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►B ►M8 **COUNCIL REGULATION (EU) No 401/2013**

concerning restrictive measures in view of the situation in Myanmar/Burma and repealing Regulation (EC) No 194/2008 ◄

(OJ L 121, 3.5.2013, p. 1)

Amended by:

		Official Journal		
		No	page	date
►M1	Council Regulation (EU) 2018/647 of 26 April 2018	L 108	1	27.4.2018
►M2	Council Implementing Regulation (EU) 2018/898 of 25 June 2018	L 160I	1	25.6.2018
►M3	Council Implementing Regulation (EU) 2018/1117 of 10 August 2018	L 204	9	13.8.2018
►M4	Council Implementing Regulation (EU) 2018/2053 of 21 December 2018	L 327I	1	21.12.2018
►M5	Council Implementing Regulation (EU) 2019/672 of 29 April 2019	L 114	1	30.4.2019
►M6	Commission Implementing Regulation (EU) 2019/1163 of 5 July 2019	L 182	33	8.7.2019
►M7	Council Implementing Regulation (EU) 2020/562 of 23 April 2020	L 130	23	24.4.2020
►M8	Council Regulation (EU) 2021/479 of 22 March 2021	L 99I	13	22.3.2021
►M9	Council Implementing Regulation (EU) 2021/480 of 22 March 2021	L 99I	15	22.3.2021

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COUNCIL REGULATION (EU) No 401/2013

concerning restrictive measures in view of the situation in Myanmar/Burma and repealing Regulation (EC) No 194/2008

▼M1

Article 1

For the purposes of this Regulation, the following definitions apply:

(a) ‘claim’ means any claim, whether asserted by legal proceedings or not, made before or after the date of entry into force of this Regulation, under or in connection with a contract or transaction, and includes in particular:

(i) a claim for performance of any obligation arising under or in connection with a contract or transaction;

(ii) a claim for extension or payment of a bond, financial guarantee or indemnity of whatever form;

(iii) a claim for compensation in respect of a contract or transaction;

(iv) a counterclaim;

(v) a claim for the recognition or enforcement, including by the procedure of *exequatur*, of a judgment, an arbitration award or an equivalent decision, wherever made or given;

(b) ‘contract or transaction’ means any transaction of whatever form and whatever the applicable law, whether comprising one or more contracts or similar obligations made between the same or different parties; for this purpose ‘contract’ includes a bond, guarantee or indemnity, particularly a financial guarantee or financial indemnity, and credit, whether legally independent or not, as well as any related provision arising under, or in connection with, the transaction;

(c) ‘competent authorities’ refers to the competent authorities of the Member States as identified on the websites listed in Annex II;

(d) ‘economic resources’ means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds, but may be used to obtain funds, goods or services;

(e) ‘freezing of economic resources’ means preventing the use of economic resources to obtain funds, goods or services in any way, including, but not limited to, by selling, hiring or mortgaging them;

(f) ‘freezing of funds’ means preventing any move, transfer, alteration, use of, access to, or dealing with funds in any way that would result in any change in their volume, amount, location, ownership, possession, character, destination or other change that would enable the funds to be used, including portfolio management;

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(g) ‘funds’ means financial assets and benefits of every kind, including, but not limited to:

(i) cash, cheques, claims on money, drafts, money orders and other payment instruments;

(ii) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;

(iii) publicly and privately traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;

(iv) interest, dividends or other income on or value accruing from or generated by assets;

(v) credit, right of set-off, guarantees, performance bonds or other financial commitments;

(vi) letters of credit, bills of lading, bills of sale; and

(vii) documents showing evidence of an interest in funds or financial resources;

(h) ‘technical assistance’ means any technical support related to repairs, development, manufacture, assembly, testing, maintenance, or any other technical service, and may take forms such as instruction, advice, training, transmission of working knowledge or skills or consulting services, including verbal forms of assistance;

(i) ‘brokering services’ means:

(i) the negotiation or arrangement of transactions for the purchase, sale or supply of goods and technology from a third country to any other third country, or

(ii) the selling or buying of goods and technology that are located in third countries for their transfer to another third country;

(j) ‘import’ means any entry of goods into the customs territory of the Union or other territories to which the Treaty applies, under the conditions laid down in Articles 349 and 355 thereof. It includes, within the meaning of Regulation (EU) No 952/2013 of the European Parliament and of the Council [1] laying down the Union Customs Code, placing in a free zone, placing under special procedure and release for free circulation, but it excludes transit or temporary storage;

[1] Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code (OJ L 269, 10.10.2013, p. 1).

