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► **B****COUNCIL REGULATION (EU) 2017/2063**

of 13 November 2017

concerning restrictive measures in view of the situation in Venezuela

(OJ L 295, 14.11.2017, p. 21)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Council Implementing Regulation (EU) 2018/88 of 22 January 2018	L 16 I	6	22.1.2018
► <u>M2</u>	Council Implementing Regulation (EU) 2018/899 of 25 June 2018	L 160 I	5	25.6.2018
► <u>M3</u>	Council Implementing Regulation (EU) 2018/1653 of 6 November 2018	L 276	1	7.11.2018
► <u>M4</u>	Commission Implementing Regulation (EU) 2019/1163 of 5 July 2019	L 182	33	8.7.2019
► <u>M5</u>	Council Implementing Regulation (EU) 2019/1169 of 8 July 2019	L 183	1	9.7.2019
► <u>M6</u>	Council Implementing Regulation (EU) 2019/1586 of 26 September 2019	L 248	1	27.9.2019
► <u>M7</u>	Council Regulation (EU) 2019/1889 of 11 November 2019	L 291	1	12.11.2019
► <u>M8</u>	Council Implementing Regulation (EU) 2019/1891 of 11 November 2019	L 291	13	12.11.2019

Corrected by:

- **C1** Corrigendum, OJ L 329, 19.12.2019, p. 97 (2019/1891)

**COUNCIL REGULATION (EU) 2017/2063****of 13 November 2017****concerning restrictive measures in view of the situation in
Venezuela***Article 1*

For the purposes of this Regulation, the following definitions apply:

- (a) ‘claim’ means any claim, whether asserted by legal proceedings or not, made before, on or after the date of entry into force of this Regulation, under or in connection with a contract or transaction, and includes in particular:
 - (i) a claim for performance of any obligation arising under or in connection with a contract or transaction;
 - (ii) a claim for extension or payment of a bond, financial guarantee or indemnity of whatever form;
 - (iii) a claim for compensation in respect of a contract or transaction;
 - (iv) a counterclaim;
 - (v) a claim for the recognition or enforcement, including by the procedure of *exequatur*, of a judgment, an arbitration award or an equivalent decision, wherever made or given;
- (b) ‘contract or transaction’ means any transaction of whatever form and whatever the applicable law, whether comprising one or more contracts or similar obligations made between the same or different parties; for this purpose, ‘contract’ includes a bond, guarantee or indemnity, in particular a financial guarantee or financial indemnity, and credit, whether legally independent or not, as well as any related provision arising under, or in connection with, the transaction;
- (c) ‘competent authorities’ refers to the competent authorities of the Member States as identified on the websites listed in Annex III;
- (d) ‘economic resources’ means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds, but may be used to obtain funds, goods or services;
- (e) ‘freezing of economic resources’ means preventing the use of economic resources to obtain funds, goods or services in any way, including, but not limited to, by selling, hiring or mortgaging them;
- (f) ‘freezing of funds’ means preventing any move, transfer, alteration or use of, access to, or dealing with funds in any way that would result in any change in their volume, amount, location, ownership, possession, character or destination or other change that would enable the funds to be used, including portfolio management;

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- (g) ‘funds’ means financial assets and benefits of every kind, including, but not limited to:
- (i) cash, cheques, claims on money, drafts, money orders and other payment instruments;
 - (ii) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;
 - (iii) publicly and privately traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;
 - (iv) interest, dividends or other income on or value accruing from or generated by assets;
 - (v) credit, right of set-off, guarantees, performance bonds or other financial commitments;
 - (vi) letters of credit, bills of lading, bills of sale; and
 - (vii) documents showing evidence of an interest in funds or financial resources;
- (h) ‘technical assistance’ means any technical support related to repairs, development, manufacture, assembly, testing, maintenance or any other technical service, and may take forms such as instruction, advice, training, transmission of working knowledge or skills, or consulting services, including verbal forms of assistance;
- (i) ‘brokering services’ means:
- (i) the negotiation or arrangement of transactions for the purchase, sale or supply of goods and technology or financial and technical services from a third country to any other third country, or
 - (ii) the selling or buying of goods and technology or financial and technical services that are located in a third country for their transfer to another third country;
- (j) ‘territory of the Union’ means the territories of the Member States to which the Treaty is applicable, under the conditions laid down in the Treaty, including their airspace.

Article 2

1. It shall be prohibited:
 - (a) to provide, directly or indirectly, technical assistance, brokering services and other services related to the goods and technology listed in the EU Common List of Military Equipment (‘the Common Military List’) and to the provision, manufacture, maintenance and use of goods and technology listed in the Common Military List to any natural or legal person, entity or body in, or for use in, Venezuela;

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- (b) to provide, directly or indirectly, financing or financial assistance related to the goods and technology listed in the Common Military List, including in particular grants, loans and export credit insurance, as well as insurance and reinsurance, for any sale, supply, transfer or export of such items, or for the provision of related technical assistance, brokering services and other services, directly or indirectly to any person, entity or body in, or for use in, Venezuela.

2. The prohibition in paragraph 1 shall not apply to the execution of contracts concluded before 13 November 2017 or to ancillary contracts necessary for the execution of such contracts, provided that they comply with Council Common Position 2008/944/CFSP ⁽¹⁾, in particular with the criteria set out in Article 2 thereof and that the natural or legal persons, entities or bodies seeking to perform the contract have notified the contract to the competent authority of the Member State in which they are established within 5 working days of the entry into force of this Regulation.

