



Brussels, 6 May 2022
(OR. fr, en)

8642/1/22
REV 1

LIMITE

CORLX 405
CFSP/PESC 569
RELEX 578
COEST 370
FIN 516

NOTE

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

Subject: Council Implementing Decision and Implementing Regulation concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine

1. On 15 October 2012, the Council adopted Decision 2012/642/CFSP concerning restrictive measures against Belarus, the title of which was amended to read ‘Decision 2012/642/CFSP concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine’. Regulation (EC) No 765/2006 gives effect to the measures provided for in Decision 2012/642/CFSP. Those measures were last extended by Council Decision (CFSP) 2022/307 until 28 February 2023.
2. In its conclusions of 24 March 2022, the European Council stated that the European Union remains ready to close loopholes and target actual and possible circumvention. On 31 May 2022, the European Council concluded that it is committed to intensify pressure on Russia and Belarus to thwart Russia’s war against Ukraine.
3. In view of the gravity of the situation in Belarus, it is appropriate to introduce further restrictive measures.

4. On that basis, the High Representative submitted to the Council, on 3 May 2022, proposals for a Council Implementing Decision (8638/22) and a Council Implementing Regulation (8640/22) implementing those new listings.
5. Coreper is therefore invited to:
- agree to the draft Council Implementing Decision and Implementing Regulation;
 - decide, in accordance with Article 12(1), first subparagraph, of the Council’s Rules of Procedure and Article 1 of Council Decision (EU) 2020/430, that the Council use the written procedure to:
 - adopt the Council Implementing Decision implementing Decision 2012/642/CFSP concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine as set out, after finalisation of the text by the legal/linguistic experts, in 8639/22;
 - adopt the Council Implementing Regulation implementing Article 8a of Regulation (EC) No 765/2006 concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine as set out, after finalisation of the text by the legal/linguistic experts, in 8641/22;
 - approve the notices as set out in Annexes I and II to this note;
 - approve the template letter of notification for the persons whose addresses are available, as set out in Annex III to this note.

Notice for the attention of persons subject to the restrictive measures provided for in Council Decision 2012/642/CFSP, as implemented by Council Implementing Decision (CFSP) 2022/[number]⁺, and by Council Regulation (EC) No 765/2006, as implemented by Council Implementing Regulation (EU) 2022/[number]⁺⁺, concerning restrictive measures against Belarus

The following information is brought to the attention of the persons who appear in the Annex to Council Decision 2012/642/CFSP, as implemented by Council Implementing Decision (CFSP) 2022/[number]⁺, and in Annex I to Council Regulation (EC) No 765/2006, as implemented by Council Implementing Regulation (EU) 2022/[number]⁺⁺, concerning restrictive measures against Belarus.

The Council of the European Union has decided that those persons should be included on the list of persons subject to the restrictive measures provided for in Council Decision 2012/642/CFSP and in Council Regulation (EC) No 765/2006. The grounds for the listing of those persons appear in the relevant entries in those Annexes.

The attention of the persons 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 referred to in Annex II to Council Regulation (EC) No 765/2006, in order to obtain an authorisation to use frozen funds for basic needs or specific payments (cf. Article 3 of the Regulation).

The persons concerned may submit a request to the Council before 30 November 2022, together with supporting documentation, that the decision to include them on the above-mentioned list should be reconsidered. Any such request should be sent to the following address:

⁺ OJ: please insert number and publication details for the Decision in 8639/22.

⁺⁺ OJ: please insert number and publication details for the Regulation in 8641/22.

Council of the European Union

General Secretariat

RELEX.1

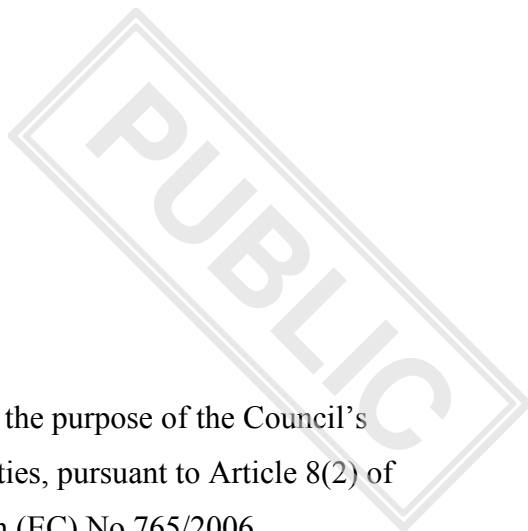
Rue de la Loi/Wetstraat 175

1048 Bruxelles/Brussel

BELGIQUE/BELGIË

Email: sanctions@consilium.europa.eu

Any observations received will be taken into account for the purpose of the Council's periodic review of the list of designated persons and entities, pursuant to Article 8(2) of Decision 2012/642/CFSP and Article 8a(4) of Regulation (EC) No 765/2006.



Notice for the attention of the data subjects to whom the restrictive measures provided for in Council Decision 2012/642/CFSP and Council Regulation (EC) No 765/2006 concerning restrictive measures against Belarus 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 Decision 2012/642/CFSP, as implemented by Council Implementing Decision (CFSP) 2022/[number]⁺, and Regulation (EC) No 765/2006, as implemented by Council Implementing Regulation (EU) 2022/[number]⁺⁺.

The controller of this processing operation is the Council of the European Union, represented by the Director General of DG RELEX (External Relations) of the General Secretariat of the Council, and the department entrusted with the processing operation is RELEX.1, which can be contacted at the following address:

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

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

Data Protection Officer

data.protection@consilium.europa.eu

⁺ OJ: please insert number and publication details for the Decision in 8639/22.

⁺⁺ OJ: please insert number and publication details for the Regulation in 8641/22.

The purpose of the processing operation is the establishment and updating of the list of persons subject to restrictive measures in accordance with Decision 2012/642/CFSP, as implemented by Council Implementing Decision (CFSP) 2022/[number]⁺, and Regulation (EC) No 765/2006, as implemented by Council Implementing Regulation (EU) 2022/[number]⁺⁺.

The data subjects are the natural persons who fulfil the listing criteria as laid down in Decision 2012/642/CFSP and Regulation (EC) No 765/2006.

The personal data collected include 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 five 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).

⁺ OJ: please insert number and publication details for the Decision in 8639/22.

⁺⁺ OJ: please insert number and publication details for the Regulation in 8641/22.

Template letter for persons whose address is known

This is to inform you that the Council of the European Union has decided to include your [name/company] on the list of persons and entities subject to restrictive measures in the in the Annex to Council Decision 2012/642/CFSP, as implemented by Council Implementing Decision (CFSP) 2022/[number]⁺, and in Annex I to Council Regulation (EC) No 765/2006 as implemented by Council Implementing Regulation (EU) 2022/[number]⁺⁺, concerning restrictive measures in view of the situation in Belarus. The grounds for 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 in the websites in Annex II to Council Regulation (EC) No 765/2006, in order to obtain an authorisation to use frozen funds for basic needs or specific payments (cf. Article 3 of the Regulation).

You may submit a request to the Council, together with supporting documentation, that the decision to include you on the above-mentioned list should be reconsidered, before 30 November 2022, 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 next review, pursuant to Article 10 of Decision (CFSP) 2019/797, of the list of designated persons and entities.

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)¹ for the attention of the data subjects to whom the restrictive measures provided for in Council Decision 2012/642/CFSP and in Council Regulation (EC) No 765/2006 apply].

¹ Official Journal reference