

**Request for a preliminary ruling from the Cour administrative (Luxembourg) lodged on 24 June 2016 — UBS (Luxembourg) SA, Alain Hondequin, Holzem and Others**

(Case C-358/16)

(2016/C 335/51)

*Language of the case: French*

**Referring court**

Cour administrative

**Parties to the main proceedings**

*Applicants:* UBS (Luxembourg) SA, Alain Hondequin, Holzem and Others

**Questions referred**

1. Against the background in particular of Article 41 of the Charter of Fundamental Rights of the European Union (the Charter) enshrining the principle of good administration, does the exception of “cases covered by criminal law” — found at the end of Article 54(1) of Directive 2004/39/EC 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, <sup>(1)</sup> and at the beginning of Article 54(3) — cover a situation concerning, according to national law, an administrative sanction, but considered from the point of view of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) to be part of criminal law, such as the sanction at issue in the main proceedings, imposed by the national regulator, the national supervisory authority, and consisting in ordering a member of the national bar association to cease holding a post as director or any other post subject to accreditation in an entity supervised by that regulator and ordering him to resign from all his posts at the earliest opportunity?
2. Inasmuch as the aforementioned administrative sanction, regarded as such under national law, stems from administrative proceedings, to what extent is the obligation of professional secrecy, which a national supervisory authority may invoke under Article 54 of Directive 2004/39/EC, subject to the requirements for a fair trial including an effective remedy as laid down in Article 47 of the Charter, examined in relation to the parallel requirements of Articles 6 and 13 ECHR relating to a fair trial and an effective remedy, which together constitute the safeguards provided for by Article 48 of the Charter, in particular as regards full access for the person on whom the administrative sanction has been imposed to the administrative file of the author of the sanction, which is also the national supervisory authority, for the purpose of protecting the interests and civil rights of the person on whom the sanction has been imposed?

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

**Request for a preliminary ruling from the Hof van Cassatie (Belgium) lodged on 24 June 2016 — Ömer Altun and Others, Absa NV and Others v Openbaar Ministerie**

(Case C-359/16)

(2016/C 335/52)

*Language of the case: Dutch*

**Referring court**

Hof van Cassatie

**Parties to the main proceedings**

*Appellants:* Ömer Altun, Abubekir Altun, Sedrettin Maksutogullari, Yunus Altun, Absa NV, M. Sedat BVBA, Alnur BVBA

*Respondent:* Openbaar Ministerie