JUDGMENT OF THE COURT (Fifth Chamber)
15 September 1998 *

In Case C-431/97,

Commission of the European Communities, represented by Berend Jan Drijber, of its Legal Service, acting as Agent, with an address for service in Luxembourg at the office of Carlos Gómez de la Cruz, of its Legal Service, Wagner Centre, Kirchberg,

applicant,

v

Ireland, represented by Michael A. Buckley, Chief State Solicitor, with an address for service in Luxembourg at the Irish Embassy, 28 Route d'Arlon,

defendant,

APPLICATION for a declaration that, by failing to adopt the laws, regulations or administrative 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 (OJ 1994 L 319, p. 20), Ireland has failed to fulfil its obligations under that directive and the EC Treaty,

* Language of the case: English.

THE COURT (Fifth Chamber),

composed of: C. Gulmann, President of the Chamber, M. Wathelet (Rapporteur), J. C. Moitinho de Almeida, D. A. O. Edward and J.-P. Puissochet, Judges,

Advocate General: F. G. Jacobs,
Registrar: R. Grass,

having regard to the Report of the Judge-Rapporteur,

after hearing the Opinion of the Advocate General at the sitting on 16 July 1998,

gives the following

Judgment

1 By application lodged at the Court Registry on 19 December 1997, the Commission of the European Communities brought an action under Article 169 of the EC Treaty for a declaration that, by failing to adopt the laws, regulations or administrative 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 (OJ 1994 L 319, p. 20; hereinafter 'the Directive'), Ireland has failed to fulfil its obligations under that directive and the EC Treaty.

2 The Directive lays down common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations.

3 Under Article 16(1) the Member States were to adopt the laws, regulations and administrative provisions necessary to comply with the Directive no later than 31 December 1995.

4 Since the Commission had not been notified of any legislation intended to transpose the Directive into Irish law and had no information enabling it to conclude that Ireland had complied with that obligation, it initiated the infringement procedure provided for by Article 169 of the Treaty by sending Ireland a letter of formal notice on 27 February 1996.

5 Receiving no reply, the Commission, by letter of 6 December 1996, sent Ireland a reasoned opinion in which it called on it to adopt the measures necessary to comply with the Directive.

6 By letter of 3 April 1997 the Irish Government submitted to the Commission a copy of draft legislation which it proposed to introduce.

7 Since the Commission received no further information concerning the Irish implementing measures, it brought this action.

8 The Irish Government does not deny the infringement, but states that draft ministerial regulations are in the process of being adopted.

9 Since the Directive has not been transposed within the time-limit laid down, the Commission's application must be considered to be well founded.

10 It must therefore be held that, by failing to adopt, within the prescribed time-limit, the laws, regulations or administrative provisions necessary to comply with the Directive, Ireland has failed to fulfil its obligations under Article 16(1) thereof.

Costs

11 Under Article 69(2) of the Rules of Procedure, the unsuccessful party is to be ordered to pay the costs. Since Ireland has been unsuccessful, it must be ordered to pay the costs.

On those grounds,

THE COURT (Fifth Chamber)

hereby:

1. **Declares that, by failing to adopt, within the prescribed time-limit, the laws, regulations or administrative 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 Article 16(1) thereof;**

2. Orders Ireland to pay the costs.

Gulmann Wathelet Moitinho de Almeida

Edward Puissochet

Delivered in open court in Luxembourg on 15 September 1998.

R. Grass C. Gulmann

Registrar President of the Fifth Chamber