OPINION OF ADVOCATE GENERAL JACOBS
delivered on 16 July 1998 *

1. In these proceedings the Commission seeks a declaration, under Article 169 of the EC Treaty, that Ireland has failed to fulfil its obligations under the Treaty by not adopting within the prescribed period the measures necessary to comply with Council Directive 94/57/EC of 22 November 1994 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations. [1]

2. Article 16 of the Directive provides that:

'1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with the Directive no later than 31 December 1995.

...

3. The Member States shall immediately communicate to the Commission the text of all the provisions of domestic law which they adopt in the field governed by this Directive. The Commission shall inform the other Member States thereof.'

3. Ireland has not disputed its failure to implement the Directive and states in its defence that the necessary measures are in the course of being adopted.

4. In these circumstances the Commission's application is clearly well founded.

* Original language: English.
1 — OJ 1994 L 319, p. 20.

Conclusion

5. Accordingly I am of the opinion that the Court should:

(1) declare that, by failing to adopt within the prescribed period the provisions necessary to comply with Council Directive 94/57/EC of 22 November 1994 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations, Ireland has failed to fulfil its obligations under the Treaty;

(2) order Ireland to pay the costs of these proceedings.