

II

(Non-legislative acts)

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) 2023/378

of 20 February 2023

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/Burma.
- (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, 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 (Tatmadaw).
- (4) In the absence of any swift progress in the situation in Myanmar/Burma, the Union expressed several times its 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, nine persons and seven entities should be added to the list of natural and legal persons, entities and bodies subject to restrictive measures 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, 20 February 2023.

For the Council
The President
J. BORRELL FONTELLES

ANNEX

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	Statement of Reasons	Date of listing
'85.	Aung Hlaing Oo	Nationality: Myanmar/Burma; Date of birth: 11.6.1977; Place of birth: Myanmar/Burma; Gender: male; Passport no.: 12/LaMaTa(Nine)025897	<p>Aung Hlaing Oo has been the Chair of Myanmar Chemical and Machinery (MCM) Company Limited and other subsidiaries since he founded the company in 2001.</p> <p>He has used his commercial and personal position to provide support for violence perpetrated by the Myanmar Armed Forces (Tatmadaw) against their own population in his role as an importer and broker of arms and dual use goods. Through his chairmanship of MCM, he acts as a key source of weapons and commercial support for the junta, including through his close political/commercial ties with various companies in the military equipment sector, including in 2019 and 2020. He has also participated in delegations for arms procurement for the Myanmar military, including in June 2021. Such materials, including helicopters and spare parts for aircrafts, are used in the bombing of civilians in several States and regions.</p> <p>Aung Hlaing Oo has therefore been involved in the supply of restricted goods and/or restricted technology, and dual-use goods, causing serious human rights violations. As Chair of MCM, Aung Hlaing Oo has provided support for the Tatmadaw in committing serious human rights violations in Myanmar/Burma, including in Rakhine State. He is therefore a natural person whose actions, policies or activities undermine democracy or the rule of law in Myanmar/Burma, or who engages in, or provides support for, actions that threaten the peace, security or stability of Myanmar/Burma. Furthermore, Aung Hlaing Oo is associated with the military through his extensive links with the former and current junta regimes.</p>	20.2.2023

	Name	Identifying information	Statement of Reasons	Date of listing
86.	Sit Taing Aung (a.k.a Sitt Taing Aung)	Nationality: Myanmar/Burma; Date of birth: 13.11.1971; Place of birth: Myanmar/Burma; Gender: male; Passport no.: 12/YaKaNa(n)006213	<p>Sit Taing Aung was the Director of Yatanarpon Aviation Support Company and Suntac Group of Companies between the establishment of these companies and their disbanding in November 2021. Sit Taing Aung continued his activities after the 2021 coup.</p> <p>He has used his commercial and personal position as well as his role as an importer and broker of arms and dual use goods to provide support for violence perpetrated by the Myanmar Armed Forces (Tatmadaw) against civilians, including the bombing of schools. Through his position as a director of now-disbanded Yatanarpon Aviation Support Company, he has represented a key source of weapons and commercial support for the junta, including through his close political/commercial ties with various companies in the military equipment sector.</p> <p>Sit Taing Aung has therefore been involved in the supply of restricted goods and/or restricted technology, and dual-use goods for the Myanmar Armed Forces and he poses a risk of continuing to do so in the future. As Director of Yatanarpon Aviation Support Company, Sit Taing Aung has provided support for the Tatmadaw in committing serious human rights violations in Myanmar/Burma and thereby provided support for actions that threaten the peace, security or stability of Myanmar/Burma. Furthermore, Sit Taing Aung is associated with the military through his extensive links with the former and current junta regimes.</p>	20.2.2023

