



Reports of Cases

Order of the President of the General Court of 13 February 2012 — Dansk Automat Brancheforening v Commission

(Case T-601/11 R)

(Interim measures — State aid — Danish law instituting lower duties for providers of online gaming — Decision declaring the aid compatible with the internal market — Application for suspension of operation — Lack of urgency — Weighing up of interests)

1. *Application for interim measures — Suspension of operation of a measure — Interim measures — Conditions for granting — Prima facie case — Urgency — Serious and irreparable damage — Cumulative nature — Weighing-up of the interests — Order of examination and method of verification — Discretion of the court hearing the application for interim relief (Arts 278 TFEU and 279 TFEU; Rules of Procedure of the General Court, Art. 104(2)) (see paras 16-18)*
2. *Application for interim measures — Suspension of operation of a measure — Conditions for granting — Urgency — Serious and irreparable damage — Damage capable of affecting a general economic sector — Action brought not by a public law body but by individuals — Obligation to claim individual damage (Art. 278 TFEU; Rules of Procedure of the General Court, Art. 104(2)) (see paras 25-27)*
3. *Application for interim measures — Suspension of operation of a measure — Conditions for granting — Serious and irreparable damage — Burden of proof — Financial loss (Art. 278 TFEU; Rules of Procedure of the General Court, Art. 104(2)) (see paras 28, 29, 36, 37, 43, 44)*
4. *Application for interim measures — Suspension of operation of a measure — Conditions for granting — Balancing of all the interests involved — Meaning (Art. 278 TFEU; Rules of Procedure of the General Court, Art. 104(2)) (see para. 47)*
5. *Application for interim measures — Suspension of operation of a measure — Conditions for granting — Serious and irreparable damage — Financial loss — Damage which may subsequently be made good by compensation or by means of an action for damages — Damage which cannot be regarded as irreparable (Arts 268 TFEU, 278 TFEU and 340 TFEU; Rules of Procedure of the General Court, Art. 104(2)) (see para. 48)*

Re:

APPLICATION for suspension of operation of Commission Decision C(2011) 6499 final of 20 September 2011 on measure No C 35/2010 (ex N 302/2010) which the Kingdom of Denmark was planning to implement in the form of duties for online gaming in the Danish Gaming Duties Act.

Operative part

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