COUNCIL IMPLEMENTING REGULATION (EU) 2021/480

of 22 March 2021

implementing 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,

Having regard to 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 ([1]), and in particular Article 4i thereof,

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

Whereas:

(1) On 2 May 2013, the Council adopted Regulation (EU) No 401/2013.

(2) On 22 February 2021, the Council adopted conclusions in which it condemned in the strongest terms the military coup carried out in Myanmar/Burma on 1 February 2021. It called for de-escalation of the crisis through an immediate end to the state of emergency, the restoration of the legitimate civilian government and the opening of the newly elected parliament.

(3) The Council also called upon the military authorities to release the President, the State Counsellor and all those who have been detained or arrested in connection with the coup. The Council insisted that unimpeded telecommunications must be ensured, freedoms of expression, association, and assembly, and access to information guaranteed, and the rule of law and human rights respected. It condemned the military and police repression against peaceful demonstrators while calling for maximum restraint to be exercised by the authorities and for all sides to refrain from violence, in line with international law.

(4) The Council conclusions underlined the readiness of the Union to adopt restrictive measures in response to the military coup.

(5) On 28 February 2021, following the violent crackdown against peaceful protests across the country, the High Representative of the Union for Foreign Affairs and Security Policy condemned the brutal repression and called upon the military authorities to immediately stop the use of force against civilians and allow the population to express their right to freedom of expression and assembly.

(6) In this context, and in view of the continuing grave situation in Myanmar/Burma, 11 persons should be included in the list of natural and legal persons, entities and bodies subject to restrictive measures in Annex IV to Regulation (EU) No 401/2013.

(7) Annex IV to Regulation (EU) No 401/2013 should therefore be amended accordingly,

([1]) OJ L 121, 3.5.2013, p. 1.

HAS ADOPTED THIS REGULATION:

Article 1

Annex IV to Regulation (EU) No 401/2013 is amended as set out in the Annex to this Regulation.

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

ANNEX

The following persons are added to the list of natural and legal persons, entities and bodies set out in Annex IV to Regulation (EU) No 401/2013:

	Name	Identifying information	Reasons	Date of listing
‘15.	Min Aung Hlaing	Date of birth: 3 July 1956 Place of birth: Tavoy, Myanmar/Burma Nationality: Myanmar National Identification number: 12/SAKHANA(N)020199 Gender: male	Min Aung Hlaing has been the Commander-in-Chief of the Myanmar Armed Forces (Tatmadaw) since 2011. He is Chairman of the State Administration Council (SAC) and member of the National Defence and Security Council (NDSC). On 1 February 2021, the Myanmar Armed Forces (Tatmadaw), led by Commander-in-Chief Min Aung Hlaing, staged a coup in Myanmar/Burma by setting aside the results of the elections held on 8 November 2020 and by overthrowing the democratically elected government. As part of the coup, Vice-President Myint Swe, functioning as Acting President, declared a state of emergency on 1 February and transferred the legislative, executive and judicial powers of the State to the Commander-in-Chief of Defence Services Senior General Min Aung Hlaing. On 2 February, the SAC was established to exercise those powers, preventing the democratically elected government from fulfilling its mandate. By concentrating all powers and as Chairman of the SAC, Commander-in-Chief Min Aung Hlaing has been directly involved in and responsible for decision making concerning state functions and is therefore responsible for undermining democracy and the rule of law in Myanmar/Burma. Additionally, the SAC adopted decisions restricting the rights to freedom of expression, including access to information, and peaceful assembly. The military forces and authorities operating under the control of the SAC have committed serious human rights violations since 1 February 2021, killing civilian and unarmed protestors, restricting freedom of assembly and of expression, including by restricting internet access, and through arbitrary arrests and detention of opposition leaders and opponents of the coup. As Chairman of the SAC, Commander-in-Chief Min Aung Hlaing is directly responsible for those repressive decisions and for serious human rights violations. In 2018, the UN as well as international civil society organisations reported gross human rights violations and serious violations of international humanitarian law committed in Kachin, Rakhine and Shan States against the Rohingya population by the military and police forces since 2011 and concluded that many of those violations amount to the gravest crimes under international law. As Commander-in-Chief of the Tatmadaw since 2011, Min Aung Hlaing is directly responsible for those serious violations and abuses against the Rohingya population.	22.3.2021

