



LUXEMBOURG

ОБЩ СЪД НА ЕВРОПЕЙСКИЯ СЪЮЗ
 TRIBUNAL GENERAL DE LA UNION EUROPEA
 TRIBUNÁL EVROPSKÉ UNIE
 DEN EUROPÆISKE UNIONS RET
 GERICHT DER EUROPÄISCHEN UNION
 EUROOPA LIIDU ÜLDKOHUS
 ΓΕΝΙΚΟ ΔΙΚΑΣΤΗΡΙΟ ΤΗΣ ΕΥΡΩΠΑΪΚΗΣ ΕΝΩΣΗΣ
 GENERAL COURT OF THE EUROPEAN UNION
 TRIBUNAL DE L'UNION EUROPÉENNE
 CURT GHINEARĂ LA AN AONTAIS ÉORPAIGH
 TRIBUNALE DELL'UNIONE EUROPEA
 EIROPAS SAVIENĪBAS VISPĀRĒJĀ TIESA

EUROPOS SAJUNGOS BENDRASIS TEISMAS
 AZ EURÓPAI UNIÓ TÖRVÉNYSZÉKE
 IL-QORTI GENERALI TAL-UNIONI EWROPEA
 GERECHT VAN DE EUROPESE UNIE
 SĄD UNII EUROPEJSKIEJ
 TRIBUNAL GERAL DA UNIÃO EUROPEIA
 TRIBUNALUL UNIUNII EUROPENE
 VŠEOBECNÝ SÚD EURÓPSKEJ ÚNIE
 SPLOŠNO SODIŠČE EVROPSKE UNIJE
 EUROOPAN UNIONIN YLEINEN TUOMIOISTUIN
 EUROPEISKA UNIONENS TRIBUNAL

ORDER OF THE PRESIDENT OF THE GENERAL COURT

19 August 2010 *

- 442234 -

« Proceedings for interim relief – Article 105(2) of the Rules of Procedure –
 Regulation (EC) No 1007/2009 »

In Case T-18/10 R. II,

Inuit Tapiriit Kanatami, established in Ottawa (Canada),**Nativak Hunters and Trappers Association**, established in Qikiqtarjuaq (Canada),**Pangnirtung Hunters' and Trappers' Association**, established in Pangnirtung (Canada),**Jaypootie Moesessie**, residing in Qikiqtarjuaq,**Allen Kooneeliusie**, residing in Qikiqtarjuaq,**Toomasie Newkingnak**, residing in Qikiqtarjuaq,**David Kuptana**, residing in Ulukhaktok (Canada),**Karlün Aariak**, residing in Iqaluit (Canada),**Canadian Seal Marketing Group**, established in Quebec (Canada),**Ta Ma Su Seal Products**, established in Cap-aux-Meules (Canada),**Fur Institute of Canada**, established in Ottawa,**NuTan Furs, Inc.**, established in Catalina (Canada),**GC Rieber Skinn AS**, established in Bergen (Norway),

* Language of the case: English.

EN

CERTIFIED A TRUE COPY,

LUXEMBOURG,
REGISTRAR:

19.08.2010

ORDER OF 19. 8. 2010 – CASE T-18/10 R II

Inuit Circumpolar Conference Greenland (ICC), established in Nuuk,
Greenland (Denmark),

Johannes Egede, residing in Nuuk, and

Kalaallit Nunaanni Aalisartut Piniartullu Kattuffiat (KNAPK), residing in
Nuuk,

represented by H. Viaene and J. Bouckaert, lawyers,

applicants,

v

European Parliament

and

Council of the European Union,

defendants,

supported by

European Commission

and

Kingdom of the Netherlands,

interveners,

APPLICATION for suspension of the operation of 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),

THE PRESIDENT OF THE GENERAL COURT

makes the following

Order

- 1 For a detailed description of the facts of the case, it is referred to the order of the President of the General Court in Case T-18/10 R, *Inuit Tapiriit Kanatami and Others v Parliament and Council*, not published in the ECR, paragraphs 1 to 14. In the present application for interim relief, lodged on 28 July 2010, the applicants request the President of the General Court to:

