JUDGMENT OF THE COURT
19 March 1991 *

In Case C-310/89,

Commission of the European Communities, represented by René Barents, a member of its Legal Department, acting as Agent, with an address for service in Luxembourg at the office of Guido Berardis, also a member of the Commission's Legal Department, Wagner Centre, Kirchberg,

applicant,

v

Kingdom of the Netherlands, represented by J. W. de Zwaan, Legal Adviser, acting as Agent, with an address for service in Luxembourg at the Netherlands Embassy, 5 rue C. M. Spoo,

defendant,

APPLICATION for a declaration that, by not adopting within the prescribed period all the laws, regulations and administrative provisions necessary to comply with Council Directive 84/539/EEC of 17 September 1984 on the approximation of the laws of the Member States relating to electro-medical equipment used in human or veterinary medicine (Official Journal L 300, p. 179) or at least by not informing the Commission thereof, the Kingdom of the Netherlands has failed to fulfil its obligations under the EEC Treaty,

THE COURT,

composed of: O. Due, President, T. F. O'Higgins, G. C. Rodríguez Iglesias and M. Díez de Velasco, Presidents of Chambers, Sir Gordon Slynn, C. N. Kakouris, R. Joliet, F. A. Schockweiler and P. J. G. Kapteyn, Judges,

*Language of the case: Dutch.

(The grounds of the judgment are not reproduced.)

hereby

1. **Declares that by not adopting within the prescribed period all the laws, regulations and administrative provisions necessary to comply with Council Directive 84/539/EEC of 17 September 1984 on the approximation of the laws of the Member States relating to electro-medical equipment used in human or veterinary medicine or at least by not informing the Commission thereof, the Kingdom of the Netherlands has failed to fulfil its obligations under the EEC Treaty;**

2. **Orders the Kingdom of the Netherlands to pay the costs.**