

# Elvinger Hoss Prussen triggered landmark CJEU preliminary ruling invalidating public access to UBO registers

Elvinger Hoss Prussen triggered the landmark preliminary ruling judgment of 22 November 2022 (Joined Cases C-37/20 and C-601/20), in which the Court of Justice of the European Union (CJEU) has declared the 5th AML Directive (5AMLD) invalid insofar as it imposes a public access regime for national UBO registers.

The case came about through national court proceedings regarding the rejection of the confidentiality requests made by some clients to the UBO register, in which Elvinger Hoss Prussen had asked the Luxembourg District Court to refer to the CJEU several preliminary questions concerning, in essence, the validity of the public access regime imposed by 5 AMLD in light of the Charter of Fundamental Rights of the European Union (Charter). Since the CJEU concluded that the relevant provision of 5AMLD was invalid in view of the Charter, access to UBO registers in Luxembourg and other Member States had to be reconsidered.

The team was led by partner [Pierre Elvinger](#), assisted by partner [Linda Funck](#), counsel [Katrien Veranneman](#), senior associate [Laura Arpetti](#) and associate [Camille Reckinger](#).

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