Article 3

It shall be prohibited:

- (a) to sell, supply, transfer or export, directly or indirectly, equipment which might be used for internal repression as listed in Annex I, whether or not originating in the Union, to any natural or legal person, entity or body in, or for use in, Venezuela;
- (b) to provide technical assistance and brokering and other services related to the equipment referred to in point (a), directly or indirectly to any natural or legal person, entity or body in, or for use in, Venezuela;
- (c) to provide financing or financial assistance, including in particular grants, loans and export credit insurance, as well as insurance and reinsurance, related to the equipment referred to in point (a), directly or indirectly to any natural or legal person, entity or body in, or for use in, Venezuela.

Article 4

1. By way of derogation from Articles 2 and 3, the competent authorities of Member States as listed in Annex III may authorise, under such conditions as they deem appropriate:

- (a) the provision of financing and financial assistance and technical assistance related to:
 - (i) non-lethal military equipment intended solely for humanitarian or protective use, or for institution-building programmes of the United Nations (UN) and the Union or its Member States or of regional and sub-regional organisations;

⁽¹⁾ Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment (OJ L 335, 13.12.2008, p. 99).

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- (ii) material intended for crisis-management operations of the UN and the Union or of regional and sub-regional organisations;
 - (b) the sale, supply, transfer or export of equipment which might be used for internal repression and associated financing and financial and technical assistance, intended solely for humanitarian or protective use or for institution-building programmes of the UN or the Union, or for crisis-management operations of the UN and the Union or of regional and subregional organisations;
 - (c) the sale, supply, transfer or export of demining equipment and materiel for use in demining operations and associated financing and financial and technical assistance.
2. Authorisations referred to in paragraph 1 may be granted only prior to the activity for which they are requested.

Article 5

Articles 2 and 3 shall not apply to protective clothing, including flak jackets and military helmets, temporarily exported to Venezuela by UN personnel, personnel of the Union or its Member States, representatives of the media, and humanitarian and development workers and associated personnel for their personal use only.

Article 6

1. It shall be prohibited to sell, supply, transfer or export, directly or indirectly, equipment, technology or software identified in Annex II, whether or not originating in the Union, to any person, entity or body in Venezuela or for use in Venezuela, unless the competent authority of the relevant Member State, as identified on the websites listed in Annex III, has given prior authorisation.
2. The competent authorities of the Member States, as identified on the websites listed in Annex III, shall not grant any authorisation under paragraph 1 if they have reasonable grounds to determine that the equipment, technology or software in question would be used for internal repression by Venezuela's government, public bodies, corporations or agencies, or any person or entity acting on their behalf or at their direction.
3. Annex II shall include equipment, technology or software intended primarily for use in the monitoring or interception of internet or telephone communications.
4. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this Article, within four weeks of the authorisation.

Article 7

1. Unless the competent authority of the relevant Member State, as identified on the websites listed in Annex III, has given prior authorisation in accordance with Article 6(2), it shall be prohibited:

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- (a) to provide, directly or indirectly, technical assistance or brokering services related to the equipment, technology and software identified in Annex II, or related to the installation, provision, manufacture, maintenance and use of the equipment and technology identified in Annex II or to the provision, installation, operation or updating of any software identified in Annex II, to any person, entity or body in Venezuela or for use in Venezuela;
- (b) to provide, directly or indirectly, financing or financial assistance related to the equipment, technology and software identified in Annex II to any person, entity or body in Venezuela or for use in Venezuela;
- (c) to provide any telecommunication or internet monitoring or interception services of any kind to, or for the direct or indirect benefit of, Venezuela's government, public bodies, corporations and agencies or any person or entity acting on their behalf or at their direction.

2. For the purposes of point (c) of paragraph 1, 'telecommunication or internet monitoring or interception services' means those services that provide, in particular using equipment, technology or software as identified in Annex II, access to and delivery of a subject's incoming and outgoing telecommunications and call-associated data for the purpose of its extraction, decoding, recording, processing, analysis or storing, or any other related activity.

Article 8

1. All funds and economic resources belonging to or owned, held or controlled by any natural or legal person, entity or body listed in Annexes IV and V shall be frozen.
2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of natural or legal persons, entities or bodies listed in Annexes IV and V.
3. Annex IV shall include:
 - (a) natural or legal persons, entities and bodies responsible for serious human rights violations or abuses or the repression of civil society and democratic opposition in Venezuela;
 - (b) natural or legal persons, entities and bodies whose actions, policies or activities otherwise undermine democracy or the rule of law in Venezuela.
4. Annex V shall include natural or legal persons, entities and bodies associated with the persons and entities referred to in paragraph 3.
5. Annexes IV and V shall include the grounds for the listing of the persons, entities and bodies concerned.

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6. Annexes IV and V shall also include, where available, information necessary to identify the natural or legal persons, entities and 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 and bodies, such information may include names, place and date of registration, registration number and place of business.

Article 9

1. By way of derogation from Article 8, the competent authorities of the Member States as identified on the websites listed in Annex III, may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, after having determined that the funds or economic resources are:

- (a) necessary to satisfy the basic needs of natural and legal persons listed in Annex IV or V, and dependent family members of such natural persons, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums and public utility charges;
- (b) intended exclusively for payment of reasonable professional fees or reimbursement of incurred expenses associated with the provision of legal services;
- (c) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources;
- (d) necessary for extraordinary expenses, provided that the relevant competent authority has notified the grounds on which it considers that a specific authorisation should be granted to the competent authorities of the other Member States and to the Commission at least two weeks prior to authorisation; or
- (e) to be paid into or from an account of a diplomatic or consular mission or an international organisation enjoying immunities in accordance with international law, insofar as such payments are intended to be used for official purposes of the diplomatic or consular mission or international organisation.

