Judgment of the Court (Sixth Chamber) of 12 January 2006 — *Commission* v *Portugal*

(Case C-118/05)

(Failure of a Member State to fulfil obligations — Directive 2000/60/EC — Community policy in the field of water — Failure to transpose within the prescribed period)

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. 7)*

2. *Member States — Obligations — Implementation of directives — Failure to fulfil obligations — National system pleaded as justification — Not permissible (Art. 226 EC) (see para. 9)*

Re:

Failure of a Member State to fulfil obligations — Failure to adopt the provisions necessary to comply with 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)

Operative part:

The Court:

1. Declares that, by failing to adopt, within the prescribed period, the laws, regulations and administrative provisions necessary to comply with 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, the Portuguese Republic has failed to fulfil its obligations under that directive;

2. Orders the Portuguese Republic to pay the costs.