Case C-360/88

(Summary publication)

Commission of the European Communities

v

Kingdom of Belgium

(Failure of a State to fulfil its obligations — Transposition of a directive)

Summary of the Judgment

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

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

OPINION OF THE ADVOCATE GENERAL

Mr Advocate General Jacobs delivered his Opinion on 19 October 1989.* He proposed that the Court should declare that the Kingdom of Belgium had failed to fulfil its obligations by failing to adopt within the prescribed period all the provisions necessary to comply with Council Directive 84/450 and that the Kingdom of Belgium must be ordered to pay the costs.

* Original language: English.