



Reports of Cases

Order of the President of the General Court of 19 January 2024 – Vivendi v Commission

(Case T-1097/23 R)

(Interim proceedings – Competition – Concentrations – Request for information – Article 11(3) of Regulation (EC) No 139/2004 – 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 damage – Cumulative nature – Weighing up of all the interests involved – Order of examination and method of verification – Discretion of the judge hearing the application for interim relief*

(Arts 256(1), 278 and 279 TFEU; Rules of Procedure of the General Court, Art. 156(4))

(see paragraphs 12-15)

2. *Interim relief – Suspension of operation of a measure – Interim measures – Conditions for granting – Urgency – Serious and irreparable damage – Burden of proof – Financial damage – Obligation to provide specific and precise information, supported by detailed documentary evidence – Situation liable to endanger the existence of the applicant company – Assessment in the light of its size and turnover 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 paragraphs 18, 29-40, 52-54)

3. *Interim relief – Suspension of operation of a measure – Interim measures – Conditions for granting – Urgency – Serious and irreparable damage – Request for information addressed to the applicant undertaking in the context of a merger control procedure – Request for internal documents containing certain search terms – Request capable of leading to the disclosure of documents irrelevant to the investigation – No serious and irreparable damage*

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

(see paragraphs 41, 42)

4. *Interim relief – Interim measures – Conditions for granting – Urgency – Serious and irreparable damage – Request for information addressed to the applicant undertaking in the context of a merger control procedure – Request capable of leading to the disclosure of information concerning the private life of employees and agents of the undertaking and concerning confidential journalistic sources – Specific procedural safeguards applied by the Commission – No serious and irreparable damage*

(Arts 278 and 279 TFEU; Rules of Procedure of the General Court, Art. 156(4); Staff Regulations of Officials, Art. 17; Council Regulation No 139/2004, Art. 11(3))

(see paragraphs 43-50)

Operative part

1. The application for interim measures is dismissed.
2. The order of 28 November 2023, *Vivendi v Commission* (T-1097/23 R) is cancelled.
3. The costs are reserved.