OPINION OF ADVOCATE GENERAL LÉGER

delivered on 11 January 2000 *

1. By this action, the Commission of the European Communities is asking the Court to find that, by failing to adopt, within the prescribed period, the laws, regulations and administrative provisions necessary to comply with Directive 94/62/EC on packaging and packaging waste [1] (hereinafter 'the Directive'), the Hellenic Republic has failed to fulfil its obligations under that directive.

2. Article 22(1) of the Directive provides that the Member States are to bring into force the laws, regulations and administrative provisions necessary to comply therewith by 30 June 1996 at the latest. It goes on to provide that they are to inform the Commission of the provisions adopted immediately.

3. Having received no information as to transposition of the Directive into the Greek legal order, the Commission initiated the administrative procedure provided for under Article 169 of the EC Treaty (now Article 226 EC).

4. By letter of 16 January 1997, the Commission formally called upon the Hellenic Republic to submit its observations within a period of two months.

5. Since the Greek Government did not respond to that letter, the Commission, on 2 October 1997, sent it a reasoned opinion

* Original language: French.

1 — European Parliament and Council Directive of 20 December 1994 (OJ 1994 L 365, p. 10).

requiring it to comply with the Directive within a period of two months.

6. By letter of 22 June 1998 the Hellenic Republic sent the Commission a draft law transposing the Directive.

7. The Commission brought this action on 13 April 1999.

8. Although the Hellenic Republic submits that the action should be dismissed, it does not dispute the accusation levelled against it. In its defence, it observes that the measure transposing the Directive is to be signed within a short time by the competent ministers prior to being submitted to the Parliament.

9. Therefore, in accordance with the case-law of the Court,[2] I propose that the Commission's action should be upheld.

10. Under Article 69(2) of the Rules of Procedure, the unsuccessful party is to be ordered to pay the costs if they were applied for in the successful party's pleadings. Since the Hellenic Republic has been unsuccessful, it must be ordered to pay the costs, in accordance with the Commission's pleadings to that effect.

2 — See, for example, Case C-283/97 *Commission* v *Belgium* [1998] ECR I-6081 and Case C-386/97 *Commission* v *Greece* [1998] ECR I-6127.

Conclusion

11. On the basis of the foregoing considerations, I propose that the Court should declare as follows:

(1) By failing to bring into force within the prescribed period the laws, regulations and administrative provisions necessary to comply with European Parliament and Council Directive 94/62/EC of 20 December 1994 on packaging and packaging waste, the Hellenic Republic has failed to fulfil its obligations under Article 22(1) of that directive.

(2) The Hellenic Republic is ordered to pay the costs.