



Reports of Cases

Order of the President of the General Court of 26 May 2021 – Darment v Commission

(Case T-92/21 R)

(Application for interim relief – Environment – Fluorinated greenhouse gases – Regulation (EU) No 517/2014 – Placing of hydrofluorocarbons on the market – Decision imposing a penalty on an undertaking that exceeded the quota allocated to it – 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 – Order of examination and method of verification – Discretion of the court hearing the application for interim relief – Balancing of all the interests involved*

(Arts 256(1), 278 and 279 TFEU; Rules of Procedure of the General Court, Art. 156)

(see paras 26-28)

2. *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 268, 278, 279 and 340 TFEU; Rules of Procedure of the General Court, Art. 156(4))

(see paras 31, 32, 36-39, 44)

3. *Interim relief – Suspension of operation of a measure – Interim measures – Conditions for granting – Prima facie case – Urgency – Cumulative nature – Particularly strong prima facie case – No impact on the obligation to examine urgency separately*

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

(see para. 47)

Re:

Application under Article 279 TFEU seeking, first, an order requiring the Commission to cease applying to the applicant, as regards the year 2021 and subsequent allocation periods, a penalty under Article 25(2) of Regulation (EU) No 517/2014 of the European Parliament and of the Council of 16 April 2014 on fluorinated greenhouse gases and repealing Regulation (EC) No 842/2006 (OJ 2014 L 150, p. 195), and, secondly, an order requiring the Commission to allocate to the applicant a quota for the bulk import of hydrofluorocarbons for the 2021 allocation period and subsequent allocation periods.

Operative part

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