

**Question referred**

Must the phrase 'is necessary for the purposes of the legitimate interests pursued by the ... third party or parties to whom the data are disclosed', in Article 7(f) of Directive 95/46/EC <sup>(1)</sup> of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, be interpreted as meaning that the National Police must disclose to Rīgas satiksme the personal data sought by the latter which are necessary in order for civil proceedings to be initiated? Is the fact that, as the documents in the case file indicate, the taxi passenger whose data is sought by the Rīgas satiksme was a minor at the time of the accident relevant to the answer to that question?

<sup>(1)</sup> OJ 1995 L 281, p. 31.

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**Request for a preliminary ruling from the Bundesverwaltungsgericht (Germany) lodged on 11 January 2016 — Bundesanstalt für Finanzdienstleistungsaufsicht v Ewald Baumeister**

**(Case C-15/16)**

(2016/C 111/14)

*Language of the case: German*

**Referring court**

Bundesverwaltungsgericht

**Parties to the main proceedings**

*Appellant on point of law and defendant:* Bundesanstalt für Finanzdienstleistungsaufsicht

*Respondent on point of law and applicant:* Ewald Baumeister

*Third Party:* Frank Schmitt as administrator of the assets of Phoenix Kapitaldienst GmbH

**Questions referred**

1. a) Is all business information communicated to the supervisory authority by the supervised entity covered by the term 'confidential information' within the meaning of the second sentence of Article 54(1) of Directive 2004/39/EC <sup>(1)</sup> of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments amending Council Directives 85/611/EEC and 93/6/EEC and Directive 2000/12/EC of the European Parliament and of the Council and repealing Council Directive 93/22/EEC (OJ 2004 L 145, p. 1; 'Directive 2004/39/EC'), and therefore the obligation of professional secrecy in accordance with the first sentence of Article 54(1) of Directive 2004/39/EC, independently of any further conditions?

b) Does 'prudential secrecy', as a component of professional secrecy within the meaning of the first sentence of Article 54(1) of Directive 2004/39/EC, independently of any further conditions, cover all statements by the supervisory authority contained in the files, including its correspondence with other entities?

If questions a) or b) are answered in the negative:

c) Must the provision on professional secrecy in Article 54(1) of Directive 2004/39/EC be interpreted as meaning that, as regards classification of information as confidential,

aa) the relevant factor is whether the information is by its nature covered by the obligation of professional secrecy or access to the information could actually and specifically undermine the interest served by confidentiality, or

- bb) account must be taken of other circumstances under which the information is covered by the obligation of professional secrecy, or
  - cc) in respect of business information of the supervised institution held in its files and related documentation of its own, the supervisory authority may rely on a rebuttable presumption that this information concerns business or prudential secrets?
2. Must the term 'confidential information' within the meaning of the second sentence of Article 54(1) of Directive 2004/39/EC be interpreted as meaning that for business information communicated by the supervisory authority to be classified as a business secret meriting protection or as information otherwise meriting protection, the relevant factor is solely the date of communication to the supervisory authority?

If the second question is answered in the negative:

3. Regarding the question of whether an item of business information is to be protected as a business secret regardless of changes in the economic climate and is therefore subject to the obligation of professional secrecy in accordance with the second sentence of Article 54(1) of Directive 2004/39/EC, must, in a general manner, a time limit — of five years, say — be assumed, following expiry of which it will be rebuttably presumed that the information has lost its economic value? Do analogous considerations apply as regards prudential secrecy?

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<sup>(1)</sup> OJ 2004 L 145, p. 1.

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**Request for a preliminary ruling from the Administrativen sad — Sofia-grad (Bulgaria) lodged on 18 January 2016 — Angel Marinkov v Predsedatel na Darzhavna agentsia za balgarite v chuzhbina**

**(Case C-27/16)**

(2016/C 111/15)

*Language of the case: Bulgarian*

**Referring court**

Administrativen sad — Sofia-grad

**Parties to the main proceedings**

*Applicant:* Angel Marinkov

*Defendant:* Predsedatel na Darzhavna agentsia za balgarite v chuzhbina

**Questions referred**

1. Must Article [14](1)(c) of Directive 2006/54/EC <sup>(1)</sup> of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) and Article 3(1)(c) of Council Directive 2000/78/EC <sup>(2)</sup> of 27 November 2000 establishing a general framework for equal treatment in employment and occupation be interpreted as being sufficiently precise and clear and, accordingly, applicable to the legal position of a dismissed public-sector worker, employed under a civil-service employment relationship, in the case where:
- (a) the dismissal took place because of a reduction in a number of identical posts (functions) occupied by the dismissed person and by other civil servants, including both men and women;