

II

(Non-legislative acts)

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) 2022/662

of 21 April 2022

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) The Council has reviewed the list of natural and legal persons, entities and bodies subject to restrictive measures set out in Annex IV to Regulation (EU) No 401/2013. On the basis of that review, the information concerning nine listings should be amended.
- (3) Regulation (EU) No 401/2013 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex IV to Regulation (EU) No 401/2013 is amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day following that 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 April 2022.

For the Council
The President
J.-Y. LE DRIAN

⁽¹⁾ OJ L 121, 3.5.2013, p. 1.

ANNEX

In Regulation (EU) No 401/2013, in Annex IV, in section 'A. Natural persons referred to in Article 4a', entries 15, 16, 17, 20, 23, 35, 36, 37 and 38 are replaced by the following entries:

	Name	Identifying information	Reasons	Date of listing
'15.	Min Aung Hlaing	<p>Date of birth: 3 July 1956</p> <p>Place of birth: Tavoy, Myanmar/Burma</p> <p>Nationality: Myanmar</p> <p>National Identification number: 12/SAKHANA(N)020199</p> <p>Gender: male</p>	<p>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). Min Aung Hlaing declared himself as 'Prime Minister' on 1 August 2021. 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 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. On 31 January 2022, upon the request of Min Aung Hlaing, the NDSC formally extended the state of emergency until 31 July 2022.</p> <p>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.</p> <p>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.</p>	22.3.2021

	Name	Identifying information	Reasons	Date of listing
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 a state of emergency and handed over legislative, executive and judicial powers of the State to the Commander-in-Chief of Defence Services Senior General 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. On 31 January 2022, Myint Swe approved the extension of the state of emergency until 31 July 2022. 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). 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. Soe Win participated in the meeting of the NDSC on 31 January 2022, which extended the state of emergency until 31 July 2022. 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.	22.3.2021

	Name	Identifying information	Reasons	Date of listing
			<p>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.</p> <p>In 2018, the United Nations 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.</p>	
20.	Mya Tun Oo	<p>Date of birth: 4 or 5 May 1961</p> <p>Nationality: Myanmar</p> <p>Gender: male</p>	<p>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).</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. Mya Tun Oo participated in the meeting of the National Defence and Security Council (NDSC) on 31 January 2022, which extended the state of emergency until 31 July 2022. As member of the NDSC and 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.</p> <p>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.</p> <p>As member of the SAC, General Mya Tun Oo is directly responsible for those repressive decisions and for serious human rights violations. Furthermore, as Minister of Defence, Mya Tun Oo bears responsibility for the attacks by the military forces in Kayah State on 25 December 2021 killing more than 30 people, including children and humanitarian staff, and mass killings and torture of civilians throughout Myanmar. Therefore he is responsible for serious human rights violations in Myanmar/ Burma.</p>	22.3.2021

	Name	Identifying information	Reasons	Date of listing
			<p>In 2018, the United Nations 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, 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.</p>	
23.	Maung Maung Kyaw	<p>Date of birth: 23 July 1964</p> <p>Nationality: Myanmar</p> <p>Gender: male</p>	<p>General Maung Maung Kyaw is a member of the Myanmar Armed Forces (Tatmadaw) and member of the State Administration Council (SAC). He previously served as Commander-in-Chief of the Myanmar Air Force between 2018 and January 2022. 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 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. 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.</p> <p>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. Furthermore, in his former capacity as the head of the Myanmar Air Force, he was directly responsible for the bombings in Kayah State in December 2021, targeting the civilian population and causing a high number of casualties. Therefore, he is responsible for serious human rights violations.</p>	22.3.2021

