

**Decision 2013-01 of 25 November 2013 against Caisse d'épargne et de prévoyance du Languedoc-Roussillon (anti-money laundering and counter-terrorist financing arrangements)**

**In a decision in which the company was publicly named, the Sanctions Committee handed Caisse d'Épargne et de prévoyance du Languedoc-Roussillon a reprimand together with a fine of EUR 1 million.**

Two series of procedural exceptions were submitted to the Committee, which set them aside:

(a) The first related to the submission of a question to the Court of Justice of the European Union (CJEU) for a preliminary ruling: the Committee ruled that, since its decisions can be appealed before the courts (fourth paragraph of Article L.612-16 of the Monetary and Financial Code), it was not required to submit such a question. It clarified that, with regard to the need to comply with fundamental rights in the context of an administrative proceeding that might result in disciplinary sanctions, European and French jurisprudence could not be viewed as contradictory and there was therefore no need to proceed with such submission.

(b) The second related to the invalidity of the inspection, the inspection report and the statement of objections: the Committee ruled that this question was unfounded on the grounds that it was up to the Committee to make sure that the inspection that took place before the case was referred to it was carried out in conditions ensuring that the defence rights of the persons to whom the complaints were subsequently notified were not irretrievably prejudiced, and that, in the absence of any such prejudice, the procedural objections raised by Caisse d'Épargne et de prévoyance du Languedoc-Roussillon must be set aside (cf. case no. 356054: Conseil d'Etat, Alternative Leaders France, 15 May 2013).

On the merits of the case, this "classic" anti-money laundering and counter-terrorist financing case mainly raised the question of the applicability of the obligation to carry out a detailed examination (Article L.561-10-2 of the Monetary and Financial Code) to transactions not giving rise to suspicions of money laundering or terrorist financing. The Committee judged that, in this case, such an examination was not mandatory.