2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 1.

Article 10

1. By way of derogation from Article 8, the competent authorities in the Member States as identified on the websites listed in Annex III, may authorise the release of certain frozen funds or economic resources if the following conditions are met:

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- (a) the funds or economic resources are subject to an arbitral decision rendered prior to the date on which the natural or legal person, entity or body referred to in Article 8 was included in Annex IV or V, or of a judicial or administrative decision rendered in the Union, or a judicial decision enforceable in the Member State concerned, prior to, on or after that date;
 - (b) the funds or economic resources will be used exclusively to satisfy claims secured by such a decision or recognised as valid in such a decision, within the limits set by applicable laws and regulations governing the rights of persons having such claims;
 - (c) the decision is not for the benefit of a natural or legal person, entity or body listed in Annex IV or V; and
 - (d) recognising the decision is not contrary to public policy in the Member State concerned.
2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 1.

Article 11

1. By way of derogation from Article 8 and provided that a payment by a natural or legal person, entity or body listed in Annex IV or V is due under a contract or agreement that was concluded by, or an obligation that arose for, the natural or legal person, entity or body concerned before the date on which that natural or legal person, entity or body was included in Annex IV or V, the competent authorities of the Member States may authorise, under such conditions as they deem appropriate, the release of certain frozen funds or economic resources, provided that the competent authority concerned has determined that:

- (a) the funds or economic resources are to be used for a payment by a natural or legal person, entity or body listed in Annex IV or V;
- (b) the payment is not in breach of Article 8(2)

2. The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under paragraph 1 within four weeks of the authorisation.

3. Article 8(2) shall not prevent the crediting of the frozen accounts by financial or credit institutions that receive funds transferred by third parties to the account of a listed natural or legal person, entity or body, provided that any additions to such accounts will also be frozen. The financial or credit institution shall inform the relevant competent authority about any such transaction without delay.

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4. Provided that any such interest, other earnings and payments are frozen in accordance with Article 8, Article 8(2) shall not apply to the addition to frozen accounts of:

- (a) interest or other earnings on those accounts;
- (b) payments due under contracts, agreements or obligations that were concluded or arose before the date on which the natural or legal person, entity or body referred to in Article 8 was included in Annex IV or V; or
- (c) payments due under judicial, administrative or arbitral decisions rendered in a Member State or enforceable in the Member State concerned.

Article 12

1. Without prejudice to the applicable rules concerning reporting, confidentiality and professional secrecy, natural and legal persons, entities and bodies shall:

- (a) supply immediately any information which would facilitate compliance with this Regulation, such as information on accounts and amounts frozen in accordance with Article 8, to the competent authority of the Member State where they are resident or located, and shall transmit such information, directly or through the Member State, to the Commission; and
- (b) cooperate with the competent authority in any verification of the information referred to in point (a).

2. Any additional information received directly by the Commission shall be made available to the Member States.

3. Any information provided or received in accordance with this Article shall be used only for the purposes for which it was provided or received.

Article 13

1. The freezing of funds and economic resources or the refusal to make funds or economic resources available, carried out in good faith on the basis that such action is in accordance with this Regulation, shall not give rise to liability of any kind on the part of the natural or legal person or entity or body implementing it, or its directors or employees, unless it is proved that the funds and economic resources were frozen or withheld as a result of negligence.

2. Actions by natural or legal persons, entities or bodies shall not give rise to any liability of any kind on their part if they did not know, and had no reasonable cause to suspect, that their actions would infringe the measures set out in this Regulation.

Article 14

It shall be prohibited to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the measures laid down in this Regulation.



Article 15

1. No claims in connection with any contract or transaction the performance of which has been affected, directly or indirectly, in whole or in part, by the measures imposed under this Regulation, including claims for indemnity or any other claim of this type, such as a claim for compensation or a claim under a guarantee, in particular a claim for extension or payment of a bond, guarantee or indemnity, in particular a financial guarantee or financial indemnity, of whatever form, shall be satisfied, if they are made by:

- (a) designated natural or legal persons, entities or bodies listed in Annexes IV and V;
- (b) any natural or legal person, entity or body acting through or on behalf of one of the persons, entities or bodies referred to in point (a).

2. In any proceedings for the enforcement of a claim, the onus of proving that satisfying the claim is not prohibited by paragraph 1 shall be on the natural or legal person, entity or body seeking the enforcement of that claim.

3. This Article is without prejudice to the right of the natural or legal persons, entities and bodies referred to in paragraph 1 to judicial review of the legality of the non-performance of contractual obligations in accordance with this Regulation.

Article 16

1. The Commission and Member States shall inform each other of the measures taken under this Regulation and share any other relevant information at their disposal in connection with this Regulation, in particular information concerning:

- (a) funds frozen under Article 8 and authorisations granted under Articles 9 to 11;
- (b) violation and enforcement problems and judgments handed down by national courts.

2. The Member States shall immediately inform each other and the Commission of any other relevant information at their disposal which might affect the effective implementation of this Regulation.

Article 17

1. Where the Council decides to subject a natural or legal person, entity or body to the measures referred to in Article 8, it shall amend Annex IV or V accordingly.

2. The Council shall communicate its decision, including the grounds for listing, to the natural or legal person, entity or body referred to in paragraph 1, either directly, if the address is known, or through the publication of a notice, providing such natural or legal person, entity or body with an opportunity to present observations.

