

Operative part

The Court:

1. Dismisses the application for interim measures;
2. Reserves the costs.

Order of the Court of First Instance (Second Chamber) of 16 February 2006 — Centro Europa 7 v Commission (Case T-338/04)

Article 86(3) EC — Rejection of complaint — Action for annulment —
Plea of inadmissibility

*Applications for interim measures — Actionable measures (Art. 86(1) and (3) EC)
(see paras 36-38)*

Re:

APPLICATION for annulment of the Commission's letter of 4 June 2004 [D (2004) 471] in so far as it rejects the applicant's complaint that the Italian Republic had infringed the combined provisions of Articles 86 EC and 82 EC.

Operative part

The Court:

1. Dismisses the action as inadmissible;
2. Orders the applicant, in addition to bearing its own costs, to pay the costs incurred by the Commission and the intervener.