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II

(Non-legislative acts)

INTERNATIONAL AGREEMENTS

COUNCIL DECISION (EU) 2023/418

of 24 February 2023

on the conclusion of the Agreement between the European Union and the Republic of North Macedonia on operational activities carried out by the European Border and Coast Guard Agency in the Republic of North Macedonia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2), points (b) and (d), and Article 79(2), point (c), in conjunction with Article 218(6), point (a), thereof,

Having regard to the proposal from the European Commission,

Having regard to the consent of the European Parliament ⁽¹⁾,

Whereas:

- (1) In accordance with Council Decision (EU) 2022/1958 ⁽²⁾, the Agreement between the European Union and the Republic of North Macedonia on operational activities carried out by the European Border and Coast Guard Agency in the Republic of North Macedonia (the 'Agreement') was signed on 26 October 2022, subject to its conclusion at a later date.
- (2) Pursuant to Article 73(3) of Regulation (EU) 2019/1896 of the European Parliament and of the Council ⁽³⁾, in circumstances requiring the deployment of border management teams from the standing corps of the European Border and Coast Guard to a third country where the members of the teams will exercise executive powers, a status agreement is to be concluded by the Union with the third country concerned on the basis of Article 218 of the Treaty on the Functioning of the European Union.
- (3) This Decision constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC ⁽⁴⁾; Ireland is therefore not taking part in the adoption of this Decision and is not bound by it nor subject to its application.

⁽¹⁾ Consent of 15 February 2023.

⁽²⁾ Council Decision (EU) 2022/1958 of 13 October 2022 on the signing, on behalf of the Union, of the Agreement between the European Union and the Republic of North Macedonia on operational activities carried out by the European Border and Coast Guard Agency in the Republic of North Macedonia (OJ L 270, 18.10.2022, p. 1).

⁽³⁾ Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1).

⁽⁴⁾ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

- (4) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark is not taking part in the adoption of this Decision and is not bound by it or subject to its application. Given that this Decision builds upon the Schengen *acquis*, Denmark shall, in accordance with Article 4 of that Protocol, decide within a period of six months after the Council has decided on this Decision whether it will implement it in its national law.
- (5) The Agreement should be approved,

HAS ADOPTED THIS DECISION:

Article 1

The Agreement between the European Union and the Republic of North Macedonia on operational activities carried out by the European Border and Coast Guard Agency in the Republic of North Macedonia (the 'Agreement') is hereby approved on behalf of the Union. ⁽⁵⁾

Article 2

The President of the Council shall, on behalf of the Union, give the notification provided for in Article 22(1) of the Agreement. ⁽⁶⁾

Article 3

This Decision shall enter into force on the day of its adoption.

Done at Brussels, 24 February 2023.

For the Council
The President
J. ROSWALL

⁽⁵⁾ See page 3 of this Official Journal.

⁽⁶⁾ The date of entry into force of the Agreement will be published in the *Official Journal of the European Union* by the General Secretariat of the Council.

**AGREEMENT BETWEEN THE EUROPEAN UNION AND THE REPUBLIC OF NORTH MACEDONIA
ON OPERATIONAL ACTIVITIES CARRIED OUT BY THE EUROPEAN BORDER AND COAST
GUARD AGENCY IN THE REPUBLIC OF NORTH MACEDONIA**

THE EUROPEAN UNION,

and

THE REPUBLIC OF NORTH MACEDONIA,

hereinafter referred to individually as a "Party" and collectively as the "Parties",

WHEREAS situations may arise where the European Border and Coast Guard Agency ("the Agency") coordinates operational cooperation between the Member States of the European Union and the Republic of North Macedonia, including on the territory of the Republic of North Macedonia,

WHEREAS a legal framework in the form of a status agreement should be established for the situations where the team members deployed by the Agency will have executive powers on the territory of the Republic of North Macedonia,

WHEREAS the status agreement may provide for the establishment by the Agency of antenna offices on the territory of the Republic of North Macedonia to facilitate and improve coordination of operational activities and to ensure the effective management of the human and technical resources of the Agency,

CONSIDERING that the Republic of North Macedonia, a candidate country for membership of the European Union since 2005, cooperates closely with the Union in managing migratory flows and countering illegal immigration and cross border crime,

CONSIDERING the high level of protection of personal data in the Republic of North Macedonia and the European Union,

CONSIDERING that the Republic of North Macedonia has ratified the Council of Europe Convention No. 108 of 28 January 1981 for the Protection of Individuals with regard to Automatic Processing of Personal Data and the additional Protocol thereto,

BEARING IN MIND that respect for human rights and democratic principles are fundamental principles governing the cooperation between the Parties,

CONSIDERING that the Republic of North Macedonia has ratified the Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, the rights enumerated in which correspond to those in the Charter of Fundamental Rights of the European Union,

CONSIDERING that all operational activities of the Agency on the territory of the Republic of North Macedonia should fully respect fundamental rights and the international agreements to which the European Union, its Member States and/or the Republic of North Macedonia are party,

CONSIDERING that all persons participating in an operational activity are obliged to maintain the highest standards of integrity, ethical conduct and professionalism as well as respect for fundamental rights and to meet obligations imposed upon them by the provisions of the operational plan and the Agency's code of conduct,

HAVE DECIDED TO CONCLUDE THIS AGREEMENT:

ARTICLE 1

Scope

1. This Agreement governs all matters necessary for the deployment of border management teams from the European Border and Coast Guard standing corps to the Republic of North Macedonia where the team members may exercise executive powers.
2. The deployment referred to in paragraph 1 may take place on the territory of the Republic of North Macedonia.

ARTICLE 2

Definitions

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

- (1) "operational activity" means a joint operation or a rapid border intervention;
- (2) "Agency" means the European Border and Coast Guard Agency established by Regulation (EU) 2019/1896 of the European Parliament and of the Council ⁽¹⁾ or any amendment thereto;
- (3) "border control" means the activity carried out at a border, in accordance with and for the purposes of this Agreement, in response exclusively to an intention to cross or the act of crossing that border, regardless of any other consideration, consisting of border checks and border surveillance;
- (4) "European Border and Coast Guard standing corps" means European Border and Coast Guard standing corps provided for in Article 54 of Regulation (EU) 2019/1896;
- (5) "border management teams" means teams formed from the European Border and Coast Guard standing corps to be deployed during joint operations and rapid border interventions at the external borders in Member States and in third countries;
- (6) "consultative forum" means the advisory body established by the Agency pursuant to Article 108 of Regulation (EU) 2019/1896;
- (7) "EUROSUR" means the framework for information exchange and cooperation between the Member States and the Agency;
- (8) "fundamental rights monitor" means fundamental rights monitor as provided for in Article 110 of Regulation (EU) 2019/1896;
- (9) "home Member State" means the Member State from which a staff member is deployed or seconded to the European Border and Coast Guard standing corps;
- (10) "incident" means a situation relating to illegal immigration, cross-border crime, or a risk to the lives of migrants at, along, or in proximity to, the external borders of the European Union or the Republic of North Macedonia;
- (11) "joint operation" means an action coordinated or organised by the Agency to support the national authorities of the Republic of North Macedonia responsible for border control aimed at addressing challenges such as illegal immigration, present or future threats at the borders of the Republic of North Macedonia or crossborder crime, or aimed at providing increased technical and operational assistance for the control of those borders;
- (12) "team member" means a member of the European Border and Coast Guard standing corps deployed through a border management team to participate in an operational activity;
- (13) "Member State" means a Member State of the European Union;
- (14) "operational area" means the geographical area wherein an operational activity is to take place;

⁽¹⁾ Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ EU L 295, 14.11.2019, p. 1).

- (15) "participating Member State" means a Member State which participates in an operational activity, by providing technical equipment or staff of the European Border and Coast Guard standing corps;
- (16) "personal data" means any information relating to an identified or identifiable natural person ("data subject"); an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;
- (17) "rapid border intervention" means an action aimed at responding to a situation of specific and disproportionate challenge at the borders of the Republic of North Macedonia by deploying border management teams in the territory of the Republic of North Macedonia for a limited period of time to conduct border control together with the national authorities of the Republic of North Macedonia responsible for border control;
- (18) "statutory staff" means staff employed by the Agency in accordance with the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the Union laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68 ⁽²⁾;
- (19) "executive powers" means powers necessary to perform the tasks required for border control which are conducted on the territory of the Republic of North Macedonia during an operational activity as provided for in the operational plan.