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(k) ‘export’ means any departure of goods from the customs territory of the Union or other territories to which the Treaty applies, under the conditions laid down in Articles 349 and 355 thereof. It includes, within the meaning of Regulation (EU) No 952/2013, the departure of goods that requires a customs declaration and the departure of goods after their storage in a free zone or after their placement under a special procedure, but it excludes transit or temporary storage;

(l) ‘exporter’ means any natural or legal person on whose behalf an export declaration is made, being the person who, at the time when the declaration is accepted, holds the contract with the consignee in the third country and has the power for determining the sending of the item out of the customs territory of the Union or other territories to which the Treaty applies;

(m) ‘territory of the Union’ means the territories of the Member States to which the Treaty is applicable, under the conditions laid down in the Treaty, including their airspace.

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CHAPTER 1

Article 2

1. It shall be prohibited to sell, supply, transfer or export, directly or indirectly, equipment which might be used for internal repression as listed in Annex I, whether or not originating in the Union, to any natural or legal person, entity or body in, or for use in Myanmar/Burma.

2. Paragraph 1 shall not apply to protective clothing, including flak jackets and helmets, temporarily exported to Myanmar/Burma by United Nations personnel, personnel of the European Union or its Member States, representatives of the media and humanitarian and development workers and associated personnel for their personal use only.

Article 3

1. It shall be prohibited:

(a) to provide technical assistance related to military activities and to the provision, manufacture, maintenance and use of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, directly or indirectly to any natural or legal person, entity or body in, or for use in Myanmar/Burma;

(b) to provide financing or financial assistance related to military activities, including, in particular, grants, loans and export credit insurance for any sale, supply, transfer or export of arms and related materiel, directly or indirectly to any natural or legal person, entity or body in, or for use in Myanmar/Burma.

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2. It shall be prohibited:

(a) to provide technical assistance related to the equipment which might be used for internal repression as listed in Annex I, directly or indirectly to any natural or legal person, entity or body in, or for use in Myanmar/Burma;

(b) to provide financing or financial assistance related to the equipment listed in Annex I, including, in particular, grants, loans and export credit insurance, directly or indirectly to any natural or legal person, entity or body in, or for use in Myanmar/Burma.

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Article 3a

1. It shall be prohibited to sell, supply, transfer or export, directly or indirectly, dual-use goods and technology as included in Annex I to Council Regulation (EC) No 428/2009 ([1]), whether or not originating in the Union, to any natural or legal person, entity or body in Myanmar/Burma or for use in Myanmar/Burma, if those items are or may be intended, in their entirety or in part, for military use, military end-user or the Border Guard Police.

Where the end-user is the Myanmar's/Burma's military, any dual-use goods and technology procured by it shall be deemed to be for military use.

2. When deciding on requests for authorisations in accordance with Regulation (EC) No 428/2009, the competent authorities shall not grant an authorisation for exports to any natural or legal person, entity or body in Myanmar/Burma or for use in Myanmar/Burma, if they have reasonable grounds to believe that the end-user might be a military end-user, the Border Guard Police or that the goods might have a military end-use.

3. Exporters shall supply the competent authorities with all relevant information required for their application for an export authorisation.

4. It shall be prohibited:

(a) to provide technical assistance, brokering services or other services related to goods and technology referred to in paragraph 1 and to the provision, manufacture, maintenance and use of these goods and technology, directly or indirectly to any military end-user, the Border Guard Police or for military use in Myanmar/Burma;

([1]) Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (OJ L 134, 29.5.2009, p. 1).

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(b) to provide financing or financial assistance related to goods and technology referred to in paragraph 1, including in particular grants, loans and export credit insurance, for any sale, supply, transfer or export of these goods and technology, or for the provision of related technical assistance, brokering services or other services, directly or indirectly to any military end-user, the Border Guard Police or for military use in Myanmar/Burma.

5. The prohibitions in paragraphs 1 and 4 shall be without prejudice to the execution of contracts concluded before 27 April 2018 or ancillary contracts necessary for the execution of such contracts.

6. Paragraph 1 shall not apply to protective clothing, including flak jackets and military helmets, temporarily exported to Myanmar/Burma by UN personnel, personnel of the EU or its Member States, representatives of the media and humanitarian and development workers and associated personnel for their personal use only.

Article 3b

1. It shall be prohibited to sell, supply, transfer or export, directly or indirectly, equipment, technology or software identified in Annex III, whether or not originating in the Union, to any person, entity or body in Myanmar/Burma or for use in Myanmar/Burma, unless the competent authority of the relevant Member State, as identified on the websites listed in Annex II, has given prior authorisation.

2. The competent authorities of the Member States, as identified on the websites listed in Annex II, shall not grant any authorisation under paragraph 1 if they have reasonable grounds to determine that the equipment, technology or software in question would be used for internal repression by the Government of Myanmar/Burma, public bodies, corporations or agencies, or any person or entity acting on their behalf or at their direction.

3. Annex III shall include equipment, technology or software intended primarily for use in the monitoring or interception of internet or telephone communications.

4. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this Article, within four weeks of the authorisation.

