



Reports of Cases

Order of the President of the General Court of 11 November 2020 – Leonardo v Frontex

(Case T-849/19 RII)

(Interim measures – Public service contracts – Application for interim measures – New application –
New facts – Lack of urgency)

1. *Application for interim relief – 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), 278 and 279 TFEU; Rules of Procedure of the General Court, Art. 156(4))

(see paras 14-17)

2. *Application for interim relief – Suspension of operation of a measure – Dismissal of application – Possibility of bringing a new application – Condition – New facts*

(Arts 278 and 279 TFEU; Rules of Procedure of the General Court, Art. 160)

(see paras 19, 20)

3. *Application for interim relief – Suspension of operation of a measure – Interim measures – Conditions for granting – Urgency – Serious and irreparable damage – Financial loss – Barriers to participation in the tender process – Damage to reputation – Damage which cannot be regarded as irreparable*

(Arts 268, 278, 279 and 340 TFEU; Rules of Procedure of the General Court, Art. 156(4))

(see paras 27, 31)

4. *Application for interim relief – Suspension of operation of a measure – Interim measures – Conditions for granting – Urgency – Serious and irreparable damage – Burden of proof – Financial loss – No obligation to provide concrete and precise indications, supported by detailed documentary evidence*

(Arts 278 and 279 TFEU; Rules of Procedure of the General Court, Art. 156(4))

(see paras 28, 29)

Re:

Application based on Articles 278 and 279 TFEU seeking the grant of interim measures for a suspension of execution of the contract notice FRONTEX/OP/888/2019/JL/CG, published on 18 October 2019 by Frontex, entitled 'Remotely Piloted Aircraft System (RPAS) for Medium Altitude Long Endurance Maritime Aerial Surveillance', and the documents included in the annex, the Notices for changes or additional information, the questions and answers published by Frontex under the *lex specialis*, the minutes of the Informative Meeting held at Frontex's premises on 28 October 2019, the contract award decision, and any other prior, associated or subsequent act.

Operative part

The Court:

1. Dismisses the application for interim measures;
2. Orders that the costs be reserved.