

Operative part

The Court:

1. Dismisses the action as inadmissible;
2. Orders the Republic of Finland to pay the costs.

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

(Case T-396/05 R)

Interim proceedings — Application for interim measures — Arbitration clause —
Admissibility — 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 — Conditions governing admissibility — Admissibility of main application — Not relevant — Limits (Arts 242 EC and 243 EC; Rules of Procedure of the Court of First Instance, Art. 104(1)) (see para. 44)*
3. *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 50-52)*

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)*