OPINION OF ADVOCATE GENERAL LENZ
delivered on 23 February 1995 *

1. In the present proceedings for failure to fulfil Treaty obligations, the Commission claims that the Kingdom of Belgium has failed to meet its obligations under the third paragraph of Article 189 of the EC Treaty and under Article 17 of Council Directive 91/263/EEC of 29 April 1991 on the approximation of the laws of the Member States concerning telecommunications terminal equipment, including the mutual recognition of their conformity, [1] through its failure to adopt the legal and administrative measures necessary to comply with that directive. In the alternative, the Commission seeks a declaration by the Court that the Kingdom of Belgium has at least failed to fulfil its obligations under those provisions by not informing the Commission without delay of the measures adopted to that end.

2. Article 17 of Directive 91/263 required Member States to take the measures necessary to comply with the directive not later than 6 November 1992 and forthwith to inform the Commission of those measures.

3. The Kingdom of Belgium does not contest the failure of which it stands accused. It merely points out that it has drawn up provisions for transposing the directive. However, at the relevant point in time — the expiry of the two-month period given to the Kingdom of Belgium in the Commission's reasoned opinion of 7 February 1994 — those draft measures had not yet been adopted by the relevant authorities. So far as can be ascertained, there has been no change in this situation up to the present.

4. In those circumstances I can only propose that the Court should uphold the Commission's main application and order the Kingdom of Belgium to pay the costs of the proceedings.

* Original language: German.
1 — OJ 1991 L 128, p. 1.