Operative part

The Court:

1. Annuls the judgment of the Court of First Instance of the European Communities of 26 January 2006 in Case T-92/02 *Stadtwerke Schwäbisch Hall and Others* v *Commission*;

2. Dismisses as inadmissible the action brought by Stadtwerke Schwäbisch Hall GmbH, Stadtwerke Tübingen GmbH and Stadtwerke Uelzen GmbH before the Court of First Instance of the European Communities seeking annulment of Commission Decision C(2001) 3967 final of 11 December 2001 declaring that the German tax exemption scheme applied to the reserves established by the operators of nuclear power stations for the purpose of the safe disposal of their radioactive waste and the permanent closure of their plants does not constitute State aid as referred to in Article 87(1) EC;

3. Orders Stadtwerke Schwäbisch Hall GmbH, Stadtwerke Tübingen GmbH and Stadtwerke Uelzen GmbH to pay the costs of the two sets of proceedings.

Judgment of the Court (Third Chamber) of 29 November 2007 — Italy v Commission

(Case C-417/06 P)

Appeal — Admissibility — Structural Funds — Financing of Community initiatives — Amendment of indicative allocations — Enforcement of the final judgment

1. *Actions for annulment — Judgment annulling a measure — Effects (Art. 233 EC) (see paras 50-53, 59, 60, 65, 66)*

2. *Appeals — Grounds — Insufficient or contradictory statement of reasons (Art. 225 EC; Statute of the Court of Justice, Art. 58, first para.; Rules of Procedure of the Court, Art. 112(1)(c), first para.) (see paras 75, 76)*

Re:

APPEAL against the judgment of the Court of First Instance (Fourth Chamber) of 13 July 2006 in Case T-225/04 *Italy* v *Commission* dismissing the action for annulment of Commission Decision C(2003) 3971 final of 26 November 2003 establishing indicative allocations between the Member States of the commitment appropriations under Community initiatives for the period 1994-1999 and of all related prior measures.

Operative part

1. Appeal dismissed;

2. The Italian Republic is ordered to pay its own costs and those of the Commission of the European Communities.

Judgment of the Court (Eighth Chamber) of 29 November 2007 — Commission v Malta

(Case C-508/06)

Failure of a Member State to fulfil obligations — Directive 96/59/EC — Article 11 — Waste management — Disposal of polychlorinated biphenyls and polychlorinated terphenyls — Failure to communicate the required plans and outlines