

II

(Non-legislative acts)

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) 2022/2177

of 8 November 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) On 25 July 2022, the High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative') issued a declaration on behalf of the Union strongly condemning the execution of pro-democracy and opposition leaders in Myanmar/Burma. The High Representative also declared that these politically motivated executions represent yet another step towards the complete dismantling of the rule of law and a further blatant violation of human rights in Myanmar.
- (3) The Union is deeply concerned by the continuing escalation of violence and the evolution towards a protracted conflict with regional implications. The Union condemns the continuing grave human rights violations including torture and sexual and gender-based violence, the continued persecution of civil society, human rights defenders and journalists, and attacks on the civilian population, including ethnic and religious minorities, by the Myanmar armed forces.
- (4) In the absence of any swift progress in the situation in Myanmar/Burma, on several occasions, the Union expressed readiness to adopt further restrictive measures against those responsible for undermining democracy and the rule of law and for the serious human rights violations in Myanmar/Burma.
- (5) In view of the continuing grave situation in Myanmar/Burma, 19 persons and one entity should be added to 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.
- (6) Regulation (EU) No 401/2013 should therefore be amended accordingly,

⁽¹⁾ OJ L 121, 3.5.2013, p. 1.

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 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, 8 November 2022.

For the Council
The President
Z. STANJURA

Annex IV to Regulation (EU) No 401/2013 is amended as follows:

(1) The following entries are added to the list headed 'A. Natural persons referred to in Article 4a':

	Name	Identifying information	Reasons	Date of listing
'66.	Kan Zaw (a.k.a. Dr Kan Zaw)	Nationality: Myanmar/Burma; Date of birth: 11.10.1954; Place of birth: Salin Township, Magwe Region, Myanmar; Gender: male	<p>Kan Zaw has been the Minister for Investment and Foreign Economic Relations since 19 August 2022. He was appointed by the State Administrative Council (SAC), led by Commander-in-Chief Min Aung Hlaing, which took over the legislative, executive and judicial powers of the State as of 2 February 2021. He was previously appointed by the SAC as the Union Auditor-General following the 1 February 2021 coup.</p> <p>As Government Minister, he forms part of the military regime which seized power during a military coup and overthrew legitimately elected leaders in Myanmar/Burma. As Minister for Investment and Foreign Economic Relations, he is in charge of facilitating business and investments in Myanmar/Burma and cooperation with foreign partners. In that capacity, Kan Zaw takes an active role in supporting the military's efforts to attract foreign investment, thereby contributing to securing the financial needs of the military regime. Therefore, he is responsible for undermining democracy and the rule of law in Myanmar/Burma as well as for engaging in actions that threaten the peace, security and stability of Myanmar.</p> <p>Additionally, he is associated with several high-level figures of the military regime, including Commander-in-Chief Min Aung Hlaing.</p>	8.11.2022
67.	Htun Htun Oo (a.k.a. Tun Tun Oo)	Nationality: Myanmar/Burma; Date of birth: 28.7.1956; Gender: male	<p>Htun Htun Oo is the Chief Justice of the Supreme Court in Myanmar/Burma, as confirmed in that position by Commander-in-Chief Min Aung Hlaing on 2 February 2021, following the 1 February 2021 coup.</p> <p>The Supreme Court, under Htun Htun Oo's leadership, has been involved in the prosecution of democratically elected leaders and opposition figures, and failed to accomplish its duties as the highest jurisdiction responsible for upholding the rule of law and guaranteeing the independence of the judiciary. Therefore, in his capacity as Chief Justice of the Supreme Court, Htun Htun Oo is engaged in activities that undermine democracy and the rule of law in Myanmar/Burma.</p> <p>Additionally, since his confirmation as the Chief Justice of the Supreme Court, Htun Htun Oo has been associated with high-level figures of the military regime, including Commander-in-Chief Min Aung Hlaing.</p>	8.11.2022

