



Joint MEDIA RELEASE

Seal Ban Challenge Receives Clarification by EU Court

Ottawa, October 20, 2010 – Members of a 16-plaintiff alliance welcomed a favourable ruling from the European General Court regarding their challenge to the European Union's ban on seal products.

"Inuit, who are central to this case, are pleased with this week's indications by the General Court that Inuit and non-Inuit plaintiffs can continue to place seal products on the EU market without interruption from the regulation," stated national Inuit leader Mary Simon, president of Inuit Tapiriit Kanatami.

"The news from the Court today indicates that trade and further manufacturing of seal products within the EU can continue for the time being, unfettered by the current Regulation", said Rob Cahill, executive director of the Fur Institute of Canada. Speaking on behalf of the Seals and Sealing Network, Cahill explained, "Action by the Court has been necessary in order to protect the market status quo and not further damage the interests of the plaintiffs in this case."

On October 20th, the President of the General Court of the European Union issued a ruling, which explained the scope of a provisional interim measures order issued on August 19th by the Court. The relevant part of the order reads as follows:

"In the present case, it is clear from the operative part of the order of 19 August 2010, read in the light of paragraph 5 of that order, that seal products - placed on the European Union market by the applicants before adoption of the order closing the proceedings for interim relief - cannot lawfully be subject to any of the restrictive conditions laid down in Article 3(1) of Regulation No 1007/2009, which means, clearly, that those products must be treated, during the entirety of their marketing process (whether they are processed or not), as if that Article 3 did not exist."

The Court decision confirms that enforcement of the ban under Regulation 1007/2009 is temporarily suspended until a final ruling on a pending request for interim relief can be issued.

According to spokespeople from the consortium, today's news from the Court resolves confusion over the August 19th Order, which stemmed from differing interpretations on the part of the plaintiffs and the European Commission as to how the Order would apply.

Prior to today, the European Commission's interpretation and subsequent message to EU Member States was that the plaintiffs, being members of the seal trade, could sell seal products to third parties in the EU, but those parties could not in turn continue to market the products. The Court decision now indicates that such sales of seal products may continue under the interim measures.

“Inuit seal products are available for the European market once again,” stated Mary Simon. “We will continue to press this case forward to what we feel should be its logical conclusion – that the legislation is struck down.”

“The Commission’s interpretation would have rendered the order meaningless,” said Mr. Cahill, “but today we have received some relief in knowing that a broader interpretation has prevailed”.

The August 19th Order still remains in effect until the President of the Court has had time to assess whether a continued suspension of Regulation 1007/2009 is warranted to protect the plaintiffs’ interests during the ongoing Court proceedings, which ultimately seek to annul the seal products ban.

In addition to ITK and the FIC, the plaintiffs include Canadian and Greenlandic Inuit organizations and individuals, non-Inuit Canadian and Norwegian sealing companies.

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