

## SCHEDULE 3

Decisions taken in accordance with paragraph 3 of Article 5 of Regulation (EC) No. 1370/2007

### PART 3

#### Applications to the Court

##### **Interim orders**

- 22.—(1) In proceedings the Court may, where relevant, make an interim order –
- (a) bringing to an end the requirement imposed by paragraph 21(1);
  - (b) restoring or modifying that requirement;
  - (c) suspending the procedure leading to the award of the contract;
  - (d) suspending the implementation of any decision or action taken by the Department in the course of following such a procedure.
- (2) When deciding whether to make an order under subparagraph (1)(a) –
- (a) the Court must consider whether, if paragraph 21(1) were not applicable, it would be appropriate to make an interim order requiring the Department to refrain from entering into the contract; and
  - (b) only if the Court considers that it would not be appropriate to make such an interim order may it make an order under subparagraph (1)(a).
- (3) If the Court considers that it would not be appropriate to make an interim order of the kind mentioned in subparagraph (2)(a) in the absence of undertakings or conditions, it may require or impose such undertakings or conditions in relation to the requirement in paragraph 21(1).
- (4) This paragraph does not prejudice any other powers of the Court.