JUDGMENT OF THE COURT (Sixth Chamber)
3 October 1996 *

In Case C-380/95,

Commission of the European Communities, represented by Maria Condou-Durande, of its Legal Service, acting as Agent, with an address for service in Luxembourg at the office of Carlos Gómez de la Cruz, of its Legal Service, Wagner Centre, Kirchberg,

applicant,

v

Hellenic Republic, represented by Aikaterini Samoni-Rantou, Assistant Special Legal Adviser in the Special Department for Community Legal Affairs in the Ministry of Foreign Affairs, and Nana Dafniou, 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 within the prescribed period the laws, regulations or administrative provisions necessary to comply with Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market, the Hellenic Republic has failed to fulfil its obligations under the EC Treaty and that directive,

* Language of the case: Greek.

THE COURT (Sixth Chamber),

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

Advocate General: P. Léger,
Registrar: R. Grass,

having regard to the report of the Judge-Rapporteur,

after hearing the Opinion of the Advocate General at the sitting on 27 June 1996,

gives the following

Judgment

1 By application lodged at the Court Registry on 5 December 1995, the Commission of the European Communities brought an action under Article 169 of the EC Treaty for a declaration that, by failing to adopt within the prescribed period the laws, regulations or administrative provisions necessary to comply with Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ 1991 L 230, p. 1, hereinafter 'the Directive'), the Hellenic Republic has failed to fulfil its obligations under the EC Treaty and that directive.

2 Article 23(1) of the Directive provides that the Member States are to bring into force the measures necessary to comply with it by within no later than two years of the date of its notification, that is to say, 26 July 1993.

3 The Hellenic Republic does not deny that the Directive was not transposed within the prescribed period. It states, however, that a draft presidential decree has been drawn up by the Ministry of Agriculture, which, after finalization, will be submitted to the Council of State and then to the President of the Republic for signature.

4 Since the Directive has not been transposed within the period prescribed by Article 23 thereof, the action brought by the Commission in that regard must be regarded as well founded.

5 It must therefore be held that, by failing to adopt within the prescribed period the laws, regulations or administrative provisions necessary to comply with the Directive, the Hellenic Republic has failed to fulfil its obligations under Article 23 thereof.

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 or administrative provisions necessary to comply with Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market, the Hellenic Republic has failed to fulfil its obligations under Article 23 of that directive;**

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

Kakouris Hirsch Mancini

Kapteyn Ragnemalm

Delivered in open court in Luxembourg on 3 October 1996.

R. Grass

Registrar

C. N. Kakouris

President of the Sixth Chamber