	Name	Identifying information	Reasons	Date of listing
68.	Swe Swe Aung (a.k.a. Dr. Swe Swe Aung)	Nationality: Myanmar/Burma; Date of birth: 1960; Gender: female	Swe Swe Aung is the Director-General of the Prosecution Department in the Ministry of Legal Affairs, appointed by the State Administrative Council (SAC) on 31 March 2022. The Prosecution Department, under Swe Swe Aung's leadership, has been involved in several judicial cases against democratically elected leaders and opposition figures that were conducted in violation of rights of defense and right to a fair trial, including the proceedings leading to the execution of four pro-democracy figures. Therefore, in her capacity as Director-General of the Prosecution Department, Swe Swe Aung is engaged in activities that undermine democracy and the rule of law in Myanmar/Burma. Additionally, Swe Swe Aung is associated with several State Administrative Council and military-appointed figures and leaders such as Commander-in-Chief Min Aung Hlaing and Attorney General Dr Thida Oo.	8.11.2022
69.	Zaw Min (a.k.a. U Zaw Min)	Nationality: Myanmar/Burma; Date of birth: 1970; Gender: male	Zaw Min is the Director-General of the Prisons Department in the Ministry of Home Affairs, appointed by the State Administrative Council (SAC) on 4 February 2021. In that capacity, he is responsible for the management of prisons in Myanmar/Burma. The Prisons Department, under Zaw Min's leadership, has been involved in several cases of mismanagement of prisons and detainees have been subject to violence, beating, torture and other inhuman treatment in prisons. Additionally, prison authorities violated the rights of defense of detained persons. Therefore, in his capacity as Director-General of the Prisons Department, Zaw Min is engaged in activities that undermine democracy and the rule of law in Myanmar/Burma. Additionally, Zaw Min is associated with several State Administrative Council and military-appointed figures and leaders such as Commander-in-Chief Min Aung Hlaing and Minister of Home Affairs Lieutenant-General Soe Htut.	8.11.2022
70.	U Zaw Lin Aung	Nationality: Myanmar/Burma; Gender: male	U Zaw Lin Aung is a former military officer and the Deputy Director of the Prison Department of the Yangon Region since late 2021. Additionally, U Zaw Lin Aung is in charge of the Insein Prison. Under his leadership, political prisoners detained in the Insein Prison have been subject to violence, beating, torture and other inhuman treatment committed by the prison personnel. Therefore, in his capacity as Deputy Director of the Prison Department of the Yangon Region and being in charge of the Insein Prison, U Zaw Lin Aung is engaged in activities that undermine democracy and the rule of law in Myanmar/Burma.	8.11.2022

	Name	Identifying information	Reasons	Date of listing
71.	U Than Swe	Nationality: Myanmar/Burma; Date of birth: 1957 or 1965; Gender: male	U Than Swe is the Chair of the Anti-Corruption Commission, appointed by the State Administrative Council (SAC) on 19 August 2022. The Anti-Corruption Commission, under U Than Swe's leadership, has implemented policies with the aim of legitimising the military coup, including its involvement in proceedings against democratically elected leaders, such as bringing corruption charges against State Counsellor Daw Aung San Suu Kyi. Therefore, in his capacity as Chair of the Anti-Corruption Commission, U Than Swe is engaged in activities and policies that undermine democracy and the rule of law in Myanmar/Burma.	8.11.2022
72.	Ko Ko Lwin	Nationality: Myanmar/Burma; Date of birth: 1972 or 1982; Gender: male	Ko Ko Lwin is a member of the Union Election Commission (UEC), appointed by the State Administrative Council (SAC) on 1 April 2022. By accepting this nomination in the aftermath of the military coup of 1 February 2021, and through his actions as a member of the UEC, notably the annulment of the results of the November 2020 elections without any proven evidence of fraud, as well as the filing of charges for electoral fraud for the same elections, Ko Ko Lwin has been directly involved in actions undermining democracy and the rule of law in Myanmar/Burma.	8.11.2022
73.	Min Min Oo	Nationality: Myanmar/Burma; Date of birth: 1962 or 1967; Gender: male	Min Min Oo is a member of the Union Election Commission (UEC), appointed by the State Administrative Council (SAC) on 2 May 2022. By accepting this nomination in the aftermath of the military coup of 1 February 2021, and through his actions as a member of the UEC, notably the annulment of the results of the November 2020 elections without any proven evidence of fraud, as well as the filing of charges for electoral fraud for the same elections, Min Min Oo has been directly involved in actions undermining democracy and the rule of law in Myanmar/Burma.	8.11.2022
74.	Htun Aung	Nationality: Myanmar/Burma; Date of birth: 1967; Gender: male	General Htun Aung is the Commander-in-Chief of the Myanmar Air Force, appointed by the Commander-in-Chief of the Myanmar Armed Forces, Senior-General Min Aung Hlaing on 12 January 2022. In that capacity, Htun Aung commands and controls the air forces in Myanmar. The Myanmar Air Force committed attacks against civilian targets across Myanmar, killing and harming civilians, including children and people belonging to ethnic and religious minorities. Schools, places of worship and public health facilities were also targeted. In his position as Commander-in-Chief of the Myanmar Air Force, General Htun Aung is responsible for serious human rights violations, for activities undermining democracy and the rule of law in Myanmar/Burma, as well as for actions that threaten the peace, security and stability of Myanmar/Burma. Furthermore, General Htun Aung takes part in the governance of MEHL, a military-owned conglomerate that provides the Myanmar military with economic and material resources enabling their operations. Therefore, he provides support for actions that threaten the peace, security and stability of Myanmar/Burma.	8.11.2022

