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(OR. en)

15409/24

LIMITE

CORLX 1053  
CFSP/PESC 1557  
RELEX 1385  
COLAC 137

#### **'I/A' ITEM NOTE**

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Council Decision concerning restrictive measures in view of the situation in Guatemala

1. On 12 January 2024, the Council adopted Decision (CFSP) 2024/254 concerning restrictive measures in view of the situation in Guatemala. On the same day, the Council also adopted Council Regulation (EU) 2024/287 concerning restrictive measures in view of the situation in Guatemala.
2. On 2 February 2024, the Council adopted Decision (CFSP) 2024/457 adding five persons to the list of natural and legal persons, entities and bodies subject to restrictive measures set out in the Annex to Decision (CFSP) 2024/254 in the context of actions undermining democracy, the rule of law and the peaceful transfer of power in Guatemala, including attempts to overturn the legitimate outcome of the 2023 Guatemalan elections in violation of the country's constitution, the rule of law and principles of democracy.
3. Decision (CFSP) 2024/254 applies until 13 January 2025. On the basis of a review of that Decision, the restrictive measures set out therein should be extended until 13 January 2026. Decision (CFSP) 2024/254 should be amended accordingly.

4. On 12 November 2024, the High Representative of the Union for Foreign Affairs and Security Policy submitted to the Council a proposal for a Council Decision amending Decision (CFSP) 2024/254 concerning restrictive measures in view of the situation in Guatemala (doc.15405/24).
5. On 18 November 2024, the Foreign Relations Counsellors Working Party (RELEX) agreed the text of the draft Council Decision.
6. In these circumstances, COREPER is invited to:
- confirm the agreement on the draft Council Decision;
  - recommend that the Council adopt the Council Decision amending Decision (CFSP) 2024/254 concerning restrictive measures in view of the situation in Guatemala, after finalisation of the text by the legal/linguistic experts, in document 15406/24;
  - recommend that the Council approve the draft notices, as set out in Annex I, Annex II and III to this note.
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**Notice for the attention of the persons covered by the restrictive measures provided for in Council Decision (CFSP) 2024/254 and in Council Regulation (EU) 2024/287 concerning restrictive measures in view of the situation in Guatemala**

The following information is brought to the attention of the persons that appear in the Annex to Council Decision (CFSP) 2024/254<sup>1</sup> and in the Annex I to Council Regulation (EU) 2024/287<sup>2</sup> concerning restrictive measures in view of the situation in Guatemala.

The Council of the European Union has decided that the persons should continue to be included on the list of persons, entities and bodies subject to restrictive measures provided for in Council Decision (CFSP) 2024/254 and in Council Regulation (EU) 2024/287 concerning restrictive measures in view of the situation in Guatemala. The grounds for the designation of the persons concerned appear in the relevant entries in the Annexes.

The attention of the persons is drawn to the possibility of making an application to the competent authorities of the relevant Member State(s) as indicated in the websites in Annex II to Council Regulation (EU) 2024/287, in order to obtain an authorisation to use frozen funds for basic needs or specific payments (cf. Article 3 of the Regulation).

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<sup>1</sup> OJ L 254 15.1.2024, p. 1. ELI: <http://data.europa.eu/eli/dec/2024/254/2024-02-02>.

<sup>2</sup> OJ L 287 15.1.2024, p. 1. ELI: <http://data.europa.eu/eli/reg/2024/287/2024-02-02>.

The persons concerned may submit a request to the Council, together with supporting documentation, that the decision to include them on the above-mentioned lists should be reconsidered, to the following address **before 2 September 2025**:

Council of the European Union

General Secretariat

RELEX.1

Rue de la Loi/Wetstraat 175

1048 Bruxelles/Brussel

BELGIQUE/BELGIË

email: [sanctions@consilium.europa.eu](mailto:sanctions@consilium.europa.eu)

The attention of the persons concerned is also drawn to the possibility of challenging the Council's decision before the General Court of the European Union, in accordance with the conditions laid down in Article 275, second paragraph, and Article 263, fourth and sixth paragraphs, of the Treaty on the Functioning of the European Union.

**Notice for the attention of the persons covered by the restrictive measures provided for in Council Decision (CFSP) 2024/254 and in Council Regulation (EU) 2024/287 concerning restrictive measures in view of the situation in Guatemala**

The following information is brought to the attention of the persons that appear in the Annex to Council Decision (CFSP) 2024/254<sup>1</sup> and in the Annex I to Council Regulation (EU) 2024/287<sup>2</sup> concerning restrictive measures in view of the situation in Guatemala.

Article 9(2) of Regulation (EU) 2024/287 requires that listed persons, entities or bodies must report, within 6 weeks from the date of listing in Annex I, funds or economic resources within the jurisdiction of a Member State belonging to, owned, held or controlled by them, to the competent authority of the Member State where those funds or economic resources are located. They must cooperate with the national competent authority in any verification of such information. Failure to comply with these obligations will be considered as circumvention of the measures on the freezing of funds and of economic resources.

The information to be reported must be sent to the competent authority of the relevant Member State, via its website as indicated in Annex II to Regulation (EU) 2024/287.