ARTICLE 3

Launching operational activities

1. An operational activity under this Agreement shall be launched by a written decision of the executive director of the Agency ("the executive director") upon a written request of the competent authorities of the Republic of North Macedonia. Such request shall include a description of the situation, possible aims and envisaged needs, and the profiles of staff needed, including those staff having executive powers, as applicable.
2. If the executive director considers that the requested operational activity would likely entail or lead to violations of fundamental rights or international protection obligations that are serious or persistent, then the executive director shall not launch the operational activity.
3. If, following the receipt of a request under paragraph 1, the executive director considers that further information is necessary in order to decide whether to launch an operational activity, he or she may request further information, or authorise Agency experts to travel to the Republic of North Macedonia to assess the situation there. The Republic of North Macedonia shall facilitate such travel.
4. The executive director shall decide not to launch an operational activity if he or she considers there to be justified cause to suspend or terminate it pursuant to Article 18.

ARTICLE 4

Operational plan

1. For each operational activity, the Agency shall draw up an operational plan in accordance with Articles 38 and 74 of Regulation (EU) 2019/1896. The operational plan shall be agreed upon between the Agency and the Republic of North Macedonia and shall be binding on the Agency, the Republic of North Macedonia and the participating Member States.
2. The operational plan shall set out in detail the organisational and procedural aspects of the operational activity, including:
 - (a) a description of the situation, with *modus operandi* and objectives of the deployment, including the operational aim;

⁽²⁾ OJ EC L 56, 4.3.1968, p. 1.

- (b) the estimated time that the operational activity is expected to last in order to achieve its objectives;
- (c) the operational area;
- (d) a description of the tasks, including those requiring executive powers, responsibilities, including with regard to the respect for fundamental rights and data protection requirements, and special instructions for the border management teams, including on permissible consultation of databases and permissible service weapons, ammunition and equipment in the Republic of North Macedonia;
- (e) the composition of the border management team as well as the deployment of other relevant staff/ the presence of other members of the statutory staff, including fundamental rights monitors;
- (f) command and control provisions, including the names and ranks of the border guards or other relevant staff of the Republic of North Macedonia responsible for cooperating with the team members and the Agency, in particular the names and ranks of those border guards or other relevant staff who are in command during the period of deployment, and the place of the team members in the chain of command;
- (g) the technical equipment to be deployed during the operational activity, including specific requirements such as conditions for use, requested crew, transport and other logistics, and financial provisions;
- (h) detailed provisions on immediate incident reporting by the Agency to the management board and to relevant authorities of the participating Member States and of the Republic of North Macedonia of any incident encountered in the course of an operational activity performed under this Agreement;
- (i) a reporting and evaluation scheme containing benchmarks for the evaluation report, including with regard to the protection of fundamental rights, and final date of submission of the final evaluation report;
- (j) *[Intentionally left blank]*;
- (k) the terms of cooperation with the bodies, offices and agencies of the European Union other than the Agency, other third countries or international organisations;
- (l) general instructions on how to ensure the safeguarding of fundamental rights during the operational activity, including personal data protection and obligations deriving from applicable international human rights instruments;
- (m) procedures whereby persons in need of international protection, victims of trafficking in human beings, unaccompanied minors and other persons in vulnerable situations are directed to the competent national authorities for appropriate assistance;
- (n) procedures setting out a mechanism to receive and transmit to the Agency and to the Republic of North Macedonia complaints (including those lodged under Article 8(5)) against any person participating in an operational activity, including border guards or other relevant staff of the Republic of North Macedonia and team members, alleging breaches of fundamental rights in the context of their participation in an operational activity of the Agency;
- (o) logistical arrangements, including information on working conditions and the environment of the areas in which the operational activity is to take place; and
- (p) provisions concerning an antenna office, as established in accordance with Article 6.

3. The operational plan and any amendments thereto or adaptations thereof shall be subject to the agreement of the Agency, the Republic of North Macedonia and the Member States neighbouring the Republic of North Macedonia or bordering the operational area, after consultation of the participating Member States.

4. Exchange of information and operational cooperation for the purposes of EUROSUR shall take place in accordance with the rules for establishing and sharing the specific situational pictures to be set out in the operational plan for the operational activity concerned.

5. The evaluation of the operational activity in accordance with paragraph 2, point (i), shall be conducted jointly by the Republic of North Macedonia and the Agency.

6. The terms of cooperation with the bodies, offices and agencies of the European Union in accordance with paragraph 2, point (k), shall be conducted in line with their respective mandates and within available resources.

ARTICLE 5

Incident reporting

1. The Agency and the Ministry of Interior of the Republic of North Macedonia shall each have an incident reporting mechanism to allow timely reporting of any incident encountered in the course of an operational activity performed under this Agreement.
2. The Agency and the Republic of North Macedonia shall assist each other in carrying out all necessary inquiries and investigations into any incident reported via such mechanism, such as identifying witnesses and collecting and producing evidence, including requests to obtain and, if appropriate, hand over items connected with a reported incident. The handing over of any such items may be made subject to their return within the terms specified by the competent authority delivering them.

ARTICLE 6

Antenna offices

1. The Agency may establish antenna offices on the territory of the Republic of North Macedonia to facilitate and improve coordination of operational activities and to ensure the effective management of the human and technical resources of the Agency. The location of the antenna office shall be established by the Agency in consultation with the relevant authorities of the Republic of North Macedonia.
2. The antenna offices shall be established in accordance with operational needs and remain operational for the period of time necessary for the Agency to carry out operational activities in the Republic of North Macedonia. Subject to the agreement of the Republic of North Macedonia, that period of time may be prolonged by the Agency.
3. Each antenna office shall be managed by a representative of the Agency appointed by the executive director as head of the antenna office who shall oversee the overall work of the office.
4. The antenna offices shall, where applicable:
 - (a) provide operational and logistical support and ensure the coordination of the Agency's activities in the operational areas concerned;
 - (b) provide operational support to the Republic of North Macedonia in the operational areas concerned;
 - (c) monitor the activities of the border management teams and regularly report to the Agency's headquarters;
 - (d) cooperate with the Republic of North Macedonia on all issues related to the practical implementation of the operational activities organised by the Agency in the Republic of North Macedonia, including any additional issues that might have occurred in the course of those activities;
 - (e) support the coordinating officer in his or her cooperation with the Republic of North Macedonia on all issues related to their contribution to operational activities organised by the Agency and, where necessary, liaise with the Agency's headquarters;
 - (f) support the coordinating officer and fundamental rights monitor(s) assigned to monitor an operational activity in facilitating, where necessary, the coordination and communication between the border management teams and the relevant authorities of the Republic of North Macedonia as well as any relevant tasks;
 - (g) organise logistical support relating to the deployment of the team members and the deployment and use of technical equipment;

- (h) provide all other logistical support regarding the operational area for which a given antenna office is responsible, with a view to facilitating the smooth running of the operational activities organised by the Agency;
- (i) ensure the effective management of the Agency's own equipment in the areas covered by its activities, including the possible registration and long-term maintenance of that equipment and any logistical support needed; and,
- (j) support other staff and/or activities of the Agency in the Republic of North Macedonia as agreed between the Agency and the Republic of North Macedonia.

5. The Agency and the Republic of North Macedonia shall ensure the best possible conditions for the fulfilment of the tasks assigned to the antenna offices.

6. The Republic of North Macedonia shall provide the Agency with reasonable assistance to ensure the operational capacity of the antenna offices.

ARTICLE 7

Coordinating officer

1. Without prejudice to the role of antenna offices as described in Article 6, the executive director shall appoint one or more experts from the statutory staff to be deployed as coordinating officer(s) for each operational activity. The executive director shall notify the Republic of North Macedonia of such appointment.

2. The role of the coordinating officer shall be to:

- (a) act as an interface between the Agency, the Republic of North Macedonia and the team members, providing assistance, on behalf of the Agency, on all issues relating to the conditions of the deployment, to the border management teams;
- (b) monitor the correct implementation of the operational plan, including, in cooperation with the fundamental rights monitor(s), as regards the protection of fundamental rights, and report to the executive director thereon;
- (c) act on behalf of the Agency in all aspects of the deployment of the border management teams and report to the Agency on all those aspects; and
- (d) foster cooperation and coordination among the Republic of North Macedonia and participating Member States.

3. In the context of operational activities, the executive director may authorise the coordinating officer to assist in resolving any disagreement on the execution of the operational plan and deployment of the border management teams.

4. The Republic of North Macedonia shall issue only instructions that are in compliance with the operational plan to the team members. If the coordinating officer considers instructions issued to team members not to be in compliance with the operational plan or with applicable legal obligations, he or she shall immediately communicate this to the Republic of North Macedonia officers carrying out a coordinating role and to the executive director. The executive director may take appropriate measures, including the suspension or the termination of the operational activity, in accordance with Article 18.

