JUDGMENT OF THE COURT (Fourth Chamber)

8 March 2001 *

In Case C-176/00,

Commission of the European Communities, represented by M. Condou-Durande, acting as Agent, with an address for service in Luxembourg,

applicant,

v

Hellenic Republic, represented by G. Kanellopoulos and D. Tsagkaraki, acting as Agents, with an address for service in Luxembourg,

defendant,

APPLICATION for a declaration that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Council Directives 96/24/EC of 29 April 1996 amending Directive 79/373/EEC on the marketing of compound feedingstuffs (OJ 1996 L 125, p. 33) and 96/25/EC of 29 April 1996 on the circulation of feed materials, amending Directives 70/524/EEC, 74/63/EEC, 82/471/EEC and 93/74/EEC and repealing Directive 77/101/EEC (OJ 1996

* Language of the case: Greek.

L 125, p. 35), the Hellenic Republic has failed to fulfil its obligations under the EC Treaty and those directives,

THE COURT (Fourth Chamber),

composed of: A. La Pergola, President of the Chamber, S. von Bahr (Rapporteur) and C.W.A. Timmermans, Judges,

Advocate General: J. Mischo,
Registrar: R. Grass,

having regard to the report of the Judge-Rapporteur,

after hearing the Opinion of the Advocate General at the sitting on 18 January 2001,

gives the following

Judgment

1 By application lodged at the Court Registry on 11 May 2000, the Commission of the European Communities brought an action under Article 226 EC for a

declaration that, by failing to adopt the laws, regulations and administrative provisions necessary to comply with Council Directives 96/24/EC of 29 April 1996 amending Directive 79/373/EEC on the marketing of compound feedingstuffs (OJ 1996 L 125, p. 33) and 96/25/EC of 29 April 1996 on the circulation of feed materials, amending Directives 70/524/EEC, 74/63/EEC, 82/471/EEC and 93/74/EEC and repealing Directive 77/101/EEC (OJ 1996 L 125, p. 35), the Hellenic Republic had failed to fulfil its obligations under the EC Treaty and those directives.

2 Article 2 of Directive 96/24 and Article 17 of Directive 96/25 provide that Member States are to bring into force not later than 30 June 1998 the laws, regulations and administrative provisions necessary to comply with those directives and that they are to inform the Commission thereof forthwith.

3 Since it had not been notified by the Greek Government of any measures transposing Directives 96/24 and 96/25 and since it had no information enabling it to conclude that the Hellenic Republic had taken the measures necessary for that purpose, the Commission gave the Hellenic Republic formal notice, by letter of 25 August 1998, to submit observations to it in that regard within a two-month period.

4 The Greek authorities did not reply to the letter of formal notice. In those circumstances, the Commission, by letter of 4 August 1999, sent the Hellenic Republic a reasoned opinion, inviting it to adopt the necessary measures to comply with its obligations under Directives 96/24 and 96/25 within two months of notification of the opinion.

5 Since it had not received any information from the Greek Government to show that the laws, regulations and administrative provisions transposing Directives 96/24 and 96/25 had been adopted, the Commission brought the present action.

6 The Hellenic Republic's defence does not dispute that the measures necessary for the implementation of Directives 96/24 and 96/25 were not adopted within the prescribed period. However, it informs the Court that the process of transposing those directives, particularly the drafting of the requisite ministerial decrees by the competent authorities within the Ministry of Agriculture, is approaching completion.

7 In that regard, it must be borne in mind that, in accordance with the third paragraph of Article 249 EC, a directive is binding, as to the results to be achieved, upon each Member State to which it is addressed. It has consistently been held that this obligation entails compliance with the periods set by directives (see, *inter alia*, Case 10/76 *Commission* v *Italy* [1976] ECR 1359, paragraphs 11 and 12, and Case C-69/99 *Commission* v *United Kingdom* [2000] ECR I-10979, paragraph 21).

8 Since the transposition of Directives 96/24 and 96/25 has not been effected within the period prescribed by the directives, the Commission's action must be regarded as well founded.

9 Therefore, it must be held that, by failing to adopt, within the prescribed period, the laws, regulations and administrative provisions necessary to comply with Directives 96/24 and 96/25, the Hellenic Republic has failed to fulfil its obligations under those directives.

Costs

10 Under Article 69(2) of the Rules of Procedure, the unsuccessful party is to be ordered to pay the costs if they have been applied for in the successful party's pleadings. Since the Commission has applied for costs and the Hellenic Republic has been unsuccessful, the latter must be ordered to pay the costs.

On those grounds,

THE COURT (Fourth Chamber)

hereby:

1. **Declares that, by failing to adopt, within the prescribed period, the laws, regulations and administrative provisions necessary to comply with Council Directives 96/24/EC of 29 April 1996 amending Directive 79/373/EEC on**

the marketing of compound feedingstuffs and 96/25/EC of 29 April 1996 on the circulation of feed materials, amending Directives 70/524/EEC, 74/63/EEC, 82/471/EEC and 93/74/EEC and repealing Directive 77/101/EEC, the Hellenic Republic has failed to fulfil its obligations under those directives;

2. Orders the Hellenic Republic to pay the costs.

La Pergola von Bahr Timmermans

Delivered in open court in Luxembourg on 8 March 2001.

R. Grass
Registrar

A. La Pergola
President of the Fourth Chamber