OPINION OF MR ADVOCATE GENERAL DARMON
delivered on 14 January 1987 *

Mr President,
Members of the Court,

1. The Italian Government does not contest the failure to fulfil its obligations with which it is charged in these proceedings.

Council Directive 79/373 and Commission Directives 80/509, 80/511 and 80/695 deal with the harmonization of national legislation applying to the marketing of compound feedingstuffs. The period prescribed for incorporating those directives into national law expired on 1 January 1981, the Member States being under a duty to inform the Commission forthwith of the measures taken to that end.

To date, as the representative of the Italian Government confirmed at the hearing, the legal instrument implementing those directives in Italy has still not been adopted.

2. According to an established line of cases of the Court,

'the governments of the Member States participate in the preparatory work for directives and must therefore be in a position to prepare, within the period prescribed, the draft legislative provisions necessary for their implementation'. [1]

3. I therefore propose that the Court should:

(1) Declare that by failing to transpose the provisions of the aforesaid directives into national law, the Italian Republic has failed to fulfil the obligations set out in Articles 5 and 189 of the EEC Treaty;

(2) Order the defendant to pay the costs.

* Translated from the French.

1 — Judgments of 12 October 1982 in Cases 136, 148, 149 and 151/81 [1982] ECR 3547, 3555, 3565 and 3573.