JUDGMENT OF THE COURT
10 December 1991 [1]

In Case C-192/90,

Commission of the European Communities, represented by Ricardo Gosalbo Bono, a member of its Legal Service, acting as Agent, with an address for service in Luxembourg at the office of Roberto Hayder, a representative of the Legal Service, Wagner Centre, Kirchberg,

applicant,

v

Kingdom of Spain, represented by Carlos Bastarreche Sagües, Director-General for Community Legal and Institutional Coordination, and Antonio Hierro Hernández-Mora, Abogado del Estado instructed to represent the Government before the Court of Justice, acting as Agents, with an address for service in Luxembourg at the Spanish Embassy, 4-5 Boulevard Emmanuel Servais,

defendant,

Application for a declaration that, by failing to communicate programmes for reducing the tonnage and/or volume of containers of liquids for human consumption in household waste to be finally disposed of, as provided for in Article 3 of Council Directive 85/339/EEC of 27 June 1985 on containers of liquids for human consumption (Official Journal 1985 L 176, p. 18), and/or by failing to draw up such programmes, the Kingdom of Spain has failed to fulfil its obligations under the EEC Treaty,

1 — Language of the case: Spanish.

THE COURT,

composed of: F. A. Schockweiler, President of Chamber, acting as the President of the Court, F. Grévisse and P. J. G Kapteyn (Presidents of Chambers), G. F. Mancini, C. N. Kakouris, J. C. Moitinho de Almeida, M. Díez de Velasco, M. Zuleeg and J. L. Murray, Judges,

(The grounds of the judgment are not reproduced.)

hereby:

1. **Declares that, by failing to draw up programmes for reducing the tonnage and/or volume of containers of liquids for human consumption in household waste to be finally disposed of, as provided for in Article 3 of Council Directive 85/339/EEC of 27 June 1985 on containers of liquids for human consumption, the Kingdom of Spain has failed to fulfil its obligations under the EEC Treaty;**

2. **Orders the Kingdom of Spain to pay the costs.**