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LIMITE

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CFSP/PESC 527  
CYBER 131  
JAI 524  
FIN 464

#### 'I/A' ITEM NOTE

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Council Decision concerning restrictive measures against cyber-attacks threatening the Union or its Member States - renewal

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1. On 17 May 2019, the Council adopted Decision (CFSP) 2019/797 concerning restrictive measures against cyber-attacks threatening the Union or its Member States. The Decision was last amended by Decision (CFSP) 2021/796 and applies until 18 May 2022.
2. On 5 April 2022, the Horizontal Working Party on Cyber Issues (Cyber) agreed the extension of the regime.
3. On 25 April 2022, 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) 2019/797 (doc. 8409/22), extending the validity of that Decision until 18 May 2025 and the restrictive measures set out therein until 18 May 2023.
4. On 28 April 2022, the Foreign Relations Counsellors Working Party (RELEX) agreed the text of the draft Council Decision.

5. In these circumstances, COREPER is invited to:

- confirm the agreement on the draft Council Decision;
- recommend that the Council adopt the Council Decision as set out, after finalisation of the text by the legal/linguistic experts, in document 8410/22;
- approve the notices to be published in the Official Journal as set out in Annexes I and II to this note;
- approve the general template for notification letters as set out in Annex III to this note.

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**Notice for the attention of the persons and entities subject to the restrictive measures provided for in Council Decision (CFSP) 2019/797<sup>(1)</sup>, as amended by Council Decision (CFSP) 2022/[number]<sup>+</sup>, and in Council Regulation (EU) 2019/796<sup>(2)</sup>, concerning restrictive measures against cyber-attacks threatening the Union or its Member States**

The following information is brought to the attention of the persons and entities that appear in the Annex to Council Decision (CFSP) 2019/797, as amended by Council Decision (CFSP) 2022/[number]<sup>+</sup>, and in Annex I to Council Regulation (EU) 2019/796, concerning restrictive measures against cyber-attacks threatening the Union or its Member States.

The Council of the European Union, after having reviewed the list of persons and entities designated in the above-mentioned Annexes, has determined that the restrictive measures provided for in Council Decision (CFSP) 2019/797, and in Council Regulation (EU) 2019/796 should continue to apply to those persons and entities.

The attention of the persons and entities concerned is drawn to the possibility of making an application to the competent authorities of the relevant Member State(s) as indicated on the websites in Annex II to Council Regulation (EU) 2019/796 concerning restrictive measures against cyber-attacks threatening the Union or its Member States, in order to obtain an authorisation to use frozen funds for basic needs or specific payments.

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<sup>1</sup> OJ L 129 I, 17.5.2019, p. 13.

<sup>+</sup> OJ: please insert number and publication details for the Decision in document 8410/22.

<sup>2</sup> OJ L 129 I, 17.05.2019, p. ).

The persons and entities 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, **before 14 January 2023**, to the following address:

Council of the European Union

General Secretariat

RELEX.1

Rue de la Loi/Wetstraat 175

1048 Bruxelles/Brussel

BELGIQUE/BELGIË

e-mail: [sanctions@consilium.europa.eu](mailto:sanctions@consilium.europa.eu)

Any observations received will be taken into account for the purpose of the Council's periodic review, in accordance with Article 10 of Decision (CFSP) 2019/797 concerning restrictive measures against cyber-attacks threatening the Union or its Member States.

The attention of the persons and entities 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 data subjects to whom the restrictive measures provided for in Council Decision (CFSP) 2019/797 and Council Regulation (EU) 2019/796 concerning restrictive measures against cyber-attacks threatening the Union or its Member States apply**

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

The legal basis for this processing operation are Council Decision (CFSP) 2019/797<sup>(3)</sup>, as amended by Council Decision (CFSP) 2022/[*number*]<sup>+</sup>, and in Council Regulation (EU) 2019/796<sup>(4)</sup>, concerning restrictive measures against cyber-attacks threatening the Union or its Member States.

The controller of this processing operation is the Council of the European Union represented by the Director General of RELEX (External Relations) 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

e-mail: [sanctions@consilium.europa.eu](mailto:sanctions@consilium.europa.eu)

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<sup>3</sup> OJ L 129 I, 17.5.2019, p. 13.

<sup>+</sup> OJ: please insert number and publication details for the Decision in document 8410/22.

<sup>4</sup> OJ L 129 I, 17.05.2019, p. 1.

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 Council Decision (CFSP) 2019/797, as amended by Council Decision (CFSP) 2022/[number]<sup>+</sup>, and in Council Regulation (EU) 2019/796.

The data subjects are the natural persons who fulfil the listing criteria as laid down in Council Decision (CFSP) 2019/797 and Council Regulation (EU) 2019/796.

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

The personal data collected may be shared as necessary with the European External Action Service and the Commission.

Without prejudice to restrictions pursuant to Article 25 of Regulation (EU) 2018/1725, the exercise of the rights of the data subjects such as the right of access, as well as the rights to rectification or to object will be answered in accordance with Regulation (EU) 2018/1725.

Personal data will be retained for 5 years from the moment the data subject has been removed from the list of persons subject to the restrictive measures or the validity of the measure has expired, or for the duration of court proceedings in the event they had been started.

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) 2018/1725 ([edps@edps.europa.eu](mailto:edps@edps.europa.eu)).

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<sup>+</sup> OJ: please insert number and publication details for the Decision in document 8410/22.

**Template letter for persons whose address is known**

This is to inform you that the Council of the European Union has decided to maintain your name on the list of persons and entities subject to restrictive measures in the Annex to Council Decision (CFSP) 2019/797, as amended by Council Decision (CFSP) 2022/[number]<sup>1</sup>, and in Annex I to Council Regulation (EU) 2019/796 concerning restrictive measures against cyber-attacks threatening the Union or its Member States. The grounds for your designation appear in the relevant entries in those Annexes.

Your attention is drawn to the possibility of making an application to the competent authorities of the relevant Member State(s) as indicated on the websites in Annex II to Council Regulation (EU) 2019/796, in order to obtain an authorisation to use frozen funds for basic needs or specific payments (cf. Article 4 of the Regulation).

You may submit a request to the Council, together with supporting documentation that the decision to maintain you on the above-mentioned list should be reconsidered, **before 14 January 2023**, to the following address:

Council of the European Union

General Secretariat

RELEX.1

Rue de la Loi/Wetstraat 175

1048 Bruxelles/Brussel

BELGIQUE/BELGIË

e-mail: [sanctions@consilium.europa.eu](mailto:sanctions@consilium.europa.eu)

Any observations received will be taken into account for the purpose of the Council's next review, pursuant to Article 10 of Decision (CFSP) 2019/797, of the list of designated persons and entities.

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<sup>1</sup> Official Journal reference

Your attention 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, 2nd paragraph, and Article 263, 4th and 6th paragraphs, of the Treaty on the Functioning of the European Union.

You are also informed of the Notice (2022/C xx/xx)<sup>2</sup> for the attention of the data subjects to whom the restrictive measures provided for in Council Decision (CFSP) 2019/797 and Council Regulation (EU) 2019/796 concerning restrictive measures against cyber-attacks threatening the Union or its Member States apply.

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<sup>2</sup> Official Journal reference