OPINION OF MR ADVOCATE GENERAL LENZ
delivered on 7 April 1987 *

Mr President,
Members of the Court,

1. I can be brief in my Opinion on the action concerning an infringement of the Treaty which is now before the Court.

2. The Commission of the European Communities, the applicant, is seeking a declaration that, by failing to lay down by law, regulation or administrative action within the prescribed period the provisions necessary for its rules to comply, with regard to full-time and part-time training for medical specialists, with Council Directive 82/76/EEC of 26 January 1982, [1] the Italian Republic has failed to fulfil its obligations under the EEC Treaty. The Italian Republic does not deny the infringement of the Treaty complained of and has put forward no express conclusions. It merely stated that some of the provisions of the directive, which however are not the subject-matter of these proceedings, are already applicable in its internal legal system.

3. According to Article 16 of Directive 82/76/EEC Member States are to take the necessary measures to comply with the directive by 31 December 1982 at the latest. It is not disputed that the Italian Republic has not fulfilled that obligation.

4. I therefore propose that the application be allowed and that the Italian Republic be ordered to bear the costs.

1 — Council Directive of 26 January 1982 amending Directive 75/362/EEC concerning the mutual recognition of diplomas, certificates and other evidence of formal qualifications in medicine, including measures to facilitate the effective exercise of the right of establishment and freedom to provide services and Directive 75/363/EEC concerning the coordination of provisions laid down by law, regulation or administrative action in respect of activities of doctors.

* Translated from the Italian.