Case C-74/89

(Summary publication)

Commission of the European Communities

v

Kingdom of Belgium

(State aid — Recovery — Failure to implement)

Summary of the Judgment

Member States — Obligations — Failure to fulfil obligations — Justification — Not permissible (EEC Treaty, Art. 93(2), second subparagraph)

As the Court has consistently held, a Member State may not plead provisions, practices or circumstances existing in its internal legal system in order to justify a failure to comply with its obligations under Community law.

OPINION OF THE ADVOCATE GENERAL

Mr Advocate General Lenz delivered his Opinion on 14 February 1990.* He proposed that the Court should:

(i) declare that by not recovering within the prescribed period the aid in the sum of BFR 725 million granted to a synthetic fibre producer, thereby failing to comply with the Commission Decision of 30 November 1983 on the proposal of the Belgian Government to grant aid to a synthetic fibre producer, the Kingdom of Belgium has failed to fulfil its obligations under the EEC Treaty;

(ii) order the Kingdom of Belgium to pay the costs.

* Original language: German.