



Brussels, 13 May 2024
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8503/24

LIMITE

**CORLX 357
CFSP/PESC 513
RELEX 468
CYBER 111
JAI 573
FIN 342**

'I' ITEM NOTE

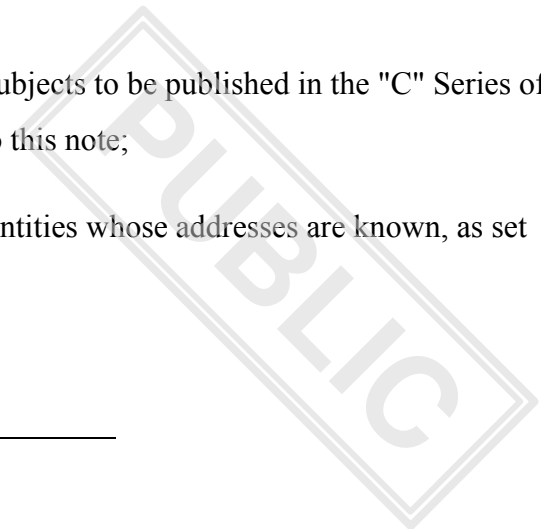
From: General Secretariat of the Council
To: Permanent Representatives Committee

Subject: Council Decision and Implementing Regulation concerning restrictive measures against cyber-attacks threatening the Union or its Member States

1. On 17 May 2019, the Council adopted Decision (CFSP) 2019/797 and Regulation (EU) 2019/796 concerning restrictive measures against cyber-attacks threatening the Union or its Member States.
2. Decision (CFSP) 2019/797 applies until 18 May 2025. On the basis of a review of that Decision, the validity of the restrictive measures set out therein should be extended until that date.
3. In the light of continuing and increasing malicious behaviour in cyberspace, including behaviour directed against third States, the reasons for including six persons and two entities in the list of natural and legal persons, entities and bodies subject to restrictive measures set out in the Annex to Decision (CFSP) 2019/797 should be updated.

4. On 8 March 2024, the Horizontal Working Party on Cyber Issues (Cyber) agreed the extension of the regime.
5. On 18 April 2024, the High Representative of the Union for Foreign Affairs and Security Policy submitted to the Council proposals for a Council Decision amending Decision (CFSP) 2019/797 concerning restrictive measures against cyber-attacks threatening the Union or its Member States (doc. 8499/24), and for a Council Implementing Regulation implementing Regulation (EU) No 2019/796 concerning restrictive measures against cyber-attacks threatening the Union or its Member States (doc. 8501/24).
6. On 25 April 2024, the Foreign Relations Counsellors Working Party (RELEX) agreed the text of the draft Council Decision and the draft Council implementing Regulation.
7. In these circumstances, COREPER is invited to:
 - confirm the agreement on the draft Council Decision and the draft Council Implementing Regulation;
 - decide, given the urgency and in accordance with the first subparagraph of Article 12(1) of the Council's Rules of Procedure, that the Council use the written procedure to:
 - adopt the Council Decision as set out, after finalisation of the text by the legal/linguistic experts, in document 8500/24;
 - adopt the Council Implementing Regulation as set out, after finalisation of the text by the legal/linguistic experts, in document 8502/24;
 - approve the notice to be published in the "C" Series of the Official Journal, as set out in Annex I to this note;

- approve the notice for the attention of data subjects to be published in the "C" Series of the Official Journal, as set out in Annex II to this note;
 - approve the template letter for persons and entities whose addresses are known, as set out in Annex III to this note.
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Notice for the attention of the natural and legal persons, entities and bodies subject to the restrictive measures provided for in Council Decision (CFSP) 2019/797⁽¹⁾, as amended by Council Decision (CFSP) 2024/[number]⁺, and in Council Regulation (EU) 2019/796⁽²⁾, as implemented by Council Implementing Regulation (EU) 2024/[number]⁺⁺ concerning restrictive measures against cyber-attacks threatening the Union or its Member States

The following information is brought to the attention of the persons, entities and bodies that appear in the Annex to Council Decision (CFSP) 2019/797, as amended by Council Decision (CFSP) 2024/[number]⁺, and in Annex I to Council Regulation (EU) 2019/796, as implemented by Council Implementing Regulation (EU) 2024/[number]⁺⁺ 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, entities and bodies 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, entities and bodies.

The attention of the persons, entities and bodies 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.

¹ OJ L 129 I, 17.5.2019, p. 13.

⁺ OJ: please insert number and publication details for the Decision in document 8500/24.

² OJ L 129 I, 17.05.2019, p.1

⁺⁺ OJ: please insert number and publication details for the Decision in document 8502/24.

The persons, entities and bodies 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 15 January 2025**, 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

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, entities and bodies 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 bases for this processing operation are Council Decision (CFSP) 2019/797¹, as amended by Council Decision (CFSP) 2024/[number]⁺, and Council Regulation (EU) 2019/796², as implemented by Council Implementing Regulation (EU) 2024/[number]⁺⁺ 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 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
e-mail: sanctions@consilium.europa.eu

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⁺ OJ: please insert number and publication details for the Decision in document 8500/24.

² OJ L 129 I, 17.05.2019, p. 1.

⁺⁺ OJ: please insert number and publication details for the Decision in document 8502/24

The Data Protection Officer of the Council can be contacted at:

Data Protection Officer

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) 2024/[number]⁺, and in Council Regulation (EU) 2019/796, as implemented by Council Implementing Regulation (EU) 2024/[number]⁺⁺.

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 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.

⁺ OJ: please insert number and publication details for the Decision in document 8500/24.

⁺⁺ OJ: please insert number and publication details for the Decision in document 8502/24

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.

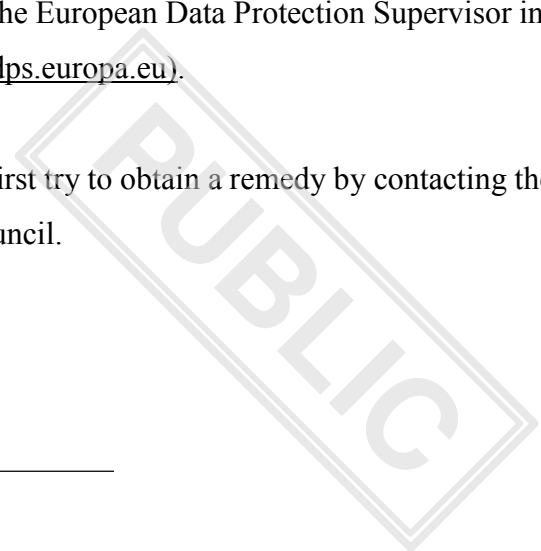
Data subjects have the right of information and the right of access to their personal data. They also have the right to correct and complete their data. Under certain circumstances, they may have the right to obtain the erasure of their personal data, or the right to object to the processing of their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

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.



Letter to the designated persons, entities and bodies whose addresses are known

General template

This is to inform you that the Council of the European Union has decided that you/name of the entity should continue to be included on the list of natural and legal persons, entities and bodies subject to restrictive measures in the Annex to Council Decision (CFSP) 2019/797, as amended by Council Decision (CFSP) 2024/xxx¹, and in Annex I to Council Regulation (EU) 2019/796, as implemented by Council Implementing Regulation (EU) 2024/xxx², 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 15 January 2025**, 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

¹ OJ L xxxx

² OJ Lxxx

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 natural and legal persons, entities and bodies.

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 (2024/C xx/xx)³ 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.]

³ OJ C xxx