Case C-246/88

(Summary Publication)

Commission of the European Communities

v

Italian Republic

(Failure of Member States to fulfil obligations — Euratom directives — Failure to transpose within the prescribed time-limits)

Summary of the Judgment

Member States — Obligations — Compliance with directives — Failure to fulfil obligations — Justification — Not acceptable
(EAEC Treaty, Art. 141)

As the Court has consistently held, a Member State may not rely on provisions, practices or circumstances in its internal legal system to justify its failure to comply with obligations and time-limits laid down in Community directives.

OPINION OF THE ADVOCATE GENERAL

Mr Advocate General W. Van Gerven delivered his Opinion on 16 April 1991.* He proposed that the Court should find in favour of the Commission and order the Italian Republic to pay the costs.

* Original language: Dutch.