Article 3c

1. Unless the competent authority of the relevant Member State, as identified on the websites listed in Annex II, has given prior authorisation in accordance with Article 3b, it shall be prohibited:

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(a) to provide, directly or indirectly, technical assistance or brokering services related to the equipment, technology and software identified in Annex III, or related to the installation, provision, manufacture, maintenance and use of the equipment and technology identified in Annex III or to the provision, installation, operation or updating of any software identified in Annex III, to any person, entity or body in Myanmar/Burma or for use in Myanmar/Burma;

(b) to provide, directly or indirectly, financing or financial assistance related to the equipment, technology and software identified in Annex III to any person, entity or body in Myanmar/Burma or for use in Myanmar/Burma;

(c) to provide any telecommunication or internet monitoring or interception services of any kind to, or for the direct or indirect benefit of, Government of Myanmar/Burma, public bodies, corporations and agencies or any person or entity acting on their behalf or at their direction.

2. For the purposes of point (c) of paragraph 1, 'telecommunication or internet monitoring or interception services' means those services that provide, in particular using equipment, technology or software as identified in Annex III, access to and delivery of a subject's incoming and outgoing telecommunications and call- associated data for the purpose of its extraction, decoding, recording, processing, analysis or storing, or any other related activity.

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Article 4

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1. By way of derogation from Articles 2(1), 3(2), 3a(1) and 3a(4), and subject to Article 5, the competent authorities in the Member States, as indicated in the websites listed in Annex II, may authorise, under such conditions as they deem appropriate:

(a) the sale, supply, transfer or export of equipment which might be used for internal repression as listed in Annex I or dual-use goods and technology listed in Annex I to Regulation (EC) No 428/2009, intended solely for humanitarian or protective use, or for institution-building programmes of the United Nations and the European Union, or for European Union and United Nations crisis-management operations;

(b) the sale, supply, transfer or export of de-mining equipment and material for use in de-mining operations; and

(c) the provision of financing and financial assistance and technical assistance related to equipment, material, programmes and operations referred to in points (a) and (b).

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2. By way of derogation from Article 3(1), and subject to Article 5, the competent authorities in the Member States, as listed in Annex II, may authorise, under such conditions as they deem appropriate, the provision of financing and financial assistance and technical assistance related to:

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(a) non-lethal military equipment intended solely for humanitarian or protective use, or for institution-building programmes of the United Nations and the European Union;

(b) materiel intended for European Union and United Nations crisis-management operations.

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Article 4a

1. All funds and economic resources belonging to or owned, held or controlled by any natural or legal person, entity or body listed in Annex IV shall be frozen.

2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of natural or legal persons, entities or bodies listed in Annex IV.

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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;

(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).

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4. Annex IV shall include the grounds for the listing of the persons, entities and bodies concerned.

5. Annex IV shall also include, where available, information necessary to identify the natural or legal persons, entities and bodies concerned. With regard to natural persons, such information may include names including aliases, date and place of birth, nationality, passport and ID card numbers, gender, address, if known, and function or profession. With regard to legal persons, entities and bodies, such information may include names, place and date of registration, registration number and place of business.

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Article 4b

1. By way of derogation from Article 4a, the competent authorities of the Member States as identified on the websites listed in Annex II, 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 funds or economic resources are:

(a) necessary to satisfy the basic needs of natural and legal persons listed in Annex IV, and dependent family members of such natural persons, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums and public utility charges;

(b) intended exclusively for payment of reasonable professional fees or reimbursement of incurred expenses associated with the provision of legal services;

(c) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources;

(d) necessary for extraordinary expenses, provided that the relevant competent authority has notified the grounds on which it considers that a specific authorisation should be granted to the competent authorities of the other Member States and to the Commission at least two weeks prior to authorisation; or

(e) to be paid into or from an account of a diplomatic or consular mission or an international organisation enjoying immunities in accordance with international law, insofar as such payments are intended to be used for official purposes of the diplomatic or consular mission or international organisation.

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

Article 4c

1. By way of derogation from Article 4a, the competent authorities in the Member States as identified on the websites listed in Annex II, may authorise the release of certain frozen funds or economic resources if the following conditions are met:

(a) the funds or economic resources are subject to an arbitral decision rendered prior to the date on which the natural or legal person, entity or body referred to in Article 4a was included in Annex IV, or of a judicial or administrative decision rendered in the Union, or a judicial decision enforceable in the Member State concerned, prior to, on or after that date;

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(b) the funds or economic resources will be used exclusively to satisfy claims secured by such a decision or recognised as valid in such a decision, within the limits set by applicable laws and regulations governing the rights of persons having such claims;

(c) the decision is not for the benefit of a natural or legal person, entity or body listed in Annex IV; and

(d) recognising the decision is not contrary to public policy in the Member State concerned.

