Case C-375/89

(Summary publication)

Commission of the European Communities

v

Kingdom of Belgium

(Failure of a State to fulfil obligations — Failure to comply with the judgment in Case 5/86)

Summary of the Judgment

1. *Member States — Obligations — Failure to fulfil obligations — Justification — Not acceptable*
   (EEC Treaty, Art. 169)

2. *Application for failure to fulfil obligations — Judgment of the Court finding such failure — Period for compliance*
   (EEC Treaty, Art. 171)

1. As the Court has consistently held, a Member State may not plead provisions, practices or circumstances existing in its internal legal system in order to justify a failure to comply with its obligations under Community law.

2. The process of complying with a judgment declaring that a Member State has failed to fulfil its obligations must be initiated at once and must be completed as soon as possible (see the judgment of 13 July 1988 in Case 169/87 *Commission* v *France* [1988] ECR 4093).

OPINION OF THE ADVOCATE GENERAL

Mr Advocate General Giuseppe Tesauro delivered his Opinion on 24 January 1991.* He proposed that the Court should grant the application and order the Kingdom of Belgium to pay the costs.

* Original language Italian