



Reports of Cases

Order of the President of the General Court of 29 February 2016 —

Chemtura Netherlands v EFSA

(Case T-725/15 R)

(Application for interim measures — Procedure for placing plant protection products on the market — Publication of documents relating to the inclusion of an active substance — Rejection of the request for confidential treatment of certain information — Application for interim measures — Lack of urgency)

1. *Application for interim measures — Suspension of operation of a measure — Interim measures — Conditions for granting — Prima facie case — Urgency — Serious and irreparable damage — Cumulative nature — Balancing of all the interests involved — Order of examination and method of verification — Discretion of the court hearing the application for interim relief (Arts 256(1) TFEU, 278 TFEU and 279 TFEU; Rules of Procedure of the General Court, Art. 156(3)) (see paras 20-22)*
2. *Application for interim measures — Suspension of operation of a measure — Interim measures — Conditions for granting — Urgency — Serious and irreparable damage — Burden of proof — Purely hypothetical damage based on the happening of future and uncertain events — Insufficient to demonstrate urgency — Publication by the European Food Safety Authority (EFSA) of an assessment of a substance before the Commission's final decision as to its marketing — No urgency (Arts 278 TFEU and 279 TFEU; Rules of Procedure of the General Court, Art. 156(3); European Parliament and Council Regulation No 1107/2009, Art. 21) (see paras 44, 46-49)*
3. *Application for interim measures — Suspension of operation of a measure — Interim measures — Conditions for granting — Urgency — Non-material damage not capable of better compensation at the interlocutory stage than in the main proceedings — No urgency (Arts 278 TFEU and 279 TFEU; Rules of Procedure of the General Court, Art. 156(3)) (see paras 51, 52, 54-56)*
4. *Application for interim measures — Suspension of operation of a measure — Interim measures — Conditions for granting — Serious and irreparable damage — Financial loss not capable of being entirely compensated for at a later stage — Burden of proof — Loss not capable of being stated in figures, but none the less capable of being subsequently compensated for by means of a compensation action — Loss capable of being subsequently compensated for by means of a compensation action — Not irreparable (Arts 268 TFEU, 278 TFEU, 279 TFEU and 340 TFEU; Rules of Procedure of the General Court, Art. 156(2) and (3)) (see paras 58, 60, 61, 63-65)*

Re:

APPLICATION for the suspension of operation of the EFSA Decision of 10 December 2015 concerning the publication of certain parts of the EFSA Conclusion on the Peer Review on the review of the approval of the active substance diflubenzuron regarding the metabolite 4-chloroaniline (PCA) in respect of which the applicant requested partial confidential treatment.

Operative part

1. The application for interim relief is dismissed.
2. The order of 15 December 2015 delivered in Case T-725/15 R is cancelled.
3. Costs are reserved.