# OPINION OF ADVOCATE GENERAL JACOBS

delivered on 13 March 1997 *

1. In these three joined cases the Commission seeks declarations, under Article 169 of the EC Treaty, that the Kingdom of Belgium has failed to comply with its obligations under the Treaty by not adopting within the prescribed period the measures necessary to implement certain Commission directives relating to dangerous substances.

2. Case C-356/96 concerns Commission Directive 91/410/EEC of 22 July 1991 adapting to technical progress for the fourteenth time Council Directive 67/548/EEC on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances. [1]

3. Article 2(1) of Directive 91/410 provides that:

'By 1 August 1992, Member States shall adopt and publish the provisions necessary to comply with this Directive and shall forthwith inform the Commission thereof. They shall apply these provisions from 1 November 1992 at the latest.'

4. Case C-313/96 concerns Commission Directive 93/21/EEC of 27 April 1993 adapting to technical progress for the eighteenth time Council Directive 67/548/EEC. [2]

5. Article 2(1) of Directive 93/21 provides that:

'Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 1 July 1994, with the exception of those applicable to mobile gas cylinders containing butane, propane or liquid petroleum gas. Member States shall immediately inform the Commission thereof.'

6. Case C-358/96 concerns Commission Directive 93/90/EEC of 29 October 1993 concerning the list of substances referred to in Article 13(1) (fifth indent) of Council Directive 67/548/EEC. [3]

* Original language: English.

1 — OJ 1991 L 228, p. 67.

2 — OJ 1993 L 110, p. 20.

3 — OJ 1993 L 277, p. 33.

7. Article 2(1) of Directive 93/90 provides that:

'Member States shall adopt and publish the provisions necessary to comply with this Directive by 31 October 1993 and shall immediately inform the Commission thereof.'

8. Belgium has not disputed its failure to implement the Directives and states in its defence in each case that the necessary measures will be adopted shortly.

9. It follows that the Commission is entitled to the declarations which it seeks.

## Conclusion

10. Accordingly I am of the opinion that the Court should:

(1) declare that, by failing to adopt within the prescribed period the provisions necessary to implement:

— Commission Directive 91/410/EEC of 22 July 1991 adapting to technical progress for the fourteenth time Council Directive 67/548/EEC on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances;

— Commission Directive 93/21/EEC of 27 April 1993 adapting to technical progress for the eighteenth time Council Directive 67/548/EEC on the approximation of laws, regulations and administrative provisions relating to the classification, packaging and labelling of dangerous substances; and

— Commission Directive 93/90/EEC of 29 October 1993 concerning the list of substances referred to in Article 13(1) (fifth indent) of Council Directive 67/548/EEC,

the Kingdom of Belgium has failed to fulfil its obligations under the Treaty;

(2) order the Kingdom of Belgium to pay the costs of these proceedings.