

COUNCIL REGULATION (EU) 2022/238
of 21 February 2022
amending 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, and in particular Article 215 thereof,

Having regard to Council Decision (CFSP) 2022/243 of 21 February 2022 amending Decision 2013/184/CFSP concerning restrictive measures in view of the situation in Myanmar/Burma ⁽¹⁾,

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

Whereas:

- (1) Council Regulation (EU) No 401/2013 ⁽²⁾ gives effect to several measures provided for by Council Decision 2013/184/CFSP ⁽³⁾, including the freezing of funds and economic resources of certain natural or legal persons, entities and bodies.
- (2) In view of the continuing grave situation in Myanmar/Burma, on 21 February 2022 the Council adopted Decision (CFSP) 2022/243, adding 22 persons and 4 entities to the list of persons and entities subject to restrictive measures set out in the Annex to Decision 2013/184/CFSP.
- (3) In order to avoid unintended consequences of the designation of one of those entities, Decision (CFSP) 2022/243 introduced in Decision 2013/184/CFSP a new derogation in respect of the freezing of assets and prohibition to make funds or economic resources available to that entity. That derogation will allow for Union operators to carry out the decommissioning of oil and gas wells in accordance with international standards and to terminate contracts with that entity.
- (4) Regulation (EU) No 401/2013 should therefore be amended accordingly.
- (5) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force immediately,

HAS ADOPTED THIS REGULATION:

Article 1

In Regulation (EU) No 401/2013, the following article is inserted:

‘Article 4db

By way of derogation from Article 4a, the competent authorities of a Member State may authorise the release of certain frozen funds or economic resources belonging to the entity listed in entry 10 in Annex IV, or the making available of certain funds or economic resources to that entity, under such conditions as the competent authorities deem appropriate, after having determined that such funds or economic resources are necessary for:

- (a) tasks related to the decommissioning of oil and gas wells in accordance with international standards, such as waste disposal, site remediation activities required for safety and environmental restoration, the provision of related technical assistance, and the payment of related taxes and duties, as well as salaries and social benefits to employees; or

⁽¹⁾ See page 28 of this Official Journal.

⁽²⁾ 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 (OJ L 121, 3.5.2013, p. 1).

⁽³⁾ Council Decision 2013/184/CFSP of 22 April 2013 concerning restrictive measures in view of the situation in Myanmar/Burma (OJ L 111, 23.4.2013, p. 75).

- (b) the transfer before 31 July 2022 of shares or interests necessary for the termination of contracts concluded with the entity listed in entry 10 in Annex IV before 21 February 2022.’

Article 2

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

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

Done at Brussels, 21 February 2022.

For the Council
The President
J. BORRELL FONTELLES
