stefano Ricucci, Magiste International SA v Commissione Nazionale per le Società e la Borsa (Consob)

(Case C-537/16) ⁽¹⁾

(Reference for a preliminary ruling — Directive 2003/6/EC — Market manipulation — Penalties — National legislation which provides for an administrative penalty and a criminal penalty for the same acts — Charter of Fundamental Rights of the European Union — Article 50 — Ne bis in idem principle — Criminal nature of the administrative penalties — Existence of the same offence — Article 52(1) — Limitations to the ne bis in idem principle — Conditions)

(2018/C 166/14)

Language of the case: Italian

Referring court

Corte suprema di cassazione

Parties to the main proceedings

Applicants: Garlsson Real Estate SA, in liquidation, Stefano Ricucci, Magiste International SA

Defendant: Commissione Nazionale per le Società e la Borsa (Consob)

Operative part of the judgment

1. Article 50 of the Charter of Fundamental Rights of the European Union must be interpreted as precluding national legislation which permits the possibility of bringing administrative proceedings against a person in respect of unlawful conduct consisting in market manipulation for which the same person has already been finally convicted, in so far as that conviction is, given the harm caused to the company by the offence committed, such as to punish that offence in an effective, proportionate and dissuasive manner.
2. The *ne bis in idem* principle guaranteed by Article 50 of the Charter of Fundamental Rights of the European Union confers on individuals a right which is directly applicable in the context of a dispute such as that at issue in the main proceedings.

⁽¹⁾ OJ C 22, 23.1.2017.

Judgment of the Court (First Chamber) of 21 March 2018 (request for a preliminary ruling from the Centrale Raad van Beroep — Netherlands) — J. Klein Schiphorst v Raad van bestuur van het Uitvoeringsinstituut werknemersverzekeringen

(Case C-551/16) ⁽¹⁾

(Reference for a preliminary ruling — Social security — Agreement between the European Community and the Swiss Confederation — Coordination of social security systems — Regulation (EC) No 883/2004 — Articles 7, 63 and 64 — Unemployment benefits — Unemployed person going to another Member State — Retention of entitlement to benefits — Duration)

(2018/C 166/15)

Language of the case: Dutch

Referring court

Centrale Raad van Beroep