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3. Where observations are submitted, or where substantial new evidence is presented, the Council shall review its decision and inform the natural or legal person, entity or body accordingly.
4. The list set out in Annexes IV and V shall be reviewed at regular intervals and at least every 12 months.
5. The Commission shall be empowered to amend Annex III on the basis of information supplied by Member States.

Article 18

1. Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.
2. Member States shall notify the Commission of the rules referred to in paragraph 1 without delay after the entry into force of this Regulation and shall notify it of any subsequent amendment.

▼M7*Article 18a*

1. The Council, the Commission and the High Representative of the Union for Foreign Affairs and Security Policy (the ‘High Representative’) may process personal data in order to carry out their tasks under this Regulation. These tasks include:
 - (a) as regards the Council, preparing and making amendments to Annexes IV and V;
 - (b) as regards the High Representative, preparing amendments to Annexes IV and V;
 - (c) as regards the Commission:
 - (i) adding the contents of Annexes IV and V to the electronic consolidated list of persons, groups and entities subject to Union financial restrictive measures and in the interactive sanctions map, both publicly available;
 - (ii) processing information on the impact of measures taken under this Regulation, such as the value of frozen funds and information on authorisations granted by the competent authorities.
2. The Council, the Commission and the High Representative may process, where applicable, relevant data relating to criminal offences committed by listed natural persons, to criminal convictions of such persons or to security measures concerning such persons, only to the extent that such processing is necessary for the preparation of Annexes IV and V.

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3. For the purposes of this Regulation, the Council, the Commission service listed in Annex III to this Regulation and the High Representative are designated as ‘controllers’ within the meaning of point (8) of Article 3 of Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁽¹⁾, in order to ensure that the natural persons concerned can exercise their rights under Regulation (EU) 2018/1725.

▼B*Article 19*

1. Member States shall designate the competent authorities referred to in this Regulation and identify them on the websites listed in Annex III. Member States shall notify the Commission of any changes in the addresses of their websites listed in Annex III.

2. Member States shall notify the Commission of their competent authorities, including the contact details of those competent authorities, without delay after the entry into force of this Regulation, and shall notify it of any subsequent amendment.

3. Where this Regulation sets out a requirement to notify, inform or otherwise communicate with the Commission, the address and other contact details to be used for such communication shall be those indicated in Annex III.

Article 20

This Regulation shall apply:

- (a) within the territory of the Union, including its airspace;
- (b) on board any aircraft or any vessel under the jurisdiction of a Member State;
- (c) to any person inside or outside the territory of the Union who is a national of a Member State;
- (d) to any legal person, entity or body, inside or outside the territory of the Union, which is incorporated or constituted under the law of a Member State;

⁽¹⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

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- (e) to any legal person, entity or body in respect of any business done in whole or in part within the Union.

Article 21

This Regulation shall enter into force on the date of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

*ANNEX I*

List of equipment which might be used for internal repression as referred to in Article 3

1. Firearms, ammunition and related accessories therefor, as follows:

- 1.1. Firearms not controlled by ML 1 and ML 2 of the Common Military List;
- 1.2. Ammunition specially designed for the firearms listed in item 1.1 and specially designed components therefor;
- 1.3. Weapon-sights not controlled by the Common Military List.

2. Bombs and grenades not controlled by the Common Military List.

3. Vehicles as follows:

- 3.1. Vehicles equipped with a water cannon, specially designed or modified for the purpose of riot control;
- 3.2. Vehicles specially designed or modified to be electrified to repel borders;
- 3.3. Vehicles specially designed or modified to remove barricades, including construction equipment with ballistic protection;
- 3.4. Vehicles specially designed for the transport or transfer of prisoners and/or detainees;
- 3.5. Vehicles specially designed to deploy mobile barriers;
- 3.6. Components for the vehicles specified in items 3.1 to 3.5 specially designed for the purposes of riot control.

Note 1 This item does not control vehicles specially designed for the purposes of firefighting.

Note 2 For the purposes of item 3.5, the term 'vehicles' includes trailers.

4. Explosive substances and related equipment as follows:

- 4.1. Equipment and devices specially designed to initiate explosions by electrical or non-electrical means, including firing sets, detonators, igniters, boosters and detonating cord, and specially designed components therefor; except those specially designed for a specific commercial use consisting of the actuation or operation by explosive means of other equipment or devices the function of which is not the creation of explosions (e.g. car air-bag inflaters, electric-surge arresters of fire sprinkler actuators);
- 4.2. Linear cutting explosive charges not controlled by the Common Military List;
- 4.3. Other explosives not controlled by the Common Military List and related substances as follows:
 - (a) amatol;
 - (b) nitrocellulose (containing more than 12,5 % nitrogen);
 - (c) nitroglycol;

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(d) pentaerythritol tetranitrate (PETN);

(e) picryl chloride;

(f) 2,4,6-trinitrotoluene (TNT).

5. Protective equipment not controlled by ML 13 of the Common Military List as follows:

5.1. Body armour providing ballistic and/or stabbing protection;

5.2. Helmets providing ballistic and/or fragmentation protection, anti-riot helmets, antiriot shields and ballistic shields.

Note: This item does not control:

— equipment specially designed for sports activities;

— equipment specially designed for safety of work requirements.

6. Simulators, other than those controlled by ML 14 of the Common Military List, for training in the use of firearms, and specially designed software therefor.

7. Night vision, thermal imaging equipment and image intensifier tubes, other than those controlled by the Common Military List.

