OPINION OF ADVOCATE GENERAL GULMANN

delivered on 14 October 1992 *

Mr President,
Members of the Court,

1. The Commission has brought this action seeking a declaration that Ireland has not implemented Council Directive 87/328 of 18 June 1987 on the acceptance for breeding purposes of pure-bred breeding animals of the bovine species. [1] According to Article 6 of the directive, it should have been implemented by 1 January 1989.

2. In its defence the Irish Government concedes that it has still not adopted the legislation needed to implement the directive. It submits, however, that the directive is observed in practice.

The Court has consistently held that 'mere administrative practices, which by their nature are alterable at will by the authorities and are not given the appropriate publicity, cannot be regarded as constituting the proper fulfilment of obligations under the Treaty'. [2]

3. I therefore propose that the Court should uphold the Commission's claim and order Ireland to pay the costs.

* Original language: Danish.

1 — OJ 1987 L 167, p. 54.

2 — Judgment of 15 October 1986 in Case 168/85 *Commission* v *Italy* [1986] ECR 2945, paragraph 13.