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 4d

1. By way of derogation from Article 4a and provided that a payment by a natural or legal person, entity or body listed in Annex IV is due under a contract or agreement that was concluded by, or an obligation that arose for, the natural or legal person, entity or body concerned before the date on which that natural or legal person, entity or body was included in Annex IV, the competent authorities of the Member States may authorise, under such conditions as they deem appropriate, the release of certain frozen funds or economic resources, provided that the competent authority concerned has determined that:

(a) the funds or economic resources are to be used for a payment by a natural or legal person, entity or body listed in Annex IV;

(b) the payment is not in breach of Article 4a(2)

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.

3. Article 4a(2) shall not prevent the crediting of the frozen accounts by financial or credit institutions that receive funds transferred by third parties to the account of a listed natural or legal person, entity or body, provided that any additions to such accounts will also be frozen. The financial or credit institution shall inform the relevant competent authority about any such transaction without delay.

4. Provided that any such interest, other earnings and payments are frozen in accordance with Article 4a, Article 4a(2) shall not apply to the addition to frozen accounts of:

(a) interest or other earnings on those accounts;

(b) payments due under contracts, agreements or obligations that were concluded or arose before the date on which the natural or legal person, entity or body referred to in Article 4a was included in Annex IV; or

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(c) payments due under judicial, administrative or arbitral decisions rendered in a Member State or enforceable in the Member State concerned.

▼M8

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.

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Article 4e

1. Without prejudice to the applicable rules concerning reporting, confidentiality and professional secrecy, natural and legal persons, entities and bodies shall:

(a) supply immediately any information which would facilitate compliance with this Regulation, such as information on accounts and amounts frozen in accordance with Article 4a, to the competent authority of the Member State where they are resident or located, and shall transmit such information, directly or through the Member State, to the Commission; and

(b) cooperate with the competent authority in any verification of the information referred to in point (a).

2. Any additional information received directly by the Commission shall be made available to the Member States.

3. Any information provided or received in accordance with this Article shall be used only for the purposes for which it was provided or received.

Article 4f

1. The freezing of funds and economic resources or the refusal to make funds or economic resources available, carried out in good faith on the basis that such action is in accordance with this Regulation, shall not give rise to liability of any kind on the part of the natural or legal person or entity or body implementing it, or its directors or employees, unless it is proved that the funds and economic resources were frozen or withheld as a result of negligence.

2. Actions by natural or legal persons, entities or bodies shall not give rise to any liability of any kind on their part if they did not know, and had no reasonable cause to suspect, that their actions would infringe the measures set out in this Regulation.

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Article 4g

It shall be prohibited to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the measures laid down in this Regulation.

Article 4h

1. No claims in connection with any contract or transaction the performance of which has been affected, directly or indirectly, in whole or in part, by the measures imposed under this Regulation, including claims for indemnity or any other claim of this type, such as a claim for compensation or a claim under a guarantee, in particular a claim for extension or payment of a bond, guarantee or indemnity, in particular a financial guarantee or financial indemnity, of whatever form, shall be satisfied, if they are made by:

(a) designated natural or legal persons, entities or bodies listed in Annex IV;

(b) any natural or legal person, entity or body acting through or on behalf of one of the persons, entities or bodies referred to in point (a).

2. In any proceedings for the enforcement of a claim, the onus of proving that satisfying the claim is not prohibited by paragraph 1 shall be on the natural or legal person, entity or body seeking the enforcement of that claim.

3. This Article is without prejudice to the right of the natural or legal persons, entities and bodies referred to in paragraph 1 to judicial review of the legality of the non-performance of contractual obligations in accordance with this Regulation.

Article 4i

1. Where the Council decides to subject a natural or legal person, entity or body to the measures referred to in Article 4a, it shall amend Annex IV accordingly.

2. The Council shall communicate its decision, including the grounds for listing, to the natural or legal person, entity or body referred to in paragraph 1, either directly, if the address is known, or through the publication of a notice, providing such natural or legal person, entity or body with an opportunity to present observations.

3. Where observations are submitted, or where substantial new evidence is presented, the Council shall review its decision and inform the natural or legal person, entity or body accordingly.

4. The list in Annex IV shall be reviewed at regular intervals and at least every 12 months.

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CHAPTER 2

Article 5

The authorisations referred to in Article 4 shall not be granted for activities that have already taken place.

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Article 6

1. The Commission and Member States shall inform each other of the measures taken under this Regulation and share any other relevant information at their disposal in connection with this Regulation, in particular information concerning:

(a) funds frozen under Article 4a and authorisations granted under Articles 3a, 3b, 3c, 4b, 4c and 4d;

(b) violation and enforcement problems and judgments handed down by national courts.

2. The Member States shall immediately inform each other and the Commission of any other relevant information at their disposal which might affect the effective implementation of this Regulation.

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Article 7

The Commission shall be empowered to amend Annex II on the basis of information supplied by Member States.

Article 8

1. Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

2. Member States shall notify the Commission of those rules without delay after the entry into force of this Regulation and shall notify it of any subsequent amendment.

Article 9

1. Member States shall designate the competent authorities referred to in this Regulation and identify them in, or through, the websites listed in Annex II.

