

Case T-75/96 R

Söktaş Pamuk Ve Tarım Ürünlerini Değerlendirme Ticaret Ve Sanayi AŞ

v

Commission of the European Communities

(Notice of initiation of anti-dumping proceedings — Application for interim measures — Application for suspension of operation — Inadmissible)

Order of the President of the Court of First Instance, 26 August 1996 II - 861

Summary of the Order

Applications for interim measures — Conditions of admissibility — Admissibility of the main action — Not relevant — Limits — Main application seeking annulment of a Commission decision initiating anti-dumping proceedings — Inadmissible

(EC Treaty, Art. 185; Rules of Procedure of the Court of First Instance, Art. 104(1))

In principle, the issue of the admissibility of the main action should not be examined in proceedings relating to an application for interim measures, so as not to prejudge the Court's decision on the substance of the

case. It should be reserved for the examination of the main action, unless it is apparent at first sight that the latter is manifestly inadmissible.

That is so in the case of an application for annulment of a decision initiating anti-dumping proceedings. Such a decision constitutes, at first sight, a preliminary measure with no legal effect, in that it is not capable of immediately and irreversibly affecting the legal position of the undertakings concerned and does not oblige them to alter their commercial policy or cooperate in the investigation, which may moreover be terminated without trade defence measures being

imposed. With respect to such a decision, the rights of the defence are sufficiently safeguarded by the possibility of contesting its lawfulness in an action brought against the final decision. Where it is ancillary to a main application which is *prima facie* inadmissible, an application for suspension of operation of a decision by the Commission to initiate anti-dumping proceedings must be dismissed.