OPINION OF ADVOCATE GENERAL JACOBS

delivered on 22 February 2001 [1]

1. In this case the Commission seeks a declaration, pursuant to Article 226 EC, that the Hellenic Republic, by failing to adopt or, in the alternative, to communicate to the Commission within the prescribed time-limit the laws, regulations and administrative provisions necessary to comply entirely with Directive 94/56/EC of 21 November 1994 establishing the fundamental principles governing the investigation of civil aviation accidents and incidents, [2] the Hellenic Republic has failed to fulfil its obligations under the Treaty and the directive.

2. The purpose of the directive, as set out in Article 1, 'is to improve air safety by facilitating the expeditious holding of investigations, the sole objective of which is the prevention of future accidents and incidents'. The directive lays down basic rules governing such investigations.

3. Article 12(1) of the directive provides that:

'Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with the Directive not later than 21 November 1996. [3] They shall forthwith inform the Commission thereof.'

4. The Hellenic Republic recognises that it has not yet transposed the provisions of the directive into Greek law but states in its defence that a draft law will shortly be put before the parliament. In its rejoinder it states that the draft law has been submitted to the Council of State.

5. It follows that the Commission is entitled to the declaration which it seeks.

1 — Original language: English.

2 — OJ 1994 L 319, p. 14

3 — Corrigendum OJ 1995 L 191, p. 39.

Conclusion

6. Accordingly the Court should in my opinion:

(1) declare that, by failing to adopt within the prescribed time-limit the laws, regulations and administrative provisions necessary to comply entirely with Directive 94/56/EC of 21 November 1994 establishing the fundamental principles governing the investigation of civil aviation accidents and incidents, the Hellenic Republic has failed to fulfil its obligations under the Treaty and the directive;

(2) order the Hellenic Republic to pay the costs.