OPINION OF MR ADVOCATE GENERAL WARNER DELIVERED ON 1 FEBRUARY 1979

My Lords,

In this case there is little that I can usefully say. The Italian Republic admits that it has failed to bring into force the national legislation necessary to comply with the Directive. It explains that the delay is due to internal difficulties, but recognizes that such difficulties cannot be invoked to justify a failure by a Member State to fulfil an obligation under the Treaty.

In my opinion, in those circumstances, Your Lordships can but make the declaration sought by the Commission, and order the Italian Republic to pay the costs of the action.