

2. Can EU law, specifically Article 34 TFEU, relating to the notion of ‘measures having equivalent effect to a quantitative restriction’, Article 31(1) of Directive 2007/46/EC and Article 1(1)(t) and (u) of Commission Regulation (EC) No 1400/2002, be interpreted as precluding a national rule which provides that the certificate of conformity for the purpose of the placing on the market and/or marketing provided by the distributor in another EU Member State in relation to new products and consumable materials, included in the category of those relating to the safety of road traffic, environmental protection, energy efficiency and protection against thefts of road vehicles, is insufficient to allow the free marketing of new products and consumable materials, included in the category of those relating to the safety of road traffic, environmental protection, energy efficiency and protection against thefts of road vehicles, given that that distributor from another European Union Member State distributes these parts freely within the territory of that other European Union Member State, and notwithstanding the fact that, in accordance with the said certificate, the parts in question may be marketed in the territory of the European Union?

⁽¹⁾ OJ L 263, p. 1.

⁽²⁾ Commission Regulation (EC) No 1400/2002 of 31 July 2002 on the application of Article 81(3) of the Treaty to categories of vertical agreements and concerted practices in the motor vehicle sector (OJ 2002 L 203, p. 30).

**Request for a preliminary ruling from the Conseil d’État (France) lodged on 11 August 2014 —
Établissement national des produits de l’agriculture et de la mer (FranceAgriMer) v Sodiaal
International**

(Case C-383/14)

(2014/C 361/06)

Language of the case: French

Referring court

Conseil d’État

Parties to the main proceedings

Applicant: Établissement national des produits de l’agriculture et de la mer (FranceAgriMer)

Defendant: Sodiaal International

Question referred

Do the provisions of the fourth subparagraph of Article 3(1) of Regulation No 2988/95 ⁽¹⁾, pursuant to which limitation becomes effective at the latest on the day on which a period equal to twice the limitation period expires without the competent authority having imposed a penalty, except where the administrative procedure has been suspended in accordance with Article 6(1) thereof, apply exclusively where the competent authority has not imposed any sanction within the meaning of Article 5 of the regulation, on the expiry of a period equal to twice the limitation period, or do they also apply in the absence of any administrative measure, for the purposes of Article 4 thereof, being taken within that period?

⁽¹⁾ Council Regulation (EC, Euratom) No 2988/95 of 18 December 1995 on the protection of the European Communities financial interests (OJ L 312, p. 1).