	Name	Identifying information	Statement of Reasons	Date of listing
87.	Kyaw Min Oo	Nationality: Myanmar/Burma; Date of birth: 18.1.1982; Gender: male; Passport no.: 14/MaMaKa(N)140703	<p>Kyaw Min Oo has been the Director of Sky Aviator since 2014 when he founded the company. It pursued activities after the 2021 coup.</p> <p>Due to his commercial and personal position, he has provided support for violence by the Myanmar Armed Forces (Tatmadaw) in his role as an importer and broker of arms and dual use goods. Through his control of Sky Aviator, he acts as a key source of weapons and commercial support for the junta, including through his close political/commercial ties with various companies in the military equipment sector, including spare parts enabling military aircrafts to be used in operations targeting civilian-populated areas.</p> <p>Kyaw Min Oo has therefore been involved in the supply of restricted goods and/or restricted technology, and dual-use goods, causing human rights violations. As Director of Sky Aviator, Kyaw Min Oo has provided support for Tatmadaw in committing serious human rights violations in Myanmar/Burma, thereby supporting actions that threaten the peace, security or stability of Myanmar/Burma. Furthermore, Kyaw Min Oo is associated with the military through his extensive links with the former and current junta regimes, including EU-listed Commander-in-chief of the Myanmar Armed Forces, Senior General Min Aung Hlaing.</p>	20.2.2023

	Name	Identifying information	Statement of Reasons	Date of listing
88.	Moe Aung	Nationality: Myanmar/Burma; Place of birth: Myanmar/Burma; Gender: male; Rank: Admiral	<p>Admiral Moe Aung is the Commander-in-Chief of the Myanmar Navy. He is one of the highest-ranking officers in the Myanmar Armed Forces (Tatmadaw), closely associated with the regime's State Administrative Council including Commander-in-Chief Min Aung Hlaing and Deputy-Commander-in-Chief Soe Win and the Government.</p> <p>Moe Aung also takes part in the governance of EU-listed entity MEHL, a military-owned conglomerate that provides the military with economic and material resources facilitating their actions. Under his authority and in cooperation with the Ministry of Transport and Communication, soldiers and weapons were transported by boats/ships to the northern part of the country by waterway.</p> <p>As a high-ranking member of the military regime, Moe Aung is therefore a natural person whose actions, policies or activities undermine democracy or the rule of law in Myanmar/Burma, or who engages in, or provides support for, actions that threaten the peace, security or stability of Myanmar/Burma. He is also responsible for numerous human rights violations.</p>	20.2.2023
89.	Maung Maung Aye	Nationality: Myanmar/Burma; Place of birth: Myanmar/Burma; Gender: male; Rank: General	<p>General Maung Maung Aye is the Chief of General Staff for the Myanmar army, navy, and air force. This is the third most senior role in the Myanmar military. In this position, Maung Maung Aye forms part of the regime, which seized power and overthrew legitimately elected leaders in Myanmar/Burma in February 2021.</p> <p>He is actively participating in the purchase of arms from Russia. Further, he also helps to strengthen the Myanmar Armed Forces international positioning through meetings with counterparts from other countries.</p> <p>He is therefore a natural person whose actions, policies or activities undermine democracy or the rule of law in Myanmar/Burma, or who engages in, or provides support for, actions that threaten the peace, security or stability of Myanmar/Burma. He is also responsible for numerous human rights violations.</p>	20.2.2023

