OPINION OF ADVOCATE GENERAL TESAURO

delivered on 13 July 1995 *

1. By application lodged on 18 August 1994, the Commission seeks a declaration from the Court that the Kingdom of Belgium has failed to fulfil its obligations under the EC Treaty by not adopting within the prescribed period the measures necessary to implement Council Directive 91/339/EEC of 18 June 1991 amending for the 11th time Directive 76/769/EEC on the approximation of the laws, regulations and administrative provisions of the Member States relating to restrictions on the marketing and use of certain dangerous substances and preparations. [1]

2. In that connection, it need only be observed that the Belgian Government does not deny the infringement imputed to it. In its defence, it merely points out that a measure designed to bring national legislation into conformity with the directive is currently before the Council of Ministers.

3. I would therefore propose that the Court uphold the application and order the Kingdom of Belgium to pay the costs.

* Original language: Italian.

1 — OJ 1991 L 186, p. 64.