



2023/2789

11.12.2023

COUNCIL IMPLEMENTING REGULATION (EU) 2023/2789

of 11 December 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. That 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 in Myanmar/Burma 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, four persons and two entities should be added to the list of natural and legal persons, entities and bodies subject 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 in accordance with 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, 11 December 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 in Section A (Natural persons referred to in Article 4a):

	Name	Identifying information	Reasons	Date of listing
'100.	Nyo Saw	Nationality: Myanmar/Burma; Place of birth: Myanmar/Burma; Gender: male; Function: Member of the State Administration Council (SAC) and Advisor to Min Aung Hlaing (Chairman of the SAC); Rank: Lieutenant General; Political rank: Union Minister	In September 2023, Lieutenant General Nyo Saw has been appointed as a member of the State Administration Council after having been appointed senior advisor to the State Administration Council (SAC) Chairman, Senior General Min Aung Hlaing (who has been designated since 22.3.2021) at the rank of a Union Minister. He is also head of a committee tasked with importing fuel from Russia, the regime's major arms supplier. Nyo Saw retired from the army in 2020 as quartermaster general. He also serves as a member of the Foreign Exchange Supervision Committee (FESC) and as the chairman of the military-owned conglomerate Myanmar Economic Corporation (MEC), both of which generate revenue for the regime. He is also a member of the patron group of Myanmar Economic Holdings Ltd (MEHL). As a member of the SAC and advisor to the SAC Chairman, Nyo Saw plays a key role in maintaining and orchestrating the military dictatorship in Myanmar that seized power through a military coup in 2021, overthrowing the democratically elected government. Through his roles in the steering of military owned enterprises and in managing fuel imports from Russia, including for military use, he also provides economic supports and income to the military regime. Nyo Saw is associated with former and current junta regime members. Nyo Saw is therefore a natural person whose policies and activities undermine democracy and the rule of law in Myanmar/Burma, and who engages in actions that threaten the peace, security and stability of Myanmar/Burma. Additionally, Nyo Saw is associated with persons designated under Council Decision 2013/184/CFSP and Council Regulation (EU) No 401/2013, notably General Min Aung Hlaing.	11.12.2023

	Name	Identifying information	Reasons	Date of listing
101.	Hla Moe	Nationality: Myanmar/Burma; Place of birth: Myanmar/Burma; Gender: male; Function: Commander of the Eastern Command of the Myanmar Armed Forces (Tatmadaw); Rank: Major General	Major General Hla Moe is the commander of the Eastern Command. Under his command, airstrikes in particular in Kayah state have risen sharply, doubling the combined total in 2021 and 2022. These airstrikes increasingly target civilians, leading to higher civilian casualties and an increasing number of IDPs (up from a total of 200 000 in 2022 to 250 000 so far in 2023). Under the command of Hla Moe, the military units of the Eastern Command continue to commit serious breaches of international humanitarian law and human rights violations, including using civilians as human shields, extrajudicial killings and arson in Southern Shan and Kayah State. In addition to committing these acts of violence, they actively obstruct the flow of food supply, medicines and essential goods and services to the local population and IDPs. As commander of the Eastern Command, Hla Moe is a member of the Myanmar Armed Forces (Tatmadaw) responsible for serious human rights violations in Myanmar/Burma, as well as for obstructing the provision of humanitarian assistance to civilians in need. Furthermore, his actions and activities undermine democracy and the rule of law in Myanmar/Burma, and he engages in actions that threaten the peace, security and stability of Myanmar/Burma.	11.12.2023

	Name	Identifying information	Reasons	Date of listing
102.	Hmu Htan	<p>Nationality: Myanmar/Burma;</p> <p>Date of birth: Between 1960 and 1975;</p> <p>Place of birth: Myanmar/Burma;</p> <p>Gender: male;</p> <p>Function: Member of the State Administration Council (SAC)</p>	<p>Hmu Htan has been a member of the State Administrative Council (SAC) since 20 February 2023. He is also a member of military-proxy party Union Solidarity and Development Party (USDP).</p> <p>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 2021 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 2021, the SAC was established to exercise those powers, preventing the democratically elected government from fulfilling its mandate.</p> <p>As member of the SAC, Hmu Htan 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 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. Further, the SAC has imposed martial law in parts of the country giving the military complete authority over the specified area, including administrative, judicial and law enforcement functions. In the areas under martial law, civilians, including journalists and peaceful protesters, are prosecuted by military courts, effectively depriving them of the right to due process, including the right to an appeal. Violent action by military and police forces threatening peace, security and stability has increased significantly in areas where martial law has been declared.</p> <p>Due to his position as member of the SAC, Hmu Htan is directly responsible for those repressive decisions and for serious human rights violations.</p>	11.12.2023

	Name	Identifying information	Reasons	Date of listing
103.	Wunna Maung Lwin	<p>Nationality: Myanmar/Burma;</p> <p>Date of birth:</p> <p>30.5.1952;</p> <p>Place of birth: Myanmar/Burma;</p> <p>Gender: male;</p> <p>Function: Member of the State Administration Council (SAC); former junta's Foreign Affairs Minister</p>	<p>Wunna Maung Lwin is a member of the State Administrative Council (SAC) since 20 February 2023. He is also a member of military-proxy party Union Solidarity and Development Party (USDP).</p> <p>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 2021 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 2021, the SAC was established to exercise those powers, preventing the democratically elected government from fulfilling its mandate.</p> <p>As member of the SAC, Wunna Maung Lwin 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.</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 civilians 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. Further, the SAC has imposed martial law in parts of the country allowing the military complete authority over the specified area, including administrative, judicial and law enforcement functions. In the areas under martial law, civilians, including journalists and peaceful protestors, are prosecuted by military courts, effectively depriving them of the right to due process, including the right to appeal. Violent actions by military and police forces threatening peace, security and stability has increased significantly in areas where martial law has been declared.</p> <p>Due to his position as member of the SAC and former Minister of Foreign Affairs of the junta, Wunna Maung Lwin is directly responsible for repressive decisions and for serious human rights violations as well as actions aimed at legitimizing them internationally.</p>	11.12.2023'

(2) The following entries are added to the list in Section B (Legal persons, entities and bodies referred to in Article 4a):

	Name	Identifying information	Reasons	Date of listing
20.	Star Sapphire Group of Companies	Address: Room (201), Building (C), Tet Ka Tho Yeik Mon Housing, New University Ave Rd, Yangon, Myanmar; No 30 B room 701/702 Yadanar Inya Condo Than Lwin Rd, Yangon, Yangon, Myanmar	The Star Sapphire Group of Companies plays an important role in generating income for the military regime and in providing arms and other equipment used by the armed forces. The group of companies is controlled by individuals linked to the Myanmar military and has been involved in a wide range of business sectors, including mining, manufacturing, defence, casinos, energy, agriculture and trade. The Star Sapphire Group of Companies therefore generates revenue for, provides support to and benefits from the Myanmar Armed Forces (Tatmadaw).	11.12.2023
21.	Royal Shune Lei Company Limited	Address: No (37), Room (10), Bahosi Housing, Lanmadaw Township, Yangon, Myanmar	The Royal Shune Lei Company Limited is a private enterprise that has contributed to the procurement of arms and military equipment for the benefit of the Myanmar armed forces. In so doing, it has supported activities that threaten the peace, security and stability of Myanmar/Burma.	11.12.2023'