

**Case T-125/05 R**

**Umwelt- und Ingenieurtechnik GmbH Dresden**

**v**

**Commission of the European Communities**

(Tendering procedure — Interim proceedings — Urgency — None)

Order of the President of the Court of First Instance, 2 June 2005 . . . . . II - 1903

Summary of the Order

*Applications for interim measures — Suspension of operation of a measure — Interim measures — Conditions for granting — Urgency — Serious and irreparable damage — Burden of proof — Financial loss*

*(Arts 242 EC and 243 EC; Rules of Procedure of the Court of First Instance, Art. 104(2))*

The urgency of an application for the adoption of interim measures must be assessed in the light of the extent to which an interlocutory order is necessary to avoid serious and irreparable damage to the party seeking the adoption of the interim measure. It is for that party to prove that he cannot await the conclusion of the main action without suffering damage of that kind.

from a tendering procedure, cannot, save in exceptional circumstances, be regarded as irreparable, or even as being reparable only with difficulty, if it can ultimately be the subject of financial compensation.

In that regard, financial loss, such as that which might arise in the event of exclusion

(see paras 38-39, 42)