



Press and Information

General Court of the European Union  
**PRESS RELEASE No 178/14**  
Luxembourg, 17 December 2014

Judgment in Case T-400/10  
Hamás v Council

## **The Court annuls, on procedural grounds, the Council measures maintaining Hamas on the European list of terrorist organisations**

*However, the effects of the annulled measures are maintained temporarily in order to ensure the effectiveness of any possible future freezing of funds.*

On 27th December 2001 the Council of the European Union adopted a common position<sup>1</sup> and a regulation<sup>2</sup> to combat terrorism. These measures require the freezing of the funds of those people and entities included on a list adopted and regularly updated by Council decisions. The same day the Council adopted its first decision<sup>3</sup> establishing that list. By this decision the Council included Hamas on the list and has maintained them on that list ever since.

Hamas contests the measures maintaining them on this list.

In today's judgment, the General Court finds that the contested measures are based not on acts examined and confirmed in decisions of competent authorities but on **factual imputations derived from the press and the internet**.

However, the Common Position and the case-law of the Court<sup>4</sup> requires that an EU decision to freeze funds is based not on factual elements that the Council may have derived from the press or the internet, but on elements which have been concretely examined and confirmed in decisions of national competent authorities within the meaning of the Common Position.

**Therefore the Court annuls the contested measures while temporarily maintaining the effects** of those measures in order to ensure the effectiveness of any possible future freezing of funds. The effects of the measures are maintained for a period of three months, or, if an appeal is brought before the Court of Justice, until this appeal is closed.

The Court stresses that those annulments, on fundamental procedural grounds, do not imply **any substantive assessment of the question of the classification of Hamas as a terrorist group** within the meaning of the Common Position.

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**NOTE:** An appeal, limited to points of law only, may be brought before the Court of Justice against the decision of the General Court within two months of notification of the decision.

**NOTE:** An action for annulment seeks the annulment of acts of the institutions of the European Union that are contrary to European Union law. The Member States, the European institutions and individuals may, under certain conditions, bring an action for annulment before the Court of Justice or the General Court. If

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<sup>1</sup> Council Common Position of 27 December 2001 on the application of specific measures to combat terrorism (OJ 2001 L 344, p. 93)

<sup>2</sup> Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism (OJ 2001 L 344 p. 70)

<sup>3</sup> Council Decision of 27 December 2001 establishing the list provided for in Article 2(3) of Council Regulation (EC) No 2580/2001 (OJ 2011 L 344 p. 83)

<sup>4</sup> See Article 1(4) of the Common Position, Joined Cases [C-539/10 P and C-550/10 P](#) *Al-Aqsa v Council* (see also Press Release [147/12](#)) and *Netherlands v Al-Aqsa* and Joined Cases [T-208/11 and T-508/11](#) *LTTE v Council* (see also Press Release [138/14](#))

the action is well founded, the act is annulled. The institution concerned must fill any legal vacuum created by the annulment of the act.

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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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