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<sup>1</sup> OJ L 254 15.1.2024, p. 1. ELI: <http://data.europa.eu/eli/dec/2024/254/2024-02-02>.

<sup>2</sup> OJ L 287 15.1.2024, p. 1. ELI: <http://data.europa.eu/eli/reg/2024/287/2024-02-02>.

**Notice for the attention of the data subjects to whom the restrictive measures provided for in  
Council Decision (CFSP) 2024/254 and Council Regulation (EU) 2024/287 concerning  
restrictive measures in view of the situation in Guatemala apply**

The attention of data subjects is drawn to the following information in accordance with Article 16 of Regulation (EU) 2018/1725.

The legal bases for this processing operation are Council Decision (CFSP) 2024/254<sup>5</sup> and Regulation (EU) 2024/287<sup>6</sup>.

The controller of this processing operation is the Council of the European Union represented by the Director-General of Directorate-General for External Relations (RELEX) of the General Secretariat of the Council and the department entrusted with the processing operation is RELEX.1 that can be contacted at:

Council of the European Union

General Secretariat

RELEX.1

Rue de la Loi/Wetstraat 175

1048 Bruxelles/Brussel

BELGIQUE/BELGIË

email: [sanctions@consilium.europa.eu](mailto:sanctions@consilium.europa.eu)

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<sup>5</sup> OJ L 254 15.1.2024, p. 1. ELI: <http://data.europa.eu/eli/dec/2024/254/2024-02-02>.

<sup>6</sup> OJ L 287 15.1.2024, p. 1. ELI: <http://data.europa.eu/eli/reg/2024/287/2024-02-02>.

The GSC's Data Protection Officer can be contacted at:

Data Protection Officer

[data.protection@consilium.europa.eu](mailto:data.protection@consilium.europa.eu)

The purpose of the processing operation is the establishment and updating of the list of persons subject to restrictive measures in accordance with Decision (CFSP) 2024/254 and Regulation (EU) 2024/287.

The data subjects are the natural persons who fulfil the listing criteria as laid down in Decision (CFSP) 2024/254 and Regulation (EU) 2024/287.

The personal data collected includes data necessary for the correct identification of the person concerned, the statement of reasons and any other data related to the grounds for listing.

The legal bases for the handling of personal data are the Council Decisions adopted under Article 29 TEU and Council Regulations adopted under Article 215 TFEU designating natural persons (data subjects) and imposing the freezing of assets and travel restrictions.

Processing is necessary for the performance of a task carried out in the public interest in accordance with Article 5(1)(a) and for compliance with legal obligations laid down in above-mentioned legal acts to which the controller is subject in accordance with Article 5(1)(b) of Regulation (EU) 2018/1725.

Processing is necessary for reasons of substantial public interest in accordance with Article 10(2)(g) of Regulation (EU) 2018/1725.

The Council may obtain personal data of data subjects from Member States and/or the European External Action Service. The recipients of the personal data are Member States, the European Commission and the European External Action Service.

All personal data processed by the Council in the context of EU autonomous restrictive measures will be retained for 5 years from the moment the data subject has been removed from the list of persons subject to the asset freeze or the validity of the measure has expired or, if a legal action is brought before the Court of Justice, until a final judgment has been handed down. Personal data contained in documents registered by the Council are kept by the Council for archiving purposes in the public interest, within the meaning of Art. 4(1)(e) of Regulation (EU) 2018/1725.

The Council may need to exchange personal data regarding a data subject with a third country or international organisation in the context of the Council's transposition of UN designations or in the context of international cooperation regarding the EU's restrictive measures policy.

In the absence of an adequacy decision, or of appropriate safeguards, transfer of personal data to a third country or an international organisation is based on the following condition(s), pursuant to Article 50 of Regulation (EU) 2018/1725:

- the transfer is necessary for important reasons of public interest;
- the transfer is necessary for the establishment, exercise or defence of legal claims.

No automated decision-making is involved in the processing of the data subject's personal data.

Data subjects have the right of information and the right of access to their personal data. They also have the right to correct and complete their data. Under certain circumstances, they may have the right to obtain the erasure of their personal data, or the right to object to the processing of their personal data or to ask for it to be restricted.

Data subjects can exercise these rights by sending an e-mail to the controller with a copy to the Data Protection Officer as indicated above.



Attached to their request, the data subjects must provide a copy of an identification document to confirm their identity (ID card or passport). This document should contain an identification number, country of issue, period of validity, name, address and date of birth. Any other data contained in the copy of the identification document such as photo or any personal characteristics may be blacked out.

Data subjects have the right to lodge a complaint with the European Data Protection Supervisor in accordance with Regulation (EU) 2018/1725 ([edps@edps.europa.eu](mailto:edps@edps.europa.eu)).

Before doing so, it is recommended that data subjects first try to obtain a remedy by contacting the controller and/or the Data Protection Officer of the Council.

Without prejudice to any judicial, administrative or non-judicial remedy, data subjects may lodge a complaint with the European Data Protection Supervisor in accordance with Regulation (EU) No 2018/1725 ([edps@edps.europa.eu](mailto:edps@edps.europa.eu)).