



Reports of Cases

Order of the Vice-President of the Court of 20 July 2018 — ECB v Latvia

(Case C-238/18 R)

(Application for interim measures — Application for interim measures — Prima facie case — Urgency — Balancing of competing interests — Protocol on the Statute of the European System of Central Banks and of the European Central Bank — Rules of Procedure of the European Central Bank — National security measures adopted in the context of a criminal investigation opened into a governor of a national central bank of a Member State whose currency is the euro — Prohibition on that governor from carrying out his activities and from leaving national territory)

1. *Application for interim measures — Interim measures — Conditions for granting — Prima facie case — Urgency — Serious and irreparable damage — Cumulative nature — Balancing of all the interests involved*

(Art. 279 TFEU; Rules of Procedure of the Court of Justice, Art. 160(3))

(see paras 31, 32)

2. *Application for interim measures — Suspension of operation of a measure — Conditions for granting — Prima facie case — Prima facie examination of the pleas in law put forward in support of the main action — Action against a prohibition order adopted by a Member State against the governor of the national central bank — Plea related to the interpretation of provisions governing the removal of a governor from his office — Plea revealing the existence of complex legal questions — Plea not prima facie lacking in foundation*

(Art. 278 TFEU; Protocole No 4 annexed to the EU and FEU Treaties, Art. 14.2, second para.)

(see paras 36-39, 42)

3. *Application for interim measures — Suspension of operation of a measure — Interim measures — Conditions for granting — Urgency — Serious and irreparable damage — Burden of proof — Damage foreseeable with a reasonable degree of probability — Assessment in the case of removal of a governor of a national central bank from his office*

(Arts 278 TFEU, 279 TFEU and 283(1) TFEU; Protocole No 4 annexed to the EU and FEU Treaties, Arts 10.1 to 10.3 and 14.2, second para.; Rules of Procedure of the Court of Justice, Art. 160(3); Rules of Procedure of the European Central Bank, Arts 4.4 and 4.5)

(see paras 63, 64, 68-70, 76)

4. *Application for interim measures — Suspension of operation of a measure — Conditions for granting — Balancing of all the interests involved — Suspension of execution of a prohibition order adopted by a Member State against a governor of the national central bank — Weighing up the interest in ensuring the proper functioning of the Union's monetary policy with the interest in protecting the criminal investigation concerning the alleged conduct of the governor — Satisfaction of the interests at issue by making it possible for the governor to designate an alternate member*

(Art. 278 TFEU; Protocole No 4 annexed to the EU and FEU Treaties, Arts 10.2 and 10.3; Rules of Procedure of the Court of Justice, Art. 160(3); Rules of Procedure of the European Central Bank, Arts 4.4 and 4.5)

(see paras 78-82)

Operative part

1. The Republic of Latvia is ordered to adopt the measures necessary to suspend, until the adoption of a decision bringing Case C-238/18 to a close, the security measures adopted on 19 February 2018 by the Korupcijas novēršanas un apkarošanas birojs (Office for the prevention and fight against corruption, Latvia) against Mr Ilmārs Rimšēvičs, in so far as those measures prevent the latter from designating an alternate member to replace him on the Board of Governors of the European Central Bank..
2. The application for interim measures is dismissed as to the remainder.
3. Costs are reserved.