

- (e) make the disclosure of Passenger Name Record data by the Canadian Competent Authority to the government authorities of a third country subject to the condition that there be either an agreement between the European Union and that third country equivalent to the Agreement between Canada and the European Union on the transfer and processing of Passenger Name Record data, or a decision of the European Commission, under Article 25(6) of Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, covering the authorities to which it is intended that Passenger Name Record data be disclosed;
- (f) provide for a right to individual notification for air passengers in the event of use of Passenger Name Record data concerning them during their stay in Canada and after their departure from that country, and in the event of disclosure of that data by the Canadian Competent Authority to other authorities or to individuals; and
- (g) guarantee that the oversight of the rules laid down in the Agreement between Canada and the European Union on the transfer and processing of Passenger Name Record data relating to the protection of air passengers with regard to the processing of Passenger Name Record data concerning them will be carried out by an independent supervisory authority.

⁽¹⁾ OJ C 138, 27.4.2015.

Judgment of the Court (Grand Chamber) of 26 July 2017 — Council of the European Union v Hamas, European Commission

(Case C-79/15 P) ⁽¹⁾

(Appeal — Common foreign and security policy — Fight against terrorism — Restrictive measures against certain persons and entities — Freezing of funds — Common Position 2001/931/CFSP — Article 1(4) and (6) — Regulation (EC) No 2580/2001 — Article 2(3) — Retention of an organisation on the list of persons, groups and entities involved in terrorist acts — Conditions — Factual basis of the decisions to freeze funds — Decision taken by a competent authority — Obligation to state reasons)

(2017/C 309/04)

Language of the case: French

Parties

Appellant: Council of the European Union (represented by: B. Driessen, G. Étienne and M. Bishop, Agents)

Other parties to the proceedings: Hamas (represented by: L. Glock, avocate), European Commission (represented by: F. Castillo de la Torre, M. Konstantinidis and R. Tricot, Agents)

Intervener in support of the appellant: French Republic (represented by: D. Colas, F. Fize and G. de Bergues, Agents)

Operative part of the judgment

The Court:

- 1 Sets aside the judgment of the General Court of the European Union of 17 December 2014, *Hamas v Council* (T-400/10, EU: T:2014:1095);
- 2 Refers the case back to the General Court of the European Union;
- 3 Reserves the costs.

⁽¹⁾ OJ C 146, 4.5.2015.