

COUNCIL IMPLEMENTING REGULATION (EU) 2021/998
of 21 June 2021
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 29 April 2021, the Council, considering the ongoing activities undermining democracy and the rule of law in Myanmar/Burma, as well as the brutal repression and serious human rights violations in the country, adopted Decision (CFSP) 2021/711 ⁽²⁾ which renewed the restrictive measures in place, including all designations.
- (3) In view of the continuing grave situation in Myanmar/Burma, eight persons and four entities should be included in the list of natural and legal persons, entities and bodies subject to restrictive measures in Annex IV to Regulation (EU) No 401/2013.
- (4) 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 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 Luxembourg, 21 June 2021.

For the Council
The President
J. BORRELL FONTELLES

⁽¹⁾ OJ L 121, 3.5.2013, p. 1.

⁽²⁾ Council Decision (CFSP) 2021/711 of 29 April 2021 amending Decision 2013/184/CFSP concerning restrictive measures in view of the situation in Myanmar/Burma (OJ L 147, 30.4.2021, p. 17).

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

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

	Name	Identifying information	Reasons	Date of listing
'36.	Soe Htut	Date of birth: 29 March 1960; Place of birth: Mandalay, Myanmar; Nationality: Myanmar/Burma; Gender: Male	<p>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.</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 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.</p> <p>Soe Htut was appointed Minister for Home Affairs on 1 February 2021.</p> <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 1st 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>	21.6.2021
37.	Tun Tun, Naung (a.k.a. Tun Tun Naing; a.k.a. Htun Htun Naung)	Date of birth: 30 April 1963; Nationality: Myanmar/Burma; Gender: Male	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.	21.6.2021

	Name	Identifying information	Reasons	Date of listing
			<p>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.</p> <p>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". These 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 these 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 and Security Council.</p> <p>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.</p>	
38.	Win Shein (a.k.a. U Win Shein)	Date of birth: 31 July 1957; Place of birth: Mandalay, Myanmar; Nationality: Myanmar/Burma; Gender: Male Address: Myananyadanar, Naypyitaw, Myanmar/Burma;	Win Shein is the Minister for Planning, Finance, and Industry in the Union Government, appointed by Commander-in-Chief Min Aung Hlaing on 1 February 2021. <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.</p>	21.6.2021

	Name	Identifying information	Reasons	Date of listing
		<p>Passport number: DM001478 (Myanmar/Burma) issued 10 Sep 2012 expires 09 Sep 2022;</p> <p>National ID: 12DAGANA011336</p>	<p>By accepting his nomination as Minister for Planning, Finance, and Industry 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.</p>	
39.	Khin Maung Yi (a.k.a. Khin Maung Yee; a.k.a. U Khin Maung Yi)	<p>Date of birth: 15 February 1965;</p> <p>Place of birth: Rangoon, Myanmar;</p> <p>Nationality: Myanmar/Burma;</p> <p>Gender: Male</p>	<p>Colonel Khin Maung Yi is the current Minister for Natural Resources and Environmental Conservation (MONREC). He was Permanent Secretary in this department under the democratically elected government.</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. On 2 February, the SAC was established to exercise those powers, preventing the democratically elected government from fulfilling its mandate.</p> <p>Colonel Khin Maung Yi was appointed Minister for Natural Resources and Environmental Conservation (MONREC) on 2 February 2021 by the State Administrative Council (SAC) led by Commander-in-Chief Min Aung Hlaing.</p> <p>According to Myanmar law, MONREC is sole responsible for management the exploitation of natural resources of Myanmar, having a crucial role in the exploitation and trade of, among others, resources such as gemstones, pearls and other mineral resources as well as forestry. Under his leadership, MONREC controls Myanmar Pearl Enterprise (MPE), Myanmar Gems Enterprise (MGE) and Myanmar Timber Enterprise (MTE), having exclusive rights on the production and trade of resources on their areas of competence.</p> <p>By accepting his nomination to Minister for Natural Resources and Environmental Conservation and through his role in the exploitation of natural resources of Myanmar, Khin Maung Yi contributes to the funding of the military regime, therefore he is responsible for undermining democracy and the rule of law in Myanmar/Burma.</p>	21.6.2021
40.	Tin Aung San	<p>Date of birth: 16 October 1960 ;</p> <p>Nationality: Myanmar/Burma;</p> <p>Gender: Male</p> <p>National ID: 12/La Ma Na (N) 089 489</p>	<p>Admiral Tin Aung San is the Commander-in-Chief of the Myanmar Navy and serves as the Minister of Transport and Communication. He is also member of the State Administration Council (SAC).</p>	21.6.2021

