OPINION OF ADVOCATE GENERAL LÉGER
delivered on 27 June 1996 *

1. By this action, brought under Article 169 of the EC Treaty, the Commission claims that, by failing to adopt within the prescribed period the laws, regulations or administrative provisions necessary to comply with Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market, [1] the Hellenic Republic has failed to fulfil its obligations under the EC Treaty and that directive. It also claims that the Greek Government should be ordered to pay the costs.

2. Article 23 of the directive provides that the Member States are to bring into force the laws, regulations or administrative provisions necessary to comply with it by no later than 25 July 1993 and notify the Commission of those measures forthwith.

3. On 5 October 1993, since it had received no communication from the Greek Government, the Commission initiated infringement proceedings by a letter before action. Having received no reply to that letter, the Commission delivered a reasoned opinion on 21 September 1994. The Greek Government again failed to respond or to take the necessary measures to implement Directive 91/414 in its national law. Consequently, on 27 November 1995, the Commission decided to bring this action, the application being received at the Court Registry on 5 December 1995.

4. In its defence, the Greek Government does not contest the failure to fulfil obligations complained of. It merely states that a draft presidential decree intended to bring its national legislation into line with the provisions of Directive 91/414 has already been drawn up by the competent department, and, after finalization, will be submitted to the Council of State and then to the President of the Republic for signature. It hopes to have that presidential decree in place shortly.

5. It has been established that, when the period laid down by the directive ran out, the directive had still not been fully transposed into national law.

* Original language: French.
1 — OJ 1991 L 230, p. 1.

6. The Commission's application must therefore be upheld in so far as it relates to the failure to transpose the directive within the prescribed period.

7. Under Article 69(2) of the Rules of Procedure, the unsuccessful party should be ordered to pay the costs.

8. Consequently, I propose that the Court should:

(1) declare that, by failing to adopt within the prescribed period the laws, regulations or administrative provisions necessary to comply with Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market, the Hellenic Republic has failed to fulfil its obligations under Article 23 of the directive;

(2) order the Hellenic Republic to pay the costs.