

Case T-198/01 R [III]

Technische Glaswerke Ilmenau GmbH

v

Commission of the European Communities

(Proceedings for interim measures — State aid — Obligation to recover aid — Prima facie case — Urgency — Weighing-up of interests — Exceptional circumstances)

Order of the President of the of the Court of First Instance, 12 May 2004 . . II - 1473

Summary of the Order

Applications for interim measures — Suspension of operation of a measure — Conditions for granting — Prima facie case — Urgency — Cumulative requirements — Weighing-up of all the interests involved

(Art. 242 EC; Rules of Procedure of the Court of First Instance, Art. 104(2))

Article 104(2) of the Rules of Procedure of the Court of First Instance provides that an application for interim measures must state the circumstances giving rise to urgency and the pleas of fact and law establishing a prima facie case for the interim measures applied for. Those conditions are cumulative, so that an application for suspension of operation must be dismissed if either one of them is

not satisfied. Where appropriate, the judge hearing such an application must also weigh up the interests involved.

(see para. 26)