

Case T-288/02 R

Asian Institute of Technology (AIT)

v

Commission of the European Communities

(Proceedings for interim relief — Urgency — None)

Order of the President of the Court of First Instance, 9 July 2003 II-2887

Summary of the Order

*Applications for interim measures — Suspension of operation — Interim measures —
Conditions for granting — Urgency — Serious and irreparable damage
(Arts 242 EC and 243 EC; Rules of Procedure of the Court of First Instance, Art. 104(2))*

The urgency of an application for interim relief, required by Article 104(2) of the Rules of Procedure of the Court of First Instance, must be assessed in relation to the need to make an interim order so as to avoid serious and irreparable damage to the applicant. It is not sufficient merely to allege that the measure whose suspension is being sought is about to be put into effect; circumstances must be adduced that are capable of establishing a case of urgency and showing that, without an order suspending operation of the measure, serious and irreparable damage would be caused to the applicant.

Moreover, lodging the application for interim relief several months after the main action was brought, whereas the circumstances have not changed since it was brought, is a factor which tends to suggest that the suspension being sought is not urgent.

(see paras 14-15, 17)