ARTICLE 8

Fundamental rights

1. In performing their obligations under this Agreement, the Parties undertake to act in compliance with all applicable human rights instruments, including the 1950 Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms, the 1951 United Nations Convention Relating to the Status of Refugees and the 1967 Protocol thereto, the 1965 United Nations International Convention on the Elimination of All Forms of Racial Discrimination, the 1966 United Nations International Covenant on Civil and Political Rights, the 1979 United Nations Convention on the Elimination of All Forms of Discrimination against Women, the 1984 United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the 1989 United Nations Convention on the Rights of the Child and the 2006 United Nations Convention on the Rights of Persons with Disabilities.

2. Team members shall, in the performance of their tasks and in the exercise of their powers, fully respect fundamental rights, including access to asylum procedures and human dignity, and shall pay particular attention to vulnerable persons. Any measures taken in the performance of their tasks and in the exercise of their powers shall be proportionate to the objectives pursued by such measures. While performing their tasks and exercising their powers, they shall not discriminate against persons on the basis of any grounds such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation in line with Article 21 of the Charter of Fundamental Rights of the European Union.

Measures interfering with fundamental rights and freedoms may be taken by team members in the performance of their tasks or in the exercise of their powers only when necessary and proportionate to the objectives pursued by such measures and must respect the essence of those fundamental rights and freedoms in accordance with applicable international, European Union and national law.

This provision shall apply *mutatis mutandis* to all staff of national authorities of the Republic of North Macedonia participating in an operational activity.

3. The Agency's fundamental rights officer shall monitor each operational activity's compliance with applicable fundamental rights standards. The fundamental rights officer, or his or her deputy, may carry out on-the-spot visits to the third country; he or she shall also provide opinions on the operational plans and inform the executive director about possible violations of fundamental rights relating to an operational activity. The Republic of North Macedonia shall support the fundamental rights officer's monitoring efforts, as requested.

4. The Agency and the Republic of North Macedonia agree to provide the consultative forum with timely and effective access to all information concerning the respect for fundamental rights in relation to any operational activity performed under this Agreement, including through on-the-spot visits to the operational area.

5. The Agency and the Republic of North Macedonia shall each have a complaints mechanism to process allegations of breaches of fundamental rights committed by their staff in the exercise of their official functions in the course of an operational activity performed under this Agreement.

ARTICLE 9

Fundamental rights monitors

1. The Agency's fundamental rights officer shall assign at least one fundamental rights monitor to each operational activity to, *inter alia*, assist and advise the coordinating officer.

2. The fundamental rights monitor shall monitor compliance with fundamental rights and provide advice and assistance on fundamental rights in the preparation, conduct and evaluation of the relevant operational activity. This shall include, in particular:

- (a) following the preparation of operational plans and reporting to the fundamental rights officer to enable him or her to fulfil his or her tasks as provided for in Regulation (EU) 2019/1896;
- (b) conducting visits, including long-term visits, where operational activities take place;
- (c) cooperating and liaising with the coordinating officer and providing advice and assistance to him or her;
- (d) informing the coordinating officer of and reporting to the fundamental rights officer on any concerns regarding possible violations of fundamental rights relating to the operational activity; and
- (e) contributing to the evaluation of the operational activity as referred to in Article 4(2), point (i).

3. Fundamental rights monitors shall have access to all areas in which the operational activity takes place and to all documents relevant for the implementation of that activity.

4. While present in the operational area, fundamental rights monitors shall wear insignia that clearly allow for their identification as fundamental rights monitors.

ARTICLE 10

Team members

1. Team members shall have the authority to perform the tasks described in the operational plan.
2. While performing their tasks and exercising their powers, team members shall comply with the laws and regulations of the Republic of North Macedonia. Team members shall also comply with applicable international and European Union law while performing their tasks and exercising their powers.
3. Team members may perform tasks and exercise powers in the territory of the Republic of North Macedonia only under instructions from, and in the presence of, border management authorities of the Republic of North Macedonia. The Republic of North Macedonia may authorise team members to perform specific tasks and to exercise specific powers on its territory in the absence of its border management authorities subject to the consent of the Agency or the home Member State, as appropriate.
4. Team members who are statutory staff shall wear the uniform of the European Border and Coast Guard standing corps while performing their tasks and exercising their powers unless specified otherwise in the operational plan.

Team members who are not statutory staff shall wear their national uniform while performing their tasks and exercising their powers unless specified otherwise in the operational plan.

While on duty, all team members shall also wear visible personal identification and a blue brassard with the insignias of the European Union and of the Agency on their uniforms.

5. The Republic of North Macedonia shall authorise relevant team members to perform tasks during an operational activity that require the use of force, including the carrying and use of service weapons, ammunition and other equipment, in accordance with the relevant provisions of the operational plan.

Team members who are statutory staff may carry and use service weapons, ammunition and other equipment subject to the consent of the Agency.

Team members who are not statutory staff may carry and use service weapons, ammunition and other equipment subject to the consent of the relevant home Member State.

6. The use of force, including the carrying and use of service weapons, ammunition and other equipment, shall be exercised in accordance with the national law of the Republic of North Macedonia and in the presence of border management authorities of the Republic of North Macedonia. The Republic of North Macedonia may authorise team members to use force in the absence of relevant border management authorities of the Republic of North Macedonia.

For team members who are statutory staff, such authorisation to use force in the absence of border management authorities of the Republic of North Macedonia shall be subject to the consent of the Agency.

For team members who are not statutory staff, such authorisation to use force in the absence of border management authorities of the Republic of North Macedonia shall be subject to the consent of the relevant home Member State.

Without prejudice to the requirements of the national law of the Republic of North Macedonia, any use of force by team members shall comply with the principles of necessity and proportionality, and with the duty of precaution. Any such use of force must also comply fully with applicable international and European Union law, including the rules laid down in Annex V to Regulation (EU) 2019/1896.

7. The Agency shall, in advance of the deployment of the team members, inform the Republic of North Macedonia of the service weapons, ammunition and other equipment team members may carry under paragraph 5. The Republic of North Macedonia may prohibit the carrying of certain service weapons, ammunition and other equipment, provided that its own law provides for the same prohibition to its own border management authorities. The Republic of North Macedonia shall, in advance of the deployment of the team members, inform the Agency of the permissible service weapons, ammunition and equipment and of the conditions for their use. The Agency shall make this information available to Member States.

The Republic of North Macedonia shall make the necessary arrangements for the issuance of any necessary weapon permits and facilitate the import, export, transport and storage of weapons, ammunition and other equipment at the disposal of the team members, as defined in the operational plan, as requested by the Agency.

8. Service weapons, ammunition and equipment may be used in legitimate self-defence and in legitimate defence of team members or of other persons in accordance with the national law of the Republic of North Macedonia. Any such use shall respect the relevant principles of international and European Union law.

9. National databases shall be accessed only by persons authorised by the Republic of North Macedonia. The Republic of North Macedonia may authorise data from its national databases to be shared with team members in accordance with the operational plan. Team members shall only consult data which is necessary for performing their tasks and exercising their powers.

10. For the implementation of operational activities, the Republic of North Macedonia shall deploy officers of national authorities of the Republic of North Macedonia responsible for border management who are able and willing to communicate in English to carry out a coordinating role on behalf of the Republic of North Macedonia.

ARTICLE 11

Privileges and immunities of the property, funds, assets and operations of the Agency

1. Any premises and buildings of the Agency in the Republic of North Macedonia shall be inviolable. They shall be exempt from search, requisition, confiscation or expropriation.

2. The Agency's property and assets, including means of transport, communications, archives, any correspondence, documents, identity papers and financial assets shall be inviolable.

3. The Agency's assets include assets owned, co-owned, chartered or leased by a Member State and offered to the Agency. Upon the embarkation of representative(s) of competent national authorities, those shall be treated as assets being on government service and authorised to that effect.

4. No measures of execution may be taken in respect of the Agency. The Agency's property and assets shall not be the subject of any administrative or legal measure of constraint. Property of the Agency shall be free from seizure for the satisfaction of a judgment, decision or order.

5. The Republic of North Macedonia shall permit the entry and removal of articles and equipment deployed by the Agency to the Republic of North Macedonia for operational purposes.

6. The Agency shall be exempt from all duties (including customs duties) and taxes as well as any prohibitions and restrictions on imports and exports in respect of articles intended for its official use, regardless of whether they are transported by the Agency or by a third party.

ARTICLE 12

Privileges and immunities of team members

1. Team members shall not be subject to any form of inquiry or legal proceedings in the Republic of North Macedonia or by authorities of the Republic of North Macedonia, except under the circumstances referred to in paragraph 2.
2. Team members shall enjoy immunity from the criminal, civil and administrative jurisdiction of the Republic of North Macedonia in respect of all acts performed by them in the exercise of their official functions.

Where the authorities of the Republic of North Macedonia intend to institute criminal, civil or administrative proceedings against a team member before any court of the Republic of North Macedonia, the competent authorities shall immediately notify the executive director thereof.