	Name	Identifying information	Reasons	Date of listing
			<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 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.</p> <p>Admiral Tin Aung San was appointed Minister of Transport and Communication on 3 February 2021 by the State Administrative Council (SAC), led by Commander-in-Chief Min Aung Hlaing.</p> <p>As a Government Minister, he is responsible for communication and networks and thus makes decisions and implement policies that define the freedom of access to data on-line. Since he took over the ministry, there have been numerous shutdowns and deliberate slowing-downs of the internet, as well as orders for providers to prevent Facebook, Twitter and Instagram on-line. He is therefore directly responsible for limiting press freedom and access to information on-line and by doing so he is undermining democracy and rule of law in Myanmar/Burma.</p> <p>Being a member of the SAC, Tin Aung San 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>	
41.	Thida Oo a.k.a. Daw Thida Oo	Nationality: Myanmar/Burma; Gender: Female	<p>Thida Oo has been the Attorney-General of the Union of Myanmar since 2 February 2021, when she was appointed by the Commander-in-Chief of the Myanmar Armed Forces (Tatmadaw) Min Aung Hlaing. She is a member of the Myanmar Investment Commission (MIC).</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 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 transferring 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 State Administration Council (SAC) was established to exercise those powers, preventing the democratically elected government from fulfilling its mandate.</p>	21.6.2021

	Name	Identifying information	Reasons	Date of listing
			Thida Oo has been part of the government that emerged from the coup since its first day, using the power granted by the 2010 Attorney General of the Union Law to pursue politically motivated trials and subsequent arbitrary detention and to act as an enabling force for the abuses committed by the military regime. She is therefore 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.	
42.	Aung Lin Tun	Nationality: Myanmar/Burma; Gender: Male	<p>Major General Aung Lin Tun is a member of the Myanmar Armed Forces (Tatmadaw) and serves as Deputy Minister of Defence.</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 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.</p> <p>Major General Aung Lin Tun was appointed Deputy Minister of Defence on 11 May 2021 by the State Administrative Council (SAC), led by Commander-in-Chief Min Aung Hlaing. Before his promotion, he was part of the Office of the Chief Commander of the Army and was involved in all repressive actions taken by SAC and Tatmadaw since the coup.</p> <p>As Deputy Minister of Defence, Major General Aung Lin Tun is engaged in policies and activities undermining democracy and the rule of law in Myanmar/Burma as well as actions that threaten the peace, security and stability of the country. Additionally, being a member of the military regime, Major General Aung Lin Tun is directly responsible for serious human rights violations committed by the security forces against peaceful protesters.</p>	21.6.2021
43.	Zaw Min Tun	Place of birth: Yenanchaung, Myanmar; Nationality: Myanmar/Burma; Gender: Male	<p>Brigadier-General Zaw Min Tun is the Press Team Leader of the State Administrative Council and the Deputy Minister for Information. He was the former Head of the Tatmadaw's True News Information Team.</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 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.</p>	21.6.2021';