2. Member States shall notify the Commission of their competent authorities without delay after the entry into force of this Regulation and shall notify it of any subsequent changes.

Article 10

This Regulation shall apply:

(a) within the territory of the Union, including its airspace;

(b) on board any aircraft or any vessel under the jurisdiction of a Member State;

(c) to any person inside or outside the territory of the Union who is a national of a Member State;

(d) to any legal person, entity or body which is incorporated or constituted under the law of a Member State;

(e) to any legal person, entity or body in respect of any business done in whole or in part within the Union.

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Article 11

Regulation (EC) No 194/2008 is hereby repealed.

Article 12

This Regulation shall enter into force on the day 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.

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ANNEX I

List of equipment which might be used for internal repression as referred to in Articles 2, 3 and 4

1. Firearms, ammunition and related accessories therefor, as follows:

   1.1. Firearms not controlled by ML 1 and ML 2 of the EU Common Military List ([1]);

   1.2. Ammunition specially designed for the firearms listed in 1.1 and specially designed components therefor;

   1.3. Weapon-sights not controlled by the EU Common Military List.

2. Bombs and grenades not controlled by the EU Common Military List.

3. Vehicles as follows:

   3.1. Vehicles equipped with a water cannon, specially designed or modified for the purpose of riot control;

   3.2. Vehicles specially designed or modified to be electrified to repel borders;

   3.3. Vehicles specially designed or modified to remove barricades, including construction equipment with ballistic protection;

   3.4. Vehicles specially designed for the transport or transfer of prisoners and/or detainees;

   3.5. Vehicles specially designed to deploy mobile barriers;

   3.6. Components for the vehicles specified in 3.1 to 3.5 specially designed for the purposes of riot control.

   Note 1: This item does not control vehicles specially designed for the purposes of fire-fighting.

   Note 2: For the purposes of item 3.5 the term 'vehicles' includes trailers.

4. Explosive substances and related equipment as follows:

   4.1. Equipment and devices specially designed to initiate explosions by electrical or non-electrical means, including firing sets, detonators, igniters, boosters and detonating cord, and specially designed components therefor; except those specially designed for a specific commercial use consisting of the actuation or operation by explosive means of other equipment or devices the function of which is not the creation of explosions (e.g., car air-bag inflaters, electric-surge arresters of fire sprinkler actuators);

([1]) Common Military List of the European Union (adopted by the Council on 11 March 2013) (OJ C 30, 27.3.2013, p. 1).

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4.2. Linear cutting explosive charges not controlled by the EU Common Military List;

4.3. Other explosives not controlled by the EU Common Military List and related substances as follows:

(a) amatol;

(b) nitrocellulose (containing more than 12,5 % nitrogen);

(c) nitroglycol;

(d) pentaerythritol tetranitrate (PETN);

(e) picryl chloride;

(f) 2,4,6-trinitrotoluene (TNT).

5. Protective equipment not controlled by ML 13 of the EU Common Military List as follows:

5.1. Body armour providing ballistic and/or stabbing protection;

5.2. Helmets providing ballistic and/or fragmentation protection, anti-riot helmets, antiriot shields and ballistic shields.

Note: This item does not control:

— equipment specially designed for sports activities;

— equipment specially designed for safety of work requirements.

6. Simulators, other than those controlled by ML 14 of the EU Common Military List, for training in the use of firearms, and specially designed software therefor.

7. Night vision, thermal imaging equipment and image intensifier tubes, other than those controlled by the EU Common Military List.

8. Razor barbed wire.

9. Military knives, combat knives and bayonets with blade lengths in excess of 10 cm.

10. Production equipment specially designed for the items specified in this list.

11. Specific technology for the development, production or use of the items specified in this list.

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ANNEX II

Websites for information on the competent authorities referred to in Articles 4, 7 and 9 and address for notifications to the European Commission

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BELGIUM

https://diplomatie.belgium.be/nl/Beleid/beleidsthemas/vrede_en_veiligheid/sancties

https://diplomatie.belgium.be/fr/politique/themes_politiques/paix_et_securite/sanctions

https://diplomatie.belgium.be/en/policy/policy_areas/peace_and_security/sanctions

BULGARIA

https://www.mfa.bg/en/101

CZECH REPUBLIC

www.financnianalytickyurad.cz/mezinarodni-sankce.html

DENMARK

http://um.dk/da/Udenrigspolitik/folkeretten/sanktioner/

GERMANY

http://www.bmwi.de/DE/Themen/Aussenwirtschaft/aussenwirtschaftsrecht,did=404888.html

ESTONIA

http://www.vm.ee/est/kat_622/

IRELAND

http://www.dfa.ie/home/index.aspx?id=28519

GREECE

http://www.mfa.gr/en/foreign-policy/global-issues/international-sanctions.html

SPAIN

http://www.exteriores.gob.es/Portal/en/PoliticaExteriorCooperacion/GlobalizacionOportunidadesRiesgos/Paginas/SancionesInternacionales.aspx