Following receipt of such notification, the executive director shall, without undue delay, inform the relevant authorities of the Republic of North Macedonia whether the act in question was performed by the team member in the exercise of his or her official functions. If the act was stated as having been performed in the exercise of official functions, the proceedings shall not be initiated. If the act was stated as not having been performed in the exercise of official functions, the proceeding may be initiated. The qualification by the executive director shall be binding upon the Republic of North Macedonia, which may not contest it.

Pending this qualification, the Agency shall refrain from taking any measure intended to jeopardise possible subsequent criminal prosecution of the team member by the competent authorities of the Republic of North Macedonia, including facilitating the return of the concerned team member from the Republic of North Macedonia to his/her home Member State.

3. The initiation of proceedings by team members shall preclude them from invoking immunity from jurisdiction in respect of any counterclaim directly connected with the principal claim.
4. The premises, dwellings, means of transport and communications, and possessions, including any correspondence, documents, identity papers and assets of team members shall be inviolable, except in the case of measures of execution as permitted pursuant to paragraph 8.
5. The Republic of North Macedonia shall be liable for any damage caused by team members to third parties in the exercise of their official functions.
6. In case of damage caused by gross negligence or wilful misconduct or not in the exercise of official functions by a team member who is a member of the statutory staff, the Republic of North Macedonia may request, via the executive director, that compensation be paid by the Agency.

In case of damage caused by gross negligence or wilful misconduct or not in the exercise of official functions by a team member who is not a member of the statutory staff, the Republic of North Macedonia may request, via the executive director, that compensation be paid by the home Member State concerned.

7. Team members shall not be obliged to give evidence as witnesses in legal proceedings in the Republic of North Macedonia.
8. No measures of execution may be taken in respect of team members, except in the case where a criminal, civil or administrative proceeding not related to their official functions is instituted against them. Property of team members, which is certified by the executive director to be necessary for the fulfilment of their official functions, shall be free from seizure for the satisfaction of a judgment, decision or order. In criminal, civil or administrative proceedings, team members shall not be subject to any restrictions on their personal liberty or to any other measures of constraint.
9. Team members shall, with respect to services rendered for the Agency, be exempt from social security provisions which may be in force in the Republic of North Macedonia.

10. The salary and emoluments paid to team members by the Agency or the home Member States, as well as any income team members receive from outside the Republic of North Macedonia, shall not be taxed in any form in the Republic of North Macedonia.

11. The Republic of North Macedonia shall permit the entry of articles for the personal use of team members and shall grant exemption from all duties (including customs duties), taxes, and related charges other than charges for storage, transport and similar services, in respect of such articles. The Republic of North Macedonia shall also allow the export of such articles.

12. Team members' personal baggage shall be exempt from inspection, unless there are serious grounds for suspecting that it contains articles that are not for the personal use of team members, or articles whose import or export is prohibited by the law or subject to quarantine regulations of the Republic of North Macedonia. Inspection of such personal baggage shall be conducted only in the presence of team members concerned or an authorised representative of the Agency.

13. The Agency and the Republic of North Macedonia shall appoint contact points that are available at all times who shall be responsible for the exchange of information and immediate actions to be taken in case an act performed by a team member may be in violation of criminal law as well as for the exchange of information and the operational activities in relation to any civil and administrative proceedings against a team member.

Until action is taken by the competent authorities of the home Member State, the Agency and the Republic of North Macedonia shall assist each other in carrying out all necessary inquiries and investigations into any alleged criminal offence in respect of which either the Agency or the Republic of North Macedonia, or both, have an interest in the identification of witnesses and in the collection and production of evidence, including the request to obtain and, if appropriate, the handing over of items connected with a purported criminal offence. The handing over of any such items may be made subject to their return within the terms specified by the competent authority delivering them.

ARTICLE 13

Injured or deceased team members

1. Without prejudice to Article 12, the executive director shall have the right to take charge of, and make suitable arrangements for, the repatriation of any injured or deceased team members, as well as of their personal property.

2. An autopsy shall be performed on a deceased team member only with the express consent of the home Member State concerned and in the presence of a representative of the Agency or of the home Member State concerned. If such autopsy is conducted outside the Republic of North Macedonia, the Republic of North Macedonia shall be informed of the results of the autopsy upon request.

3. The Republic of North Macedonia and the Agency shall cooperate to the fullest extent possible to enable the prompt repatriation of injured or deceased team members.

ARTICLE 14

Accreditation document

1. The Agency shall issue a document in the Macedonian and English languages to each team member for the purposes of identification vis-à-vis the national authorities of the Republic of North Macedonia and as proof of the holder's rights to perform the tasks and exercise the powers referred to in Article 10 of this Agreement and in the operational plan ("the accreditation document").

2. The accreditation document shall include the following information on the staff member: name and nationality; rank or job title; a recent digitised photograph and tasks authorised to be performed during the deployment.

3. For the purposes of identification vis-à-vis the national authorities of the Republic of North Macedonia, team members shall be obliged to carry the accreditation document on their person at all times.
4. The Republic of North Macedonia shall recognise the accreditation document, in combination with a valid travel document, as granting the relevant team member entry and stay in the Republic of North Macedonia without the need for a visa, prior authorisation or any other document, up to the day of its expiration.
5. The accreditation document shall be returned to the Agency at the end of the deployment. The competent authorities of the Republic of North Macedonia shall be informed thereof.

ARTICLE 15

Application to Agency staff not deployed as team members

Articles 12, 13 and 14 shall apply *mutatis mutandis* to all Agency staff deployed to the Republic of North Macedonia who are not team members, including fundamental rights monitors and the statutory staff deployed to antenna offices.

ARTICLE 16

Protection of personal data

1. The communication of personal data shall take place only if such communication is necessary for the implementation of this Agreement by the competent authorities of the Republic of North Macedonia or the Agency. The processing of personal data by an authority in a particular case, including the transfer of such personal data to the other Party, shall be subject to the data protection rules applicable to that authority. The Parties shall ensure the following minimum safeguards as a precondition for any data transfer:
 - (a) personal data must be processed lawfully, fairly, and in a transparent manner in relation to the data subject;
 - (b) personal data must be collected for the specified, explicit and legitimate purpose of implementing this Agreement and not further processed by the communicating authority nor receiving authority in a way incompatible with that purpose;
 - (c) personal data must be adequate, relevant and limited to what is necessary in relation to the purpose for which they are collected or further processed; in particular, personal data communicated in accordance with the law applicable to the communicating authority may concern only one or more of the following:
 - first name,
 - last name,
 - date of birth,
 - nationality,
 - rank,
 - travel document bio page,
 - accreditation document,
 - ID/passport/accreditation document picture,
 - e-mail address,
 - mobile phone number,
 - weapon details,
 - duration of the deployment,
 - location of the deployment,
 - aircraft or vessel identification numbers,
 - arrival date,
 - arrival airport/border crossing point,

- arrival flight number,
- departure date,
- departure airport/border crossing point,
- departure flight number,
- home Member State/third country,
- deploying authority,
- tasks/operational profile,
- means of transportation,
- route

of team members, Agency staff, relevant observers, or members of staff exchange programmes;

- (d) personal data must be accurate and, where necessary, kept up to date;
- (e) personal data must be kept in a form which permits identification of data subjects for no longer than is necessary for the purpose for which the data were collected or for which they are further processed;
- (f) personal data must be processed in a manner that ensures appropriate security of the personal data, taking into account the specific risks of processing, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ("data breach"); the receiving Party shall take appropriate measures to address any data breach, and shall notify the communicating Party of such breach without undue delay and within 72 hours;
- (g) both the communicating authority and the receiving authority shall take every reasonable step to ensure without delay the rectification or erasure, as appropriate, of personal data where the processing does not comply with this Article, in particular because those data are not adequate, relevant, accurate, or they are excessive in relation to the purpose of processing; this includes the notification of any rectification or erasure to the other Party;
- (h) upon request, the receiving authority shall inform the communicating authority of the use of the communicated data;
- (i) personal data may be communicated only to the following competent authorities:
 - the Agency; and
 - the Ministry of Interior of the Republic of North Macedonia,further communication to other bodies requires the prior authorisation of the communicating authority;
- (j) the communicating and the receiving authorities are under an obligation to make a written record of the communication and receipt of personal data;
- (k) independent oversight shall be in place to oversee data protection compliance, including to inspect such records; data subjects shall have the right to bring complaints to the oversight body, and to receive a response without undue delay;
- (l) data subjects shall have the right to receive information on the processing of their personal data, access such data and the rectification or erasure of inaccurate or unlawfully processed data, subject to necessary and proportionate limitations on important grounds of public interest; and
- (m) data subjects shall have the right to effective administrative and judicial redress for violation of the aforementioned safeguards.

