



Reports of Cases

Order of the President of the General Court of 13 May 2022 – Conserve Italia and Conserves France v Commission

(Case T-59/22 R)

(Interim relief – Competition – Agreements, decisions and concerted practices – European market for preserved vegetables – Decision imposing a fine – Application for suspension of operation of a measure – No urgency)

1. *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 7-10)

2. *Interim relief – Suspension of operation of a measure – Interim measures – Conditions for granting – Urgency – Serious and irreparable damage – 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 – Assessment in the light of the size and turnover of the undertaking and the situation of the group to which it belongs – 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 13, 21-26, 34-36, 39, 42, 43)

3. *Interim relief – Suspension of operation of a measure – Suspension of the obligation to constitute 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 – Burden of proof*

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

(see paras 29-32)

4. *Interim relief – Suspension of operation of a measure – Conditions for granting – Urgency – Serious and irreparable damage – Serious and irreparable damage for the applicant – Interest of the applicant affected – Interest of a third party affected – Not included*

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

(see paras 37, 38)

Operative part

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