OPINION OF ADVOCATE GENERAL LENZ
delivered on 11 June 1996 *

1. In the present Treaty-infringement proceedings, the Commission claims that, by not adopting the laws, regulations and administrative provisions necessary to transpose Council Directive 91/157/EEC of 18 March 1991 on batteries and accumulators containing certain dangerous substances, [1] or at least by failing to inform the Commission of those provisions, the Italian Republic has failed to fulfil its obligations under that directive.

2. Under Article 11 of Directive 91/157, Member States were required to take the measures necessary to comply with the directive before 18 September 1992 and forthwith to inform the Commission thereof.

3. The defendant does not dispute the breach of which it stands accused. It simply points out that the measures required to transpose the directive are in the process of preparation.

4. In those circumstances, I can only propose that the Court rule that, by not adopting within the prescribed period the laws, regulations and administrative provisions necessary to comply with Council Directive 91/157/EEC of 18 March 1991 on batteries and accumulators containing certain dangerous substances, the Italian Republic has failed to fulfil its obligations under that directive. I also propose that the Italian Republic be ordered to pay the costs of the proceedings.

* Original language: German.
1 — OJ 1991 L 78, p. 38.