	Name	Identifying information	Reasons	Date of listing
75.	Phone Myat	Nationality: Myanmar/Burma; Gender: male	<p>Lieutenant General Phone Myat is the Commander of Bureau Special Operation 3 (BSO 3) of the Myanmar Armed Forces (Tatmadaw) since April 2021.</p> <p>Previously, he served as Deputy Minister at the Ministry of Home Affairs between July 2020 and April 2021, and he was the commander of the Western Command between May 2019 and July 2020.</p> <p>As commander of BSO 3, Phone Myat commands and controls military forces of the South Western Command (Ayeyarwaddy), the Southern Command (Bago and Magway) and the Western Command (Rakhine and Chin).</p> <p>Military forces under his command committed serious human rights violations, crimes and atrocities, including killings, ground and aerial attacks against civilians and massacres in the Magway region, Chin State and the Bago region.</p> <p>In his capacity as Commander of BSO 3, Phone Myat is responsible for serious human rights violations, for activities undermining democracy and the rule of law in Myanmar/Burma, as well as for actions that threaten the peace, security and stability of Myanmar/Burma.</p>	8.11.2022
76.	Aung Soe	Nationality: Myanmar/Burma; Gender: male	<p>Lieutenant General Aung Soe is the Commander of Bureau Special Operation 4 (BSO 4) of the Myanmar Armed Forces (Tatmadaw) since January 2021. Previously, he was the Deputy Minister of Home Affairs until March 2018, then the Chief of Bureau Special Operation 6.</p> <p>As commander of BSO 4, Aung Soe commands and controls military forces of the Coastal Command in Tanintharyi Division and the South Eastern Command in Mon and Karen State.</p> <p>Military forces under his command committed serious human rights violations, crimes and atrocities, including killings, ground and aerial attacks against civilians, illegitimate arrests and the use of artillery fire. Kayin/Karen state, one of the regions under Aung Soe's command, recorded 3993 violent incidents from the coup until July 2022.</p> <p>In his capacity as Commander of BSO 4, he is responsible for serious human rights violations, for activities undermining democracy and the rule of law in Myanmar/Burma, as well as for actions that threaten the peace, security and stability of Myanmar/Burma.</p>	8.11.2022