2. Each Party shall conduct periodic reviews of its own policies and procedures that implement this Article. Upon request by the other Party, the Party that received the request shall review its personal data processing policies and procedures to ascertain and confirm that the safeguards in this Article are implemented effectively. The results of the review shall be communicated to the Party that requested the review within a reasonable time.

3. The data protection safeguards under this Agreement shall be subject to oversight by the European Data Protection Supervisor and the Agency for Personal Data Protection of the Republic of North Macedonia.

4. The Parties shall cooperate with the European Data Protection Supervisor, as the supervisory authority of the Agency.
5. The Agency and the Republic of North Macedonia shall draw up a common report on the application of this Article at the end of each operational activity. That report shall be sent to the Agency's fundamental rights officer and data protection officer as well as to the Agency for Personal Data Protection of the Republic of North Macedonia.
6. The Agency and the Republic of North Macedonia shall set out detailed rules on the communication and processing of personal data for the purposes of operational activities under this Agreement in specific provisions of the relevant operational plans. Those provisions shall comply with the relevant requirements of European Union law and the law of the Republic of North Macedonia. They shall describe, *inter alia*, the intended purpose of the communication, the controller(s) and all roles and responsibilities, the categories of data communicated, the specific data retention periods, and all minimum safeguards. In the interest of transparency and foreseeability, those provisions shall be made publicly available in accordance with the relevant guidance of the European Data Protection Board.

ARTICLE 17

Exchange of classified and sensitive non-classified information

1. Any exchange, sharing or dissemination of classified information in the framework of this Agreement shall be covered by a separate administrative arrangement concluded between the Agency and the relevant authorities of the Republic of North Macedonia that shall be subject to the prior approval of the European Commission.
2. Any exchange of sensitive non-classified information in the framework of this Agreement:
 - (a) shall be handled by the Agency in accordance with Article 9(5) of Commission Decision (EU, Euratom) 2015/443 ⁽³⁾;
 - (b) shall receive a level of protection by the receiving Party that is equivalent to the level of protection offered by the measures applied to that information by the communicating Party in terms of confidentiality, integrity and availability; and
 - (c) shall be conducted via an information exchange system that fulfils the criteria of availability, confidentiality and integrity for sensitive non-classified information, including the communication network referred to in Article 14 of Regulation (EU) 2019/1896.
3. The Parties shall comply with intellectual property rights related to any data processed in the framework of this Agreement.

ARTICLE 18

Decision to suspend, terminate and/or withdraw financing for an operational activity

1. If the conditions to conduct an operational activity are no longer fulfilled, the executive director shall terminate that operational activity after informing the Republic of North Macedonia in writing.
2. If this Agreement or the operational plan has not been respected by the Republic of North Macedonia, the executive director may withdraw financing of the relevant operational activity, and/or suspend or terminate it, after informing the Republic of North Macedonia in writing.
3. If the security of any participant of an operational activity deployed in the Republic of North Macedonia cannot be guaranteed, the executive director may suspend or terminate the relevant operational activity or aspects thereof.

⁽³⁾ Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ EU L 72, 17.3.2015, p. 41).

4. If the executive director considers that violations of fundamental rights or international protection obligations that are of a serious nature or are likely to persist have taken place or are likely to take place in relation to an operational activity performed under this Agreement, he or she shall withdraw the financing of the relevant operational activity, and/or suspend or terminate it, after informing the Republic of North Macedonia.

5. The Republic of North Macedonia may request the executive director to suspend or terminate an operational activity if this Agreement or the operational plan is not respected by a team member. Such request shall be made in writing and shall include the reasons therefor.

6. A suspension, termination or withdrawal of financing under this Article shall take effect from the date of notification to the Republic of North Macedonia. It shall not affect any rights or obligations arising out of the application of this Agreement or the operational plan before such suspension, termination or withdrawal of financing.

ARTICLE 19

Combating fraud

1. If it becomes aware of the existence of credible allegations of fraud, corruption or any other illegal activities connected to the implementation of this Agreement, the Republic of North Macedonia shall immediately notify the Agency, the European Anti-Fraud Office and/or any other institutions, bodies or authorities of the European Union competent in such matters.

2. Where such allegations relate to European Union funds disbursed in relation to this Agreement, the Republic of North Macedonia shall, in accordance with any applicable established cooperation mechanisms, provide all necessary assistance to the institutions, bodies and authorities referred to in paragraph 1 in relation to investigative activities on its territory.

ARTICLE 20

Implementation of this Agreement

1. For the Republic of North Macedonia, this Agreement shall be implemented by the Ministry of Interior of the Republic of North Macedonia.

2. For the European Union, this Agreement shall be implemented by the Agency.

ARTICLE 21

Dispute settlement

1. Any disputes arising in connection with the application of this Agreement shall be examined jointly by representatives of the Agency and the competent authorities of the Republic of North Macedonia.

2. Failing any prior settlement, disputes concerning the interpretation or application of this Agreement shall be settled exclusively by negotiation between the Parties.

ARTICLE 22

Entry into force, amendment, duration, suspension and termination of the Agreement

1. This Agreement shall be subject to ratification, acceptance or approval by the Parties in accordance with their own internal legal procedures. The Parties shall notify one another of the completion of the procedures necessary for that purpose.

2. This Agreement shall enter into force on the first day of the second month following the date on which the Parties have notified each other of the completion of the internal legal procedures in accordance with paragraph 1.

3. This Agreement may be amended only in writing by mutual consent of the Parties.

4. This Agreement is concluded for an indefinite period. It may be suspended or terminated by written agreement between the Parties or unilaterally by either Party.

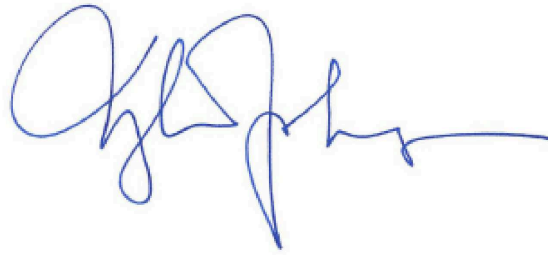
In case of a unilateral suspension or termination, the Party wishing to suspend or terminate this Agreement shall notify the other Party thereof in writing. A unilateral termination or suspension of this Agreement shall take effect on the first day of the second month following the month during which the notification was given.

5. Notifications made in accordance with this Article shall be sent, in the case of the European Union, to the Secretary General of the Council of the European Union and, in the case of the Republic of North Macedonia, to the Ministry of Foreign Affairs of the Republic of North Macedonia.

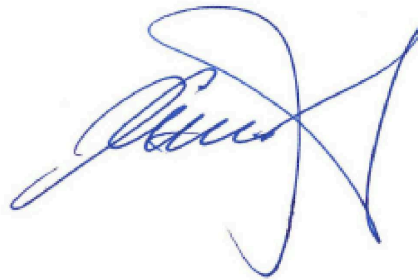
Done in duplicate in the Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish and Macedonian languages, each of those texts being equally authentic.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, duly authorised to this effect, have signed this Agreement.

За Европейския съюз
 Por la Unión Europea
 Za Evropskou unii
 For Den Europæiske Union
 Für die Europäische Union
 Euroopa Liidu nimel
 Για την Ευρωπαϊκή Ένωση
 For the European Union
 Pour l'Union européenne
 Thar ceann an Aontais Eorpaigh
 Za Europsku uniju
 Per l'Unione europea
 Eiropas Savienības vārdā –
 Europos Sąjungos vardu
 Az Európai Unió részéről
 Għall-Unjoni Ewropea
 Voor de Europese Unie
 W imieniu Unii Europejskiej
 Pela União Europeia
 Pentru Uniunea Europeană
 Za Európsku úniu
 Za Evropsko unijo
 Euroopan unionin puolesta
 För Europeiska unionen
 За Европска Унија

За Република Северна Македонија
 Por la República de Macedonia del Norte
 Za Republiku Severní Makedonie
 For Republikken Nordmakedonien
 Für die Republik Nordmazedonien
 Põhja-Makedoonia Vabariigi nimel
 Για τη Δημοκρατία της Βόρειας Μακεδονίας
 For the Republic of North Macedonia
 Pour la République de Macédoine du Nord
 Thar ceann Phoblacht na Macadóine Thuaidh
 Za Republiku Sjevernu Makedoniju
 Per la Repubblica di Macedonia del Nord
 Ziemeļmaķedonijas Republikas vārdā –
 Šiaurės Makedonijos Respublikos vardu
 Az Észak-macedón Köztársaság részéről
 Għar-Repubblika tal-Maċedonja ta' Fuq
 Voor de Republiek Noord-Macedonië
 W imieniu Republiki Macedonii Północnej
 Pela República da Macedónia do Norte
 Pentru Republica Macedonia de Nord
 Za Severomacedónsku republiku
 Za Republiko Severno Makedonijo
 Pohjois-Makedonian tasavallan puolesta
 För Republiken Nordmakedonien
 За Република Северна Македонија



REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) 2023/419

of 24 February 2023

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

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 765/2006 of 18 May 2006 concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine ⁽¹⁾, and in particular Article 8a thereof,

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

Whereas:

- (1) On 18 May 2006, the Council adopted Regulation (EC) No 765/2006.
- (2) On the basis of a review of Decision 2012/642/CFSP ⁽²⁾, the Council has decided that the restrictive measures set out therein should be renewed until 28 February 2024.
- (3) The entries relating to 21 natural and two legal persons included in the list of natural and legal persons, entities and bodies subject to restrictive measures set out in Annex I to Regulation (EC) No 765/2006 should be amended.
- (4) Annex I to Regulation (EC) No 765/2006 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 765/2006 is amended in accordance with the Annex to this Regulation.

