Council Decision (CFSP) 2019/1893 of 11 November 2019 amending Decision (CFSP) 2017/2074 concerning restrictive measures in view of the situation in Venezuela

COUNCIL DECISION (CFSP) 2019/1893

of 11 November 2019

amending Decision (CFSP) 2017/2074 concerning restrictive measures in view of the situation in Venezuela

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 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 Decision (CFSP) 2017/2074[(1)] concerning restrictive measures in view of the situation in Venezuela.

(2) The Council underscored that the restrictive measures are gradual, targeted, flexible and reversible, do not affect the general population and aim at fostering a credible and meaningful process that can lead to a peaceful negotiated solution.

(3) In view of the continuing deterioration of the situation in Venezuela, on 22 January 2018 the Council adopted Decision (CFSP) 2018/90[(2)] which designated seven persons in the list of natural and legal persons, entities and bodies in Annex I of Decision (CFSP) 2017/2074.

(4) On 28 May 2018, the Council adopted conclusions which stated that the early presidential elections in Venezuela together with regional elections held on 20 May 2018 were neither free nor fair. The Union called for the holding of fresh presidential elections and stated that it would act swiftly with the aim of imposing additional targeted and reversible restrictive measures.

(5) On 25 June 2018, by way of follow#up to the Council conclusions of 28 May 2018, the Council adopted Decision (CFSP) 2018/901[(3)] which designated eleven persons.

(6) On 25 October 2018, the High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative') issued a declaration on behalf of the Union which stated that the Union remained convinced that there can only be a democratic political and peaceful solution to the current crisis and underlined the Union's commitment to use all its policy instruments to contribute to achieving such a solution.

(7) On 6 November 2018, the Council adopted Decision (CFSP) 2018/1656[(4)] which renewed the restrictive measures in place in view of the situation in Venezuela in light of the continuing and deepening political, economic and social crisis in that country.

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (CFSP) 2019/1893. (See end of Document for details)*

(8) In January, February, March and April 2019, the High Representative issued declarations on behalf of the Union on the situation in Venezuela which underscored the readiness of the Union to continue to spare no efforts to achieve a reinstatement of democracy and the rule of law, to take further action and to react through appropriate measures to decisions and actions that further undermine democratic institutions and principles, the rule of law and respect for human rights.

(9) On 8 July 2019, the Council adopted Decision (CFSP) 2019/1171[(5)] which updated the statement of reasons for three listed persons.

(10) On 16 July 2019, the High Representative issued a declaration on behalf of the Union which stated that the report of the United Nations High Commissioner for Human Rights confirmed in a clear and detailed manner the extent and seriousness of the human rights violations, the erosion of the rule of law and the dismantlement of democratic institutions in Venezuela. The Union also indicated readiness to start work towards applying targeted measures for those members of the security forces involved in torture and other serious violations of human rights.

(11) On 26 September 2019, by way of follow#up to the declaration of 16 July 2019 and in light of the continuing grave situation in Venezuela, the Council adopted Decision (CFSP) 2019/1596[(6)] which designated seven persons.

(12) In that context, and in accordance with Article 13 of Decision (CFSP) 2017/2074, the Council has reviewed the restrictive measures in place in view of the situation in Venezuela.

(13) 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, the restrictive measures in place, including all designations, should be renewed until 14 November 2020. These measures do not affect the general population and can be reversed in light of progress made towards the restoration of democracy, the rule of law and respect for human rights in Venezuela.

(14) Individual designations set out in Annex I to Decision (CFSP) 2017/2074 were reviewed and the information concerning eight persons should be amended.

(15) Moreover, a provision should be added to Decision (CFSP) 2017/2074 specifying that the Council and the High Representative may process personal data in order to carry out their tasks under that Decision.

(16) Decision (CFSP) 2017/2074 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision (CFSP) 2017/2074 is amended as follows:

(1) The following Article is inserted:

***Changes to legislation:** There are currently no known outstanding effects for the Council Decision (CFSP) 2019/1893. (See end of Document for details)*

Article 9a

1 The Council and the High Representative of the Union for Foreign Affairs and Security Policy (the "High Representative") may process personal data in order to carry out their tasks under this Decision, in particular:

a as regards the Council, for preparing and making amendments to Annexes I and II;

b as regards the High Representative, for preparing amendments to Annexes I and II.

2 The Council and the High Representative may process, where applicable, relevant data relating to criminal offences committed by listed natural persons, to criminal convictions of such persons or to security measures concerning such persons, only to the extent that such processing is necessary for the preparation of Annexes I and II.

3 For the purposes of this Decision, the Council and the High Representative are designated as "controllers" within the meaning of point (8) of Article 3 of Regulation (EU) 2018/1725 of the European Parliament and of the Council[7], in order to ensure that the natural persons concerned can exercise their rights under Regulation (EU) 2018/1725..

(2) The first paragraph of Article 13 is replaced by the following:

This Decision shall apply until 14 November 2020..

(3) Annex I is amended in accordance with the Annex to this Decision.

Article 2

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 11 November 2019.

For the Council

The President

F. MOGHERINI

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (CFSP) 2019/1893. (See end of Document for details)*

ANNEX

In Annex I to Decision (CFSP) 2017/2074, entries 1, 3, 6, 10, 13, 15, 19 and 21 are replaced by the following:

	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. Responsible for serious human rights violations, including torture of (political) prisoners, and repression of the democratic opposition in Venezuela, including the prohibition and repression of political demonstrations, committed by security forces under his command.	22.1.2018
3.	Tibisay Lucena Ramírez	Date of birth: 26 April 1959 Gender: female	President of the National Electoral Council (*Consejo Nacional Electoral* (CNE)). Her	22.1.2018

			actions and policies have undermined democracy and the rule of law in Venezuela, including by failing to ensure that the CNE remains an impartial and independent institution in accordance with the Venezuelan Constitution thereby facilitating the establishment of the Constituent Assembly and the re#election of Nicolás Maduro in May 2018 through presidential elections that were neither free nor fair.	
6.	Tarek William Saab Halabi	Date of birth: 10 September 1963 Place of birth: El Tigre, Anzoátegui state, Venezuela Gender: male	Venezuelan Attorney General appointed by the Constituent Assembly. In this role, and previous roles as Ombudsman and President of the Republican Moral Council, he has undermined democracy and the rule of law in Venezuela by publicly supporting actions against opponents of the government of Venezuela and	22.1.2018