FRANCE

http://www.diplomatie.gouv.fr/fr/autorites-sanctions/

CROATIA

http://www.mvep.hr/sankcije

ITALY

https://www.esteri.it/mae/it/politica_estera/politica_europea/misure_deroghe

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CYPRUS

http://www.mfa.gov.cy/mfa/mfa2016.nsf/mfa35_en/mfa35_en?OpenDocument

LATVIA

http://www.mfa.gov.lv/en/security/4539

LITHUANIA

http://www.urm.lt/sanctions

LUXEMBOURG

https://maee.gouvernement.lu/fr/directions-du-ministere/affaires-europeennes/mesures-restrictives.html

HUNGARY

http://www.kormany.hu/download/9/2a/f0000/EU%20szankci%C3%B3s%20t%C3%A1j%C3%A9koztat%C3%B3_20170214_final.pdf

MALTA

https://foreignaffairs.gov.mt/en/Government/SMB/Pages/Sanctions-Monitoring-Board.aspx

NETHERLANDS

https://www.rijksoverheid.nl/onderwerpen/internationale-sancties

AUSTRIA

http://www.bmeia.gv.at/view.php3?f_id=12750&LNG=en&version=

POLAND

https://www.gov.pl/web/dyplomacja

PORTUGAL

http://www.portugal.gov.pt/pt/ministerios/mne/quero-saber-mais/sobre-o-ministerio/medidas-restritivas/medidas-restritivas.aspx

ROMANIA

http://www.mae.ro/node/1548

SLOVENIA

http://www.mzz.gov.si/si/omejevalni_ukrepi

SLOVAKIA

https://www.mzv.sk/europske_zalezitosti/europske_politiky-sankcie_eu

FINLAND

http://formin.finland.fi/kvyhteistyo/pakotteet

SWEDEN

http://www.ud.se/sanktioner

▼**M6**

UNITED KINGDOM

https://www.gov.uk/sanctions-embargoes-and-restrictions

Address for notifications to the European Commission:

European Commission
Service for Foreign Policy Instruments (FPI)
EEAS 07/99
B-1049 Brussels, Belgium
E-mail: relex-sanctions@ec.europa.eu

▼**M1**

ANNEX III

Equipment, technology and software referred to in Articles 3b and 3c

General Note

Notwithstanding the contents of this Annex, it shall not apply to:

(a) equipment, technology or software which are specified in Annex I to Regulation (EC) No 428/2009 or the Common Military List; or

(b) software which is designed for installation by the user without further substantial support by the supplier and which is generally available to the public by being sold from stock at retail selling points, without restriction, by means of:

(i) over-the-counter transactions;

(ii) mail order transactions;

(iii) electronic transactions; or

(iv) telephone order transactions; or

(c) software which is in the public domain.

The sections A, B, C, D and E refer to the sections referred to in Regulation (EC) No 428/2009.

The 'equipment, technology and software' referred to in Articles 3b and 3c is:

A. List of equipment

— Deep Packet Inspection equipment

— Network Interception equipment including Interception Management Equipment (IMS) and Data Retention Link Intelligence equipment

— Radio Frequency monitoring equipment

— Network and Satellite jamming equipment

— Remote Infection equipment

— Speaker recognition/processing equipment

— IMSI ([1]), MSISDN ([2]), IMEI ([3]), TMSI ([4]) interception and monitoring equipment

([1]) IMSI stands for International Mobile Subscriber Identity. It is a unique identification code for each mobile telephony device, integrated in the SIM card and which allows identification of such SIM via GSM and UMTS networks.

([2]) MSISDN stands for Mobile Subscriber Integrated Services Digital Network Number. It is a number uniquely identifying a subscription in a GSM or a UMTS mobile network. Simply put, it is the telephone number to the SIM card in a mobile phone and therefore it identifies a mobile subscriber as well as IMSI, but to route calls through him.

([3]) IMEI stands for International Mobile Equipment Identity. It is a number, usually unique to identify GSM, WCDMA and IDEN mobile phones as well as some satellite phones. It is usually found printed inside the battery compartment of the phone. Interception (wiretapping) can be specified by its IMEI number as well as IMSI and MSISDN.

([4]) TMSI stands for Temporary Mobile Subscriber Identity. It is the identity that is most commonly sent between the mobile and the network.

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— Tactical SMS ([1])/GSM ([2])/GPS ([3])/GPRS ([4])/UMTS ([5])/CDMA ([6])/PSTN ([7]) interception and monitoring equipment

— DHCP ([8])/SMTP ([9]), GTP ([10]) information interception and monitoring equipment

— Pattern Recognition and Pattern Profiling equipment

— Remote Forensics equipment

— Semantic Processing Engine equipment

— WEP and WPA code breaking equipment

— Interception equipment for VoIP proprietary and standard protocol

B. Not used

C. Not used

D. ‘Software’ for the ‘development’, ‘production’ or ‘use’ of the equipment specified in A above.

E. ‘Technology’ for the ‘development’, ‘production’ or ‘use’ of the equipment specified in A above.

Equipment, technology and software falling within these sections is within the scope of this Annex only to the extent that it falls within the general description ‘internet, telephone and satellite communications interception and monitoring systems’.

