



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 8 February 2012

6316/12

**JUR 76
RELEX 103**

INFORMATION NOTE

from: Council Legal Service
to: COREPER (2nd part)
Subject: **Case T-531/11 before the General Court**
- HAMAS v. Council of the European Union

1. By an application notified to the Council on 26 December 2011, Hamas has brought an action, in accordance with Article 263 TFEU, before the General Court of the EU for the annulment of:
 - a) Council Decision 2011/430/CESP of 18 July 2011¹;
 - b) Council Implementing Regulation (UE) 687/2011 of 18 July 2011².

2. It is recalled that the Council, by the contested Decision and Implementing Regulation, maintained the applicant's name on the list of persons and entities subject to the restrictive measures directed against certain persons and entities with a view to combating terrorism.

¹ OJ L 2011 188/47.

² OJ L 2011 188/2.

3. The applicant invokes the following grounds in support of his claims for annulment:
 - a) Breach of Article 1(4) of Common Position 2001/931. The applicant raises a series of arguments related to judicial remedies in the United States;
 - b) Breach of Article 1(6) of Common Position 2001/931;
 - c) Breach of the rights of defence, in particular the right to a fair hearing;
 - d) Breach of the right to an effective judicial remedy;
 - e) Breach of the right to property.

4. The applicant raises the same arguments in a supplementary submission in Case T-400/10.

5. In accordance with Article 46 (1) of the General Court's Rules of Procedure, the Council has to lodge a statement of defence within two months of the date on which the application was notified to it.

6. The Director-General of the Council Legal Service has appointed Mr Bart DRIESSEN and Mr Richard SZOSTAK, legal advisors in the Council Legal Service, as the Council's agents in this case.
