OPINION OF ADVOCATE GENERAL LENZ

delivered on 6 March 1997 *

1. In these proceedings, the Commission alleges that the French Republic has failed to fulfil its obligations under Council Directive 93/36/EEC of 14 June 1993 coordinating procedures for the award of public supply contracts, [1] and in particular under Article 34 thereof, by failing to adopt the laws, regulations and administrative provisions necessary to implement the directive. In the alternative, the Commission seeks a declaration that the French Republic has failed to fulfil its obligations under the above provisions by not immediately informing the Commission of such measures.

2. Article 34 of the directive requires the Member States to bring into force the laws, regulations and administrative measures necessary to comply with the directive before 14 June 1994 and immediately inform the Commission thereof.

3. The French Republic does not deny that it has not transposed the directive within the prescribed period. It merely states that the relevant draft legislation has been entered on the parliamentary agenda for the year 1996/97.

4. As it is clear, therefore, that the directive in question has not been transposed within the prescribed period, there is no need to examine the Commission's alternative plea.

5. I therefore propose that the Court declare that, by failing to adopt within the prescribed period the laws, regulations and administrative provisions necessary to transpose Council Directive 93/36/EEC of 14 June 1993 coordinating procedures for the award of public supply contracts, the French Republic has failed to fulfil its obligations under that directive and in particular under Article 34 thereof. I also propose that the French Republic be ordered to pay the costs.

* Original language: German.

1 — OJ 1993 L 199, p. 1.