

**Order of the President of the Court of First Instance of 7 February 2006 —
Brink's Security Luxembourg v Commission**

(Case T-437/05 R)

Application for interim measures — Urgency — None

1. *Applications for interim measures — Suspension of operation of a measure — Interim relief — Conditions for granting — Prima facie case — Serious and irreparable damage — Cumulative requirements (Arts 242 EC and 243 EC; Rules of Procedure of the Court of First Instance, Art. 104(2)) (see paras 24, 25)*
2. *Applications for interim measures — Suspension of operation of a measure — Interim relief — Conditions for granting — Serious and irreparable damage — Burden of proof (Arts 242 EC and 243 EC; Rules of Procedure of the Court of First Instance, Art. 104(2)) (see paras 39, 40)*
3. *Applications for interim measures — Suspension of operation of a measure — Interim relief — Conditions for granting — Serious and irreparable damage (Arts 242 EC and 243 EC; Rules of Procedure of the Court of First Instance, Art. 104(2)) (see paras 49-52, 54)*
4. *Applications for interim measures — Suspension of operation of a measure — Interim relief — Conditions for granting — Serious and irreparable damage (Arts 242 EC and 243 EC; Rules of Procedure of the Court of First Instance, Art. 104(2)) (see paras 67, 68)*

Re:

APPLICATION for interim measures essentially asking, first, that the Commission be ordered not to sign the contract relating to Call for tenders No 16/2005/OIL (security and surveillance of buildings), secondly, should the Commission have already concluded that contract, that its performance be suspended until the Court has ruled on the substance of the action and, thirdly, for the adoption of other interim measures.

Operative part

The Court:

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

Order of the Court of First Instance (Second Chamber) of 16 February 2006 — Centro Europa 7 v Commission

(Case T-338/04)

Article 86(3) EC — Rejection of complaint — Action for annulment —
Plea of inadmissibility

*Applications for interim measures — Actionable measures (Art. 86(1) and (3) EC)
(see paras 36-38)*

Re:

APPLICATION for annulment of the Commission's letter of 4 June 2004 [D (2004) 471] in so far as it rejects the applicant's complaint that the Italian Republic had infringed the combined provisions of Articles 86 EC and 82 EC.

Operative part

The Court:

1. Dismisses the action as inadmissible;
2. Orders the applicant, in addition to bearing its own costs, to pay the costs incurred by the Commission and the intervener.