16.	Myint Swe	Date of birth: 24 May 1951 Nationality: Myanmar Gender: male	Lieutenant General Myint Swe is a member of the Myanmar Armed Forces (Tatmadaw) and was the Tatmadaw-appointed Vice-President until 1 February 2021. On that date, Myint Swe participated in a National Defence and Security Council (NDSC) meeting with other Tatmadaw members. The NDSC meeting was unconstitutional as it did not include its civilian members. During that meeting, Myint Swe was declared Acting President. Myint Swe then declared the state of emergency and handed over legislative, executive and judicial powers of the State to the Commander-in-Chief of Defence Services Min Aung Hlaing. The procedure for declaring the state of emergency was breached as, under the Constitution, only the President has the authority to declare a state of emergency. By accepting his nomination as Acting President and by transferring legislative, judicial and executive powers to the Commander-in-Chief, Myint Swe contributed to overthrowing the democratically elected government and is therefore responsible for undermining democracy and the rule of law in Myanmar/Burma.	22.3.2021
17.	Soe Win	Date of birth: 1 March 1960 Nationality: Myanmar Gender: male	Soe Win has been the Deputy-Commander-in-Chief of the Myanmar Armed Forces (Tatmadaw) since 2011. He is Vice-Chairman of the State Administration Council (SAC) and member of the National Defence and Security Council (NDSC). On 1 February 2021, the Myanmar Armed Forces (Tatmadaw), led by Commander-in-Chief Min Aung Hlaing, staged a coup in Myanmar by setting aside the results of the elections held on 8 November 2020 and by overthrowing the democratically elected government. As part of the coup, Vice-President Myint Swe, functioning as Acting President, declared a state of emergency on 1 February and transferred the legislative, executive and judicial powers of the State to the Commander-in-Chief of Defence Services Senior General Min Aung Hlaing. On 2 February, the SAC was established to exercise those powers, preventing the democratically elected government from fulfilling its mandate. As Vice-Chairman of the SAC, Deputy-Commander-in-Chief Soe Win has been directly involved in and responsible for decision making concerning state functions and is therefore responsible for undermining democracy and the rule of law in Myanmar/Burma. Additionally, the SAC adopted decisions restricting the rights to freedom of expression, including access to information, and peaceful assembly. The military forces and authorities operating under the control of the SAC have committed serious human rights violations since 1 February 2021, killing civilian and unarmed protestors, restricting freedom of assembly and of expression, including by restricting internet access, and through arbitrary arrests and detention of opposition leaders and opponents of the coup.	22.3.2021

			As Vice-Chairman of the SAC, Deputy-Commander-in-Chief Soe Win is directly responsible for those repressive decisions and for serious human rights violations. In 2018, the UN as well as international civil society organisations reported gross human rights violations and serious violations of international humanitarian law committed in Kachin, Rakhine and Shan States against the Rohingya population by the military and police forces since 2011 and concluded that many of those violations amount to the gravest crimes under international law. As Deputy-Commander-in-Chief of the Tatmadaw since 2011, Soe Win is responsible for those serious violations and abuses against the Rohingya population.	
18.	Sein Win	Date of birth: 24 July 1956 Place of birth: Pyin Oo Lwin, Myanmar/Burma Nationality: Myanmar Gender: male	Lieutenant-general Sein Win is a member of Tatmadaw and former Minister of Defence (between 24 August 2015 and 1 February 2021). On 1 February, he participated in a National Defence and Security Council (NDSC) meeting with the other Tatmadaw members. The NDSC meeting was unconstitutional as it did not include its civilian members. During that meeting, Myint Swe was declared Acting President. Myint Swe then declared a state of emergency and handed over legislative, executive and judicial powers of the State to the Commander-in-Chief of Defence Services Min Aung Hlaing. The procedure for declaring the state of emergency was breached as, under the Constitution, only the President has the authority to declare a state of emergency. By his participation in the NDSC meeting during which it was decided to declare the state of emergency and to hand over the legislative, executive and judicial powers of the State to the Commander-in-Chief of Defence Services, Sein Win contributed to setting aside the results of the elections held on 8 November 2020 and to overthrowing the democratically elected government. Therefore he is responsible for undermining democracy and the rule of law in Myanmar/Burma. In 2018, the UN as well as international civil society organisations reported gross human rights violations and serious violations of international humanitarian law committed in Kachin, Rakhine and Shan States against the Rohingya population by the military and police forces since 2011 and concluded that many of those violations amount to the gravest crimes under international law. As Minister of Defence from 24 August 2015 to 1 February 2021, Sein Win is responsible for those serious violations and abuses against the Rohingya population.	22.3.2021
19.	Thein Soe (a.k.a. U Thein Soe)	Date of birth: 23 January 1952 Place of birth: Kani, Myanmar/Burma Nationality: Myanmar Gender: male	Thein Soe was nominated as chairman of the Union Election Commission (UEC) on 2 February 2021. By accepting this nomination in the aftermath of the military coup of 1 February 2021, and through his actions as chairman of the UEC, notably the cancelling of the results of the elections without any proven evidence of frauds, Thein Soe has been directly involved in actions undermining democracy and the rule of law in Myanmar.	22.3.2021

