

**Judgment of the Court (Fifth Chamber) of 16 March 2006 —
*Commission v Greece***

(Case C-518/04)

Failure of a Member State to fulfil obligations — Directive 92/43/EEC — Conservation of natural habitats and of wild fauna and flora — Protection of species

1. *Actions for failure to fulfil obligations — Examination of merits by the Court — Situation to be taken into consideration — Situation on expiry of the period laid down in the reasoned opinion (Art. 226 EC) (see para. 12)*

2. *Environment — Conservation of natural habitats and of wild fauna and flora — Directive 92/43 (Council Directive 92/43, Art. 12(1)(b) and (d), and Annex IV, point (a)) (see paras 14-22)*

Re:

Failure of a Member State to fulfil obligations — Infringement of Article 12(1)(b) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ 1992 L 206, p. 7) — Protection of vipers *Vipera Schweizeri* on the island of Milos — Failure to adopt the measures necessary to prohibit disturbance of that species during the period of breeding and the deterioration or destruction of breeding sites

Operative part:

The Court:

1. Declares that, by failing to adopt, within the prescribed period, the measures necessary to establish and implement an effective system of strict protection for the viper *Vipera schweizeri* on the island of Milos prohibiting deliberate disturbance of that species, particularly during the period of breeding,

rearing and hibernation and deterioration or destruction of breeding sites or resting places of that species, the Hellenic Republic has failed to fulfil its obligations under Article 12(1)(b) and (d) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora;

2. Orders the Hellenic Republic to pay the costs.

**Order of the Court (Fifth Chamber) of 16 March 2006 —
*Correia de Matos v Commission***

(Case C-200/05 P)

Appeal — Formal requirements — Representation by a lawyer — Inadmissibility

Procedure — Application initiating proceedings — Formal requirements (Statute of the Court of Justice, Arts 19, third para., and 21, first para.; Rules of Procedure of the Court, Arts 37(1), 38(3) and 58) (see paras 10-13)

Re:

Appeal brought against the judgment of the Court of First Instance (First Chamber) of 23 February 2005 in Case T-454/04 *Correia de Matos v Commission*, dismissing as manifestly inadmissible an action for annulment of the Commission's decision rejecting the applicant's complaint made against the Portuguese Republic, concerning the refusal by the courts of that Member State to accept that an applicant may represent himself before them.