OPINION OF ADVOCATE GENERAL JACOBS
delivered on 5 July 2001 [1]

1. In this case the Commission seeks a declaration, pursuant to Article 226 EC, that by failing to adopt the laws, regulations or administrative provisions necessary to comply with Council Directive 96/49/EC of 23 July 1996 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail [2] and Commission Directive 96/87/EC of 13 December 1996 adapting to technical progress Council Directive 96/49/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail, [3] or in any event by failing to inform the Commission of those measures, Ireland has failed to fulfil its obligations under those directives.

2. In its defence, Ireland does not contest the Commission's complaint, but states that work is continuing on a draft of regulations to implement the directives.

1 — Original language: English.
2 — OJ 1996 L 235, p. 25.
3 — OJ 1996 L 335, p. 45.

Conclusion

3. In those circumstances, the Court should in my opinion:

(1) declare that by failing to adopt the laws, regulations or administrative provisions necessary to comply with Council Directive 96/49/EC of 23 July 1996 on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail and Commission Directive 96/87/EC of 13 December 1996 adapting to technical progress Council Directive 96/49/EC on the approximation of the laws of the Member States with regard to the transport of dangerous goods by rail, Ireland has failed to fulfil its obligations under those directives;

(2) order Ireland to pay the costs.