JUDGMENT OF THE COURT (Sixth Chamber)
11 August 1995 *

In Case C-260/94,

Commission of the European Communities, represented by Dimitrios Gouloussis, Legal Adviser, and Anders Christian Jessen, of its Legal Service, acting as Agents, with an address for service in Luxembourg at the office of C. Gómez de la Cruz, of its Legal Service, Wagner Centre, Kirchberg,

applicant,

v

Hellenic Republic, represented by Panagiotis Mylonopoulos, legal assistant in the Special Department for Community Litigation of the Ministry of Foreign Affairs, and Ioanna Kiki, secretary in that department, acting as Agents, with an address for service in Luxembourg at the Greek Embassy, 117 Val Sainte Croix,

defendant,

APPLICATION for a declaration that, by failing to adopt, and alternatively by failing to notify to the Commission, within the periods prescribed the laws, regulations and administrative measures needed to comply with 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

* Language of the case: Greek.

recognition of their conformity (OJ 1991 L 128, p. 1), the Hellenic Republic has failed to fulfil its obligations under the EC Treaty,

THE COURT (Sixth Chamber),

composed of: F. A. Schockweiler, President of the Chamber, P. J. G. Kapteyn, G. F. Mancini (Rapporteur), C. N. Kakouris and G. Hirsch, Judges,

Advocate General: C. O. Lenz,
Registrar: R. Grass,

having regard to the report of the Judge-Rapporteur,

after hearing the Opinion of the Advocate General at the sitting on 20 June 1995,

gives the following

Judgment

1 By application lodged at the Court Registry on 20 September 1994, the Commission of the European Communities brought an action under Article 169 of the EC Treaty for a declaration that, by failing to adopt, and alternatively by failing to notify to the Commission, within the periods prescribed the laws, regulations and administrative measures needed to comply with 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 (OJ 1991 L 128, p. 1), the Hellenic Republic had failed to fulfil its obligations under the EC Treaty.

2 Under Article 17 of Directive 91/263, Member States are to take the measures needed to comply with the directive not later than 6 November 1992, and are to inform the Commission thereof forthwith.

3 The Hellenic Republic does not deny that the directive was not transposed into national law within the prescribed period. However, it states that the legislation necessary for its transposition is being drafted.

4 Since the directive has not been transposed within the period laid down by Article 17, the infringement alleged by the Commission in that respect must be regarded as established.

5 Consequently, it must be held that, by failing to adopt within the prescribed period the laws, regulations and administrative measures needed to comply with 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, the Hellenic Republic has failed to fulfil its obligations under the EC Treaty.

Costs

6 Under Article 69(2) of the Rules of Procedure, the unsuccessful party is to be ordered to pay the costs. Since the Hellenic Republic has been unsuccessful, it must be ordered to pay the costs.

On those grounds,

THE COURT (Sixth Chamber)

hereby:

1. **Declares that, by failing to adopt within the prescribed period the laws, regulations and administrative measures needed to comply with 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, the Hellenic Republic has failed to fulfil its obligations under the EC Treaty;**

2. **Orders the Hellenic Republic to pay the costs.**

Schockweiler Kapteyn Mancini

Kakouris Hirsch

Delivered in open court in Luxembourg on 11 August 1995.

R. Grass F. A. Schockweiler

Registrar President of the Sixth Chamber