

COUNCIL IMPLEMENTING REGULATION (EU) 2023/1497**of 20 July 2023****implementing Regulation (EU) No 401/2013 concerning restrictive measures in view of the situation in 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 view of the situation in 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 31 January 2023, the High Representative of the Union for Foreign Affairs and Security Policy issued a declaration on behalf of the Union strongly condemning the overthrow of Myanmar's democratically-elected government by the Myanmar armed forces in blatant violation of the will of the people as expressed in the general election of 8 November 2020. This illegitimate act reversed the country's democratic transition and led to disastrous humanitarian, social, security, economic and human rights consequences.
- (3) The Union remains deeply concerned by the continuing escalation of violence and the evolution towards a protracted conflict with regional implications. The Union condemns the continuing grave human rights violations by the Myanmar armed forces, including torture, sexual and gender-based violence, the persecution of civil society actors, human rights defenders and journalists, and attacks on the civilian population, including ethnic and religious minorities.
- (4) In the absence of swift progress in the situation in Myanmar/Burma, the Union has expressed several times its readiness to adopt further restrictive measures against those responsible for undermining democracy and the rule of law and for the serious human rights violations taking place in that country.
- (5) In view of the continuing grave situation in Myanmar/Burma, six persons and one entity should be added to the list of natural and legal persons, entities and bodies subject to restrictive measures in Annex IV to Regulation (EU) No 401/2013.
- (6) Regulation (EU) No 401/2013 should therefore be amended accordingly,

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*.

⁽¹⁾ OJ L 121, 3.5.2013, p. 1.

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

Done at Brussels, 20 July 2023.

For the Council
The President
J. BORRELL FONTELLES

ANNEX

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

(1) the following entries are added to the list headed 'A. Natural persons referred to in Article 4a':

	Name	Identifying information	Reasons	Date of listing
'94.	Aung Kyaw Min	Nationality: Myanmar/Burma; Date of birth: circa 1958; Place of birth: Myanmar/Burma; Gender: male; Function: Member of State Administration Council	<p>Aung Kyaw Min has been a member of the State Administration Council (SAC) since 1 February 2023. He is also the former Chief-Minister of Rakhine State. SAC is led by Commander in Chief Min Aung Hlaing, who took over the legislative, executive and judicial powers of the State as of 1 February 2021, preventing the democratically-elected government from fulfilling its mandate.</p> <p>As member of the SAC, Aung Kyaw Min 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 has adopted decisions restricting the rights of freedom of expression, including access to information, and peaceful assembly.</p> <p>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, and have restricted freedom of assembly and of expression.</p> <p>As a member of the SAC, Aung Kyaw Min is directly responsible for those repressive decisions and for serious human rights violations.</p>	20.7.2023

	Name	Identifying information	Reasons	Date of listing
95.	Kyaw Swar Lin a.k.a Kyaw Swar Linn	Nationality: Myanmar/Burma; Place of birth: Myanmar/Burma; Gender: male; Function: Quartermaster General of the Myanmar armed forces	<p>Lieutenant General Kyaw Swar Lin was been appointed as Quartermaster General in May 2020. It is the sixth highest position in the military of Myanmar/Burma. The Office of the Quartermaster General is a department under the jurisdiction of the Ministry of Defense and is involved in arms and military equipment procurement for the Myanmar Armed Forces. In addition, Kyaw Swar Lin runs the Myanmar Economic Corporation (MEC), which is one of the two major conglomerates and holding companies operated by the military, generating revenue for the Myanmar armed forces (Tatmadaw).</p> <p>As Quartermaster General, he forms part of the military regime which has seized power in a military coup and overthrown the legitimately elected leaders of Myanmar/Burma.</p> <p>Kyaw Swar Lin is therefore a natural person whose policies and activities undermine democracy and the rule of law in Myanmar/Burma, and who provides support for actions that threaten the peace, security and stability of Myanmar/Burma.</p>	20.7.2023
96.	Myint Kyaing a.k.a. U Myint Kyaing	Nationality: Myanmar/Burma; Date of birth: 17.4.1957 Place of birth: Myanmar/Burma; Gender: male; Function: Union Minister of Immigration and Population	<p>Myint Kyaing has been the Union Minister for Immigration and Population since 19 August 2021. Before that, he was Union Minister of Labour following the coup of 1 February 2021. He is a member of the State Administration Council (SAC), led by Commander-in-Chief Min Aung Hlaing, which took over the legislative, executive and judicial powers of the State in a military coup on 1 February 2021.</p> <p>As a government Minister, he forms part of the military regime which has seized power in a military coup and overthrown the legitimately elected leaders of Myanmar/Burma. In his capacity as Union Minister, he carries out duties in support of military regime's repressive immigration and population policy such as restrictions for citizens to travel within the country as well as the policy of the regime towards the minority of the Rohingya in violation of human rights. As Minister for Immigration and Population he also participates in preparations for the elections announced by the military in order to legitimise the illegal coup of February 2021.</p> <p>Myint Kyaing is therefore responsible for undermining democracy and the rule of law in Myanmar/Burma and for providing support for actions that threaten the peace, security and stability of Myanmar/Burma.</p>	20.7.2023

