



Press and Information

Court of Justice of the European Union

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Judgment in Case C-583/11 P
Inuit Tapiriit Kanatami and Others

The Court confirms the order of the General Court on the inadmissibility of the action for annulment of the regulation on trade in seal products

The less stringent admissibility rules introduced by the Treaty of Lisbon cannot be applied to legislative acts

The regulation on trade in seal products¹ ('the basic regulation') permits, as a general rule, the placing of such products on the European market only where they result from hunts traditionally conducted by Inuit and other indigenous communities and contribute to their subsistence. Taking the view that that rule adversely affects their economic interests, Inuit Tapiriit Kanatami, an association representing the interests of Canadian Inuits, and a number of other parties (seal product manufacturers and traders of various nationalities) applied to the General Court for the annulment of the basic regulation.

By its order of 6 September 2011², the General Court dismissed the action as being inadmissible. The General Court held that the basic regulation was a legislative act which could be challenged by natural and legal persons only on the twofold condition that the act should be of direct and individual concern to them. In this case, those conditions of admissibility were not satisfied. In that context, the General Court stated that the new rule³ introduced by the Treaty of Lisbon (which came into force on 1 December 2009) which enables those persons to challenge certain acts of general application, even when such acts are not of individual concern, applied only to regulatory acts⁴ and not to legislative acts.

Inuit Tapiriit Kanatami and other parties concerned brought an appeal against the order of the General Court. Since the General Court's order and the appeal relate only to the admissibility of the action brought by those parties, the Court of Justice has also been called upon in this case to rule on that issue⁵.

In its judgment delivered today, the Court finds, first, that, as a general rule, just as before the entry into force of the Treaty of Lisbon, a natural or legal person may institute proceedings against any European Union act which produces binding legal effects where that act is addressed to that person or is of direct and individual concern to him. In that regard, the Court states that those acts may be individual acts, such as a decision addressed to a person, or acts of general application, which include both legislative acts, such as the basic regulation, and regulatory acts.

¹ Regulation (EC) No 1007/2009 of the European Parliament and of the Council of 16 September 2009 on trade in seal products (OJ 2009 L 286, p. 36).

² Case [T-18/10 Inuit Tapiriit Kanatami and Others v Parliament and Council](#).

³ The third limb of the fourth paragraph of Article 263 TFEU, stating that any natural or legal person may institute proceedings against a regulatory act which is of direct concern to them and does not entail implementing measures.

⁴ The concept of 'regulatory act' was explained by the General Court (Case T-18/10): it 'must be understood as covering all acts of general application apart from legislative acts'. A regulatory act is an act of general application (and not an individual act) which is non-legislative (that being determined by whether or not the procedure which permitted adoption of the act was legislative – either ordinary or special).

⁵ The appellants in this case and other parties also brought an action before the General Court challenging the regulation implementing the basic regulation ([T-526/10](#)). In its judgment of 25 April 2013, the General Court, without examining the admissibility of that action, stated that both the implementing regulation and the basic regulation were valid (see Press Release No. [55/13](#)). However, that decision of the General Court is the subject of an appeal to the Court of Justice (Case [C-398/13](#)).

In that context, the Court recalls that, since the entry into force of the Treaty of Lisbon, some acts of general application may be challenged before the Courts of the European Union by natural and legal persons without their being obliged to satisfy the condition of individual concern. However, **the Treaty states unequivocally that those less stringent admissibility rules apply only to a more restricted category of those acts, namely the category of regulatory acts.** Accordingly, as the General Court correctly stated, **legislative acts, which,** although they may also be of general application, **are not covered by the concept of regulatory acts, continue therefore to be subject to more stringent admissibility rules.**

Next, the Court states that the admissibility rules relating to actions brought against legislative acts, and in particular the content of the condition of individual concern, were not altered by the Treaty of Lisbon. In that context, the General Court correctly ruled that the appellants involved did not satisfy, at the least, one of the two conditions of admissibility applicable to them, namely that of individual concern. Since the prohibition on the placing of seal products on the market laid down in the basic regulation is worded in general terms, it applies indiscriminately to any trader falling within its scope, and is not directed specifically at the appellants.

Last, the Court holds that **the Charter of Fundamental Rights of the European Union does not require that an individual should have an unconditional entitlement to bring an action for annulment of European Union legislative acts directly before the Courts of the European Union.** In that context, the Court states that judicial review of compliance with the European Union legal order is ensured by the Court of Justice and the courts and tribunals of the Member States. Where responsibility for the implementation of those acts lies with the European Union institutions, an individual is entitled, under certain conditions, to bring a direct action before the Courts of the European Union against the implementing measures and to plead, in support of that action, the illegality of the general act at issue.⁶ Where that implementation is a matter for the Member States, the invalidity of the European Union act at issue may be pleaded before the national courts and tribunals and they may refer the matter to the Court of Justice and request a preliminary ruling.

In that respect, the Court states that, in proceedings before the national courts, individual parties have the right to challenge before the courts the legality of any decision or other national measure relative to the application to them of a European Union act of general application, by pleading the invalidity of that act. It is therefore for the Member States to establish a system of legal remedies and procedures which ensure respect for the fundamental right to effective judicial protection. However, the Treaties did not intend to create new remedies before the national courts to ensure the observance of European Union law other than those already laid down by national law. The position would be otherwise only if the structure of the domestic legal system concerned were such that there was no remedy making it possible, even indirectly, to ensure respect for the rights which individuals derive from European Union law, or again if the sole means of access to a court was available to parties who were compelled to act unlawfully.

In those circumstances, **the Court dismisses the appeal in its entirety.**

NOTE: An appeal, on a point or points of law only, may be brought before the Court of Justice against a judgment or order of the General Court. In principle, the appeal does not have suspensive effect. If the appeal is admissible and well founded, the Court of Justice sets aside the judgment of the General Court. Where the state of the proceedings so permits, the Court of Justice may itself give final judgment in the case. Otherwise, it refers the case back to the General Court, which is bound by the decision given by the Court of Justice on the appeal.

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The [full text](#) of the judgment is published on the CURIA website on the day of delivery.

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⁶ This is exactly what happened in Case [T-526/10](#) where the appellants in this case and other parties challenged the regulation implementing the basic regulation and pleaded that the latter was unlawful.