COUNCIL REGULATION (EU) 2021/479

of 22 March 2021

amending Regulation (EU) No 401/2013 concerning restrictive measures in respect of Myanmar/Burma

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

Having regard to Council Decision (CFSP) 2021/482 of 22 March 2021 amending Decision 2013/184/CFSP concerning restrictive measures against Myanmar/Burma ([1]),

Having regard to the joint proposal from the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission,

Whereas:

(1) Council Regulation (EU) No 401/2013 ([2]) gives effect to the measures provided for in Decision 2013/184/CFSP ([3]).

(2) On 22 March 2021, the Council adopted Decision (CFSP) 2021/482, whereby it amended Decision 2013/184/CFSP, including its title. It also expanded the designation criteria to allow for the application of targeted restrictive measures against natural and legal persons, entities and bodies whose activities undermine democracy and the rule of law in Myanmar/Burma, as well as against legal persons, entities and bodies owned or controlled by the Myanmar Armed Forces (Tatmadaw), or generating revenue for, providing support to or benefiting from the Myanmar Armed Forces (Tatmadaw) and thus contributing to, or benefiting from, activities undermining democracy and the rule of law or to serious human rights violations in Myanmar/Burma.

(3) Regulatory action at the level of the Union is necessary in order to implement the measures set out in Decision (CFSP) 2021/482, in particular with a view to ensuring their uniform application by economic operators in all Member States.

(4) Regulation (EU) No 401/2013 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 401/2013 is amended as follows:

(1) the title is replaced by the following:

'Council Regulation (EU) No 401/2013 concerning restrictive measures in view of the situation in Myanmar/Burma and repealing Regulation (EC) No 194/2008';

(2) in Article 4a, paragraph 3 is replaced by the following:

'3. Annex IV shall include:

(a) natural persons from the Myanmar Armed Forces (Tatmadaw), the Myanmar Police Force and the Border Guard Police responsible for serious human rights violations in Myanmar/Burma;

(b) natural and legal persons, entities or bodies whose actions, policies or activities undermine democracy or the rule of law in Myanmar/Burma, or who engage in, or provide support for, actions that threaten the peace, security or stability of Myanmar/Burma;

([1]) See page 37 of this Official Journal.

([2]) Council Regulation (EU) No 401/2013 of 2 May 2013 concerning restrictive measures in respect of Myanmar/Burma and repealing Regulation (EC) No 194/2008 (OJ L 121, 3.5.2013, p. 1).

([3]) Council Decision 2013/184/CFSP of 22 April 2013 concerning restrictive measures against Myanmar/Burma and repealing Decision 2010/232/CFSP (OJ L 111, 23.4.2013, p. 75).

(c) natural persons from the Myanmar Armed Forces (Tatmadaw), the Myanmar Police Force and the Border Guard Police responsible for obstructing the provision of humanitarian assistance to civilians in need;

(d) natural persons from the Myanmar Armed Forces (Tatmadaw), the Myanmar Police Force and the Border Guard Police responsible for obstructing the conduct of independent investigations into alleged serious human rights violations or abuses;

(e) legal persons, entities or bodies owned or controlled by the Myanmar Armed Forces (Tatmadaw), or generating revenue for, providing support to or benefiting from the Myanmar Armed Forces (Tatmadaw);

(f) natural or legal persons, entities or bodies associated with those referred to in points (a) to (e).';

(3) the following Article is inserted:

'Article 4da

1. By way of derogation from Article 4a, the competent authorities of the Member States may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, after having determined that the provision of such funds or economic resources is necessary for humanitarian purposes, such as delivering or facilitating the delivery of assistance, including medical supplies, and food, for the transfer of humanitarian workers and related assistance or for evacuations from Myanmar/Burma.

2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 1 within four weeks of the authorisation.'.

Article 2

This Regulation shall enter into force on the date of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 22 March 2021.

For the Council
The President
J. BORRELL FONTELLES