

**Request for a preliminary ruling from the Cour de Cassation (France) lodged on 11 December 2019 — FO v
Ministère public**

(Case C-906/19)

(2020/C 61/25)

Language of the case: French

Referring court

Cour de Cassation

Parties to the main proceedings

Appellant: FO

Defendant: Ministère public

Questions referred

1. Does Article 19(2) of Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85, ⁽¹⁾ which provides that ‘a Member State shall enable the competent authorities to impose a penalty on an undertaking and/or a driver for an infringement of this Regulation detected on its territory and for which a penalty has not already been imposed, even where that infringement has been committed on the territory of another Member State or of a third country’, apply only to infringements of the provisions of that regulation, or does it also apply to infringements of the provisions of Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport, ⁽²⁾ which has been replaced by Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport? ⁽³⁾
2. Is Article 3(a) of Regulation (EC) No 561/2006 of the European Parliament and of the Council of 15 March 2006 on the harmonisation of certain social legislation relating to road transport and amending Council Regulations (EEC) No 3821/85 and (EC) No 2135/98 and repealing Council Regulation (EEC) No 3820/85 to be interpreted as permitting a driver to derogate from the provisions of Article 15(2) and (7) of Regulation No 3821/85 of 20 December 1985 on recording equipment in road transport, which has been replaced by Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, under which the driver must be able to produce, whenever an inspecting officer so requests, the record sheets and any manual record and printout made during the current day and the previous 28 days, where a vehicle is used, during a period of 28 days, for some journeys falling within the exception referred to above, and some journeys in respect of which there is no relevant derogation from the requirement to use recording equipment?

⁽¹⁾ OJ 2006 L 102, p. 1.

⁽²⁾ OJ 1985 L 370, p. 8.

⁽³⁾ Regulation (EU) No 165/2014 of the European Parliament and of the Council of 4 February 2014 on tachographs in road transport, repealing Council Regulation (EEC) No 3821/85 on recording equipment in road transport and amending Regulation (EC) No 561/2006 of the European Parliament and of the Council on the harmonisation of certain social legislation relating to road transport Text with EEA relevance (OJ 2014 L 60, p. 1).

**Request for a preliminary ruling from the Conseil d’État (France) lodged on 13 December 2019 — Fédération bancaire
française (FBF) v Autorité de contrôle prudentiel et de résolution (ACPR)**

(Case C-911/19)

(2020/C 61/26)

Language of the case: French

Referring court

Conseil d’État