	Name	Identifying information	Reasons	Date of listing
35.	U Chit Naing (a.k.a. Sate Pyin Nyar)	Date of birth: December 1948; Place of birth: Kyee Nee Village, Chauk Township, Magway Region, Myanmar/Burma; Nationality: Myanmar; Gender: male Address: No 150, Yadanar Street, Yadanar Housing (near Tine Yin Thar Village), Tharkayta Township, Yangon, Myanmar	U Chit Naing is the Minister of Union Government heading the Ministry of Union Government Office (2). He was the Minister for Information from 2 February 2021 to 1 August 2021. He was appointed by the Chairman of the State Administrative Council (SAC) that took over the legislative, executive and judicial powers of the State as of 2 February 2021. As Minister for Information, he was responsible for state-owned media (MWD, MRTV, Myanmar Alin, Kyemon and Global New Light of Myanmar newspapers, as well as the Myanmar News Agency (MNA) and Myanmar Digital News), and thus for broadcast and publication of official news. During his term as Minister for Information, the newspapers were filled with pro-military articles and he is therefore responsible for junta propaganda and spreading disinformation through state media that are not reporting accurately. He is directly responsible for decisions that led to the crackdown on Myanmar media. This includes directives, which ordered independent media not to use the words 'coup', 'military regime' and 'junta', and which has seen five local news outlets banned in the country. In his previous and current position as member of the government, his actions, policies and activities undermine democracy and the rule of law in Myanmar/Burma.	19.4.2021
36.	Soe Htut	Date of birth: 29 March 1960; Place of birth: Mandalay, Myanmar/Burma; Nationality: Myanmar; Gender: male	Lieutenant General Soe Htut is a member of the Myanmar Armed Forces (Tatmadaw). He is also member of the State Administrative Council (SAC) led by Commander-in-Chief Min Aung Hlaing. 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. Soe Htut was appointed Minister for Home Affairs on 1 February 2021. Soe Htut participated in the meeting of the National Defence and Security Committee (NDSC) on 31 January 2022, which extended the state of emergency until 31 July 2022. Through that decision and by being a member of SAC, his activities and policies undermine democracy and the rule of law in Myanmar/Burma.	21.6.2021

	Name	Identifying information	Reasons	Date of listing
			<p>The Minister for Home Affairs is responsible for the Myanmar Police Force, Fire Service and Prison Service. Functions of the Ministry for Home Affairs encompass State Security and Law and Order. In that capacity, Lieutenant General Soe Htut is responsible for serious human rights violations committed by the Myanmar Police since the military coup of 1 February 2021, including killing of civilians and unarmed protesters, violations of freedom of association and peaceful assembly, arbitrary arrests and detention of opposition leaders and peaceful protesters and violations of freedom of expression.</p> <p>Additionally, as a member of the SAC, Lieutenant General Soe Htut 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. He is also directly responsible for the repressive decisions taken by the SAC, including legislation that violates human rights and limits freedoms of citizens of Myanmar, and for the serious human rights violations committed by the Myanmar security forces.</p>	
37.	<p>Tun Tun Naung (a.k.a. Tun Tun Naing; a.k.a. Htun Htun Naung)</p>	<p>Date of birth: 30 April 1963; Nationality: Myanmar; Gender: male</p>	<p>Lieutenant General Tun Tun Naung is a member of the Myanmar Armed Forces (Tatmadaw) and was previously a Commander. He is the Minister of Border Affairs and member of the National Defence and Security Council (NDSC). In 2013, Tun Tun Naung was the Northern Commander overseeing the Burmese military's conflict with the Kachin Independence Army. In this conflict, the Myanmar troops under the command of Tun Tun Naung carried out serious human rights abuses and violations of international humanitarian law. In 2017, Tun Tun Naung was commanding officer of the '1st Bureau of Special Operations'. Under his command, troops committed atrocities and serious human rights violations against ethnic minorities in Rakhine state during the 'Rohingya clearance operations'. Those operations commenced on 25 August 2017 and involved arbitrary killings, physical abuse, torture, sexual violence and detention of Rohingya people. As Commander in 2013 and 2017, Tun Tun Naung is responsible for serious human rights violations committed in Myanmar/Burma.</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 and transferred the legislative, executive and judicial powers of the state to the Commander-in-Chief of Defence Services Senior General Min Aung Hlaing. During those events, Tun Tun Naung accepted an appointment as Minister for Border Affairs in the Union Government on 1 February 2021 and thereby a seat at the National Defence</p>	21.6.2021

	Name	Identifying information	Reasons	Date of listing
			and Security Council (NSDC). Tun Tun Naung participated in the meeting of the NDSC on 31 January 2022, which extended the state of emergency until 31 July 2022. Through that decision and as member of the Union Government and Minister for Border Affairs, Tun Tun Naung is responsible for activities undermining democracy and the rule of law in Myanmar and actions that threaten the peace, security and stability of the country.	
38.	Win Shein (a.k.a. U Win Shein)	Date of birth: 31 July 1957; Place of birth: Mandalay, Myanmar/Burma; Nationality: Myanmar; Gender: male; Passport number: DM001478 (Myanmar/Burma) issued 10 Sep 2012 expires 9 Sep 2022; National ID: 12DAGANA011336	Win Shein is the Minister for Planning and Finance in the Union Government, appointed by Commander-in-Chief Min Aung Hlaing on 1 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 and transferred the legislative, executive and judicial powers of the state to Min Aung Hlaing. By accepting his nomination as Minister for Planning and Finance of the Union Government, and through his important role in the economic policies of the regime, Win Shein is responsible for undermining democracy and the rule of law in Myanmar/Burma.	21.6.2021'.