	Name	Identifying information	Statement of Reasons	Date of listing
90.	Myo Myint Aung	Nationality: Myanmar/Burma; Place of birth: Myanmar/Burma; Gender: male; Rank: Lieutenant Colonel	<p>Lieutenant Colonel Myo Myint Aung has been the Yangon Region economic Minister of the State Administration Council (SAC) since 2 September 2022. As the Minister of the Yangon Region, he is directly involved in and responsible for decision making concerning Yangon region.</p> <p>Additionally, he previously served as Yangon Military Recruitment Commander and Military Judge since the establishment of military courts until September 2022.</p> <p>In this capacity, he was allegedly involved in the process of death sentences and execution of four democracy activists in July 2022. During his tenure as Military Judge, numerous members of the opposition were sentenced to death and prison terms.</p> <p>He is therefore responsible for serious human rights violations since the 2021 coup in the SAC and as a Military Recruitment Commander and Military Judge.</p>	20.2.2023
91.	Zin Min Htet	Nationality: Myanmar/Burma; Place of birth: Myanmar/Burma; Gender: male; Rank: Major General	<p>Major General Zin Min Htet is the Deputy Minister for Home Affairs and Chief of the Myanmar Police Force. He was directly involved in and is responsible for decision making concerning the Yangon region.</p> <p>Zin Min Htet replaced his predecessor Than Hlaing on 2 May 2022, as Chief of the Myanmar Police Force. Previously he was the military's Joint Adjutant General (2019-2022). He also served as head of the Defence Services Computer and Technological University.</p> <p>As Deputy Minister for Home Affairs and Chief of the Myanmar Police Force, he is a natural person whose actions, policies or activities undermine democracy or the rule of law in Myanmar/Burma, or who engages in, or provides support for, actions that threaten the peace, security or stability of Myanmar/Burma. Additionally, police forces acting under his authority have committed serious human rights violations, restricting freedom of assembly and of expression, arbitrary arrests and detention of opposition leaders and opponents of the coup. Zin Min Htet is therefore responsible for serious human rights violations.</p>	20.2.2023

	Name	Identifying information	Statement of Reasons	Date of listing
92.	Ko Ko Maung	Nationality: Myanmar/Burma; Place of birth: Myanmar/Burma; Gender: male; Rank: Major General	Major General Ko Ko Maung is Regional Military Commander in Kachin State in the Northern part of the country. Previously, he served as Regional Military Commander in the South and was transferred to the Northern Command in August 2022. As Regional Military Commander, Ko Ko Maung oversees air strikes, massacres, raids, arson and the use of human shields committed by the military in Kachin. Major General Ko Ko Maung is therefore responsible for serious human rights violations in Myanmar/Burma.	20.2.2023
93.	Myo Myint Oo	Nationality: Myanmar/Burma; Place of birth: Myanmar/Burma; Gender: male	Myo Myint Oo has been the Union Minister for Energy since 5 August 2022. As Government Minister, he forms part of the military regime. Under his authority, EU-listed entity Myanmar Oil and Gas Enterprise (MOGE) generates revenue for the EU-listed State Administration Council (SAC) and Myanmar Petroleum Enterprise, which has a joint venture with Puma Energy (called NEPAS). It engages in import and distribution of aviation fuel including for fighter jets and other military aircraft. As Minister for Energy, he is in charge of enabling the investment and cooperation with foreign partners in the oil and gas sectors, which creates revenue for the SAC, thereby contributing to securing the financial needs of the military regime and to importing aviation fuel for the military which enables the military airstrikes against civilians. He is therefore a natural person whose actions, policies or activities undermine democracy or the rule of law in Myanmar/Burma, or who engages in, or provides support for, actions that threaten the peace, security or stability of Myanmar/Burma.	20.2.2023;

