JUDGMENT OF THE COURT
11 May 1989 *

In Case 46/88

Commission of the European Communities, represented by Jean Amphoux, member of its Legal Department, acting as Agent, with an address for service in Luxembourg at the office of Georgios Kremlis, a member of its Legal Department, Wagner Centre, Kirchberg,

applicant,

v

Kingdom of Belgium, represented by Robert Houbaer, Director of Administration at the Ministry of Foreign Affairs, Foreign Trade and Development Cooperation, acting as Agent, with an address for service in Luxembourg at the Belgium Embassy, 4 rue des Girondins,

defendant,

APPLICATION for a declaration that, by not adopting within the prescribed period the laws, regulations and administrative provisions necessary to comply with Council Directive 78/855 of 9 October 1978 concerning mergers of public limited liability companies (Official Journal L 295, p. 36) and with Council Directive 82/891 of 17 December 1982 concerning the division of public limited liability companies (Official Journal L 378, p. 47), the Kingdom of Belgium has failed to fulfil its obligations under the Treaty,

THE COURT,

composed of: O. Due, President, T. Koopmans, R. Joliet and F. Grévisse (Presidents of Chambers), Sir Gordon Slynn, C. N. Kakouris, J. C. Moitinho de Almeida, G. C. Rodríguez Iglesias and M. Diez de Velasco, Judges,

(the grounds of the judgment are not reproduced)

* Language of the case: French.

hereby:

(1) Declares that, by not adopting within the prescribed periods the provisions necessary to comply with Council Directive 78/855 of 9 October 1978 concerning mergers of public limited liability companies and with Council Directive 82/891 of 17 December 1982 concerning the division of public limited liability companies, the Kingdom of Belgium has failed to fulfil its obligations under the EEC Treaty;

(2) Orders the Kingdom of Belgium to pay the costs.