Article 2

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

⁽¹⁾ OJ L 134, 20.5.2006, p. 1.

⁽²⁾ Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine (OJ L 285, 17.10.2012, p. 1).

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

Done at Brussels, 24 February 2023.

For the Council
The President
J. ROSWALL

Annex I to Regulation (EC) No 765/2006 is amended as follows:

(1) in Table 'A. Natural persons referred to in Article 2(1)', entries 10, 17, 20, 22, 35, 39, 41, 42, 64, 65, 71, 73, 75, 78, 85, 87, 89, 90, 123, 125 and 179 are replaced by the following:

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
'10.	Khazalbek Baktibekavich ATABEKAU Khazalbek Bakhtibekovich ATABEKOV	Хазалбек Бактібекавіч АТАБЕКАЎ Хазалбек Бахтибекович АТАБЕКОВ	Position(s): Former Deputy Commander of the Internal Troops DOB: 18.3.1967 Gender: male	In his former position as Deputy Commander of the Internal Troops of the Ministry of Internal Affairs (MoIA), he was responsible for the repression and intimidation campaign led by MoIA forces, in particular the Internal Troops under his command, in the wake of the 2020 presidential election, in particular arbitrary arrests and ill-treatment, including torture, of peaceful demonstrators, as well as intimidation and violence against journalists. He was passed to the military reserve in March 2022 by the decree of Aliaksandr Lukashenka. He has the right to wear military uniform and insignia.	2.10.2020
17.	Andrei Vasilievich GALENKA Andrey Vasilievich GALENKA	Андрэй Васільевіч ГАЛЕНКА Андрей Васильевич ГАЛЕНКА	Position(s): First Deputy Head of the District Department of Internal Affairs in Moskovski District, Minsk, Head of Public Safety Police Gender: male	In his former position as Deputy Head of the District Department of Internal Affairs in Moskovski District, Minsk and Head of Public Safety Police, he was responsible for the repression and intimidation campaign in that district against peaceful protesters in the wake of the 2020 presidential election, in particular arbitrary arrests, excessive use of force and ill-treatment, including torture. He remains active in the Lukashenka regime and is serving as the First Deputy Head of the District Department of Internal Affairs in Moskovski District, Minsk, Head of Public Safety Police.	2.10.2020

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
20.	Anatol Anatolievich VASILIEU Anatoli Anatolievich VASILIEV	Анатоль Анатольевіч ВАСІЛЬЕЎ Анатолий Анатольевич ВАСИЛЬЕВ	Position(s): First Deputy Head of the Department of Internal Affairs of Gomel/Homyel Region/Oblast Executive Committee, Head of Public Safety Police Former Deputy Head of the Department of Internal Affairs of Gomel/Homyel Region/Oblast Executive Committee, Head of Public Safety Police, Former Deputy Chairman of the Investigative Committee DOB: 26.1.1972 POB: Gomel/Homyel, Gomel/Homyel Region/Oblast, former USSR (now Belarus) Gender: male	In his former position as Deputy Head of the Department of Internal Affairs of Gomel/Homyel Region/Oblast Executive Committee and Head of Public Safety Police, he was responsible for the repression and intimidation campaign in that region/oblast against peaceful protesters in the wake of the 2020 presidential election, in particular arbitrary arrests, excessive use of force and ill- treatment, including torture. He remains active in the Lukashenka regime as First Deputy Head of the Department of Internal Affairs of Gomel/Homyel Region/Oblast Executive Committee, Head of Public Safety Police.	2.10.2020
22.	Leonid ZHURAUSKI Leonid ZHURAVSKI	Леанід ЖУРАЎСКІ Леонид ЖУРАВСКИЙ	Position(s): Former Head of OMON (‘Special Purpose Police Detachment’) in Vitebsk/Viciebsk DOB: 20.9.1975 Gender: male	In his former command position over OMON forces in Vitebsk/ Viciebsk, he was responsible for the repression and intimidation campaign led by OMON forces in Vitebsk/Viciebsk in the wake of the 2020 presidential election, in particular arbitrary arrests and ill- treatment of peaceful demonstrators.	2.10.2020

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
35.	Alena Mikalaeuna DMUHAILA Elena Nikolaevna DMUHAILO	Алена Мікалаеўна ДМУХАЙЛА Елена Николаевна ДМУХАЙЛО	Position(s): Former Secretary of the Central Electoral Commission (CEC) DOB: 1.7.1971 Gender: female	In her former position as Secretary of the CEC, she was responsible for its misconduct of the 2020 presidential electoral process, its non-compliance with basic international standards of fairness and transparency and its falsification of election results. The CEC and its leadership have, in particular, organised the dismissal of certain opposition candidates on spurious grounds and placed disproportionate restrictions on observers in polling stations. The CEC has also ensured that the election commissions under its supervision are composed in a biased manner.	2.10.2020
39.	Sviatlana Piatrouna KATSUBA Svetlana Petrovna KATSUBO	Святлана Пятроўна КАЦУБА Светлана Петровна КАЦУБО	Position(s): Former Member of the Central Electoral Commission (CEC) DOB: 6.8.1959 POB: Podilsk, Odessa Region/Oblast, former USSR (now Ukraine) Gender: female	In her former position as a member of the CEC college, she was responsible for its misconduct of the 2020 presidential electoral process, its non-compliance with basic international standards of fairness and transparency and its falsification of election results. The CEC and its college have, in particular, organised the dismissal of certain opposition candidates on spurious grounds and placed disproportionate restrictions on observers in polling stations. The CEC has also ensured that the election commissions under its supervision are composed in a biased manner.	2.10.2020
41.	Igar Anatolievich PLYSHEUSKI Ihor Anatolievich PLYSHEVSKIY	Ігар Анатольевіч ПЛЫШЭЎСКІ Игорь Анатольевич ПЛЫШЕВСКИЙ	Position(s): Former Member of the Central Electoral Commission (CEC) DOB: 19.2.1979 POB: Lyuban, former USSR (now Belarus) Gender: male	In his former position as a member of the CEC college, he was responsible for its misconduct of the 2020 presidential electoral process, its non-compliance with basic international standards of fairness and transparency and its falsification of election results. The CEC and its college have, in particular, organised the dismissal of certain opposition candidates on spurious grounds and placed disproportionate restrictions on observers in polling stations. The CEC has also ensured that the election commissions under its supervision are composed in a biased manner.	2.10.2020

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
42.	Marina Yureuna RAKHMANAVA Marina Yurievna RAKHMANOVA	Марына Юр'еўна РАХМАНАВА Марина Юрьевна РАХМАНОВА	Position(s): Former Member of the Central Electoral Commission (CEC) DOB: 26.9.1970 Gender: female	In her former position as a member of the CEC college, she was responsible for its misconduct of the 2020 presidential electoral process, its non-compliance with basic international standards of fairness and transparency and its falsification of election results. The CEC and its college have, in particular, organised the dismissal of certain opposition candidates on spurious grounds and placed disproportionate restrictions on observers in polling stations. The CEC has also ensured that the election commissions under its supervision are composed in a biased manner.	2.10.2020
64.	Pavel Mikalaevich LIOHKI Pavel Nikolaevich LIOHKI	Павел Мікалаевіч ЛЁГКІ Павел Николаевич ЛЁГКИЙ	Position(s): minister counsellor at the Belarusian embassy in Moscow, Russia, Former First Deputy Minister of Information DOB: 30.5.1972 POB: Baranavichy, former USSR (now Belarus) Gender: male	In his former leadership position as First Deputy Minister of Information, he is responsible for the repression of civil society, and in particular the Ministry of Information decision to cut off access to independent websites and limit internet access in Belarus in the wake of the 2020 presidential election, as a tool of repression of civil society, peaceful demonstrators and journalists. He remains active in the Lukashenka regime as a minister counsellor at the Belarusian embassy in Moscow, Russia.	17.12.2020
65.	Ihar Uladzimiravich LUTSKY Igor Vladimirovich LUTSKY	Ігар Уладзіміравіч ЛУЦКІ Игорь Владимирович ЛУЦКИЙ	Position(s): Deputy Head of the Presidential Administration, former Minister of Information DOB: 31.10.1972 POB: Stolin, Brest Region/Oblast, former USSR (now Belarus) Gender: male	In his former leadership position as Minister of Information, he was responsible for the repression of civil society, and in particular the Ministry of Information decision to cut off access to independent websites and limit internet access in Belarus in the wake of the 2020 presidential election, as a tool of repression of civil society, peaceful demonstrators and journalists. He remains active in the Lukashenka regime as Deputy Head of the Presidential Administration.	17.12.2020

