

Operative part

The Court:

1. Dismisses the appeal;
2. Orders The Office for Harmonisation in the Internal Market (Trade Marks and Designs) (OHIM) to pay the costs.

Order of the President of the Court of Justice of 30 April 2010 – Ziegler v Commission

(Case C-113/09 P(R))

(Appeal — Application for interim measures — Competition — Payment of a fine — Bank guarantee — Rejection of application for suspension of operation of a measure — Incorrect assessment of the conditions of urgency — Principles of equal treatment and of observance of the right to a fair hearing)

1. *Applications for interim measures — Conditions of admissibility — Application — Formal requirements — Statement of the pleas establishing a prima facie case for the interim measures applied for (Arts 242 EC and 243 EC; Rules of Procedure of the General Court, Art. 104(2)) (see paras 13-17)*
2. *Applications for interim measures — Procedure — Whether appropriate to hear the parties — Whether appropriate to admit further observations and documents after the end of the written or oral procedure — Discretion of the judge hearing the application for interim measures (Arts 242 EC and 243 EC; Statute of the Court of Justice, Art. 39, first para., and Art. 53, first para.; Rules of Procedure of the General Court, Art. 105) (see paras 29-30, 34)*

3. *Applications for interim measures — Formal requirements — Submission of applications (Arts 242 EC and 243 EC; Practice Directions to parties before the General Court, point 71) (see para. 33)*
4. *Applications for interim measures — Suspension of operation of a measure — Suspension of operation of the obligation to provide a bank guarantee as a condition for not proceeding to immediate recovery of a fine imposed for breach of the competition rules — Conditions for granting — Exceptional circumstances (Art. 242 EC; Rules of Procedure of the General Court, Art. 104(2)) (see paras 43-48)*

Re:

Appeal against the order of the President of the Court of First Instance of 15 January 2009 in Case T-199/08 R *Ziegler v Commission*, rejecting for want of urgency the appellant's application to be released from the obligation to provide a bank guarantee as a condition for not proceeding to immediate recovery of the fine imposed by Commission Decision C(2008) 926 final of 11 March 2008 on a proceeding under Article 81 [EC] and Article 53 of the EEA Agreement concerning international removal services – Incorrect assessment of the conditions of urgency – Whether the appellant is likely to be caused serious, irreparable damage – Whether or not necessary to take into account the financial resources possessed by the group to which that party belongs – Breach of the obligation to state reasons and of the principles of equal treatment and of equality of arms.

Operative part

The Court:

1. Dismisses the appeal;
2. Orders Ziegler SA to pay the costs.