	Name	Identifying information	Reasons	Date of listing
			<p>He was appointed SAC Press Team Leader on 5 February 2021 and Deputy Minister for Information on 7 February 2021 by the State Administrative Council (SAC) led by Commander-in-Chief Min Aung Hlaing.</p> <p>As State Administration Council's spokesperson, Brigadier-General Zaw Min Tun has presided over all the SAC's press conferences, which aim to relay and justify SAC's narratives over the coup and of the junta's actions since then.</p> <p>As Government Deputy Minister of Information, he bears direct responsibility for state-owned media and thus for the broadcast and publication of official news. Since the nominations of Chit Naing as Minister of Information and Zaw Min Tun as his deputy, the newspapers have been filled with pro-military articles. Hence, Zaw Min Tun bears responsibility for junta propaganda and spreading disinformation through state media that are not reporting accurately. He also bears responsibility for decisions that led to the crackdown on Myanmar media. This includes directives, which ordered independent media not to use "coup", "military regime" and "junta", and which has seen local news outlets banned in the country and domestic and foreign journalists being arrested. In his statements, he publicly supports the military coup. He is therefore responsible for undermining democracy in Myanmar/Burma by limiting press freedom and access of information both on-line and off-line.</p> <p>As member of both the SAC and the junta government, Brigadier-General Zaw Min Tun is engaged in and provide support to 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.</p>	

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

	Name	Identifying information	Reasons	Date of listing
'3.	Myanma Gems Enterprise (a.k.a. Myanmar Gems Enterprise)	<p>Address: NO.70-072, Yarza, Thingaha Road, Thapyaygone Ward, Zabuthiri Township, Naypyitaw, Myanmar;</p> <p>Type of entity: State-owned enterprise;</p>	<p>Myanmar Gems Enterprise (MGE) is a state-owned enterprise controlled by the Myanmar Armed Forces (Tatmadaw), responsible for drafting rules and regulations and for supervising and granting permits to local private entrepreneurs, organizing emporiums and special sales for the productive trades and gems sale. MGE operates under the instructions of the Ministry of Natural Resources and Environmental Conservation (MONREC), whose Minister has been appointed by the State Administrative Council (SAC).</p>	21.6.2021

	Name	Identifying information	Reasons	Date of listing
		Place of registration: Myanmar; Website: http://www.mge.gov.mm/	The Myanmar Armed Forces (Tatmadaw), has for a long time held significant jade and gemstone interests, especially through MGE's leadership, which consists almost entirely of former military officials, and activities conducted by two military conglomerates (Myanmar Economic Holdings Limited (MEHL) and Myanmar Economic Corporation Limited (MEC)). The coup of 1 February 2021 has put MGE back under military control, allowing the Tatmadaw to significantly control the gem sector. MGE generates revenue for different department of the Myanmar State and through its various activities described above, the Tatmadaw is able to benefit directly or indirectly from the revenue generated by this sector, therefore contributing to its capabilities to carry out activities undermining democracy and the rule of law and to serious human rights violations in Myanmar/Burma.	
4.	Myanma Timber Enterprise (a.k.a. Myanmar Timber Enterprise)	Address: Head office: Gyogone Forest Compound, Bayint Naung Road, Insein Township, Yangin, Myanmar Branch office: No 72/74 Shawe Dagon Pagoda Road, Dagon Township, Yangon, Myanmar; Type of entity: State-owned enterprise; Place of registration: Myanmar; Phone number: 01-3528789 Website: http://www.mte.com.mm/index.php/en	Myanma Timber Enterprise (MTE) is a state-owned enterprise operating under the Ministry of Natural Resources and Environmental Conservation (MONREC). MTE has exclusive rights on the production and the export of timber in Myanmar/Burma. On 1 February 2021, the Myanmar Armed Forces (Tatmadaw), led by Commander-in-Chief Min Aung Hlaing, seized power from the civilian legitimate Government in a coup d'état and established the State Administration Council (SAC) to exercise legislative, executive and judicial powers of the State. On 2 February 2021, the military regime appointed a new cabinet, including a new minister for Natural Resources and Environmental Conservation (MONREC). Through the SAC and the new cabinet, the military regime acquired control over and benefits from state-owned enterprises, including MTE. Therefore the Myanma Timber Enterprise and its subsidiaries are controlled by and generate revenue for the Tatmadaw, therefore contributing to its capabilities to carry out activities undermining democracy and the rule of law.	21.6.2021
5.	Forest Products Joint Venture Corporation Limited	Address: 422/426(Rm 2), 2nd Flr, Strand Rd., Corner of Botahtaung Pagoda St., FJVC Center, Ward (4), BTHG;	Forest Products Joint Venture Corporation Limited (FPJVC) operates in timber industry in Myanmar processing teak and hard wood. Despite being a public company, FPJVC is controlled by the State, which (i) holds the majority of FPJVC's shares through the Ministry of Natural Resources and Environmental Conservation (MONREC) (10 %) and the state-owned Myanma Timber Enterprise (MTE) (45 %), and (ii) has the right to appoint the majority of the members of the Board of Directors of FPJVC (with 3 members appointed by each of MONREC and MTE, respectively, out of eleven members).	21.6.2021

