

**Request for a preliminary ruling from the Corte suprema di cassazione (Italy) lodged on
23 November 2016 — Commissione Nazionale per le Società e la Borsa (Consob) v Antonio Zecca**

(Case C-597/16)

(2017/C 063/21)

Language of the case: Italian

Referring court

Corte suprema di cassazione

Parties to the main proceedings

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

Respondent: Antonio Zecca

Questions referred

1. Is Article 50 of the Charter of Fundamental Rights of the European Union to be interpreted as meaning that, where a court has delivered a final judgment finding a defendant not to have committed the criminal offence alleged, it precludes the initiation or prosecution of further proceedings based on the same facts with a view to the imposition of penalties which, on account of their nature and severity, may be regarded as criminal penalties, without it being necessary for the national court to make any further assessment?
2. In assessing the effectiveness, proportionality and dissuasiveness of penalties, in the context of determining whether there has been a breach of the *ne bis in idem* principle referred to in Article 50 of the Charter of Fundamental Rights of the European Union, must a national court take into account the thresholds for sanctions laid down in Directive 2014/57/EU? ⁽¹⁾

⁽¹⁾ Directive 2014/57/EU of the European Parliament and of the Council of 16 April 2014 on criminal sanctions for market abuse (market abuse directive) (OJ 2014 L 173, p. 179).

**Request for a preliminary ruling from the Corte suprema di cassazione (Italy) lodged on
28 November 2016 — Presidenza del Consiglio dei Ministri and Others v Nello Grassi and Others**

(Case C-616/16)

(2017/C 063/22)

Language of the case: Italian

Referring court

Corte suprema di cassazione

Parties to the main proceedings

Appellants: Presidenza del Consiglio dei Ministri, Gianni Pantuso, Angelo Tralongo, Maria Michela D'Alessandro

Respondents and cross-appellants: Nello Grassi, Carmela Amato, Università degli Studi di Palermo, Presidenza del Consiglio dei Ministri, Ministero della Salute, Ministero dell'Istruzione, dell'Università e della Ricerca

Questions referred

1. Is Directive 82/76, ⁽¹⁾ which amended Directives 75/362 ⁽²⁾ and 75/363, ⁽³⁾ to be interpreted as including within its scope full-time and part-time courses for trainee medical specialists which had already begun by 31 December 1982 and continued after that date, that being the date by which the Member States were to have adopted the necessary measures to comply with the directive, in accordance with Article 16 thereof?