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'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

DOCUMENT PARTIALLY ACCESSIBLE TO THE PUBLIC (17.11.2020)

1. On 17 May 2019, the Council adopted Decision (CFSP) 2019/797 ⁽¹⁾ concerning restrictive measures against cyber-attacks threatening the Union or its Member States.
2. On 30 July 2020, the Council adopted Decision (CFSP) 2020/1127, which added six natural persons and three entities or bodies to the list of natural and legal persons, entities and bodies subject to restrictive measures in the Annex to Decision (CFSP) 2019/797.
3. On 29 October 2020, the High Representative submitted to the Council a proposal for a Council Decision amending Decision (CFSP) 2019/797 concerning restrictive measures against cyber-attacks threatening the Union or its Member States (doc. 12473/20), and a proposal for a Council Implementing Regulation implementing Regulation (EU) 2019/796 (doc. 12475/20), updating the information for two listings.

¹ Council Decision (CFSP) 2019/797 of 17 May 2019 concerning restrictive measures against cyber-attacks threatening the Union or its Member States (OJ L 129 I, 17.5.2019, p. 13).

4. On 5 November 2020, the Foreign Relations Counsellors Working Party (RELEX) agreed the text of the draft Council Decision and Implementing Regulation.
5. In these circumstances, COREPER is invited to:
- confirm the agreement on the draft Council Decision and draft Council Implementing Regulation;
 - decide, in accordance with Article 12 of the Council's Rules of Procedure, and Article 1 of Council Decision 2020/430, that the Council use the written procedure to:
 - adopt the draft Council Decision, as set out, after finalisation of the text by the legal/linguistic experts, in document 12474/20 and the draft Council Implementing Regulation implementing Regulation (EU) 2019/796 as set out, after finalisation of the text by the legal/linguistic experts, in document 12476/20;
 - approve the draft notices as set out in annexes I and II to this note as well as the draft letter in Annex III;
 - agree to the publication of the abovementioned Decision and Implementing Regulation and notices in the Official Journal of the European Union.

**Notice for the attention of the persons subject to the restrictive measures provided for in
Council Decision (CFSP) 2019/797⁽²⁾, as amended by Council Decision (CFSP)
2020/[number]⁺, and in Council Regulation (EU) 2019/796⁽³⁾, as implemented by Council
Implementing Regulation (EU) 2020/[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 that appear in the Annex to Council Decision (CFSP) 2019/797, as amended by Council Decision (CFSP) 2020/[number]⁺, and in Annex I to Council Regulation (EU) 2019/796, as implemented by Council Implementing Regulation (EU) 2020/[number]⁺⁺ concerning restrictive measures against cyber-attacks threatening the Union or its Member States.

The Council of the European Union has decided to update the information on two persons that appear in the above-mentioned Annexes. The grounds for the listing of the persons concerned 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 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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- ² Council Decision (CFSP) 2019/797 of 17 May 2019 concerning restrictive measures against cyber-attacks threatening the Union or its Member States (OJ L 129 I, 17.5.2019, p. 13).
⁺ OJ: please insert number and publication details for the Decision in document 12474/20.
³ Council Regulation (EU) 2019/796 concerning restrictive measures against cyber-attacks threatening the Union or its Member States (OJ L 129 I, 17.05.2019, p. 1).
⁺⁺ OJ: please insert number and publication details for the Regulation in document 12476/20.

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, **before 15 January 2021**, to the following address:

Council of the European Union

General Secretariat

RELEX.1.C

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 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
Decision (CFSP) 2019/797 and Council Regulation (EU) 2019/796 concerning restrictive
measures against cyber-attacks threatening the Union or its Member States**

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⁽⁴⁾, as amended by Council Decision (CFSP) 2020/[number]⁺, and in Council Regulation (EU) 2019/796⁽⁵⁾, as implemented by Council Implementing Regulation (EU) 2020/[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 RELEX (External Relations) of the General Secretariat of the Council and the department entrusted with the processing operation is RELEX.1.C that can be contacted at:

Council of the European Union

General Secretariat

RELEX.1.C

Rue de la Loi/Wetstraat 175

1048 Bruxelles/Brussel

BELGIQUE/BELGIË

e-mail: sanctions@consilium.europa.eu

⁴ Council Decision (CFSP) 2019/797 of 17 May 2019 concerning restrictive measures against cyber-attacks threatening the Union or its Member States (OJ L 129 I, 17.5.2019, p. 13).

⁺ OJ: please insert number and publication details for the Decision in document 12474/20.

⁵ Council Regulation (EU) 2019/796 concerning restrictive measures against cyber-attacks threatening the Union or its Member States (OJ L 129 I, 17.05.2019, p. 1).

⁺⁺ OJ: please insert number and publication details for the Regulation in document 12476/20.

The GSC's Data Protection Officer 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) 2020/[number]⁺, and in Council Regulation (EU) 2019/796, as implemented by Council Implementing Regulation (EU) 2020/[number]⁺⁺.

The data subjects are the natural persons who fulfil the listing criteria as laid down in 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).

⁺ OJ: please insert number and publication details for the Decision in document 12474/20.

⁺⁺ OJ: please insert number and publication details for the Regulation in document 12476/20.

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