	Name	Identifying information	Reasons	Date of listing
		Type of entity: Joint Venture; Place of registration: Myanmar; Phone number: 01-9010742; 01-9010744; 09-443250050 Email: fiv.md@gmail.com	<p>On 1 February 2021, the Myanmar Armed Forces (Tatmadaw), led by Commander-in-Chief Min Aung Hlaing, seized power from the civilian legitimate Government in a coup d'état and established the State Administration Council (SAC) to exercise legislative, executive and judicial powers of the State.</p> <p>On 2 February 2021, the military regime appointed a new cabinet, including a new minister for Natural Resources and Environmental Conservation (MONREC). Through the SAC and the new cabinet, the military regime acquired control over and benefits from state-owned enterprises, including FPJVC. FPJVC is thus controlled by and generate revenue for the Tatmadaw, therefore contributing to its capabilities to carry out activities undermining democracy and the rule of law.</p>	
6.	Myanmar War Veterans Organization	Address: Thukhuma Road, Datkhina Thiri Tsp, Naypyitaw Division, Myanmar; Type of entity: Non-Governmental Organization; Place of registration: Yangon, Myanmar; Date of registration: 1973; Phone number: (067) 30485 Website: https://www.mwvo.org/Home/About	<p>Myanmar War Veterans Organization (MWVO) is a non-governmental organization that aims at providing support to former members of the Myanmar Armed Forces (Tatmadaw). It is the main organization that weighs in on social and economic issues related to the military in the country.</p> <p>On 1 February 2021, the Myanmar Armed Forces (Tatmadaw), led by Commander-in-Chief Min Aung Hlaing, seized power from the civilian legitimate Government in a coup d'état and established the State Administration Council (SAC) to exercise legislative, executive and judicial powers of the State.</p> <p>On 2 February, the SAC was established to exercise those powers, preventing the democratically elected government from fulfilling its mandate.</p>	21.6.2021'

	Name	Identifying information	Reasons	Date of listing
			<p>According to MWVO's mandate, the non-governmental organization acts as a reserve force of the Tatmadaw and takes part in shaping the national defence and security policy. Additionally, MWVO organizes pro-regime rallies and practises people's militia, therefore supporting Tatmadaw carrying out activities undermining democracy and the rule of law Myanmar/Burma.</p> <p>The central patron group of MWVO is represented by high-ranking figures of Tatmadaw such as Commander-in-Chief Min Aung Hlaing and Deputy-Commander-in-Chief Soe Win. Members of the MWVO are part of the governance structure of the military-led conglomerates, the Myanmar Economic Holdings Limited (MEHL) and Myanmar Economic Corporation Limited (MEC). Therefore, MWVO is associated with persons and entities listed under Council Decision 2013/184/CFSP and Council Regulation (EU) No 401/2013.</p>	