8. Razor barbed wire.

9. Military knives, combat knives and bayonets with blade lengths in excess of 10 cm.

10. Production equipment specially designed for the items specified in this list.

11. Specific technology for the development, production or use of the items specified in this list.



ANNEX II

Equipment, technology and software referred to in Articles 6 and 7

General note

Notwithstanding the contents of this Annex, it shall not apply to:

- (a) equipment, technology or software which are specified in Annex I to Council Regulation (EC) 428/2009 ⁽¹⁾ or the Common Military List; or
- (b) software which is designed for installation by the user without further substantial support by the supplier and which is generally available to the public by being sold from stock at retail selling points, without restriction, by means of:
 - (i) over the counter transactions;
 - (ii) mail order transactions;
 - (iii) electronic transactions; or
 - (iv) telephone order transactions; or
- (c) software which is in the public domain.

The categories A, B, C, D and E refer to the categories referred to in Regulation (EC) No 428/2009.

The equipment, technology and software referred to in Articles 6 and 7 is:

A. List of equipment

- Deep Packet Inspection equipment
- Network Interception equipment including Interception Management Equipment (IMS) and Data Retention Link Intelligence equipment
- Radio Frequency monitoring equipment
- Network and Satellite jamming equipment
- Remote Infection equipment
- Speaker recognition/processing equipment
- IMSI ⁽²⁾, MSISDN ⁽³⁾, IMEI ⁽⁴⁾, TMSI ⁽⁵⁾ interception and monitoring equipment

⁽¹⁾ Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items (OJ L 134, 29.5.2009, p. 1).

⁽²⁾ 'IMSI' stands for International Mobile Subscriber Identity. It is a unique identification code for each mobile telephony device, integrated in the SIM card, which allows for identification of such SIM via GSM and UMTS networks.

⁽³⁾ 'MSISDN' stands for Mobile Subscriber Integrated Services Digital Network Number. It is a number uniquely identifying a subscription in a GSM or a UMTS mobile network. Simply put, it is the telephone number to the SIM card in a mobile phone and therefore it identifies a mobile subscriber as well as IMSI, but to route calls through him.

⁽⁴⁾ 'IMEI' stands for International Mobile Equipment Identity. It is a number, usually unique to identify GSM, WCDMA and IDEN mobile phones as well as some satellite phones. It is usually found printed inside the battery compartment of the phone. interception (wiretapping) can be specified by its IMEI number as well as IMSI and MSISDN.

⁽⁵⁾ 'TMSI' stands for Temporary Mobile Subscriber Identity. It is the identity that is most commonly sent between the mobile and the network.

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- Tactical SMS ⁽¹⁾ /GSM ⁽²⁾ /GPS ⁽³⁾ /GPRS ⁽⁴⁾ /UMTS ⁽⁵⁾ /CDMA ⁽⁶⁾ / PSTN ⁽⁷⁾ interception and monitoring equipment
- DHCP ⁽⁸⁾ /SMTP ⁽⁹⁾, GTP ⁽¹⁰⁾ information interception and monitoring equipment
- Pattern Recognition and Pattern Profiling equipment
- Remote Forensics equipment
- Semantic Processing Engine equipment
- WEP and WPA code breaking equipment
- Interception equipment for VoIP proprietary and standard protocol

B. Not used

C. Not used

D. ‘Software’ for the ‘development’, ‘production’ or ‘use’ of the equipment specified in A above.

E. ‘Technology’ for the ‘development’, ‘production’ or ‘use’ of the equipment specified in A above.

Equipment, technology and software falling within these categories is within the scope of this Annex only to the extent that it falls within the general description ‘internet, telephone and satellite communications interception and monitoring systems’.

For the purpose of this Annex, ‘monitoring’ means acquisition, extraction, decoding, recording, processing, analysis and archiving call content or network data.

⁽¹⁾ ‘SMS’ stands for Short Message System.
⁽²⁾ ‘GSM’ stands for Global System for Mobile Communications.
⁽³⁾ ‘GPS’ stands for Global Positioning System.
⁽⁴⁾ ‘GPRS’ stands for General Package Radio Service.
⁽⁵⁾ ‘UMTS’ stands for Universal Mobile Telecommunication System.
⁽⁶⁾ ‘CDMA’ stands for Code Division Multiple Access.
⁽⁷⁾ ‘PSTN’ stands for Public Switch Telephone Networks.
⁽⁸⁾ ‘DHCP’ stands for Dynamic Host Configuration Protocol.
⁽⁹⁾ ‘SMTP’ stands for Simple Mail Transfer Protocol.
⁽¹⁰⁾ ‘GTP’ stands for GPRS Tunnelling Protocol.

▼ B*ANNEX III*

Websites for information on the competent authorities and address for notifications to the Commission

▼ M4**BELGIUM**

https://diplomatie.belgium.be/nl/Beleid/beleidsthemas/vrede_en_veiligheid/sancties

https://diplomatie.belgium.be/fr/politique/themes_politiques/paix_et_securite/sanctions

https://diplomatie.belgium.be/en/policy/policy_areas/peace_and_security/sanctions

BULGARIA

<https://www.mfa.bg/en/101>

CZECH REPUBLIC

www.financnianalytickyrad.cz/mezinarodni-sankce.html

DENMARK

<http://um.dk/da/Udenrigspolitik/folkeretten/sanktioner/>

GERMANY

<http://www.bmwi.de/DE/Themen/Aussenwirtschaft/aussenwirtschaftsrecht,did=404888.html>

