

Case T-39/90 R

Samenwerkende Elektriciteits-produktiebedrijven NV
v
Commission of the European Communities

Order of the President of the Court of First Instance, 21 November 1990 650

Summary of the Order

Interim measures — Suspension of operation — Conditions — Serious and irreparable harm — Commission decision adopted pursuant to Article 11(3) of Regulation No 17, requiring disclosure of a document

(Rules of Procedure, Art. 83(2))

The Court of First Instance cannot uphold an application by an undertaking for the suspension of the operation of a Commission decision adopted, for the implementation on the competition rules of the Treaty, pursuant to Article 11(3) of Regulation No 17 requiring the undertaking to produce a document, on the ground that, according to the applicant, there is a risk that the governments of the Member States,

being informed thereof by the competent authorities referred to in Articles 10 and 20 of that regulation, might acquire knowledge of matters covered by business secrecy and might use such information in a manner detrimental to it. By so doing, the Court would be anticipating a breach by the said competent authorities of the obligations imposed on them by the Article 20 of that provision concerning professional secrecy.