

Case T-131/89 R

Cosimex GmbH

v

Commission of the European Communities

Order of the President of the Court of First Instance, 6 December 1989 2

Summary of the Order

Competition — Administrative procedure — Bringing an infringement to an end — Adoption of interim measures — Powers of the Commission — Application for interim relief for the purpose of obtaining an order requiring the Commission to reconsider a request for interim measures — Dismissed

(EEC Treaty, Arts 173, 176 and 186; Council Regulation No 17, Art. 3(1))

It is for the Commission, within the bounds of the supervisory task conferred upon it in competition matters by the Treaty and Regulation No 17, to decide by virtue of Article 3(1) of Regulation No 17 whether there are grounds for adopting interim measures when a request is referred to it under that provision.

It would not be consistent with the principles governing the distribution of powers between the different Community institutions, as intended by the authors of the Treaty, for the Court of First Instance to be able to require the Commission to

reconsider an application for interim measures, seeking an interim decision prohibiting the continuation of an alleged infringement, which has been submitted to it.

Article 173, read in conjunction with Article 176, of the EEC Treaty precludes the Court of First Instance from laying down the framework within which the Commission is to reconsider a request for interim measures without first having declared void the act embodying the refusal to adopt the relevant interim measures.