

Ref:

Suspension of the operation, first, of the Commission's decision contained in its letter of 5 October 2005 to offset debts to the detriment of the applicant; secondly, of the Commission's decision contained in its letter of 30 August 2005 and, thirdly, of the debit note of 23 August 2005, No 3240705638.

Operative part

The Court:

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

**Order of the President of the Court of First Instance of 10 January 2006 —
ArchiMEDES v Commission**

(Case T-397/05 R)

Interim proceedings — Application for interim measures — Arbitration clause —
Urgency — None

1. *Applications for interim measures — Suspension of the operation of a measure — Interim relief — Conditions for granting — Urgency — Prima facie case — Cumulative conditions (Arts 242 EC and 243 EC; Rules of Procedure of the Court of First Instance, Art. 104(2)) (see para. 35)*
2. *Applications for interim measures — Suspension of the operation of a measure — Interim relief — Conditions for granting — Urgency — Serious and irreparable damage — Burden of proof — Weighing-up of all the interests at stake (Arts 242 EC and 243 EC) (see paras 40-42)*

Re:

Suspension of the operation, first, of the Commission's decision contained in its letter of 5 October 2005 to offset debts to the detriment of the applicant; secondly, of the Commission's decision contained in its letter of 30 August 2005 and, thirdly, of the debit note of 23 August 2005, No 3240705638.

Operative part

The Court:

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

**Order of the Court of First Instance (Fifth Chamber) of 13 January 2006 —
Komninou and Others v Commission**

(Case T-42/04)

Action for damages — Non-contractual liability — Decision to take no further action on a complaint putting in issue a Member State's conduct capable of giving rise to proceedings for failure to fulfil obligations — Treatment of the complaint by the Commission — Principle of sound administration

1. *Non-contractual liability — Conditions — Unlawfulness — Damage — Causal link — One of the conditions not present (Art. 288, second para., EC) (see para. 31)*
2. *Non-contractual liability — Conditions — Sufficiently serious breach of a rule of law intended to confer rights on individuals (Art. 288, second para., EC) (see paras 32, 33)*