OPINION OF MR ADVOCATE GENERAL DARMON
delivered on 19 November 1986 *

Mr President,
Members of the Court,

1. The Commission is asking for a declaration that, by failing to adopt within the prescribed period the provisions necessary to comply with Council Directives 80/219/EEC, 80/1098/EEC and 80/1102/EEC, amending Directive 64/432/EEC on animal health problems affecting intra-Community trade in bovine animals and swine, the Italian Republic has failed to fulfil its obligations under the EEC Treaty.

2. The defendant Member State does not contest that it has failed to fulfil its obligations. Its representative confirmed at the sitting that the legislation designed to implement the aforementioned directives in Italy is still being discussed in the Italian Parliament.

3. Once again, as the Court held in a similar case, it must be pointed out that

'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' (judgments of 12 October 1982 in Cases 136, 148, 149 and 151/81 [1982] ECR 3547, 3555, 3565 and 3573).

4. The Commission's action must therefore be upheld since the Italian Republic has failed to fulfil its obligations under Articles 5 and 189 of the EEC Treaty.

* Translated from the French.