Council Implementing Regulation (EU) 2020/1696 of 12 November 2020 implementing Regulation (EU) 2017/2063 concerning restrictive measures in view of the situation in Venezuela

COUNCIL IMPLEMENTING REGULATION (EU) 2020/1696

of 12 November 2020

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EU) 2017/2063 of 13 November 2017 concerning restrictive measures in view of the situation in Venezuela[(1)], and in particular Article 17(1) thereof,

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

Whereas:

(1) On 13 November 2017, the Council adopted Regulation (EU) 2017/2063.

(2) On 11 November 2019, the Council, considering the ongoing political, economic, social and humanitarian crisis in Venezuela and the persistent actions undermining democracy, the rule of law and respect for human rights, adopted Decision (CFSP) 2019/1893[(2)], which renewed the restrictive measures in place until 14 November 2020, including all designations of persons who are subject to restrictive measures. On the same day the Council adopted Implementing Regulation (EU) 2019/1891[(3)], which amended the information relating to eight listed persons.

(3) On 21 December 2019, the High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative') issued a declaration on behalf of the Union which mentioned that the decision of the Venezuelan Supreme Court and the non# recognised Constituent Assembly to strip four members of the National Assembly of their constitutionally granted parliamentary immunity was a serious violation of the constitutional provisions, the rule of law and the democratic principle of separation of powers. That declaration made clear that the Union will continue to monitor the situation and indicated the Union's readiness to use its available instruments to promote democracy, the rule of law and human rights, including targeted measures that do not harm the Venezuelan people.

(4) On 9 January 2020, the High Representative issued a declaration on behalf of the Union which stated that recent acts against the only democratically elected body in Venezuela, the National Assembly, and many of its Members, including the President of the National Assembly, have further escalated the Venezuelan crisis and that the

Changes to legislation: *There are currently no known outstanding effects for the Council Implementing Regulation (EU) 2020/1696. (See end of Document for details)*

attempts to forcibly block a legitimate election process for the Board of Directors of the National Assembly on 5 January 2020 and the use of force against its President and several lawmakers to impede their access to the National Assembly were utterly unacceptable. That declaration also indicated that the voting session that led to the so# called election of Luis Parra was not legitimate as it did not respect the legal procedures, nor the democratic constitutional principles, and that the Members of the National Assembly must be able to exercise their parliamentary mandate as received from the Venezuelan people free of any intimidation or reprisal. Moreover, in light of these serious acts and decisions undermining democracy, the rule of law and human rights, that declaration underlined the Union's commitment to starting work towards applying targeted measures against individuals involved in the violation of those principles and rights.

(5) On 4 June 2020, the High Representative issued a declaration on behalf of the Union on the latest developments in Venezuela, including the decision of the Venezuelan Supreme Court of 26 May 2020 ratifying Luis Parra as President of the National Assembly. That declaration underlined that the Union considers that the voting session that led to the so#called election of Luis Parra was not legitimate, as it did not respect legal procedure nor democratic constitutional principles. It also stated that the latest developments have further deepened the long#lasting institutional and political crisis in Venezuela and reduced the democratic and constitutional space in the country. That declaration reiterated the position of the Union that a sustainable way out of the Venezuelan crisis can only be achieved through a genuine and inclusive political process, and underlined that the Union rejects all types of violence, including any military or violent incursion in the country. In this context, the Union noted that the recent agreement between national actors on humanitarian assistance is a positive step and stressed the need for all sides to work together and constructively on alleviating the dramatic suffering of the Venezuelan people that is being aggravated by the COVID#19 pandemic.

(6) On 16 June 2020, the High Representative issued a declaration on behalf of the Union which underlined that free and fair legislative and presidential elections that respect international standards are key to overcome the crisis in Venezuela and that an independent and balanced Electoral Council (CNE) as well as a level playing field enabling the participation of political parties and candidates is a cornerstone for a credible electoral process. Moreover, the EU called on the Government and opposition to engage in meaningful and inclusive negotiations regarding the constitution of the CNE and the lifting of bans on opposition parties.

(7) On 29 June 2020, in view of the continuing grave situation in Venezuela, the Council adopted Regulation (EU) 2020/897[(4)], which subjected eleven persons to restrictive measures.

(8) In this context, in accordance with Article 17(4) of Regulation (EU) 2017/2063, the Council has reviewed the list set out in Annex IV to Regulation (EU) 2017/2063 and has concluded that the restrictive measures against all persons in the list set out therein should be maintained.

(9) The Council has also concluded that the statement of reasons for fourteen persons should be updated and the family name of all listed persons should be capitalised.

(10) Annex IV to Regulation (EU) 2017/2063 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex IV to Regulation (EU) 2017/2063 is amended in accordance with 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, 12 November 2020.

For the Council

The President

M. ROTH

Changes to legislation: *There are currently no known outstanding effects for the Council Implementing Regulation (EU) 2020/1696. (See end of Document for details)*

ANNEX

Annex IV to Regulation (EU) 2017/2063 is replaced by the following:

ANNEX IV

List of natural and legal persons, entities and bodies referred to in Article 8(3)

	Name	Identifying information	Reasons	Date of listing
1.	Néstor Luis REVEROL TORRES	Date of birth: 28 October 1964 Gender: male	Minister for Interior, Justice and Peace since 2016. Also appointed as Vice#President of Public Works and Services and Executive Secretary of the Electrical General Staff in April 2019. Former Commander General of the Bolivarian National Guard, he was promoted to General in Chief of the Bolivarian National Guard in August 2020. Responsible for serious human rights violations, including the torture of (political) prisoners, and the repression of the democratic opposition in Venezuela, including the prohibition and repression of political demonstrations, committed	22.1.2018

			by security forces under his command.	
2.	Gustavo Enrique GONZÁLEZ LÓPEZ	Date of birth: 2 November 1960 Gender: male	Reappointed as Head of the Bolivarian National Intelligence Service (SEBIN) on 30 April 2019. Formerly Security and Intelligence Adviser for the President's office from 8 January 2019 to 30 April 2019 and Head of SEBIN until October 2018. As Head of SEBIN, responsible for serious human rights violations (including arbitrary detention, inhuman and degrading treatment, and torture) and the repression of civil society and the democratic opposition in Venezuela.	22.1.2018
3.	Tibisay LUCENA RAMÍREZ	Date of birth: 26 April 1959 Gender: female	President of the National Electoral Council (*Consejo Nacional Electora*l or CNE) from April 2006 until June 2020. Her actions and policies have undermined democracy and the rule of law	22.1.2018