OPINION OF ADVOCATE GENERAL LENZ

delivered on 9 January 1997 *

A — Introduction

1. In the present cases the plaintiffs, all Greek nationals residing in Greece, seek compensation of DR 10 000 000 each from the Greek State for non-material damage. They base their claims *inter alia* on the Greek State's failure to transpose Directive 89/48/EEC properly. [1] The Diikitiko Protodikio (Administrative Court of First Instance), Athens, in which proceedings were brought, has referred to the Court of Justice two questions on the content of that directive and one on the causal link between the infringement of the obligation of transposition and the damage which the applicants claim to have suffered. [2]

B — Opinion

2. It follows from the findings of the national court that the plaintiffs have neither worked nor studied nor obtained a diploma or professional qualification in a Member State of the Community other than their State of origin.

3. As can be seen from the said directive, it applies only to nationals of a Member State who wish to pursue a regulated profession in another Member State in a self-employed capacity or as employed persons. [3] It further appears from the tenth recital in the preamble that the directive is not intended to amend the rules applicable to any person pursuing a profession in the territory of a Member State. [4]

4. Consequently, the proceedings in which the reference for a preliminary ruling has been made do not fall within the scope of Directive 89/48. There is therefore no need for me to consider the questions further.

* Original language: German.

1 — Judgment of 25 March 1995 in Case C-365/93 *Commission* v *Greece* [1995] ECR I-499. The Commission has since initiated the procedure preliminary to a further action against the Hellenic Republic for failure to fulfil an obligation under the Treaty, on the ground that Greece has not taken the necessary measures to comply with the Court's judgment.

2 — See OJ C 229 of 2 September 1995, p. 13.

3 — First paragraph of Article 2 of the directive.

4 — Tenth recital in the preamble to the directive.

C — Conclusion

5. I therefore propose the following answer to the national court's questions:

Council Directive 89/48/EEC on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration, adopted on the basis of Articles 49, 57(1) and 66 of the EC Treaty, is not applicable to situations which have no connection with Community law.