



## Reports of Cases

### Order of the President of the General Court of 31 December 2020 – ExxonMobil Production Deutschland v Commission

(Case T-731/20 R)

(Interim measures – Directive 2003/87/EC – Decision 2011/278/EU – System for greenhouse gas emissions allowance trading – Application for interim measures – No urgency)

1. *Interim relief – Suspension of operation of a measure – Interim measures – Conditions for granting – Prima facie case – Urgency – Serious and irreparable harm – Cumulative nature – Balancing of all the interests involved*

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

(see paras 13, 21)

2. *Interim relief – Suspension of operation of a measure – Interim measures – Conditions for granting – Urgency – Serious and irreparable harm – Burden of proof – Purely hypothetical damage based on the occurrence of future and uncertain events – Insufficient to demonstrate urgency*

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

(see paras 16, 17)

3. *Interim relief – Suspension of operation of a measure – Interim measures – Conditions for granting – Urgency – Serious and irreparable harm – Burden of proof – Financial loss – Obligation to provide concrete and precise indications, supported by detailed documentary evidence – Situation liable to endanger the existence of the applicant company*

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

(see paras 18-20)

#### Re:

Application under Article 279 TFEU and Article 156 of the Rules of Procedure of the General Court, seeking that the Commission be ordered to transfer 7 428 258 emission allowances to the account of the installation of the applicant by 31 December 2020 at the latest.

## **Operative part**

1. The application for interim measures is dismissed.
2. The costs are reserved.