

Cases T-24/92 R and T-28/92 R

Langnese-Iglo GmbH and Schöller Lebensmittel GmbH & Co. KG

v

Commission of the European Communities

(Competition — Procedure for interim relief — Protective measures)

Order of the President of the Court of First Instance, 16 June 1992 II - 1840

Summary of the Order

Applications for interim measures — Suspension of operation of a measure — Suspension of the operation of a decision laying down interim measures relating to competition — Conditions for granting — Serious and irreparable damage — Balancing of all the interests involved
(EEC Treaty, Arts 85 and 185; Rules of Procedure of the Court of First Instance, Art. 104(2))

Where both granting a suspension of operation of a Commission decision prescribing interim measures relating to competition and refusing to grant such suspension would in practice have the effect of depriving the final decision of the Court of First Instance of any effects in so far as such a decision could not in all likelihood be arrived at until a time at which the Commission decision had already produced, or failed to produce, its effects, depending on whether or not the suspension of operation requested is granted, it is necessary to strike a balance between the interests of sound administration of justice, on the one hand, and, on the other, the interests of the parties, including the Commission's interest in bringing to an end forthwith the infringe-

ment of the competition rules contained in the Treaty which it claims to have ascertained.

In order to avoid both the creation of an irreversible situation and serious and irreparable damage to one of the parties to the proceedings, a temporary solution, ensuring that the market does not develop in an irreversible manner and requiring the applicant to remove certain barriers to access to the market, must be imposed, without thereby appreciably harming the exclusive distribution system which the applicant has set up over a period of many years.