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
71.	Dzmitry Aliaksandravich KURYAN Dmitry Alexandrovich KURYAN	Дзмітрый Аляксандравіч КУРЬЯН Дмитрий Александрович КУРЬЯН	Position(s): Deputy Head of the public militia of the Academy of the Ministry of Internal Affairs, Police Colonel, former Deputy Head of the Main Department and Head of the Department of Law Enforcement in the Ministry of Internal Affairs DOB: 3.10.1974 Gender: male	In his former leadership position as Deputy Head of the Main Department and Head of the Department of Law Enforcement in the Ministry of Internal Affairs, he was responsible for the repression and intimidation campaign led by the police forces in the wake of the 2020 presidential election, in particular arbitrary arrests and ill-treatment, including torture, of peaceful demonstrators as well as intimidation and violence against journalists. He remains active in the Lukashenka regime as the Deputy Head of the public militia of the Academy of the Ministry of Internal Affairs and retains the rank of Police Colonel.	17.12.2020
73.	Dzmitry Mikalaevich SHUMILIN Dmitry Nikolayevich SHUMILIN	Дзмітрый Мікалаевіч ШУМІЛІН Дмитрий Николаевич ШУМИЛИН	Position(s): Deputy Head of the Directorate for the Protection of Law and Order and Prevention, former Deputy Head of the department for mass events of the GUV D (Main Department of Internal Affairs) of the Minsk City Executive Committee DOB: 26.7.1977 Gender: male	In his former position as Deputy Head of the department for mass events of the GUV D of the Minsk City Executive Committee, he was responsible for the repression and intimidation campaign led by the local apparatus in the wake of the 2020 presidential election, in particular arbitrary arrests and ill-treatment, including torture, of peaceful demonstrators as well as intimidation and violence against journalists. He was documented as personally taking part in the unlawful detention of peaceful protesters. He remains active in the Lukashenka regime as Deputy Head of the Directorate for the Protection of Law and Order and Prevention of the GUV D (Main Department of Internal Affairs) of the Minsk City Executive Committee.	17.12.2020

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
75.	Siarhei Leanidavich KALINNIK Sergei Leonidovich KALINNIK	Сяргей Леанідавіч КАЛИННИК Сергей Леонидович КАЛИННИК	Position(s): Former Police Colonel, Chief of the Sovetsky District Police Department of Minsk DOB: 23.7.1979 Gender: male	In his former position as Chief of the Sovetsky District Police Department of Minsk, he was responsible for the repression and intimidation campaign led by the local police force under his command in the wake of the 2020 presidential election, in particular arbitrary arrests and ill-treatment, including torture, of peaceful demonstrators as well as intimidation and violence against journalists. According to witnesses, he personally supervised and took part in torturing unlawfully detained protesters.	17.12.2020
78.	Aliaksandr Aliaksandravich PIETRASH Alexander (Alexandr) Alexandrovich PETRASH	Аляксандр Аляксандравіч ПЕТРАШ Александр Александрович ПЕТРАШ	Position(s): Chairman of the Tsentralny District Court in Minsk, former Chairman of the Moskovski district court in Minsk DOB: 16.5.1988 Gender: male	In his former position as chairman of the Moskovski district court in Minsk, he was responsible for numerous politically motivated rulings against journalists, opposition leaders, activists and protesters. Violations of rights of defence and reliance on statements from false witnesses were reported during trials conducted under his supervision. He was instrumental in fining and detaining protesters, journalists and opposition leaders in the wake of the 2020 presidential election. He is therefore responsible for human rights violations and undermining the rule of law, as well as for contributing to the repression of civil society and democratic opposition. He remains active in the Lukashenka regime as chairman of the Tsentralny District Court in Minsk.	17.12.2020

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
85.	Yulia Chaslavauna HUSTYR Yulia Cheslavovna HUSTYR	Юлія Чаславаўна ГУСТЫР Юлія Чеславовна ГУСТЫР	Position(s): lawyer at the legal aid office of the Kastrychnitski district in Minsk, former Judge of the Central district court in Minsk DOB: 14.1.1984 Gender: female	In her former position as judge of the Central district court in Minsk, she was responsible for numerous politically motivated rulings against journalists, opposition leaders, activists and protesters, in particular the sentencing of opposition presidential candidate Viktor Babarika. Violations of rights of defence were reported during trials conducted under her supervision. She is therefore responsible for human rights violations and undermining the rule of law, as well as for contributing to the repression of civil society and democratic opposition. She remains active in the Lukashenka regime as lawyer at the legal aid office of the Kastrychnitski district in Minsk.	17.12.2020
87.	Aliaksandr Vasilevich SHAKUTSIN Aleksandr Vasilevich SHAKUTIN	Аляксандр Васільевіч ШАКУЦІН Александр Васильевич ШАКУТИН	Position(s): Businessman, chairman of the board of directors of Amkodor holding, shareholder of SV Maschinen GmbH, UAB EM System, Anulatrans SIA, Amkodor-Tsentr, OOO Iskamed, OOO PMI Inzhiniring, DOB: 12.1.1959 POB: Bolshoe Babino, Orsha Rayon, Vitebsk/Viciebsk Region/Oblast, former USSR (now Belarus) Gender: male	He is one of the leading businessmen operating in Belarus, with business interests in construction, machine building, agriculture and other sectors. He is reported to be one of the persons who benefitted most from the privatisation during Lukashenka's tenure as President. He is also a former member of the presidium of the pro-Lukashenka public association 'Belaya Rus' and a former member of the Council for the Development of Entrepreneurship in the Republic of Belarus. In July 2020 he made public comments condemning the opposition protests in Belarus, thus supporting the Lukashenka regime's policy of repression towards peaceful protesters, democratic opposition and civil society. He is therefore benefitting from and supporting the Lukashenka regime. He maintains business interests in Belarus.	17.12.2020

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
89.	Natallia Mikhailauna BUHUK Natalia Mikhailovna BUGUK	Наталля Міхайлаўна БУТУК Наталья Михайловна БУТУК	Position: judge of the Minsk City Court, former judge at the Fruzensky district court in Minsk DOB: 19.12.1989 POB: Minsk, former USSR (now Belarus) Gender: female Nationality: Belarusian	In her former position as judge at the Fruzensky district court in Minsk, Natallia Buhuk was responsible for numerous politically motivated rulings against journalists and protesters, in particular the sentencing of Katsiaryna Bakhvalava (Andreyeva) and Darya Chultsova. Violations of rights of defence and of right to a fair trial were reported during trials conducted under her supervision. She is therefore responsible for serious human rights violations and for seriously undermining the rule of law, as well as for the repression of civil society and democratic opposition. She remains active in the Lukashenka regime as a judge of the Minsk City Court.	21.6.2021
90.	Alina Siarhieeuna KASIANCHYK Alina Sergeevna KASYANCHYK	Аліна Сяргееўна КАСЬЯНЧЫК Алина Сергеевна КАСЬЯНЧИК	Position: prosecutor at the Minsk City Prosecutor's Office, former Assistant Prosecutor at the Frunzensky District Court in Minsk DOB: 12.3.1998 POB: Gender: female Nationality: Belarusian	In her former position as assistant prosecutor at the Fruzensky District Court in Minsk, Alina Kasianchyk has represented the Lukashenka regime in politically motivated cases against journalists, activists and protesters. In particular, she has prosecuted journalists Katsiaryna Bakhvalava (Andreyeva) and Darya Chultsova for recording peaceful protests, based on the groundless charges of 'conspiracy' and 'violating public order'. She has also prosecuted members of Belarusian civil society e.g. for taking part in peaceful protests, and paying tribute to murdered protester Aliaksandr Taraikousky. She has continuously asked the judge for long-term prison sentences. She is therefore responsible for serious human rights violations and for seriously undermining the rule of law, as well as for the repression of civil society and democratic opposition. She remains active in the Lukashenka regime as a prosecutor at the Minsk City Prosecutor's Office.	21.6.2021

