

Case T-196/01 R

Aristoteleio Panepistimio Thessalonikis

v

Commission of the European Communities

(Proceedings for interim relief — EAGGF —
Cancellation of financial assistance — Urgency — None)

Order of the President of the Court of First Instance, 18 October 2001 . . . II-3109

Summary of the Order

1. *Applications for interim measures — Suspension of operation of a measure — Interim relief — Conditions for granting — Urgency — Imminent likelihood of serious and irreparable harm — Concept — Standard of proof*
(Arts 242 EC and 243 EC; Rules of Procedure of the Court of First Instance, Art. 104(2))
2. *Applications for interim measures — Suspension of operation of a measure — Suspension of operation of a decision cancelling financial assistance granted under the structural funds — Conditions for granting — Urgency — Serious and irreparable harm — Concept*
(Art. 242 EC; Rules of Procedure of the Court of First Instance, Art. 104(2))

1. The urgent nature of an application for interim relief must be assessed in relation to the need for an interim decision in order to prevent serious and irreparable damage being caused to the party seeking the interim measure. The onus is on that party to prove that it cannot await the outcome of the main proceedings without suffering damage of that nature. To be able to determine whether the damage which the applicant fears is serious and irreparable and therefore provides grounds for, exceptionally, the suspension of the operation of a decision, the judge hearing the application must have specific evidence allowing him to determine the precise consequences which the absence of the measures applied for would in all probability entail.
2. As for alleged non-material damage complained of in the context of proceedings for interim relief, the applicant cannot validly claim that only suspension of operation of a decision cancelling financial assistance granted under the structural funds would make it possible to prevent its reputation from being adversely affected or prevent it from being deprived of the opportunity to manage projects receiving public financing in the future. An annulment in the main proceedings would enable such damage to be made good in an appropriate manner. It follows that the condition of urgency is not met since the purpose of the proceedings for interim relief is not to ensure that damage be made good but to guarantee the full effectiveness of the judgment on the substance.

However, it is not necessary that the imminence of the alleged damage be established with absolute certainty. It is sufficient, particularly where the occurrence of any damage depends on a number of factors, that it can be foreseen with a sufficient degree of probability.

(see paras 32-33)

(see paras 36-37)