For the purpose of this Annex ‘monitoring’ means acquisition, extraction, decoding, recording, processing, analysis and archiving call content or network data.

([1]) SMS stands for Short Message System.
([2]) GSM stands for Global System for Mobile Communications.
([3]) GPS stands for Global Positioning System.
([4]) GPRS stands for General Package Radio Service.
([5]) UMTS stands for Universal Mobile Telecommunication System.
([6]) CDMA stands for Code Division Multiple Access.
([7]) PSTN stands for Public Switch Telephone Networks.
([8]) DHCP stands for Dynamic Host Configuration Protocol.
([9]) SMTP stands for Simple Mail Transfer Protocol.
([10]) GTP stands for GPRS Tunnelling Protocol.

▼M1

ANNEX IV

List of natural and legal persons, entities and bodies referred to in Article 4a

▼M5

	Name	Identifying information	Reasons	Date of listing
1.	Aung Kyaw Zaw	Date of birth: 20 August 1961 Gender: male Passport No: DM000826 Date of issue: 22 November 2011 Date of expiry: 21 November 2021 Military identification number: BC 17444	Lieutenant General Aung Kyaw Zaw was the Commander of the Bureau of Special Operations No 3 of the Myanmar Armed Forces (Tatmadaw) from August 2015 to the end of 2017. The Bureau of Special Operations No 3 oversaw the Western Command and, in that context, Lieutenant General Aung Kyaw Zaw is responsible for the atrocities and serious human rights violations committed against the Rohingya population in Rakhine State by the Western Command during that period. These include unlawful killings, sexual violence and the systematic burning of Rohingya houses and buildings.	25.6.2018
2.	Maung Maung Soe	Date of birth: March 1964 Gender: male National Identification Number: Tatmadaw Kyee 19571	Major General Maung Maung Soe was the Commander of the Western Command of the Myanmar Armed Forces (Tatmadaw) from October 2016 to 10 November 2017 and oversaw the military operations in Rakhine State. In that context, he is responsible for the atrocities and serious human rights violations committed against Rohingya population in Rakhine State by the Western Command during that period. These include unlawful killings, sexual violence and systematic burning of Rohingya houses and buildings.	25.6.2018

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3.	Than Oo	Date of birth: 12 October 1973 Gender: male Military identification number: BC 25723	Brigadier General Than Oo was the Commander of the 99th Light Infantry Division of the Myanmar Armed Forces (Tatmadaw) until May 2018. In that context, he is responsible for the atrocities and serious human rights violations committed against the Rohingya population in Rakhine State in the second half of 2017 by the 99th Light Infantry Division. These include unlawful killings, sexual violence and the systematic burning of Rohingya houses and buildings.	25.6.2018

▼M7

	Name	Identifying information	Reasons	Date of listing
4.	Aung Aung	Gender: male Military identification number: BC 23750	Brigadier General Aung Aung is the Commander of the 33rd Light Infantry Division of the Myanmar Armed Forces (Tatmadaw). In that context, he is responsible for the atrocities and serious human rights violations committed against the Rohingya population in Rakhine State in the second half of 2017 by the 33rd Light Infantry Division. These include unlawful killings, sexual violence and the systematic burning of Rohingya houses and buildings.	25.6.2018
5.	Khin Maung Soe	Date of birth: 1972 Gender: male	Brigadier General Khin Maung Soe is the Commander of the Military Operation Command 15, also sometimes known as the 15th Light Infantry Division, of the Myanmar Armed Forces (Tatmadaw), under which Infantry Battalion No 564 falls. In that context, he is responsible for the atrocities and serious human rights violations committed against the Rohingya population in Rakhine State in the second half of 2017 by the Military Operation Command 15, in particular by Infantry Battalion No 564. These include unlawful killings, sexual violence and the systematic burning of Rohingya houses and buildings.	25.6.2018
6.	Thura San Lwin	Date of birth: 17 March 1959 Gender: male	Brigadier General Thura San Lwin was the Commander of the Border Guard Police from October 2016 until early October 2017. In that context, he is responsible for the atrocities and serious human rights violations committed against Rohingya population in Rakhine State by the Border Guard Police during that period. These include unlawful killings and systematic burning of Rohingya houses and buildings.	25.6.2018
7.	Thant Zin Oo	Gender: male	Thant Zin Oo is the Commander of the 8th Security Police Battalion. In that context, he is responsible for the atrocities and serious human rights violations committed against Rohingya population in Rakhine State in the second half of 2017 by the 8th Security Police Battalion. The serious human rights violations include unlawful killings and systematic burning of Rohingya houses and buildings. Those violations were conducted in conjunction with and in direct support of the 33rd Light Infantry Division of the Myanmar Armed Forces (Tatmadaw) led by Brigadier General Aung Aung. Thant Zin Oo is therefore associated with listed person, Brigadier General Aung Aung.	25.6.2018

