Re:

Failure of a Member State to fulfil obligations — Failure to transpose, within the period prescribed, Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity (OJ 2003 L 283, p. 51).

Operative part

The Court:

1. Declares that, by failing to adopt, within the period prescribed, the laws, regulations and administrative provisions necessary to comply with Council Directive 2003/96/EC of 27 October 2003 restructuring the Community framework for the taxation of energy products and electricity, the Italian Republic has failed to fulfil its obligations under that directive;

2. Orders the Italian Republic to pay the costs.

Order of the Court (Fifth Chamber) of 5 October 2006 — Schmidt-Brown v Commission

(Case C-365/05 P)

Appeal — Officials — Duty to provide assistance — Rejection of request for financial assistance in defamation proceedings brought before the United Kingdom courts

Appeal — Grounds — Clearly inadmissible or clearly unfounded pleas (Rules of Procedure of the Court, Art. 119; Staff Regulations, Art. 24) (see paras 61, 68, 78-82)

Re:

Appeal against the judgment of the Court of First Instance (First Chamber) of 5 July 2005 in Case T-387/02 *Schmidt-Brown* v *Commission* dismissing the action for annulment of the Commission's decision of 26 April 2002 rejecting the applicant's request for financial assistance from the Commission in a defamation action brought by the applicant against a company before the High Court of Justice (England and Wales).

Operative part

The Court:

1. Dismisses the appeal;

2. Orders Ms Schmidt-Brown to bear the costs.

Order of the Court (Fifth Chamber) of 6 October 2006 — De Graaf and Daniels v Belgische Staat

(Case C-436/05)

Preliminary references — Inadmissibility

Preliminary rulings — Whether admissible — Questions referred without sufficient explanation of the factual and legislative context — Questions referred in a context making a useful answer impossible (Art. 234 EC) (see paras 7-11)