ESTONIA

http://www.vm.ee/est/kat_622/

IRELAND

<http://www.dfa.ie/home/index.aspx?id=28519>

GREECE

<http://www.mfa.gr/en/foreign-policy/global-issues/international-sanctions.html>

SPAIN

<http://www.exteriores.gob.es/Portal/en/PoliticaExteriorCooperacion/GlobalizacionOportunidadesRiesgos/Paginas/SancionesInternacionales.aspx>

FRANCE

<http://www.diplomatie.gouv.fr/fr/autorites-sanctions/>

CROATIA

<http://www.mvep.hr/sankcije>

ITALY

https://www.esteri.it/mae/it/politica_estera/politica_europea/misure_deroghe

CYPRUS

http://www.mfa.gov.cy/mfa/mfa2016.nsf/mfa35_en/mfa35_en?OpenDocument

LATVIA

<http://www.mfa.gov.lv/en/security/4539>

LITHUANIA

<http://www.urm.lt/sanctions>

▼ M4

LUXEMBOURG

<https://maee.gouvernement.lu/fr/directions-du-ministere/affaires-europeennes/mesures-restrictives.html>

HUNGARY

http://www.kormany.hu/download/9/2a/f0000/EU%20szankci%C3%B3s%20t%C3%A1j%C3%A9koztat%C3%B3_20170214_final.pdf

MALTA

<https://foreignaffairs.gov.mt/en/Government/SMB/Pages/Sanctions-Monitoring-Board.aspx>

NETHERLANDS

<https://www.rijksoverheid.nl/onderwerpen/internationale-sancties>

AUSTRIA

http://www.bmeia.gv.at/view.php3?f_id=12750&LNG=en&version=

POLAND

<https://www.gov.pl/web/dyplomacja>

PORTUGAL

<http://www.portugal.gov.pt/pt/ministerios/mne/quero-saber-mais/sobre-o-ministerio/medidas-restritivas/medidas-restritivas.aspx>

ROMANIA

<http://www.mae.ro/node/1548>

SLOVENIA

http://www.mzz.gov.si/si/omejevalni_ukrepi

SLOVAKIA

https://www.mzv.sk/europske_zalezitosti/europske_politiky-sankcie_eu

FINLAND

<http://formin.finland.fi/kvyhteisty/pakotteet>

SWEDEN

<http://www.ud.se/sanktioner>

UNITED KINGDOM

<https://www.gov.uk/sanctions-embargoes-and-restrictions>

Address for notifications to the European Commission:

European Commission

Service for Foreign Policy Instruments (FPI)

EEAS 07/99

B-1049 Brussels, Belgium

E-mail: relex-sanctions@ec.europa.eu

▼ B

ANNEX IV

List of natural and legal persons, entities and bodies referred to in Article 8(3)

▼ M5

	Name	Identifying information	Reasons	Date of listing
▼ <u>M8</u>	1. Néstor Luis Reverol Torres	Date of birth: 28 October 1964 Gender: male	Minister for Interior, Justice and Peace since 2016. Also appointed as Vice-President of Public Works and Services and Executive Secretary of the Electrical General Staff in April 2019. Former Commander General of the Bolivarian National Guard. Responsible for serious human rights violations, including torture of (political) prisoners, and repression of the democratic opposition in Venezuela, including the prohibition and repression of political demonstrations, committed by security forces under his command.	22.1.2018
▼ <u>M5</u>	2. Gustavo Enrique González López	Date of birth: 2 November 1960 Gender: male	Reappointed as Head of the Bolivarian National Intelligence Service (SEBIN) on 30 April 2019. Formerly Security and Intelligence Adviser for the President's office from 8 January 2019 to 30 April 2019 and Head of SEBIN until October 2018. As Head of SEBIN, responsible for serious human rights violations (including arbitrary detention, inhuman and degrading treatment, and torture) and repression of civil society and the democratic opposition in Venezuela.	22.1.2018
▼ <u>M8</u>	3. ► <u>CI</u> Tibisay Lucena Ramírez ◀	Date of birth: 26 April 1959 Gender: female	President of the National Electoral Council (<i>Consejo Nacional Electoral</i> (CNE)). Her actions and policies have undermined democracy and the rule of law in Venezuela, including by failing to ensure that the CNE remains an impartial and independent institution in accordance with the Venezuelan Constitution thereby facilitating the establishment of the Constituent Assembly and the re-election of Nicolás Maduro in May 2018 through presidential elections that were neither free nor fair.	22.1.2018
▼ <u>M5</u>	4. Antonio José Benavides Torres	Date of birth: 13 June 1961 Gender: male	Chief of the Capital District (<i>Distrito Capital</i>) Government until January 2018. General Commander of the Bolivarian National Guard until 21 June 2017. Involved in repression of civil society and democratic opposition in Venezuela, and responsible for serious human rights violations committed by the Bolivarian National Guard under his command. His actions and policies as General Commander of the Bolivarian National Guard, including the Bolivarian National Guard taking the lead in the policing of civilian demonstrations and publicly advocating that military courts should have jurisdiction over civilians, have undermined the rule of law in Venezuela.	22.1.2018

▼ M5

	Name	Identifying information	Reasons	Date of listing
5.	Maikel José Moreno Pérez	Date of birth: 12 December 1965 Gender: male	President, and former Vice President, of the Supreme Court of Justice of Venezuela (<i>Tribunal Supremo de Justicia</i>). In these roles, he has supported and facilitated the Government's actions and policies which have undermined democracy and the rule of law in Venezuela, and is responsible for actions and statements that have usurped the authority of the National Assembly.	22.1.2018

