Case C-162/89

(Summary publication)

Commission of the European Communities

v

Kingdom of Belgium

(Failure of a Member State to fulfil its obligations — Non-compliance with a directive — Reports concerning the disposal of waste)

Summary of the Judgment

Member States — Obligations — Implementation of directives — Failure — Justification — Not permissible
(EEC Treaty, Art. 169)

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

OPINION OF THE ADVOCATE GENERAL

Mr Advocate General Darmon delivered his Opinion on 16 May 1990.* He proposed that the Court should declare that, by failing to forward within the prescribed periods the reports referred to in Article 16 of Council Directive 75/439/EEC of 16 June 1975 on the disposal of waste oils, Article 12 of Council Directive 75/442/EEC of 15 July 1975 on waste, Article 10 of Council Directive

* Original language: French.

76/403/EEC of 6 April 1976 on the disposal of polychlorinated biphenyls and polychlorinated terphenyls and Article 16 of Council Directive 78/319/EEC of 20 March 1978 on toxic and dangerous waste, in relation to the region of Brussels, the Kingdom of Belgium has failed to fulfil its obligations under the EEC Treaty. He proposed that the Court should order the defendant to pay the whole of the costs.