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

	Name	Identifying information	Statement of Reasons	Date of listing
12.	Myanmar Office of the Quarter Master General	<p>Address: Ministry of Defence, Building 24, Naypyitaw, Myanmar;</p> <p>Type of entity: public;</p> <p>Place of registration: Myanmar;</p> <p>Associated individuals: Commander-in-chief of the Myanmar Armed Forces Senior-General Min Aung Hlaing;</p> <p>Minister of Defense General Mya Htun Oo;</p> <p>Other associated entities: Myanmar's Ministry of Defense;</p> <p>Myanmar Economic Corporation (MEC)</p>	<p>The Myanmar Office of the Quarter Master General is a department under the jurisdiction of the Ministry of Defense (MoD) that is involved in arms and military equipment procurement for the Myanmar Armed Forces (Tatmadaw).</p> <p>As such, the Quarter Master General Office is organically under the control of the Myanmar Armed Forces including since the 1 February 2021 coup. It acts as a key enabler of the violence and human rights violations the Myanmar military has inflicted upon Myanmar civilians and therefore has contributed to fuelling the spiral of violence that has engulfed Myanmar/Burma since the 2021 coup.</p> <p>The office of the Quarter Master General is also involved in the management of economic assets that benefit the junta.</p> <p>The Office of the Quarter Master General is linked to several figures and entities listed by the EU, including commander-in-chief Senior-General Min Aung Hlaing and Myanmar Economic Corporation (MEC).</p>	20.2.2023
13.	Myanmar Directorate of Defense Industries	<p>Address: Shwedagon Pagoda Road, Yangon, Myanmar;</p> <p>Type of entity: state-owned enterprise (SOE);</p> <p>Place of registration: Myanmar;</p> <p>Associated individuals: Commander-in-chief of the Myanmar Armed Forces Senior-General Min Aung Hlaing;</p> <p>Lieutenant-General Thein Htay;</p> <p>Minister of Defense General Mya Htun Oo;</p> <p>Other associated entities: Myanmar's Ministry of Defense</p>	<p>The Myanmar Directorate of Defense Industries is a state-owned enterprise (SOE) under the jurisdiction of the Ministry of Defense (MoD) that also acts as the only Myanmar entity in charge of arms production for the Myanmar Armed Forces (Tatmadaw).</p> <p>The Directorate of Defense Industries is headed by Lt-Gen. Thein Htay, a member of the Myanmar military. It falls under the authority of the Commander-in-chief of the Tatmadaw, EU-listed Senior-General Min Aung Hlaing and is linked to several military-linked or military-appointed figures, such as the commander-in-chief and his deputy.</p> <p>As such, the Directorate of Defense Industries is organically under the control of the Myanmar Armed Forces including since the 1 February 2021 coup. It enables the Myanmar military to carry out violence against Myanmar civilians and therefore plays a key role in fuelling the spiral of violence that has engulfed Myanmar since the coup.</p>	20.2.2023

	Name	Identifying information	Statement of Reasons	Date of listing
14.	Myanmar Directorate of Defense Procurement	<p>Address: Nay Pyi Taw, Myanmar;</p> <p>Type of entity: administration department;</p> <p>Place of registration: Myanmar;</p> <p>Associated individuals: Commander-in-chief of the Myanmar Armed Forces Senior-General Min Aung Hlaing;</p> <p>Lieutenant-General Thein Htay;</p> <p>Minister of Defense General Mya Htun Oo;</p> <p>Other associated entities: Myanmar's Ministry of Defense</p>	<p>The Myanmar Directorate of Defense Procurement is a department under the jurisdiction of the Ministry of Defense (MoD) which also acts as a Myanmar entity in charge of arms and military equipment procurement for the Myanmar Armed Forces (Tatmadaw).</p> <p>The Directorate of Defense Procurement falls under the authority of the Commander-in-chief of the Tatmadaw, Senior-General Min Aung Hlaing, and is therefore linked to several EU-listed individuals and entities, including Senior-General Min Aung Hlaing.</p> <p>As such, the Directorate of Defense Procurement is organically under the control of the Myanmar Armed Forces including since the 1 February 2021 coup. It enables the Myanmar military to carry out violence against Myanmar civilians and therefore plays a key role in fuelling the spiral of violence that has engulfed Myanmar/Burma since the coup.</p>	20.2.2023
15.	Asia Sun Group	<p>Other associated entities: Asia Sun Trading; Asia Sun Energy</p>	<p>Asia Sun Group is involved in the supply chain of aviation fuel to the military. Asia Sun Group of companies through its subsidiaries, Asia Sun Trading and Asia Sun Energy, is involved in the import of aviation fuel. Asia Sun Trading was involved at least twice in 2022 in importing aviation fuel from Thailand for use by the Myanmar Air Force.</p> <p>The Myanmar military regime has deliberately and indiscriminately attacked civilian targets using helicopters, jet fighters and drones, inflicting heavy casualties on local residents including children. The junta carried out at least 268 air strikes targeting the civilian population across Myanmar/Burma between October 2021 and September 2022. The strikes have killed at least 155 civilians, injured at least 190 and destroyed houses and religious buildings.</p> <p>Asia Sun Group is therefore a legal person, entity or body owned or controlled by the Myanmar Armed Forces (Tatmadaw), or generating revenue for, providing support to or benefiting from the Myanmar Armed Forces (Tatmadaw).</p>	20.2.2023