▼ M8

6.	Tarek William Saab Halabi	Date of birth: 10 September 1963 Place of birth: El Tigre, Anzoátegui state, Venezuela Gender: male	Venezuelan Attorney General appointed by the Constituent Assembly. In this role, and previous roles as Ombudsman and President of the Republican Moral Council, he has undermined democracy and the rule of law in Venezuela by publicly supporting actions against opponents of the government of Venezuela and the withdrawal of competences from the National Assembly.	22.1.2018
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7.	Diosdado Cabello Rondón	Date of birth: 15 April 1963 Gender: male	President of the Constituent Assembly and First Vice President of the United Socialist Party of Venezuela (PSUV). Involved in undermining democracy and the rule of law in Venezuela, including by using the media to publicly attack and threaten political opposition, other media and civil society.	22.1.2018
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8.	Tareck Zaidan El-Aissami Maddah	Vice President of Economy and Minister for National Industry and Production Date of birth: 12 November 1974 Gender: male	Vice President of Economy and Minister for National Industry and Production. As the former Vice President of Venezuela with oversight of the direction of the Bolivarian National Intelligence Service (SEBIN) Maddah is responsible for the serious human rights violations carried out by the organisation, including arbitrary detention, politically motivated investigations, inhumane and degrading treatment, and torture. He is also responsible for supporting and implementing policies and activities which undermine democracy and the rule of law, including the prohibition of public demonstrations, and heading President Maduro's 'anti-coup command' which has targeted civil society and the democratic opposition.	25.6.2018
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9.	Sergio José Rivero Marcano	Inspector General of the Bolivarian National Armed Forces Date of birth: 8 November 1964 Gender: male	General Commander of the Bolivarian National Guard until 16 January 2018. Involved in the repression of civil society and democratic opposition in Venezuela, and responsible for serious human rights violations committed by the Bolivarian National Guard under his command, including the excessive use of force, and the arbitrary detention and abuse of civil society and opposition members. His actions and policies as General Commander of the Bolivarian National Guard, including the Bolivarian National Guard assaulting members of the democratically elected National Assembly and intimidating journalists reporting on the fraudulent elections for the illegitimate Constituent Assembly, have undermined democracy and the rule of law in Venezuela.	25.6.2018
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	Name	Identifying information	Reasons	Date of listing
▼ <u>M8</u>	10. Jesús Rafael Suárez Chourio	Date of birth: 19 July 1962 Gender: male	Commander in Chief of the Venezuelan Bolivarian National Army and Chief of the General Staff to the Commander-in-Chief. Former General Commander of the Venezuelan Bolivarian National Army and former Commander of Venezuela's Comprehensive Defence Region of the Central Zone (REDI Central). Responsible for serious human rights violations by forces under his command during his tenure as General Commander of the Venezuelan Bolivarian National Army, including the use of excessive force and the mistreatment of detainees. He has targeted the democratic opposition and supported the use of military courts to try civilian protestors.	25.6.2018
▼ <u>M5</u>	11. Iván Hernández Dala	Head of Directorate-General of Military Counter-Intelligence Date of birth: 18 May 1966 Gender: male	Head of the Directorate-General of Military Counter-Intelligence (DGCIM) since January 2014 and Head of the Presidential Guard since September 2015. As Head of the DGCIM, Iván Hernández Dala is responsible for serious human rights violations and the repression of civil society and democratic opposition committed by members of the DGCIM under his command, including excessive use of force and the ill-treatment of detainees.	25.6.2018
	12. Delcy Eloina Rodríguez Gómez	Vice President of the Bolivarian Republic of Venezuela Date of birth: 18 May 1969 Gender: female	Vice President of Venezuela, former President of the illegitimate Constituent Assembly and former member of the Presidential Commission for the illegitimate National Constituent Assembly. Her actions on the Presidential Commission and then as President of the illegitimate Constituent Assembly have undermined democracy and the rule of law in Venezuela, including usurping the powers of the National Assembly and using them to target the opposition and prevent them taking part in the political process.	25.6.2018
▼ <u>M8</u>	13. Elías José Jaua Milano	Date of birth: 16 December 1969 Gender: male	Former Minister of Popular Power for Education. Former President of the Presidential Commission for the illegitimate National Constituent Assembly. Responsible for undermining democracy and the rule of law in Venezuela through his role in leading the establishment of the illegitimate Constituent Assembly.	25.6.2018
▼ <u>M5</u>	14. Sandra Ruzza Oblitas	Vice President of National Electoral Council Date of birth: 7 June 1969 Gender: female	Vice President of the National Electoral Council (CNE) and President of the Commission of the Electoral and Civilian Register. Responsible for the CNE's activities which have undermined democracy in Venezuela, including facilitating the establishment of the illegitimate Constituent Assembly and manipulation of the electoral process.	25.6.2018

