

3. Reserves the costs.

(<sup>1</sup>) OJ C 179, 18.6.2011.

**Judgment of the Court (Eighth Chamber) of 21 June 2012 (reference for a preliminary ruling from the Simvoulio tis Epikrateias — Greece) — Sillogos Ellinon Poleodomon kai Khorotakton v Ipourgos Perivallontos, Khorotaxias kai Dimosion Ergon, Ipourgos Ikonomias kai Ikonomikon, Ipourgos Esoterikon, Dimosias Diikisis kai Apokentrosis**

(Case C-177/11) (<sup>1</sup>)

*(Directive 2001/42/EC — Assessment of the effects of certain plans and programmes on the environment — Article 3(2)(b) — Margin of discretion of the Member States)*

(2012/C 250/11)

Language of the case: Greek

#### Referring court

Simvoulio tis Epikrateias

#### Parties to the main proceedings

*Applicant:* Sillogos Ellinon Poleodomon kai Khorotakton

*Defendants:* Ipourgos Perivallontos, Khorotaxias kai Dimosion Ergon, Ipourgos Ikonomias kai Ikonomikon, Ipourgos Esoterikon, Dimosias Diikisis kai Apokentrosis

#### Re:

Reference for a preliminary ruling — Simvoulio tis Epikratias — Interpretation of Article 3(2)(b) of Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (OJ 2001 L 197, p. 30) and Articles 6 and 7 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) — Condition, for carrying out an assessment of the environmental effects of a given plan or programme, that it may have significant effects on a special area of conservation — Discretion of the Member States

#### Operative part of the judgment

*Article 3(2)(b) of Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment must be interpreted as meaning that the obligation to make a particular plan subject to an environmental assessment depends on the preconditions requiring an assessment under Council Directive 92/43/EEC of 21*

*May 1992 on the conservation of natural habitats and of wild fauna and flora, as amended by Council Directive 2006/105/EC of 20 November 2006, including the condition that the plan may have a significant effect on the site concerned, being met in respect of that plan. The examination carried out to determine whether that latter condition is fulfilled is necessarily limited to the question as to whether it can be excluded, on the basis of objective information, that that plan or project will have a significant effect on the site concerned.*

(<sup>1</sup>) OJ C 194, 2.7.2011.

**Judgment of the Court (Fifth Chamber) of 21 June 2012 — European Commission v Portuguese Republic**

(Case C-223/11) (<sup>1</sup>)

*(Failure of a Member State to fulfil obligations — Environment — Directive 2000/60/EC — European Union water policy — River basin district management plans — Publication and notification to the Commission — None — Information and consultation of the public on the envisaged management plans — None)*

(2012/C 250/12)

Language of the case: Portuguese

#### Parties

*Applicant:* European Commission (represented by: P. Guerra e Andrade and I. Chatziannidis, Agents)

*Defendant:* Portuguese Republic (represented by: L. Inez Fernandes, Agent)

#### Re:

Infringement of Articles 13(1), (2) and (6), 14(1) and 15(1) of Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ 2000 L 327, p. 1) — River basin district management plans — Publication — Information and consultation of the public — Commission not notified of copy management plans

#### Operative part of the judgment

*The Court:*

1. Rules that, the Portuguese Republic, by failing within the prescribed period:

— to publish the national and international river basin district management plans;