

Case T-198/01 R [II]

Technische Glaswerke Ilmenau GmbH

v

Commission of the European Communities

(Proceedings for interim relief — State aid — Obligation to recover aid —
Prima facie case — Urgency — Balancing of interests — Exceptional
circumstances — Provisional suspension)

Order of the President of the Court of First Instance, 1 August 2003 . . . II-2897

Summary of the Order

Applications for interim measures — Suspension of operation of a measure — Interim relief — Conditions for granting — Prima facie case — Urgency — Cumulative requirements — Balancing of all the interests involved
(Arts 242 EC and 243 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 shall state the subject-matter of the proceedings, 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 the suspension of operation of a measure must

be dismissed if one of them is not fulfilled. The court hearing the application shall also, where appropriate, balance the interests involved.

(see para. 38)