▼ **M5**

	Name	Identifying information	Reasons	Date of listing
▼ M8	15. Freddy Alirio Bernal Rosales	Date of birth: 16 June 1962 Place of birth: San Cristóbal, Táchira state, Venezuela Gender: male	Head of the National Control Centre of the Committee for Local Supply and Production (CLAP) and Protector of Táchira State. Also a Commissioner General of the Bolivarian National Intelligence Service (SEBIN). As Head of the CLAP and Protector of Táchira State he can call upon Special Forces (FAES) and is able to influence appointments of judges and prosecutors. Responsible for undermining democracy through manipulation of CLAP programme distributions amongst voters. Additionally, as Commissioner General of SEBIN he is responsible for SEBIN's activities which include serious human rights violations such as arbitrary detention.	25.6.2018
▼ M5	16. Katherine Nayarith Harrington Padrón	Date of birth: 5 December 1971 Gender: female	Deputy Prosecutor General (also translated as Deputy Attorney General) from July 2017 until October 2018. Appointed Deputy Prosecutor General by the Supreme Court in violation of the Constitution, rather than by the National Assembly. Responsible for undermining democracy and the rule of law in Venezuela, including by initiating politically-motivated prosecutions and failing to investigate allegations of human rights violations by the Maduro regime.	25.6.2018
	17. Socorro Elizabeth Hernández Hernández	Date of birth: 11 March 1952 Gender: female	Member (Rector) of the National Electoral Council (CNE) and member of the National Electoral Board (JNE). Responsible for the CNE's activities which have undermined democracy in Venezuela, including facilitating the establishment of the illegitimate Constituent Assembly and manipulation of the electoral process in relation to a cancelled presidential recall election in 2016, postponement of gubernatorial elections in 2016, and the relocation of polling stations at short notice before gubernatorial elections in 2017.	25.6.2018
	18. Xavier Antonio Moreno Reyes	Secretary-General of the National Electoral Council Gender: male	Secretary-General of the National Electoral Council (CNE). Responsible for approving CNE decisions which have undermined democracy in Venezuela, including facilitating the establishment of the illegitimate Constituent Assembly and manipulation of the electoral process.	25.6.2018
▼ M8	19. Nestor Neptali Blanco Hurtado	Date of birth: 26 September 1982 ID number: V-15222057 Gender: male	Major in the Bolivarian National Guard (GNB), operated alongside officials in the Directorate-General of Military Counter-Intelligence (<i>Dirección General de Contrainteligencia Militar</i> (DGCIM)) since at least December 2017. Responsible for serious human rights violations, including torture, the use of excessive force and the mistreatment of detainees in DGCIM facilities.	27.9.2019

▼ M6

	Name	Identifying information	Reasons	Date of listing
20.	Rafael Ramon Blanco Marrero	Date of birth: 28 February 1968 ID number: V-6250588 Gender: male	Deputy Director of the Directorate-General of Military Counter-Intelligence (<i>Dirección General de Contrainteligencia Militar</i> (DGCIM)) since at least December 2018 and Division General of the Venezuelan Bolivarian National Army since 5 July 2019. Responsible for serious human rights violations, including torture, the use of excessive force and the mistreatment of detainees in DGCIM facilities that were committed by DGCIM officials under his command. Linked to the death of Captain Acosta.	27.9.2019

▼ M8

21.	Carlos Alberto Calderon Chirinos	ID number: V-10352300 Gender: male	Senior office holder (referred to as Commissioner, Director and Director General) in the Bolivarian National Intelligence Service (SEBIN). Responsible for serious human rights violations, including torture, the use of excessive force and the mistreatment of detainees in SEBIN facilities. In particular, he participated in and was responsible for acts of torture and the cruel, inhuman and degrading treatment of detainees in El Helicoide, a SEBIN prison.	27.9.2019
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▼ M6

22.	Alexis Enrique Escalona Marrero	Date of birth: 12 October 1962 Gender: male	Chief in Charge of the National Office Against Organized Crime and Terrorist Financing (ONDOFT). National Commander of the National Anti-Extortion and Kidnapping Command (<i>Comando Nacional Antiextorsión y Secuestro</i> (CONAS)) between 2014 and 2017. Responsible for serious human rights violations, including torture, excessive use of force and the mistreatment of detainees by members of CONAS under his command. Also responsible for the repression of civil society by members of CONAS under his command.	27.9.2019
23.	Rafael Antonio Franco Quintero	Date of birth: 14 October 1973 ID number: V-11311672 Gender: male	Agent in the Bolivarian National Intelligence Service (SEBIN). Head of Investigations at the Directorate-General of Military Counter-Intelligence (<i>Dirección General de Contrainteligencia Militar</i> (DGCIM)) between at least 2017 and December 2018. Responsible for serious human rights violations, including torture, excessive use of force and the ill-treatment of detainees in DGCIM facilities by members of the DGCIM under his command. Also responsible for the repression of civil society and democratic opposition by members of the DGCIM under his command. Linked to the death of Captain Acosta.	27.9.2019
24.	Alexander Enrique Granko Arteaga	Date of birth: 25 March 1981 ID Number: V-14970215 Gender: male	Head (Director) of the Special Affairs Division (DAE) of the Directorate-General of Military Counter-Intelligence (<i>Dirección General de Contrainteligencia Militar</i> (DGCIM)). Responsible for serious human rights violations, including torture, excessive use of force causing death and injury and the ill-treatment of detainees	27.9.2019

▼ M6

	Name	Identifying information	Reasons	Date of listing
			in DGCIM facilities committed by himself and also officials under his command. Also responsible for the repression of civil society by members of DGCIM under his command, as well as directly involved in such repression. Linked to the death of Captain Acosta.	
25.	Hannover Esteban Guerrero Mijares	Date of birth: 14 January 1971 Gender: male	Head of Investigations at the Directorate-General of Military Counter-Intelligence (<i>Dirección General de Contrainteligencia Militar</i> (DGCIM)) from at least April 2019 to August 2019. As Head of Investigations he supervised the DGCIM facility in Boleita. Responsible for serious human rights violations, including torture, excessive use of force and the ill-treatment of detainees committed by him and also by officials under his command, particularly in Boleita. Linked to the death of Captain Acosta.	27.9.2019

▼B

ANNEX V

List of natural and legal persons, entities and bodies referred to in Article 8(4)