	Name	Identifying information	Reasons	Date of listing
77.	Thet Pon	Nationality: Myanmar/Burma; Gender: male	<p>Lieutenant General Thet Pon is the Commander of the Bureau of Special Operations 5 (BSO 5) of the Myanmar Armed Forces (Tatmadaw) since June 2020. Previously, he was Commander of the North Western Command until 2017 and the Yangon Regional Commander between 2017 and June 2020.</p> <p>As Commander of BSO 5, Thet Pon commands and controls the military forces and the military tribunals in the Yangon Region.</p> <p>In March 2021, the State Administration Council introduced martial law in Myanmar, transferring executive and judicial power to the head of the relevant regional military commands. By July 2022, military tribunals in the Yangon Region sentenced 119 individuals to death, many of them for political reasons, including four members of the democratic opposition who were executed in the Yangon Region.</p> <p>Additionally, military forces in the Yangon region committed violent acts and killings against peaceful protestors, such as the use of lethal force during anti-junta protests in Yangon's Hlaing Tharyar township on 14 March 2021.</p> <p>In his capacity as Commander of BSO 5, Thet Pon is responsible for serious human right violations, for activities undermining democracy and the rule of law in Myanmar/Burma, as well as for actions that threaten the peace, security and stability of Myanmar/Burma.</p>	8.11.2022
78.	Htein Win	Nationality: Myanmar/Burma; Gender: male	<p>Major General Htein Win is the Commander of the Southern Command of the Myanmar Armed Forces (Tatmadaw). As regional commander, he commands and controls military forces in the Bago and Magway regions.</p> <p>Military forces in those regions committed air strikes, raids, arson, numerous killings and used human shields. The Magway region is a particular hotspot for brutal anti-opposition operations conducted by the military, using a 'Kill All, Burn All, Loot All' strategy in the Magway region.</p> <p>In his capacity as Commander of the Southern Command, Htein Win is responsible for serious human right violations, for activities undermining democracy and the rule of law in Myanmar/Burma, as well as for actions that threaten the peace, security and stability of Myanmar/Burma.</p>	8.11.2022

	Name	Identifying information	Reasons	Date of listing
79.	Htin Latt Oo	Nationality: Myanmar/Burma; Gender: male	<p>Major General Htin Latt Oo is Commander of the Western Command of the Myanmar Armed Forces (Tatmadaw) since July 2020. As a regional commander, he commands and controls military forces in the Western Rakhine and Chin regions.</p> <p>Military forces in those regions committed serious human rights violations and crimes, including airstrikes, rape, use of human shields, torching of homes, massacres and unlawful arrests.</p> <p>In his capacity as Commander of the Western Command, Htin Latt Oo is responsible for serious human right violations, for activities undermining democracy and the rule of law in Myanmar/Burma, as well as for actions that threaten the peace, security and stability of Myanmar/Burma.</p>	8.11.2022
80.	Than Htike	Nationality: Myanmar/Burma; Gender: male Military ID: Kyi-28146	<p>Brigadier General Than Htike is the Commander of the North Western Command of the Myanmar Armed Forces (Tatmadaw) since 6th January 2022. As regional commander, he commands and controls military forces in the Sagaing Region.</p> <p>Military forces under his command committed serious human rights violations, excessive use of force and brutal actions against the civilian population, including the military attack against a school in Depeyin Township, Sagaing Region, killing at least 13 people including 11 children. In the Sagaing Region, military forces burned over 20 000 houses since the military coup.</p> <p>In his capacity as regional commander for North Western Command, Than Htike is responsible for serious human rights violations, for activities undermining democracy and the rule of law in Myanmar/Burma, as well as for actions that threaten the peace, security and stability of Myanmar/Burma.</p>	8.11.2022

