

# Case T-192/01 R

**Lior GEIE**

**v**

**Commission of the European Communities**

(Procedure for interim relief — Payment under a contract —  
Interim measures — Urgency)

Order of the President of the Court of First Instance, 7 December 2001 . . . II-3659

## Summary of the Order

1. *Applications for interim measures — Interim relief — Conditions for granting — Serious and irreparable damage — Standard of proof*  
(Art. 243 EC)
2. *Applications for interim measures — Interim relief — Conditions for granting — Serious and irreparable damage — Pecuniary damage — Situation liable to endanger the existence of the applicant company — Assessment in the light of the situation of the group to which it belongs*  
(Art. 243 EC; Rules of Procedure of the Court of First Instance, Art. 104(2))

1. Although it is correct that in order to establish the existence of serious and irreparable damage in the context of interlocutory proceedings it is not necessary for the occurrence of the damage to be demonstrated with absolute certainty, it being sufficient to show that damage is foreseeable with a sufficient degree of probability, the applicant is still required to prove the facts forming the basis of its claim that such serious and irreparable damage is likely.
2. In the context of the examination of an application for interim measures by the judge hearing that application, pecuniary damage cannot in principle be regarded as irreparable, or even repairable with difficulty, where it can be the subject of future pecuniary compensation. In application of those principles, an interim measure would only be justified if it were apparent that without such a measure the applicant would be in a situation likely to endanger its existence. In the context of an examination of the applicant's financial viability, consideration may be given, for the purposes of assessing its economic circumstances, to the characteristics of the group of which, by virtue of its shareholding structure, it forms part.

(see para. 49)

(see paras 50-51, 54)