

The principle *ne bis in idem*, enshrined in Article 54 of the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders, signed on 19 June 1990 at Schengen, does not fall to be applied to a decision of the judicial authorities of one Member State declaring a case to be closed, after the Public Prosecutor has decided not to pursue the prosecution on the sole ground that criminal proceedings have been started in another Member State against the same defendant and for the same acts, without any determination whatsoever as to the merits of the case.

(¹) OJ C 21 of 24.01.2004.

JUDGMENT OF THE COURT

(First Chamber)

of 17 March 2005

in Case C-109/04 (Reference for a preliminary ruling from the Bundesverwaltungsgericht): Karl Robert Kranemann v Land Nordrhein-Westfalen (¹)

(Article 48 of the EC Treaty (now, after amendment, Article 39 EC) — Freedom of movement for workers — Civil servant undergoing preparatory practical training — Practical training completed in another Member State — Reimbursement of travel expenses limited to the domestic stretch of the journey)

(2005/C 132/20)

(Language of the case: German)

In Case C-109/04: reference for a preliminary ruling under Article 234 EC from the Bundesverwaltungsgericht (Germany), made by decision of 17 December 2003, received at the Court on 2 March 2004, in the proceedings pending before that court between Karl Robert Kranemann and Land Nordrhein-Westfalen — the Court (First Chamber), composed of P. Jann, President of the Chamber, K. Lenaerts (Rapporteur), N. Colneric, K. Schiemann and E. Levits, Judges; L.A. Geelhoed, Advocate General, R. Grass, Registrar, gave a judgment on 17 March 2005, the operative part of which is as follows:

Article 48 of the EC Treaty (now, after amendment, Article 39 EC) precludes a national measure which grants a person who has completed a practical training period under conditions of genuine and effective activity as an employed person in a Member State other than his Member State of origin the right to reimbursement of travel expenses only up to the amount incurred in respect of the domestic stretch of the journey, while providing that, if such an activity were

carried out on national territory, all the travel costs would be reimbursed.

(¹) OJ C 106 of 30.04.2004.

JUDGMENT OF THE COURT

(Third Chamber)

of 17 March 2005

in Case C-128/04: Reference for a preliminary ruling from the Rechtbank van eerste aanleg te Dendermonde in the criminal proceedings against Annic Andréa Raemdonck and Raemdonck-Janssens BVBA (¹)

(Road transport — Social legislation — Regulation (EEC) No 3821/85 — Requirement to instal and use a tachograph — Regulation (EEC) No 3820/85 — Exception for vehicles carrying material and equipment)

(2005/C 132/21)

(Language of the case: Dutch)

In Case C-128/04: reference for a preliminary ruling under Article 234 EC from the Rechtbank van eerste aanleg te Dendermonde (Belgium), made by decision of 19 January 2004, received at the Court on 9 March 2004, in the criminal proceedings against Annic Andréa Raemdonck and Raemdonck-Janssens BVBA — the Court (Third Chamber), composed of A. Rosas (Rapporteur), President of the Chamber, A. La Pergola, J.-P. Puissochet, U. Lõhmus and A. Ó Caoimh, Judges; M. Poirares Maduro, Advocate General; R. Grass, Registrar, gave a judgment on 17 March 2005, in which it ruled:

1. The terms 'material or equipment' in Article 13(1)(g) of Council Regulation (EEC) No 3820/85 of 20 December 1985 on the harmonisation of certain social legislation relating to road transport must, in the context of the exemption scheme provided for in Article 3(2) of Council Regulation (EEC) No 3821/85 of 20 December 1985 on recording equipment in road transport, be construed as covering not only 'tools and instruments', but also the goods, such as building materials or cables, which are required for the performance of the work involved in the main activity of the driver of the vehicle concerned.

(¹) OJ C 106 of 30.04.2004.