	Name	Identifying information	Reasons	Date of listing
81.	Nyunt Win Swe	Nationality: Myanmar/Burma; Gender: male	<p>Major General Nyunt Win Swe is the Commander of the Yangon Region of the Myanmar Armed Forces (Tatmadaw) since June 2020. In that capacity, Nyunt Win Swe commands and controls military forces in the Yangon Region and, together with the Head of Bureau of Special Operations 5, Lieutenant General Thet Pon, oversees the military tribunals for the Yangon Region.</p> <p>In March 2021, the State Administration Council introduced martial law in Myanmar, transferring executive and judicial power to the head of the relevant regional military commands. By July 2022, military tribunals in the Yangon Region sentenced 119 individuals to death, many of them for political reasons, including four members of the democratic opposition who were executed in the Yangon Region.</p> <p>Additionally, military forces in the Yangon region committed violent acts and killings against peaceful protestors, such as the use of lethal force during anti-junta protests in Yangon's Hlaing Tharyar township on 14 March 2021.</p> <p>In his capacity as Commander for the Yangon Region, Nyunt Win Swe is responsible for serious human rights violations, for activities undermining democracy and the rule of law in Myanmar/Burma, as well as for actions that threaten the peace, security and stability of Myanmar/Burma.</p>	8.11.2022
82.	U Tay Za	Nationality: Myanmar/Burma; Date of birth: 18.7.1964; Place of birth: Yangon, Myanmar; Gender: male	<p>U Tay Za is the founder and Chairman of Htoo Group of Companies, a private conglomerate operating in various sectors, including trading, banking, mining, tourism and aviation. U Tay Za is closely connected with the top leadership of the Myanmar Armed Forces (Tatmadaw).</p> <p>Through the Htoo Group of Companies, U Tay Za provided financial support to the Tatmadaw in 2017 at a fundraising event in connection to the Rakhine 'clearance operations'. Additionally, U Tay Za has acted as an intermediary for the provision of military equipment which was used against the civilian population and protesters all across the country.</p> <p>By contributing to the military's capabilities to commit serious human rights violations and the repression of the civilian population, as well as to carry out activities undermining democracy and the rule of law in Myanmar/Burma, U Tay Za provided support to the Tatmadaw and engaged in actions that threaten the peace, security or stability of Myanmar/Burma.</p>	8.11.2022

	Name	Identifying information	Reasons	Date of listing
83.	Aung Moe Myint	Nationality: Myanmar/Burma; Date of birth: 9.6.1971 or 28.9.1969 Gender: male Passport number: 12/YAKANA(N) 006981	Aung Moe Myint is the Director of Dynasty International Company Ltd (DICI) operating in the trading sector. He is the Honorary Consul of the Republic of Belarus to Myanmar. Based on his commercial and personal position, including his close political and commercial ties with Belarus, Aung Moe Myint has facilitated the procurement of arms, weapons, restricted and dual-use goods for the Myanmar military, which were used against the civilian population and protesters all across the country. By contributing to the military's capabilities to commit serious human rights violations and the repression of the civilian population, as well as to carry out activities undermining democracy and the rule of law in Myanmar/Burma, Aung Moe Myint provided support to the Tatmadaw and engaged in actions that threaten the peace, security or stability of Myanmar/Burma.	8.11.2022
84.	Naing Htut Aung	Nationality: Myanmar/Burma; Date of birth: 27.1.1968; Gender: male Passport number: 12/MAKAYA 118765	Naing Htut Aung is the Director of International Group of Companies (IGGC) operating in the trading sector. Through IGGC, Naing Htut Aung provided financial support to the Tatmadaw in 2017 at a fundraising event in connection to the Rakhine 'clearance operations'. Additionally, Naing Htut Aung has acted as an importer and broker of arms, military equipment and dual-use goods for the Myanmar military, which were used against the civilian population and protesters all across the country. By contributing to the military's capabilities to commit serious human rights violations and the repression of the civilian population, as well as to carry out activities undermining democracy and the rule of law in Myanmar/Burma, Naing Htut Aung provided support to the Tatmadaw and engaged in actions that threaten the peace, security or stability of Myanmar/Burma.	8.11.2022'

(2) The following entry is added to the list headed 'B. Legal persons, entities and bodies referred to in Article 4a':

	Name	Identifying information	Reasons	Date of listing
'11.	State Administration Council (SAC)	Type of entity: public; Place of registration: Myanmar;	<p>The State Administration Council (SAC) is a public entity established on 2 February 2021 following the military coup in Myanmar/Burma on 1 February 2021. As part of the coup, Vice-President Swe declared a state of emergency and transferred the legislative, executive and judicial powers of the state to Commander-in-Chief Min Aung Hlaing. The SAC, led by Commander-in-Chief Min Aung Hlaing, was established to exercise those functions.</p> <p>The SAC, through its power to exercise state functions, is responsible for policies and activities that undermine democracy and the rule of law in Myanmar/Burma. Additionally, the SAC adopted decisions that resulted in the repression of the civilian population and political opposition, atrocities and serious human rights violations committed by the Myanmar Security Forces. Therefore, the SAC is engaged in actions that threaten the peace, security and stability of Myanmar/Burma.</p>	8.11.2022'