20.	Mya Tun Oo	Date of birth: 4 or 5 May 1961 Nationality: Myanmar Gender: male	General Mya Tun Oo is a member of the Myanmar Armed Forces (Tatmadaw). He was appointed Minister of Defence on 1 February 2021 and is a member of the State Administrative Council (SAC). On 1 February 2021, the Myanmar Armed Forces (Tatmadaw), led by Commander-in-Chief Min Aung Hlaing, staged a coup in Myanmar by setting aside the results of the elections held on 8 November 2020 and by overthrowing the democratically elected government. As part of the coup, Vice-President Myint Swe, functioning as Acting President, declared a state of emergency on 1 February and transferred the legislative, executive and judicial powers of the state to the Commander-in-Chief of Defence Services Senior General Min Aung Hlaing. On 2 February, the SAC was established to exercise those powers, preventing the democratically elected government from fulfilling its mandate. As member of the SAC, General Mya Tun Oo has been directly involved in and responsible for decision making concerning state functions and is therefore responsible for undermining democracy and the rule of law in Myanmar/Burma. Additionally, the SAC adopted decisions restricting the rights to freedom of expression, including access to information, and peaceful assembly. The military forces and authorities operating under the control of the SAC have committed serious human rights violations since 1 February 2021, killing civilian and unarmed protestors, restricting freedom of assembly and of expression, including by restricting internet access, and through arbitrary arrests and detention of opposition leaders and opponents of the coup. As member of the SAC, General Mya Tun Oo is directly responsible for those repressive decisions and for serious human rights violations. In 2018, the UN as well as international civil society organisations reported gross human rights violations and serious violations of international humanitarian law committed in Kachin, Rakhine and Shan States against the Rohingya population by the military and police forces since 2011 and concluded that many of those violations amount to the gravest crimes under international law. Mya Tun Oo was Joint Chief of Staff of the Myanmar Armed Forces (Tatmadaw), the third most senior position in the Tatmadaw, from August 2016 until his appointment as Minister of Defence. In that capacity, he oversaw military operations carried out in Rakhine State and coordinated the various armed forces, including the Army, Navy and Air Force, as well as the use of artillery. He is therefore responsible for those serious violations and abuses against the Rohingya population.	22.3.2021
21.	Dwe Aung Lin	Date of birth: 31 May 1962 Nationality: Myanmar Gender: male	Lieutenant General Dwe Aung Lin is member of the Myanmar Armed Forces (Tatmadaw) and he is the Secretary of the State Administration Council (SAC). On 1 February 2021, the Myanmar Armed Forces (Tatmadaw), led by Commander-in-Chief Min Aung Hlaing, staged a coup in Myanmar by setting aside the results of the elections held on 8 November 2020 and by overthrowing the democratically elected government. As part of the coup, Vice-President Myint	22.3.2021