	Name	Identifying information	Reasons	Date of listing
97.	Porel Aung Thein	<p>Nationality: Myanmar/Burma; Date of birth: 1960s-1970s (approx. 50 years old) Place of birth: Myanmar/Burma; Gender: male; Function: Member of State Administration Council</p>	<p>Porel Aung Thein has been a member of the State Administration Council (SAC) since 1 February 2023. He is also a member of a military-proxy party, Union Solidarity and Development Party (USDP).</p> <p>SAC is led by Commander in Chief Min Aung Hlaing and took over the legislative, executive and judicial powers of the State as of 1 February 2021, preventing the democratically elected government from fulfilling its mandate.</p> <p>As member of the SAC, Porel Aung Thein 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 of freedom of expression, including access to information, and peaceful assembly.</p> <p>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, and restricted freedom of assembly and of expression.</p> <p>As member of the SAC, Porel Aung Thein is directly responsible for those repressive decisions and for serious human rights violations.</p>	20.7.2023

	Name	Identifying information	Reasons	Date of listing
98.	Pwint San	Nationality: Myanmar/Burma; Date of birth: 13.7.1961 Place of birth: Myanmar/Burma; Gender: male; Function: Union Minister of Labour	<p>Pwint San has been Union Minister of Labour since 19 August 2022. He was appointed by the State Administration Council (SAC), led by Commander in Chief Min Aung Hlaing, which took over the legislative, executive and judicial powers of the State as of 2 February 2021. His position as the Union Minister for Labour was confirmed again on 1 February 2023.</p> <p>He was previously appointed as Union Minister of Commerce from the period of 3 February 2021 to 19 August 2022.</p> <p>As a government Minister, he forms part of the military regime which has seized power in a military coup and overthrown the legitimately elected leaders of Myanmar/Burma. Under his authority, workers' rights, especially the rights of workers affiliated with the opposition movement, are being systematically violated. As Minister of Commerce, Pwint San facilitated the importation of goods necessary to sustain the regime's power (e.g. fuel oil importation). Furthermore, through his national activities and international contacts, he contributes to further stabilising the illegitimate power of the military regime. At the same time, the ministry under his authority aggravates supply disruptions within the country by imposing import controls and restricting the transfer of remittances.</p> <p>Pwint San is therefore a natural person whose actions, policies and activities undermine democracy and the rule of law in Myanmar/Burma and who is engaged in actions that threaten the peace, security and stability of Myanmar/Burma.</p>	20.7.2023

	Name	Identifying information	Reasons	Date of listing
99.	Thet Khaing Win	Nationality: Myanmar/Burma; Date of birth: 13.7.1961 Place of birth: Myanmar/Burma; Gender: male; Function: Union Minister of Health	<p>Dr Thet Khaing Win has been the Minister for Health and Sport since 1 February 2021. He was appointed by the State Administration Council (SAC), led by Commander in Chief Min Aung Hlaing, which took over the legislative, executive and judicial powers of the State as of 2 February 2021. His position as the Union Minister for Health was confirmed on 1 February 2023.</p> <p>Before the coup, he was the permanent secretary of the Ministry of Health and Sport.</p> <p>As a government Minister, he forms part of the military regime which has seized power in a military coup and overthrown the legitimately elected leaders of Myanmar/Burma. Under his authority, hundreds of doctors have been fired for political reasons and had their licenses revoked. He also rebuffed UN-OCHA's requests for expanded aid access amid the pandemic. Under his authority, private hospitals were urged not to hire doctors who refused to work in public hospitals under the military regime.</p> <p>Dr Thet Khaing Win is therefore a natural person whose actions, policies and activities undermine democracy and the rule of law in Myanmar/Burma, and who is engaged in actions that threaten the peace, security and stability of Myanmar/Burma.</p>	20.7.2023'

(2) the following entry is added to the list headed 'B. Legal persons, entities and bodies referred to in Article 4a':

	Name	Identifying information	Reasons	Date of listing
'19.	No 2 Mining Enterprise (ME 2)	<p>Address: Ywargout Quarter, Pyinmana Township, Nay Pyi Taw, Myanmar/Burma;</p> <p>Type of entity: State-Owned Enterprise (SOE)</p> <p>Place of registration: Myanmar/Burma;</p> <p>Principal place of business: Myanmar/Burma;</p> <p>Phone no: 09 – 067-22126</p>	<p>No 2 Mining Enterprise (ME 2) is a state-owned enterprise (SOE) under the jurisdiction of the Ministry of Natural Resources and Environmental Conservation (MONREC) that also acts as the regulator for the sector of non-ferrous metals production and marketing. As such, the SOE is endowed with the power to grant permits and collect part of the tax on profits made by private companies that are either in so-called “production-sharing contracts” or in joint ventures with ME 2.</p> <p>The Minister of Natural Resources and Environmental Conservation, U Khin Maung Yi, has been appointed by the State Administration Council (SAC) which took over the legislative, executive and judicial powers of the State as of 2 February 2021.</p> <p>Since the military coup, the military regime has acquired control over and benefits from SOEs, including No 2 Mining Enterprise. No 2 Mining Enterprise is thus controlled by and generates revenue for the Myanmar armed forces (Tatmadaw), thereby contributing to its capabilities to carry out activities which undermine democracy and the rule of law.</p> <p>Moreover, No 2 Mining Enterprise has taken part in and overseen various projects linked to violence by the Myanmar armed forces against civilian populations and the violation of their most basic rights, including through land confiscation and forced relocation.</p>	20.7.2023'