

Case C-583/11 P *Inuit Tapiriit Kanatami v Parliament and Council* [2013]

Facts: An association of Inuit hunters and trappers of seals, supported by several businesses processing and selling seal products, sought to challenge a Regulation which had been adopted by the European Parliament and Council preventing imports into the EU of seal products on the basis that these were obtained by cruel methods. The General Court had decided in *Inuit Tapiriit Kanatami (Inuit I)* that while some of the applicants could be deemed directly concerned, they were not individually concerned, as the Regulation produced legal effects regarding categories of persons envisaged generally and in the abstract. Even if the applicants concerned were covered, in addition to the general prohibition, by the exception relating to products of Inuit origin, that would not be sufficient to distinguish them individually in the same way as the addressee of a decision. The applicants therefore initiated appeals proceedings against the General Court's order. They contended first that the Regulation was a regulatory act. If this had no success, they contended that the Charter's entry into force had changed the nature of the test laid down in *Plaumann v. Commission*.

Held: In the first two limbs of Art. 263(4) TFEU, the word 'act' was generic and capable of encompassing all types of EU measures, and so the concept of a 'regulatory act' was necessarily more specific in nature. Looking at the travaux préparatoires it seemed apparent that the intention of authors was to maintain a restrictive approach in relation to legislative acts. As such, it was clear that a regulatory act was an act of general application other than a legislative act, which was not an issue here as the Regulation was a legislative act. The Grand Chamber then considered that that the wording of the second limb of Art. 263(4) had not been changed by the Lisbon Treaty, and so the test laid down in *Plaumann* was unaffected. The applicants lacked standing as the Regulation's effect was general and applied indiscriminately to any trader falling within its scope.

In respect of whether the right to judicial protection had been compromised here, it was stated that the Treaty establishes a complete system of legal remedies and procedures. The Lisbon Treaty had not aimed to introduce any novel remedies before national courts, but that this position would change if the structure of the domestic legal system gave no remedy, even indirectly, to individuals for their EU rights (a responsibility of the Member States).