OPINION OF ADVOCATE GENERAL LENZ
delivered on 23 May 1996 *

1. In Treaty-infringement proceedings brought against the Hellenic Republic under Article 169 of the EC Treaty, the Commission is seeking a declaration that, by not bringing into force within the prescribed period the laws, regulations and administrative provisions necessary to comply with Council Directive 92/5/EEC [1] of 10 February 1992 amending and updating Directive 77/99/EEC on health problems affecting intra-Community trade in meat products and amending Directive 64/433/EEC, or at least by not notifying the Commission of those measures, the *Hellenic Republic has failed to fulfil its obligations* under the Treaty and that directive.

2. Article 3 of Directive 92/5 required in principle — and thus also with effect for the Hellenic Republic — that the Member States should bring into force the laws, regulations and administrative provisions necessary to comply with that directive not later than 1 January 1993.

3. It is common ground that the necessary laws, regulations and administrative provisions had not been brought into force by 1 January 1993 or by the expiry of the two-month period set in the reasoned opinion of 3 June 1994.

4. The Greek Government, however, expressly defends itself against the charge that it has infringed Article 5 of the Treaty, arguing that it did not breach its duties of cooperation with regard to transposing the directive and in the pre-litigation procedure.

5. Since it is clear that the necessary laws, regulations and administrative provisions were not timeously brought into force and that the Hellenic Republic thereby breached its obligations under Directive 92/5, it is unnecessary to address the question whether there has also been an infringement of Article 5 of the Treaty, particularly since the Commission has not argued any specific infringement of Article 5 of the Treaty going beyond the obligations flowing from the directive.

6. The form of order sought by the Commission should accordingly be granted. Under Article 69(2) of the Rules of Procedure, the unsuccessful party must be ordered to pay the costs.

* Original language: German.

1 — OJ 1992 L 57, p. 1.

7. I accordingly propose that the Court rule as follows:

(1) By not bringing into force within the prescribed period all the laws, regulations and administrative provisions necessary to comply with Council Directive 92/5/EEC of 10 February 1992 amending and updating Directive 77/99/EEC on health problems affecting intra-Community trade in meat products and amending Directive 64/433/EEC, the Hellenic Republic has failed to fulfil its obligations under the EC Treaty.

(2) The Hellenic Republic is ordered to pay the costs of the proceedings.