

# DECISIONS

## COUNCIL DECISION 2011/239/CFSP

of 12 April 2011

### amending Decision 2010/232/CFSP renewing restrictive measures against Burma/Myanmar

THE COUNCIL OF THE EUROPEAN UNION,

the authorities may have made towards respect for democratic values and human rights.

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

(7) Further action by the Union is needed in order to implement certain measures,

Whereas:

HAS ADOPTED THIS DECISION:

(1) On 26 April 2010, the Council adopted Decision 2010/232/CFSP renewing restrictive measures against Burma/Myanmar <sup>(1)</sup>.

#### *Article 1*

Decision 2010/232/CFSP is hereby amended as follows:

(2) In view of the situation in Burma/Myanmar, in particular the electoral process in 2010 which was not judged to be compatible with internationally accepted standards and continuing concerns about the respect of human rights and fundamental freedoms in the country, the restrictive measures provided for in Decision 2010/232/CFSP should be extended for a further period of 12 months.

(1) Article 4 is replaced by the following:

#### *'Article 4*

1. The purchase, import or transport from Burma/Myanmar into the Union of the following products shall be prohibited:

(3) The lists of persons and enterprises subject to the restrictive measures, set out in Decision 2010/232/CFSP, should be amended in order to take account of changes in the Government, the security forces and the administration in Burma/Myanmar, as well as changes in the personal situation of the individuals concerned; the list of enterprises that are owned or controlled by the regime in Burma/Myanmar or by persons associated with the regime as well as the list of entities set out in Annex I to Decision 2010/232/CFSP should also be updated.

(a) round logs, timber and timber products;

(b) gold, tin, iron, copper, tungsten, silver, coal, lead, manganese, nickel and zinc;

(c) precious and semi-precious stones, including diamonds, rubies, sapphires, jade and emeralds.

(4) However, in order to encourage future progress in civilian governance and to strengthen democracy and respect for human rights, the restrictive measures should be suspended for 12 months for new members of the Government with no affiliation to the military or who are essential for dialogue with the international community to pursue the interests of the European Union.

2. The prohibition in paragraph 1 shall not apply to humanitarian aid projects and programmes or to non-humanitarian aid or development projects and programmes conducted in Burma/Myanmar in support of the objectives described in Article 8(2)(a), (b) and (c).;

(5) In addition, the suspension of high-level bilateral governmental visits to Burma/Myanmar should be lifted until 30 April 2012 with a view to encouraging dialogue with relevant parties in Burma/Myanmar.

(2) Article 8 is replaced by the following:

#### *'Article 8*

1. Non-humanitarian aid or development programmes shall be suspended.

2. Paragraph 1 shall not apply to projects and programmes in support of:

(6) The Council will regularly re-examine the situation in Burma/Myanmar and evaluate any improvements which

(a) human rights, democracy, good governance, conflict prevention and civil society capacity-building;

(b) health and education, poverty alleviation and in particular the provision of basic needs and livelihoods for the poorest and most vulnerable populations;

<sup>(1)</sup> OJ L 105, 27.4.2010, p. 22.

(c) environmental protection and, in particular, programmes addressing the problem of non-sustainable, excessive logging resulting in deforestation.

Projects and programmes should, as far as possible, be defined and evaluated in consultation with civil society and all democratic groups, including the National League for Democracy. They should be implemented through UN agencies, non-governmental organisations, Member State agencies and international organisations as well as through decentralised cooperation with local civilian administrations.

In this context, the European Union will continue to engage with the Government of Burma/Myanmar over its responsibility to make greater efforts to attain the UN Millennium Development Goals.;

(3) Article 9(1) is replaced by the following:

'1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of:

(a) senior members of the former State Peace and Development Council (SPDC), Burmese authorities in the tourism sector, senior members of the military, the Government or the security forces who formulate, implement or benefit from policies that impede Burma/Myanmar's transition to democracy, and members of their families;

(b) senior serving members of the Burmese military and members of their families;

(c) persons associated with the persons referred to in points (a) and (b),

being the natural persons listed in Annex II.;

(4) Article 10(1) is replaced by the following:

'1. All funds and economic resources belonging to, owned, held or controlled by:

(a) senior members of the former SPDC, Burmese authorities in the tourism sector, senior members of the military, the Government or the security forces who formulate, implement or benefit from policies that impede Burma/Myanmar's transition to democracy, and members of their families;

(b) senior serving members of the Burmese military and members of their families;

(c) natural or legal persons, entities or bodies associated with persons referred to in points (a) and (b),

as listed in Annex II, shall be frozen.;

(5) Article 11 is deleted;

(6) in Article 13, the following paragraphs are added:

'The Council shall communicate its decision, including the grounds for the listing, to the natural or legal person, entity or body concerned, either directly, if the address is known, or through the publication of a notice, providing such person, entity or body with an opportunity to present observations.

Where observations are submitted, or where substantial new evidence is presented, the Council shall review its decision and inform the person, entity or body concerned accordingly.;

(7) the following Article is added:

'Article 13a

1. Annex II shall include the grounds for listing the natural and legal persons, entities and bodies.

2. Annex II shall also contain, where available, the information necessary to identify the natural and legal persons, entities or bodies concerned. With regard to natural persons, such information may include names, including aliases, date and place of birth, nationality, passport and ID card numbers, gender, address if known, and function or profession. With regard to legal persons, entities or bodies, such information may include names, place and date of registration, registration number and place of business.;

(8) Article 15 is replaced by the following:

'Article 15

1. This Decision shall enter into force on the date of its adoption.

2. This Decision shall apply until 30 April 2012.

3. The measures referred to in Article 9(1) and in Article 10(1) and (2), insofar as they apply to persons listed in Annex IV, shall be suspended until 30 April 2012.:

*Article 2*

1. Annexes I, II and III to Decision 2010/232/CFSP are hereby replaced by the text set out in Annexes I, II and III respectively to this Decision.

2. Annex IV to this Decision shall be added as Annex IV to Decision 2010/232/CFSP.

*Article 3*

This Decision shall enter into force on the date of its adoption.

Done at Luxembourg, 12 April 2011.

*For the Council*  
*The President*  
C. ASHTON

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