			Swe, functioning as Acting President, declared a state of emergency on 1 February and transferred the legislative, executive and judicial powers of the state to the Commander-in-Chief of Defence Services Senior General Min Aung Hlaing. On 2 February, the SAC was established to exercise those powers, preventing the democratically elected government from fulfilling its mandate. Lieutenant General Dwe Aung Lin was appointed Secretary of the SAC on 2 February 2021 and he has issued orders of the SAC. Amongst others, he ordered the removal of individuals from offices they had been appointed to by the legally elected government as well as in re-staffing the Myanmar election commission. As member and Secretary of the SAC, Lieutenant General Dwe Aung Lin has been directly involved in and responsible for decision making concerning state functions and is therefore responsible for undermining democracy and the rule of law in Myanmar/Burma. Additionally, the SAC adopted decisions restricting the rights to freedom of expression, including access to information, and peaceful assembly. The military forces and authorities operating under the control of the SAC have committed serious human rights violations since 1 February 2021, killing civilian and unarmed protestors, restricting freedom of assembly and of expression, including by restricting internet access, and through arbitrary arrests and detention of opposition leaders and opponents of the coup. As member and Secretary of the SAC, Lieutenant General Dwe Aung Lin is directly responsible for those repressive decisions and for serious human rights violations.	
22.	Ye Win Oo	Date of birth: 21 February 1966 Nationality: Myanmar Gender: male	Lieutenant General Ye Win Oo is a member of the Myanmar Armed Forces (Tatmadaw) and he is the Joint Secretary of the State Administration Council (SAC). On 1 February 2021, the Myanmar Armed Forces (Tatmadaw), led by Commander-in-Chief Min Aung Hlaing, staged a coup in Myanmar by setting aside the results of the elections held on 8 November 2020 and by overthrowing the democratically elected government. As part of the coup, Vice-President Myint Swe, functioning as Acting President, declared a state of emergency on 1 February and transferred the legislative, executive and judicial powers of the state to the Commander-in-Chief of Defence Services Senior General Min Aung Hlaing. On 2 February, the SAC was established to exercise those powers, preventing the democratically elected government from fulfilling its mandate. Lieutenant General Ye Win Oo was appointed Joint Secretary of the SAC on 2 February 2021. As member and Joint Secretary of the SAC, Lieutenant General Ye Win Oo has been directly involved in and responsible for decision making concerning state functions and is therefore responsible for undermining democracy and the rule of law in Myanmar/Burma.	22.3.2021

			Additionally, the SAC adopted decisions restricting the rights to freedom of expression, including access to information, and peaceful assembly. The Myanmar security forces and authorities operating under the control of the SAC have committed serious human rights violations since 1 February 2021, killing civilian and unarmed protestors, restricting freedom of assembly and of expression, including by restricting internet access, and through arbitrary arrests and detention of opposition leaders and opponents of the coup. As member and Joint Secretary of the SAC, Lieutenant General Ye Win Oo is directly responsible for those repressive decisions and for serious human rights violations.	
23.	Maung Maung Kyaw	Date of birth: 23 July 1964 Nationality: Myanmar Gender: male	General Maung Maung Kyaw is a member of the Myanmar Armed Forces (Tatmadaw) and member of the State Administration Council (SAC). On 1 February 2021, the Myanmar Armed Forces (Tatmadaw), led by Commander-in-Chief Min Aung Hlaing, staged a coup in Myanmar by setting aside the results of the elections held on 8 November 2020 and overthrowing the democratically elected government. As part of the coup, Vice-President Myint Swe, functioning as Acting President, declared a state of emergency on 1 February and transferred the legislative, executive and judicial powers of the state to the Commander-in-Chief of Defence Services Senior General Min Aung Hlaing. On 2 February, the SAC was established to exercise those powers, preventing the democratically elected government from fulfilling its mandate. As member of the SAC, General Maung Maung Kyaw has been directly involved in and responsible for decision making concerning state functions and is therefore responsible for undermining democracy and the rule of law in Myanmar/Burma. Additionally, the SAC adopted decisions restricting the rights to freedom of expression, including access to information, and peaceful assembly. The military forces and authorities operating under the control of the SAC have committed serious human rights violations since 1 February 2021, killing civilian and unarmed protestors, restricting freedom of assembly and of expression, including by restricting internet access, and through arbitrary arrests and detention of opposition leaders and opponents of the coup. As member of the SAC, General Maung Maung Kyaw is directly responsible for those repressive decisions and for serious human rights violations.	22.3.2021
24.	Moe Myint Tun	Date of birth: 24 May 1968 Nationality: Myanmar Gender: male	Lieutenant General Moe Myint Tun is a member of the Myanmar Armed Forces (Tatmadaw) and member of the State Administrative Council (SAC). On 1 February 2021, the Myanmar Armed Forces (Tatmadaw), led by Commander-in-Chief Min Aung Hlaing, staged a coup in Myanmar by setting aside the results of the elections held on 8 November 2020 and by overthrowing the democratically elected government. As part of the coup, Vice-President Myint Swe, functioning as Acting President, declared a state of emergency on 1 February and	22.3.2021

