

**Judgment of the General Court of 17 December 2014 — Hamas v Council**(Case T-400/10) <sup>(1)</sup>

***(Common foreign and security policy — Restrictive measures against certain persons and entities with a view to combating terrorism — Freezing of funds — Factual basis of the decisions to freeze funds — Reference to terrorist acts — Need for a decision of a competent authority for the purpose of Common Position 2001/931 — Obligation to state reasons — Temporal adjustment of the effects of an annulment)***

(2015/C 056/17)

Language of the case: French

**Parties**

*Applicant:* Hamas (Doha, Qatar) (represented by: L. Glock, lawyer)

*Defendant:* Council of the European Union (represented: initially by B. Driessen and R. Szostak, and subsequently by B. Driessen and G. Étienne, acting as Agents)

*Intervener in support of the defendant:* European Commission (represented: initially by M. Konstantinidis and É. Cujo, and subsequently by M. Konstantinidis and F. Castillo de la Torre, acting as Agents)

**Re:**

Application for, initially, annulment of the Council Notice for the attention of the persons, groups and entities on the list provided for in Article 2(3) of Council Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism (OJ 2010 C 188, p. 13); of Council Decision 2010/386/CFSP of 12 July 2010 updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism (OJ 2010 L 178, p. 28); and of Council Implementing Regulation (EU) No 610/2010 of 12 July 2010 implementing Article 2(3) of Regulation (EC) No 2580/2001 and repealing Implementing Regulation (EU) No 1285/2009 (OJ 2010 L 178, p. 1), in so far as those measures concern the applicant.

**Operative part of the judgment**

*The Court:*

- 1) Annuls Council Decisions 2010/386/CFSP of 12 July 2010, 2011/70/CFSP of 31 January 2011, 2011/430/CFSP of 18 July 2011 updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism, Council Decisions 2011/872/CFSP of 22 December 2011, 2012/333/CFSP of 25 June 2012, 2012/765/CFSP of 10 December 2012, 2013/395/CFSP of 25 July 2013, 2014/72/CFSP of 10 February 2014 and 2014/483/CFSP of 22 July 2014 updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing, respectively, Decisions 2011/430, 2011/872, 2012/333, 2012/765, 2013/395 and 2014/72, in so far as they concern Hamas (including Hamas-Izz al-Din al-Qassem);
- 2) Annuls Council Implementing Regulations (EU) No 610/2010 of 12 July 2010, No 83/2011 of 31 January 2011, No 687/2011 of 18 July 2011, No 1375/2011 of 22 December 2011, No 542/2012 of 25 June 2012, No 1169/2012 of 10 December 2012, No 714/2013 of 25 July 2013, No 125/2014 of 10 February 2014 and No 790/2014 of 22 July 2014 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism and repealing, respectively, Implementing Regulations (EU) No 1285/2009, No 610/

2010, No 83/2011, No 687/2011, No 1375/2011, No 542/2012, No 1169/2012, No 714/2013 and No 125/2014 in so far as they concern Hamas (including Hamas-Izz al-Din al-Qassem);

- 3) Orders that the effects of Decision 2014/483 and of Implementing Regulation No 790/2014 be maintained for three months from delivery of the present judgment or, if an appeal is lodged within the period prescribed in the first paragraph of Article 56 of the Statute of the Court of Justice of the European Union, until the Court of Justice has given judgment on that appeal;
- 4) Dismisses the action as to the remainder;
- 5) Orders the Council of the European Union, in addition to bearing its own costs, to pay the costs incurred by Hamas;
- 6) Orders the European Commission to bear its own costs.

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(<sup>1</sup>) OJ C 317, 20.11.2010.

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### Judgment of the General Court of 17 December 2014 — *Si.mobil v Commission*

(Case T-201/11) (<sup>1</sup>)

**(Competition — Abuse of dominant position — Slovenian mobile telephone services market — Decision rejecting a complaint — Case being dealt with by the competition authority of a Member State — No EU interest)**

(2015/C 056/18)

Language of the case: English

#### Parties

**Applicant:** Si.mobil telekomunikacijske storitve d.d. (Ljubljana, Slovenia) (represented by: P. Alexiadis and E. Sependa, Solicitors, and subsequently by P. Alexiadis, P. Figueroa Regueiro and A. Melihen, lawyers)

**Defendant:** European Commission (represented by: C. Giolito, B. Gencarelli and A. Biolan, and subsequently by C. Giolito and A. Biolan, acting as Agents)

**Interveners in support of the defendant:** Republic of Slovenia (represented by: T. Mihelič Žitko and V. Klemenc, acting as Agents); and Telekom Slovenije d.d. formerly Mobitel, telekomunikacijske storitve d.d. (Ljubljana, Slovenia) (represented by: J. Sladič and P. Sladič, lawyers)

#### Re:

Application for annulment of Commission Decision C(2011) 355 final of 24 January 2011 rejecting the applicant's complaint concerning infringements of Article 102 TFEU allegedly committed by Mobitel on a number of wholesale and retail mobile telephone markets (Case COMP/39.707 — Si.mobil/Mobitel).

#### Operative part of the judgment

The Court:

- 1) Dismisses the action;
- 2) Orders Si.mobil telekomunikacijske storitve d.d. to bear its own costs and to pay the costs incurred by the European Commission and by Telekom Slovenije d.d.;
- 3) Orders the Republic of Slovenia to bear its own costs.

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(<sup>1</sup>) OJ C 160, 28.5.2011.