II - 2

INUIT TAPIRIIT KANATAMI AND OTHERS v PARLIAMENT AND COUNCIL

- declare the application admissible on the basis of facts which are new in relation to Case T-18/10 R, *Inuit Tapiriit Kanatami and Others v Parliament and Council*;
 - suspend the application of Regulation (EC) No 1007/2009 pursuant to Articles 278 and 279 TFUE until the General Court has rendered judgment on the application for annulment lodged against that regulation pursuant to Article 263 TFUE;
 - order the European Parliament and the Council of the European Union to pay the costs.
- 2 It is settled case-law that it might be necessary for the judge hearing an application for interim measures, either where it is necessary to enable him to have enough time to be sufficiently informed so as to be in a position to judge a complex factual and/or legal situation raised by the application before him, or where it is desirable in the interests of the proper administration of justice that the interlocutory proceedings are not deprived of their substance and their effect, as a precautionary measure, until an order has been made terminating these interlocutory proceedings, to adopt provisional interim measures (Case 221/86 R, *Group of the European Right v Parliament*, [1986] ECR 2579, paragraph 9, and Case T-184/01 R, *IMS Health v Commission*, [2001] ECR 11-2349, paragraph 20).
- 3 When assessing the need for such an order, the judge hearing the application for interim relief must examine the circumstances of the specific case at hand (see, in that connection, order in Case 141/84 R, *De Compte v Parliament*, [1984] ECR 2575, paragraph 4). Further, an order made on the basis of Article 105(2) of the Rules of Procedure may be varied or cancelled even without any application being made by any party.
- 4 In the present case, the applicants contest being subject to the conditions restricting the placing on the market of seal products set out in Article 3(1) of Regulation (EC) No 1007/2009. Their first application for interim relief was rejected due to, *inter alia*, the lack of implementing measures relating to the conditions set out in Article 3(1), or even of a Commission proposal to this effect, which did not allow the applicants to support some of their arguments as to the scope and effect of those conditions (Case T-18/10 R, *Inuit Tapiriit Kanatami and Others v Parliament and Council*, paragraph 112). The applicants have provided with the present application a draft Commission regulation laying down detailed rules for the implementation of Regulation (EC) No 1007/2009, which they state to have obtained from the Council and to be awaiting publication. The applicants therefore ask for their arguments to be reassessed in light of the draft Commission regulation.

ORDER OF 19. 8. 2010 - CASE T-18/10 R II

- 5 In these circumstances, and considering that Article 3(1) of Regulation (EC) No 1007/2009 is to apply from 20 August 2010, the President of the General Court finds, even before the observations of the opposite parties have been submitted, that it is in the interest of the proper administration of justice that the status quo prior to the entry into force of Regulation (EC) No 1007/2009 be maintained pending a decision on the application for interim relief.

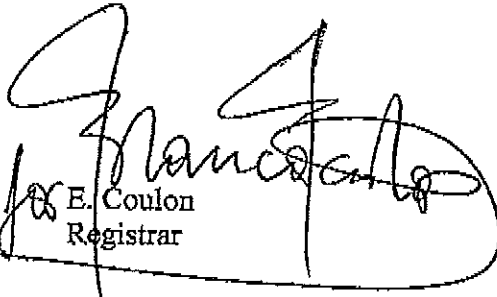
On those grounds,

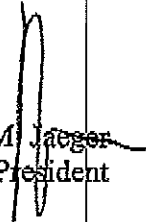
THE PRESIDENT OF THE GENERAL COURT

hereby orders:

- 1) The operation of the conditions restricting the placing on the market of seal products set out in Article 3(1) of Regulation (EC) No 1007/2009 is suspended, insofar as it concerns the applicants, until the order terminating the present proceedings for interim relief is made.
- 2) Costs are reserved.

Luxemburg, 19 August 2010.


E. Coulon
Registrar


M. Jaeger
President