Judgment of the Court (Third Chamber) of 16 March 2006 — *Commission* v *Spain*

(Case C-332/04)

Failure of a Member State to fulfil obligations — Directive 85/337/EEC, as amended by Directive 97/11/EC — Assessment of the effects of projects on the environment — Interaction between factors likely to be directly and indirectly affected — Obligation to publish the impact statement — Assessment limited to urban development projects outside urban areas — Construction project for a leisure complex at Paterna

1. *Environment — Assessment of the effects of certain projects on the environment — Directive 85/337 (Council Directive 85/337, as amended by Directive 97/11, Art. 3) (see paras 33-37)*

2. *Acts of the institutions — Directives — Implementation by Member States — Administrative practice insufficient (Art. 249, third para., EC) (see para. 38)*

3. *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. 40)*

4. *Community law — Interpretation — Multilingual texts (see para. 52)*

5. *Environment — Assessment of the effects of certain projects on the environment — Directive 85/337 (Council Directive 85/337, as amended by Directive 97/11, Art. 9(1)) (see paras 45-46, 48-59)*

6. *Environment — Assessment of the effects of certain projects on the environment — Directive 97/11 (Council Directive 97/11, Art. 3(1)) (see paras 65-66)*

7. Environment — Assessment of the effects of certain projects on the environment — Directive 85/337 (Council Directive 85/337, as amended by Directive 97/11, Arts 2(1) and 4(2)) (see para. 77)

Re:

Failure of a Member State to fulfil obligations — Incomplete/incorrect transposition of Arts 3, 9(1) and Paragraph 10(b) of Annex II to Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment (OJ 1985 L 175, p. 40), as amended by Council Directive 97/11/EC of 3 March 1997 (OJ 1997 L 73, p. 5) — Failure to apply the transitional scheme established by Article 3 of Directive 97/11/EC — Failure to have submitted a construction project for a leisure complex at Paterna (Valencia) for an assessment

Operative part:

The Court:

1. Declares that, by failing fully to transpose Article 3 of Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive 97/11, by failing to transpose Article 9(1) of Directive 85/337, as amended by Directive 97/11, by failing to comply with the transitional scheme provided for by Article 3 of Directive 97/11, by failing correctly to transpose the combined provisions of Paragraph 10(b) of Annex II and Articles 2(1) and 4(2) of Directive 85/337, as amended by Directive 97/11, and by failing to have submitted the construction project for a leisure complex at Paterna to the procedure for the assessment of the effects on the environment and, consequently, by failing to apply the provisions of Articles 2(1), 3, 4(2), 8 and 9 of Directive 85/337, as amended by Directive 97/11, the Kingdom of Spain has failed to fulfil its obligations under that directive;

2. The Kingdom of Spain is ordered to pay the costs.