

Automobiles Peugeot SA and Peugeot SA
v
Commission of the European Communities

Order of the President of the Court of First Instance, 21 May 1990 196

Summary of the Order

1. *Competition — Administrative proceeding — Cessation of infringements — Adoption of provisional measures — Commission's powers — Conditions for exercise (Regulation No 17 of the Council, Art. 3(1))*
2. *Competition — Agreements, decisions and concerted practices — Prohibition — Exemption according to categories — Regulation No 123/85 — Object and scope (EEC Treaty, Art. 85(1) and (3); Commission Regulation No 123/85)*
3. *Application for interim measures — Suspension of operation — Suspension of the operation of provisional measures adopted in competition matters — Conditions for granting (Rules of Procedure, Art. 83(2); Regulation No 17 of the Council, Art. 3)*

1. It is for the Commission, in the exercise of the supervisory task conferred upon it in competition matters by the Treaty and Regulation No 17 to decide, pursuant to Article 3(1) of Regulation No 17, whether it is necessary to adopt provisional measures if a request to that effect is made to it. Such measures must, however, be of a temporary nature and restricted to what is necessary in the given situation.

tribution and servicing agreements is limited to providing economic agents in the motor-vehicle industry with certain possibilities enabling them to remove their distribution and servicing agreements from the scope of the prohibition contained in Article 85(1) despite the inclusion in those agreements of certain types of exclusivity and non-competition clauses.

2. Regulation No 123/85 on the application of Article 85(3) of the EEC Treaty to certain categories of motor-vehicle distri-

It follows that it cannot be said, in general terms, that motor-vehicle distribution has been exempted from the application of Article 85(1).

3. When application is made for suspension of the operation of an order issued provisionally by the Commission in respect of an undertaking pending a final decision within the meaning of Article 3 of Regulation No 17 the judge hearing the application must consider whether there is a serious risk that the detrimental

effects of such an order might, if it were put into operation immediately, exceed those of a conservatory measure and in the meantime cause damage considerably in excess of the inevitable but short-lived disadvantages arising from such a measure.

ORDER OF THE PRESIDENT OF THE COURT OF FIRST INSTANCE
21 May 1990*

In Case T-23/90 R

Automobiles Peugeot SA,

and

Peugeot SA, whose registered office is in Paris, represented by Xavier de Roux, of the Paris Bar, with an address for service in Luxembourg at the Chambers of J. Loesch, 8, rue Zithe,

applicants,

v

Commission of the European Communities, represented by Jacques Bourgeois, acting as Agent, assisted by Francis Herbert, of the Brussels Bar, with an address for service in Luxembourg at the office of Georgios Kremlis, a member of its Legal Department, Wagner Centre, Kirchberg,

defendant,

supported by

* Language of the case: French.