

ORDER OF THE COURT  
OF 17 JANUARY 1980<sup>1</sup>

**Camera Care Limited**  
**v Commission of the European Communities**

“Competition — Interim measures”

Case 792/79 R

1. *Competition — Administrative procedure — Termination of infringements — Power of the Commission to make recommendations — Object*  
(Regulation No 17 of the Council, Art. 3 (3))
2. *Competition — Administrative procedure — Termination of infringements — Power of the Commission to take decisions — Adoption of interim measures — Permissibility — Conditions*  
(Regulation No 17 of the Council, Arts. 3 (1) and 19)
3. *Competition — Administrative procedures — Termination of infringements — Adoption of interim measures — Powers of the Commission — Guarantee of judicial review*  
(EEC Treaty, Arts. 185 and 186; Regulation No 17 of the Council, Art. 3)

1. The object of Article 3 (3) of Regulation No 17 is to enable the Commission to inform the undertakings concerned of its assessment of the situation with regard to Community law in order to persuade them to comply with its point of view without immediately resorting to legal enforcement. It cannot, however, be construed as a limitation upon the practical ways in which the power to take a decision, which is the core of Article 3, may be exercised.
2. It is essential that the right to take decisions conferred upon the Commission by Article 3 (1) of Regulation No 17 should be exercised in the most efficacious manner best suited to the circumstances of each given situation. To this end the possibility cannot be excluded that the exercise of that right should comprise successive stages so that a decision finding that there is an infringement may be preceded by any preliminary

<sup>1</sup> — Language of the Case: English.

measures which may appear necessary at any given moment.

From this point of view the Commission must also be able, within the bounds of its supervisory task conferred upon it in competition matters by the Treaty and Regulation No 17, to take protective measures to the extent to which they might appear indispensable in order to avoid the exercise of the power to make decisions given by Article 3 from becoming ineffectual or even illusory because of the action of certain undertakings. The powers which the Commission holds under Article 3 (1) of Regulation No 17 therefore include the power to take interim measures which are indispensable for the effective exercise of its functions and, in particular, for ensuring the effectiveness of any decisions requiring undertakings to bring to an end infringements which it has found to exist.

However, the Commission could not take such measures without having regard to the legitimate interests of the undertaking concerned by them. For this reason it is essential that interim measures be taken only in cases proved to be urgent in order to avoid a situation likely to cause serious and irreparable damage to the party seeking their adoption, or which is intolerable for the public interest. A further requirement is that these

measures be of a temporary and conservatory nature and restricted to what is required in the given situation. When adopting them the Commission is bound to maintain the essential safeguards guaranteed to the parties concerned by Regulation No 17, in particular by Article 19. Finally, the decisions must be made in such a form that an action may be brought upon them before the Court of Justice by any party who considers he has been injured.

3. It is in accordance with the key principles of the Community that any interim measures which prove to be necessary should be taken by the Community institution which is given the task of receiving complaints by governments or individuals, of making inquiries and of taking decisions in regard to infringements which are found to exist, whilst the role of the Court of Justice consists in undertaking the legal review of the action taken by the Commission in these matters. In this regard, the rights of those concerned are safeguarded by the fact that if interim measures decided upon by the Commission adversely affect the legitimate interests of any party the person concerned may always obtain the revision of the decision made, by the appropriate judicial recourse, applying if necessary for emergency measures under Article 185 or Article 186 of the EEC Treaty.

In Case 792/79 R

CAMERA CARE LIMITED, a company engaged in the repair, hire and sale of professional photographic equipment, with its registered office in Belfast, Northern Ireland, represented, for the written procedure, by Emmanuel