

Case T-168/95 R

Eridania Zuccherifici Nazionali SPA and Others

v

Council of the European Union

(Sugar — Common organization of the markets — Fixing of the intervention price
— Procedure for interim relief — Suspension of operation of a measure)

Order of the President of the Court of First Instance, 7 November 1995 II - 2819

Summary of the Order

1. *Applications for interim measures — Conditions of admissibility — Admissibility of the main action — Not relevant — Limits*
(*EC Treaty, Art. 185; Rules of Procedure of the Court of First Instance, Art. 104(1)*)
2. *Applications for interim measures — Suspension of operation of measures — Conditions for granting — Serious and irreparable damage — Pecuniary damage*
(*EC Treaty, Art. 185; Rules of Procedure of the Court of First Instance, Art. 104(2)*)

1. The issue of the admissibility of the main action should not, in principle, be examined in proceedings relating to an application for interim measures but should be reserved for the examination of the main application, unless it is apparent at first sight that the latter is manifestly inadmissible. To decide on admissibility at the stage of the application for interim measures, in cases where it is not *prima facie* totally excluded, would be in effect to prejudge the substance of the case.

that it cannot wait for the outcome of the main proceedings without suffering damage that would entail serious and irreparable consequences, which presupposes that it must establish that the risk of damage to which it claims to be exposed is sufficiently immediate, and prevents it from invoking damage which is only uncertain and unpredictable.

2. The urgency of an application for interim measures must be assessed in relation to the necessity for an interim order to prevent serious and irreparable damage to the party applying for them. It is for the party seeking suspension of operation to prove

Damage of a purely pecuniary nature cannot, save in exceptional circumstances, be regarded as irreparable or even as being repairable only with difficulty, if it can ultimately be the subject of financial compensation.