Council Implementing Regulation (EU) 2018/2053 of 21 December 2018 implementing Regulation (EU) No 401/2013 concerning restrictive measures in respect of Myanmar/Burma

COUNCIL IMPLEMENTING REGULATION (EU) 2018/2053

of 21 December 2018

implementing Regulation (EU) No 401/2013 concerning restrictive measures in respect of 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 respect of 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 17 September 2018, the independent international Fact-Finding Mission (FFM) of the United Nations Human Rights Council published its detailed report on Myanmar in which it was concluded that gross human rights violations and abuses had been committed in Kachin, Rakhine and Shan States, in particular by the Myanmar Armed Forces (Tatmadaw) and the Border Guard Police and that many of those violations amounted to the gravest crimes under international law.

(3) In view of the findings of the FFM, seven persons 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) Annex IV to Regulation (EU) No 401/2013 should 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.

***Changes to legislation:** There are currently no known outstanding effects for the Council Implementing Regulation (EU) 2018/2053. (See end of Document for details)*

Done at Brussels, 21 December 2018.

For the Council

The President

J. BOGNER-STRAUSS

***Changes to legislation:** There are currently no known outstanding effects for the Council Implementing Regulation (EU) 2018/2053. (See end of Document for details)*

ANNEX

The following persons are added to the list of natural and legal persons, entities and bodies set out in Annex IV to Regulation (EU) No 401/2013:

	Name	**Identifying information**	**Reasons**	**Date of listing**
‘8.	Ba Kyaw		Ba Kyaw is a Staff Sergeant in the 564th Light Infantry Battalion (LIB) of the Myanmar Armed Forces (Tatmadaw). He committed atrocities and serious human rights violations, including murder, deportation and torture, against the Rohingya population in Rakhine State in the second half of 2017. In particular, he has been identified as one of the key perpetrators of the Maung Nu massacre on 27 August 2017.	21.12.2018
9.	Tun Naing		Tun Naing is the Commanding Officer of the Border Guard Police (BGP) base in Taung Bazar. In that capacity, he is responsible for the atrocities and serious human rights violations against the Rohingya population in Rakhine State committed by	21.12.2018

Changes to legislation: *There are currently no known outstanding effects for the Council Implementing Regulation (EU) 2018/2053. (See end of Document for details)*

			the BGP in Taung Bazar before, around and after 25 August 2017, including forced detention, ill-treatment and torture.	
10.	Khin Hlaing	Date of birth: 2 May 1968	Brigadier General Khin HLaing is the former Commander of the 99th Light Infantry Division (LID) and the current Commander of the North-eastern Command of the Myanmar Armed Forces (Tatmadaw). As the Commander of the 99th LID he oversaw military operations carried out in Shan State in 2016 and early 2017. In that context, he is responsible for the atrocities and serious human rights violations committed against ethnic minority villagers in Shan State in the second half of 2016 by the 99th LID. These include unlawful killings, forced detention and	21.12.2018