OPINION OF MR ADVOCATE GENERAL GULMANN
delivered on 28 November 1991 *

Mr President,
Members of the Court,

1. The Council Directive of 9 November 1987 [1] on access to the occupation of carrier of goods by motorway in national and international transport and in the mutual recognition of diplomas, certificates and other evidence of formal qualifications for this occupation was, according to Article 11(1) thereof, to be implemented by the Member States by 30 June 1988. Article 11(2) further provides that the Member States are to forward to the Commission the texts of the main provisions of national law which they adopt in the fields governed by the directive.

2. By application dated 21 December 1990 the Commission brought an action for a declaration that, by failing to forward to the Commission, in accordance with Article 11(2) of the directive, the texts of the main provisions of national law which it has adopted in the fields governed by the directive, the Kingdom of Belgium has failed to fulfil its obligations under Articles 5 and 189 of the EEC Treaty.

The Belgian Government has not denied in this case that it has failed to fulfil the requirement, laid down in Article 11(2) of the directive, to give information to the Commission. The defendant kingdom has explained the failure to forward provisions of national law to the Commission by reference to the fact that national provisions for the transposition of the directive into national law have not yet been adopted.

3. I can therefore only propose to the Court that judgment be given in the terms sought by the Commission and that the Kingdom of Belgium be ordered to pay the costs.

* Original language: Danish.
1 — Directive 87/540/EEC, OJ 1987 L 322, p. 20.