			transferred the legislative, executive and judicial powers of the state to the Commander-in-Chief of Defence Services Senior General Min Aung Hlaing. On 2 February, the SAC was established to exercise those powers, preventing the democratically elected government from fulfilling its mandate. As member of the SAC, Lieutenant General Moe Myint Tun has been directly involved in and responsible for decision-making concerning state functions and is therefore responsible for undermining democracy and the rule of law in Myanmar/Burma. Additionally, the SAC adopted decisions restricting the rights to freedom of expression, including access to information, and peaceful assembly. The military forces and authorities operating under the control of the SAC have committed serious human rights violations since 1 February 2021, killing civilian and unarmed protestors, restricting freedom of assembly and of expression, including by restricting internet access, and through arbitrary arrests and detention of opposition leaders and opponents of the coup. As member of the SAC, Lieutenant General Moe Myint Tun is directly responsible for those repressive decisions and for serious human rights violations. In 2018, the UN as well as international civil society organisations reported gross human rights violations and serious violations of international humanitarian law committed in Kachin, Rakhine and Shan States against the Rohingya population by the military and police forces since 2011 and concluded that many of those violations amount to the gravest crimes under international law. Lieutenant General Moe Myint Tun served as Commander of the Bureau of Special Operations (BSO)-6 and was the Chief of Staff (Army) of the Myanmar Armed Forces (Tatmadaw) until 2019. In that capacity, he oversaw operations in Rakhine State. He is therefore responsible for those serious violations and abuses against the Rohingya population.	
25.	Than Hlaing	Date of birth: Nationality: Myanmar Gender: male	Lieutenant General Than Hlaing is a member of the Myanmar Armed Forces (Tatmadaw). He was appointed Deputy Minister of Home Affairs, Chief of Police on 2 February 2021. On 1 February 2021, the Myanmar Armed Forces (Tatmadaw), led by Commander-in-Chief Min Aung Hlaing, staged a coup in Myanmar by setting aside the results of the elections held on 8 November 2020 and by overthrowing the democratically elected government. As part of the coup, Vice-President Myint Swe, functioning as Acting President, declared a state of emergency on 1 February and transferred the legislative, executive and judicial powers of the state to the Commander-in-Chief of Defence Services Senior General Min Aung Hlaing. On 2 February, the SAC was established to exercise those powers, preventing the democratically elected government from fulfilling its mandate.	22.3.2021’

			Appointed by the SAC, Lieutenant General Than Hlaing is engaged in actions and policies undermining democracy and the rule of law in Myanmar/Burma, as well as actions that threaten the peace, security and stability of Myanmar/Burma. Additionally, police forces acting under the authority of Lieutenant General Than Hlaing have committed serious human rights violations since 1 February 2021, killing civilian and unarmed protestors, restricting freedom of assembly and of expression, arbitrary arrests and detention of opposition leaders and opponents of the coup. As Deputy Minister of Home Affairs and Chief of Police, Lieutenant General Than Hlaing is directly responsible for decision making concerning repressive policies and violent actions committed by police against peaceful demonstrators and is therefore responsible for serious human rights violations in Myanmar/Burma.	