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	Name	Identifying information	Reasons	Date of listing
8.	Ba Kyaw	Gender: male	Ba Kyaw is a Staff Sergeant in the 564th Light Infantry Battalion (LIB) of the Myanmar Armed Forces (Tatmadaw). He committed atrocities and serious human rights violations, including murder, deportation and torture, against the Rohingya population in Rakhine State in the second half of 2017. In particular, he has been identified as one of the key perpetrators of the Maung Nu massacre on 27 August 2017.	21.12.2018
9.	Tun Naing	Gender: male	Tun Naing is the Commanding Officer of the Border Guard Police (BGP) base in Taung Bazar. In that capacity, he is responsible for the atrocities and serious human rights violations against the Rohingya population in Rakhine State committed by the BGP in Taung Bazar before, around and after 25 August 2017, including forced detention, ill-treatment and torture.	21.12.2018
10.	Khin Hlaing	Date of birth: 2 May 1968 Gender: male	Brigadier General Khin HLaing is the former Commander of the 99th Light Infantry Division (LID) and the current Commander of the North-eastern Command of the Myanmar Armed Forces (Tatmadaw). As the Commander of the 99th LID he oversaw military operations carried out in Shan State in 2016 and early 2017. In that context, he is responsible for the atrocities and serious human rights violations committed against ethnic minority villagers in Shan State in the second half of 2016 by the 99th LID. These include unlawful killings, forced detention and destruction of villages.	21.12.2018
11.	Aung Myo Thu	Gender: male	Major Aung Myo Thu is the Field Unit Commander of 33rd Light Infantry Division (LID) of the Myanmar Armed Forces (Tatmadaw). As the Field Unit Commander of the 33rd LID he oversaw military operations carried out in Rakhine State in 2017. In that context, he is responsible for the atrocities and serious human rights violations committed against the Rohingya population in Rakhine State in the second half of 2017 by the 33rd LID. These include unlawful killings, sexual violence and forced detention.	21.12.2018

▼**M5**

	Name	Identifying information	Reasons	Date of listing
12.	Thant Zaw Win	Gender: male	Thant Zaw Win is a Major in the 564th Light Infantry Battalion (LIB) of the Myanmar Armed Forces (Tatmadaw). In that capacity, he oversaw military operations carried out in Rakhine State and is responsible for the atrocities and serious human rights violations committed against the Rohingya population in Rakhine State by the 564th LIB, notably in and around Maung Nu village on 27 August 2017. These include unlawful killings, sexual violence and systematic burning of Rohingya houses and buildings.	21.12.2018
13.	Kyaw Chay	Gender: male	Kyaw Chay is a Corporal in the Border Guard Police (BGP). He was formerly based in Zay Di Pyin and was the Commanding Officer of the BGP base in Zay Di Pyin in the period around 25 August 2017 when a series of human rights violations were committed by the BGP under his command. In that context, he is responsible for the atrocities and serious human rights violations by the BGP against the Rohingya population in Rakhine State in that period. He also participated in serious human rights violations. These violations include the ill-treatment of detainees and torture.	21.12.2018
14.	Nyi Nyi Swe	Gender: male	Major General Nyi Nyi Swe is the former Commander of the Northern Command of the Myanmar Armed Forces (Tatmadaw). In that capacity, he is responsible for the atrocities and serious human rights violations committed in Kachin State from May 2016 to April 2018 (until his appointment as Commander of the South-western Command) by the Northern Command, including ill-treatment of civilians. He is also responsible for obstructing the provision of humanitarian assistance to civilians in need in Kachin State in that period, in particular the blocking of food transports.	21.12.2018

▼M5

	Name	Identifying information	Reasons	Date of listing
▼M9				
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.	22.3.2021

▼M9

	Name	Identifying information	Reasons	Date of listing
			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.	
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).	22.3.2021

▼M9

	Name	Identifying information	Reasons	Date of listing
			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. 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.	

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	Name	Identifying information	Reasons	Date of listing
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

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	Name	Identifying information	Reasons	Date of listing
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,	22.3.2021

▼M9

	Name	Identifying information	Reasons	Date of listing
			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.	
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 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.	22.3.2021

▼M9

	Name	Identifying information	Reasons	Date of listing
			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. 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.	22.3.2021

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	Name	Identifying information	Reasons	Date of listing
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).	22.3.2021

▼M9

	Name	Identifying information	Reasons	Date of listing
			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, 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.	

▼M9

	Name	Identifying information	Reasons	Date of listing
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. 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.	22.3.2021