OPINION OF ADVOCATE GENERAL RUIZ-JARABO COLOMER
delivered on 17 October 1996 *

1. In these proceedings, the Court of Justice is called upon to give a decision in the action brought under Article 169 of the EC Treaty by the Commission on 22 March 1996 for a declaration that, by not adopting and bringing into force within the prescribed period the provisions necessary to comply with Directives 92/118/EEC [1] and 93/52/EEC, [2] and by failing to notify the Commission thereof, the Hellenic Republic has failed to fulfil its obligations under the Treaty and under Article 20(1) of Directive 92/118 and Article 2(1) of Directive 93/52.

2. In accordance with those provisions, the Member States were required to bring into force the laws, regulations and administrative provisions necessary to comply with the directives by 1 January 1994 and to notify the Commission thereof.

3. Since by 1 January 1994 the Commission had not received any notification of the transposition into national law of those directives, on 10 February 1994 it formally drew the Greek Government's attention to the lack of notification, complained that the Greek Government had failed to fulfil its obligations under the Treaty and the abovementioned directives and gave it two months in which to submit its observations.

4. In the absence of a reply from the Greek Government within the period allowed, the Commission delivered a reasoned opinion on 21 September 1994 in which it stated that, according to the information available, the Hellenic Republic had not transposed those directives into national law or sent any such notification to the Commission, which constituted a failure to fulfil obligations, and therefore it requested that the measures necessary to implement the directives be adopted within two months.

5. Since more than a year later the Commission had no evidence that Greece had implemented either of the directives, it brought

* Original language: Spanish.

1 — Council Directive 92/118/EEC of 17 December 1992 laying down animal health and public health requirements governing trade in and imports into the Community of products not subject to the said requirements laid down in specific Community rules referred to in Annex A(I) to Directive 89/662/EEC and, as regards pathogens, to Directive 90/425/EEC (OJ 1993 L 62, p. 49).

2 — Council Directive 93/52/EEC of 24 June 1993 amending Directive 89/556/EEC on animal health conditions governing intra-Community trade in and importation from third countries of embryos of domestic animals of the bovine species (OJ 1993 L 175, p. 21).

this action, which was lodged at the Registry of the Court of Justice on 22 March 1996.

6. In its defence, the Greek Government does not deny the alleged failure to fulfil its obligations, merely stating that two draft presidential decrees have been put before the Minister of Agriculture for signature which will transpose those directives into national law.

7. It is clear from the Greek Government's defence that, when the Commission lodged its application, the Greek Republic had not adopted the measures necessary to transpose the directives into national law, since the time-limit for doing so had expired on 1 January 1994.

8. The application should therefore be upheld and, in accordance with Article 69(2) of the Rules of Procedure, the defendant Member State should be ordered to pay the costs.

9. I therefore propose that the Court should:

(1) declare that by not adopting and bringing into force within the prescribed period the provisions necessary to comply with Directives 92/118/EEC and 93/52/EEC, and by failing to notify the Commission thereof, the Hellenic Republic has failed to fulfil its obligations under the EC Treaty and under Article 20(1) of Directive 92/118/EEC and Article 2(1) of Directive 93/52/EEC;

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