COUNCIL DECISION (CFSP) 2021/482

of 22 March 2021

amending Decision 2013/184/CFSP concerning restrictive measures against Myanmar/Burma

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

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

Whereas:

(1) On 22 April 2013, the Council adopted Decision 2013/184/CFSP [1] concerning restrictive measures against Myanmar/Burma.

(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) In view of the gravity of the situation, the Council considers that the designation criteria should be amended 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 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.

(6) Taking into account the situation in Myanmar/Burma, it is appropriate to amend the title of Decision 2013/184/CFSP.

(7) Decision 2013/184/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2013/184/CFSP is amended as follows:

(1) the title is replaced by the following:

'Council Decision 2013/184/CFSP concerning restrictive measures in view of the situation in Myanmar/Burma';

[1] 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).

(2) Article 5(1) is replaced by the following:

'*Article 5*

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of:

(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 persons 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;

(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; or

(e) natural persons associated with the natural persons referred to in points (a) to (d),

as listed in the Annex.';

(3) Article 6(1) is replaced by the following:

'*Article 6*

1. All funds and economic resources belonging to or owned, held or controlled by:

(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;

(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); or

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

as listed in the Annex, shall be frozen.';

(4) the following Article is inserted:

'*Article 6a*

1. By way of derogation from Article 6(1) and (2), the competent authorities of a Member State may authorise the release of certain frozen funds or economic resources belonging to a natural or legal person, entity or body listed in the Annex, or the making available of certain funds or economic resources to a natural or legal person, entity or body listed in the Annex, under such conditions as the competent authorities 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 authorisations granted under this Article within four weeks of the authorisation.'.

Article 2

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

Done at Brussels, 22 March 2021.

For the Council
The President
J. BORRELL FONTELLES