	Name	Identifying information	Statement of Reasons	Date of listing
16.	Dynasty International Company Limited (a.k.a. Dynasty Group of Companies)	Address: Waizayangdar Rd., no. 15, Ngwe Kyar Yan Quarter, South Okkalapa Township, Yangon Region, Myanmar; Place of registration: Myanmar; Associated individuals: Aung Moe Myint (Owner); Myo Thitsar (Director); Email: dynastygroup@myanmar.com.mm	Dynasty International Company Limited is a Burmese company that was founded by arms broker Aung Moe Myint. It has been used to facilitate arms deals on behalf of the Burmese military, including the import of aircraft parts in support of the Myanmar air force for air raids against villages and civilian infrastructure. Dynasty International Company Limited is therefore a legal person, entity or body owned or controlled by the Myanmar Armed Forces (Tatmadaw), or generating revenue for, providing support to or benefiting from the Myanmar Armed Forces (Tatmadaw).	20.2.2023
17.	International Gateways Group of Company Limited (IGG)	Address: No 19, Kyaik Wine Pagoda Road, Myaing Hay Wun Housing, 8-Mile, Mayangone, Yangon; Place of registration: Myanmar; Associated individual: Naing Htut Aung (founder)	International Gateways Group of Company Limited (IGG) contributed funds to the Myanmar Security Forces in 2017, at fundraising events for the Rakhine 'clearance operations' held by Commander in Chief, Min Aung Hlaing. IGG has made resources available directly to or for the benefit of the Myanmar Regime. In 2017, the Myanmar Security Forces murdered, raped and tortured thousands of Rohingya during the Rakhine 'clearance operations'. 740 000 Rohingya were forced over the border into Bangladesh. The Myanmar Security Forces have also contributed to other serious human rights violations and the repression of the civilian population in Myanmar/Burma. On 1 February 2021 the Myanmar military (Tatmadaw), led by Commander-in-Chief Min Aung Hlaing, staged a coup in Myanmar/Burma. IGG-director Naing Htut Aung is a central figure in Myanmar's arms trade who facilitates air force and navy contracts with suppliers, notably in China. IGG/Naing Htut Aung are listed by the National Unity Government on a blacklist of businesses/owners allegedly supporting the military through arms trade. IGG is therefore a legal person, entity or body owned or controlled by the Myanmar Armed Forces (Tatmadaw), or generating revenue for, providing support to or benefiting from the Myanmar Armed Forces (Tatmadaw).	20.2.2023

	Name	Identifying information	Statement of Reasons	Date of listing
18.	Sky Aviator Company Limited	<p>Address: No.(204/2), (14/1)Ward, Myinthar (11)th Street, Southokkalapa, Yangon, Myanmar;</p> <p>Place of registration: Myanmar;</p> <p>Associated individual: Kyaw Min Oo (Managing Director)</p>	<p>Sky Aviator Company Limited is a company founded by Kyaw Min Oo.</p> <p>It has facilitated arms deals on behalf of the Burmese military, including the import of aircraft parts. Under Kyaw Min Oo's control, Sky Aviator is a key supplier of military aircraft parts to Burma's military. Since the February 2021 coup, Sky Aviator has received multiple arms shipments from sanctioned entities.</p> <p>Sky Aviator Company Limited is therefore a legal person, entity or body owned or controlled by the Myanmar Armed Forces (Tatmadaw), or generating revenue for, providing support to or benefiting from the Myanmar Armed Forces (Tatmadaw).</p>	20.2.2023'