Case C-192/90

(Summary publication)

Commission of the European Communities

v

Kingdom of Spain

(Failure by a Member State to fulfil its obligations — Containers of liquids for human consumption — Transposition of a directive into national law)

Summary of the Judgment

Member States — Obligations — Implementation of directives — Failure to fulfil obligations not contested

(EEC Treaty, Art. 169)

Opinion of the Advocate General

Mr Advocate General Lenz delivered his Opinion on 7 November 1991.* He proposed that the Court should uphold the Commission's application and declare that, by not drawing 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, the Kingdom of Spain has failed to fulfil its obligations under the EEC Treaty. Furthermore, the defendant should be ordered to pay the costs.

* Original language German