OPINION OF ADVOCATE GENERAL LA PERGOLA

delivered on 18 June 1998 *

1. By application of 12 November 1997, the Commission of the European Communities brought an action for a declaration that, by failing to adopt within the prescribed period the laws, regulations and administrative provisions necessary to comply with Council Directive 95/23/EC of 22 June 1995 amending Directive 64/433/EEC on conditions for the production and marketing of fresh meat, the Hellenic Republic has failed to fulfil its obligations. [1]

2. The defendant Member State does not dispute that it has failed to fulfil its obligations as the applicant alleges, merely pointing out that a presidential decree transposing the directive in question was in the process of being adopted. However, according to the consistent case-law of the Court, [2] that fact does not remedy the failure to fulfil obligations.

3. I therefore propose that the Court should grant the Commission's application and, in accordance with Article 69(2) of the Rules of Procedure, order the Hellenic Republic to pay the costs of the proceedings.

* Original language: Italian.

1 — OJ 1995 L 243, p. 7.

2 — See *inter alia* Case C-147/94 *Commission* v *Spain* [1995] ECR I-1015 and Case C-294/96 *Commission* v *Belgium* [1997] ECR I-1781.