

EFTA COURT

Request for an Advisory Opinion from the EFTA Court by the Princely Court of Appeal dated 13 August 2019 in criminal proceedings against H and I

(Case E-6/19)

A request has been made to the EFTA Court dated 13 August 2019 from the Princely Court of Appeal (Fürstliches Obergericht), which was received at the Court Registry on 20 August 2019, for an Advisory Opinion in criminal proceedings against H and I on the following questions:

- 1. In relation to Article 13(1)(m) of Regulation (EC) No 561/2006:**
 - (a) Does this provision also apply to “empty journeys” by the specialised vehicles transporting money and/or valuables mentioned therein, in other words, to journeys by those vehicles for the purpose of collecting money or valuables and to return journeys after the delivery of money or valuables?**
 - (b) Does this provision also apply to vehicles escorting specialised vehicles transporting money and/or valuables?**
- 2. Is it necessary or proportionate, by reason of Article 19(1) of Regulation (EC) No 561/2006, for a Member State to impose penalties for infringements of this Regulation where the journeys at issue were effected by specialised vehicles transporting money or valuables on the territory of other Member States and those Member States have exercised the exception provided for in Article 13(1)(m) of this Regulation such that under the relevant national law of the Member States concerned no infringements exist?**
- 3. Must Article 6(5) of Regulation (EC) No 561/2006 be interpreted as meaning that even where a Member State has exercised the exception provided for in Article 13(1)(m) of this Regulation, any time spent as described in Article 4(e) of this Regulation and time spent driving vehicles (in each case in relation to journeys involving specialised vehicles transporting money and/or valuables) must be recorded as “other work” in accordance with Article 6(5) of the Regulation mentioned?**

If the answer to the question is in the affirmative, must Article 6(5) of Regulation (EC) No 561/2006 be applied also where the relevant

Member State has exempted the vehicles concerned in accordance with Article 3(2) of Regulation (EEC) No 3821/85 (now Article 3(2) of Regulation (EU) No 165/2014)?