

DECISIONS

COUNCIL DECISION (CFSP) 2019/1893

of 11 November 2019

amending Decision (CFSP) 2017/2074 concerning restrictive measures in view of the situation in Venezuela

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 13 November 2017, the Council adopted Decision (CFSP) 2017/2074 ⁽¹⁾ concerning restrictive measures in view of the situation in Venezuela.
- (2) The Council underscored that the restrictive measures are gradual, targeted, flexible and reversible, do not affect the general population and aim at fostering a credible and meaningful process that can lead to a peaceful negotiated solution.
- (3) In view of the continuing deterioration of the situation in Venezuela, on 22 January 2018 the Council adopted Decision (CFSP) 2018/90 ⁽²⁾ which designated seven persons in the list of natural and legal persons, entities and bodies in Annex I of Decision (CFSP) 2017/2074.
- (4) On 28 May 2018, the Council adopted conclusions which stated that the early presidential elections in Venezuela together with regional elections held on 20 May 2018 were neither free nor fair. The Union called for the holding of fresh presidential elections and stated that it would act swiftly with the aim of imposing additional targeted and reversible restrictive measures.
- (5) On 25 June 2018, by way of follow-up to the Council conclusions of 28 May 2018, the Council adopted Decision (CFSP) 2018/901 ⁽³⁾ which designated eleven persons.
- (6) On 25 October 2018, the High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative') issued a declaration on behalf of the Union which stated that the Union remained convinced that there can only be a democratic political and peaceful solution to the current crisis and underlined the Union's commitment to use all its policy instruments to contribute to achieving such a solution.
- (7) On 6 November 2018, the Council adopted Decision (CFSP) 2018/1656 ⁽⁴⁾ which renewed the restrictive measures in place in view of the situation in Venezuela in light of the continuing and deepening political, economic and social crisis in that country.

⁽¹⁾ Council Decision (CFSP) 2017/2074 of 13 November 2017 concerning restrictive measures in view of the situation in Venezuela (OJ L 295, 14.11.2017, p. 60).

⁽²⁾ Council Decision (CFSP) 2018/90 of 22 January 2018 amending Decision (CFSP) 2017/2074 concerning restrictive measures in view of the situation in Venezuela (OJ L 16 I, 22.1.2018, p. 14).

⁽³⁾ Council Decision (CFSP) 2018/901 of 25 June 2018 amending Decision (CFSP) 2017/2074 concerning restrictive measures in view of the situation in Venezuela (OJ L 160 I, 25.6.2018, p. 12).

⁽⁴⁾ Council Decision (CFSP) 2018/1656 of 6 November 2018 amending Decision (CFSP) 2017/2074 concerning restrictive measures in view of the situation in Venezuela (OJ L 276, 7.11.2018, p. 10).

- (8) In January, February, March and April 2019, the High Representative issued declarations on behalf of the Union on the situation in Venezuela which underscored the readiness of the Union to continue to spare no efforts to achieve a reinstatement of democracy and the rule of law, to take further action and to react through appropriate measures to decisions and actions that further undermine democratic institutions and principles, the rule of law and respect for human rights.
- (9) On 8 July 2019, the Council adopted Decision (CFSP) 2019/1171 ⁽⁵⁾ which updated the statement of reasons for three listed persons.
- (10) On 16 July 2019, the High Representative issued a declaration on behalf of the Union which stated that the report of the United Nations High Commissioner for Human Rights confirmed in a clear and detailed manner the extent and seriousness of the human rights violations, the erosion of the rule of law and the dismantlement of democratic institutions in Venezuela. The Union also indicated readiness to start work towards applying targeted measures for those members of the security forces involved in torture and other serious violations of human rights.
- (11) On 26 September 2019, by way of follow-up to the declaration of 16 July 2019 and in light of the continuing grave situation in Venezuela, the Council adopted Decision (CFSP) 2019/1596 ⁽⁶⁾ which designated seven persons.
- (12) In that context, and in accordance with Article 13 of Decision (CFSP) 2017/2074, the Council has reviewed the restrictive measures in place in view of the situation in Venezuela.
- (13) Considering the ongoing political, economic, social and humanitarian crisis in Venezuela and the persistent actions undermining democracy, the rule of law and respect for human rights, the restrictive measures in place, including all designations, should be renewed until 14 November 2020. These measures do not affect the general population and can be reversed in light of progress made towards the restoration of democracy, the rule of law and respect for human rights in Venezuela.
- (14) Individual designations set out in Annex I to Decision (CFSP) 2017/2074 were reviewed and the information concerning eight persons should be amended.
- (15) Moreover, a provision should be added to Decision (CFSP) 2017/2074 specifying that the Council and the High Representative may process personal data in order to carry out their tasks under that Decision.
- (16) Decision (CFSP) 2017/2074 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision (CFSP) 2017/2074 is amended as follows:

- (1) The following Article is inserted:

'Article 9a

1. The Council 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 Decision, in particular:

- (a) as regards the Council, for preparing and making amendments to Annexes I and II;
- (b) as regards the High Representative, for preparing amendments to Annexes I and II.

2. The Council 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 I and II.

⁽⁵⁾ Council Decision (CFSP) 2019/1171 of 8 July 2019 amending Decision (CFSP) 2017/2074 concerning restrictive measures in view of the situation in Venezuela (OJ L 183, 9.7.2019, p. 9).

⁽⁶⁾ Council Decision (CFSP) 2019/1596 of 26 September 2019 amending Decision (CFSP) 2017/2074 concerning restrictive measures in view of the situation in Venezuela (OJ L 248, 27.9.2019, p. 74).

3. For the purposes of this Decision, the Council 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 (*), in order to ensure that the natural persons concerned can exercise their rights under Regulation (EU) 2018/1725.

(*) 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):.

(2) The first paragraph of Article 13 is replaced by the following:

‘This Decision shall apply until 14 November 2020.’.

(3) Annex I is amended in accordance with the Annex to this Decision.

Article 2

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 11 November 2019.

For the Council
The President
F. MOGHERINI

In Annex I to Decision (CFSP) 2017/2074, entries 1, 3, 6, 10, 13, 15, 19 and 21 are replaced by the following:

	Name	Identifying information	Reasons	Date of listing
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
3.	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
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
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
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

	Name	Identifying information	Reasons	Date of listing
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
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
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'