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
104.	Andrei Vaclavavich HRUSHKO Andrei Vatslavovich GRUSHKO	Андрэй Вацлававіч ГРУШКО Андрей Вацлавович ГРУШКО	Position: Deputy Chairman of the Leninsky District Court of Brest, former Judge of the Leninsky District Court of Brest DOB: 24.1.1979 POB: Gender: male Nationality: Belarusian	In his position as judge of the Leninsky District Court of Brest, Andrei Hrushko is responsible for numerous politically motivated rulings against peaceful protesters, in particular by sentencing activists, recognized as political prisoners, and minors. He is therefore responsible for serious human rights violations and seriously undermining the rule of law, as well as the repression of civil society and democratic opposition. He currently serves as the Deputy Chairman of the Leninsky District Court of Brest.	21.6.2021
123.	Aliaksandr Yauhenavich SHATROU Alexander (Alexandr) Evgenovich SHATROV	Аляксандр Яўтэнавіч ШАТРОЎ Александр Евгеньевич ШАТРОВ	Position(s): Businessman, shareholder and former head of Synesis LLC DOB: 9.11.1978 POB: former USSR (now Russian Federation) Gender: male Nationality: Russian, Belarusian Personal ID: 3091178A002VF5	In his position as the former head and former majority shareholder of Synesis LLC, Alexander Shatrov was responsible for that company's decision to provide Belarusian authorities with a surveillance platform, Kipod, which can search through and analyse video footage and employ facial recognition software. He is therefore contributing to the repression of civil society and democratic opposition by the state apparatus. Synesis claims to have stopped providing the Belarusian authorities with the Kipod platform, but according to ByPOL reports Kipod is still used by the state securities agencies. Synesis is one of the residents of the Hi-Tech Park, created by a decree of Aliaksandr Lukashenka, and as such enjoys numerous benefits, including exemptions from income tax, VAT, offshore duty, customs duties and others. Synesis LLC and its subsidiary Panoptes have benefitted from their participation in the Republican Safety Monitoring System. Other companies which have been owned or co-owned by Shatrov, such as BelBet and Synesis Sport, also benefit from government contracts. He made public statements in which he criticised those protesting against the Lukashenka regime and put into perspective the lack of democracy in Belarus. He therefore benefits from and supports the Lukashenka regime. He remains a shareholder of Synesis LLC.	21.6.2021

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
125.	Mikhail Safarbekovich GUTSERIEV	Микаил (Михаил) Сафарбекович ГУЦЕРИЕВ	Position(s): Businessman, shareholder and chairman of the board of executives of Slavkali, chairman of the board of directors and shareholder of: JSC Mospromstroï, Industrial Financial Group Safmar JSC, LLC Proekt Grad. Member of the board of directors and shareholder of JSC NKNeftisa DOB: 9.5.1958 POB: Akmolinsk, former USSR (now Kazakhstan) Gender: male Nationality: Russian	Mikhail Gutseriev is a prominent Russian businessman, with business interests in Belarus in the sectors of energy, potash, hospitality and others. He is a long-time acquaintance of Aliaksandr Lukashenka and thanks to that association has accumulated significant wealth and influence among the political elite in Belarus. Safmar, a company which has been controlled by Gutseriev, was the only Russian oil firm that carried on supplying oil to Belarusian refineries during the energy crisis between Belarus and Russia in early 2020. Gutseriev also supported Lukashenka in disputes with Russia over oil deliveries. Gutseriev has been the chairman of the board of directors of, and a shareholder in, the Slavkali company, which is building the Nezhinsky potassium chloride mining and processing plant based on the Starobinsky potash salt deposit near Lyuban. It is the largest investment in Belarus, worth USD 2 billion. Lukashenka promised to rename the town of Lyuban 'Gutserievsk' in his honour. His other businesses in Belarus have included fuelling stations and oil depots, a hotel, a business centre and an airport terminal in Minsk. Lukashenka came to Gutseriev's defence after a criminal investigation was initiated against him in Russia. Lukashenka also thanked Gutseriev for his financial contributions to charity and investments worth billions of dollars in Belarus. Gutseriev is reported to have gifted Lukashenka luxurious presents. Gutseriev also declared himself to be the owner of a residency which de facto belongs to Lukashenka, thus covering him up when journalists started to investigate Lukashenka's assets. Gutseriev attended Lukashenka's secret inauguration on 23 September 2020. In October 2020 Lukashenka and Gutseriev both appeared at the opening of an orthodox church, which the latter sponsored. According to media reports, when the striking employees of Belarusian state-owned media were fired in August 2020, Russian media workers were flown to Belarus on board aircraft belonging to Gutseriev in order to replace the fired workers, and lodged in the Minsk Renaissance Hotel belonging to Gutseriev. Gutseriev assisted with the acquisition of CT scanners for Belarus during the COVID-19 crisis. Mikhail Gutseriev is therefore benefitting from and supporting the Lukashenka regime.	21.6.2021

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
129.	Aleh Mikalaevich, BELIAKOU Oleg Nikolaevich BELIAKOV	Алег Мікалаевіч БЕЛЯКОЎ Олег Николаевич БЕЛЯКОВ	Position: Head of the Department of ideological work and personnel support at the Ministry of Internal Affairs of Belarus, former Deputy Head of the Penal Correction Department of the Ministry of Internal Affairs DOB: POB: Gender: male Nationality: Belarusian	In his former position as Deputy Head of the Penal Correction Department of the Ministry of Internal Affairs that has authority over detention facilities, Aleh Beliakou was responsible for the inhumane and degrading treatment, including torture, inflicted on citizens who participated in peaceful protests and were detained in those detention facilities in the wake of the 2020 presidential election, in line with the address of Lukashenka to officers of the Interior Ministry. In his position, he bears responsibility for detention conditions in Belarusian prisons, including the categorisation of prisoners corresponding to different kinds of ill-treatment and torture the detainees are subject to, such as verbal abuse, punitive isolation, deprivation of calls and visits, mutilation, beatings and brutal torture. He is therefore responsible for serious human rights violations and for the repression of civil society and democratic opposition. He remains active in the Lukashenka regime as Head of the Department of ideological work and personnel support at the Ministry of Internal Affairs of Belarus.	21.6.2021

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
131.	Andrei Mikalaevich DAILIDA Andrei Nikolaevich DAILIDA	Андрэй Мікалаевіч ДАЙЛІДА Андрей Николаевич ДАЙЛИДА	Position: Head of the Rear Support Department at the Ministry of Internal Affairs of Belarus, former Deputy Head of the Penal Correction Department of the Ministry of Internal Affairs DOB: 1.7.1974 POB: Passport: KH2133825 Gender: male Nationality: Belarusian	In his former position as Deputy Head of the Penal Correction Department of the Ministry of Internal Affairs that has authority over detention facilities, Andrei Dailida was responsible for the inhumane and degrading treatment, including torture, inflicted on citizens who participated in peaceful protests and were detained in those detention facilities in the wake of the 2020 presidential election, in line with the address of Lukashenka to officers of the Interior Ministry. In his position, he bears responsibility for detention conditions in Belarusian prisons, including the categorization of prisoners, corresponding to different kinds of ill-treatment and torture the detainees are subject to, such as verbal abuse, punitive isolation, deprivation of calls and visits, mutilation, beatings and brutal torture. For his work as Deputy head of the Penal Correction Department of the Ministry of Internal Affairs, he received, in December 2020, the Presidential Order for service to the Motherland and has therefore benefitted from the Lukashenka regime. He is therefore responsible for serious human rights violations and for the repression of civil society and democratic opposition. He remains active in the Lukashenka regime as Head of the Rear Support Department at the Ministry of Internal Affairs of Belarus.	21.6.2021

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
179.	Andrei Andreevich PRAKAPUK Andrey Andreevich PROKOPUK	Андрэй Андрэвіч ПРАКАПУК Андрей Андреевич ПРОКОПУК	Position: Director of the Republican Unitary Enterprise 'Brest Center for Standardization, Metrology and Certification', former Deputy Director of the Financial Investigations Department of the State Control Committee of the Republic of Belarus Colonel of the Financial Police DOB: 22.7.1973 POB: Kobrin, Brest region, Belarus Address: 22 Mira St., apt. 88, Priluki, Minsk Region, Belarus Gender: male Nationality: Belarusian Personal ID: 3220773C061PB1	In his former position as the Deputy Director of the Financial Investigations Department of the State Control Committee of the Republic of Belarus, Andrei Prakupuk was responsible for politically motivated campaigns of that department against journalists and independent Belarusian media outlets. He personally approved a decision to search the premises of independent media outlet TUT.by and initiated a court case into TUT.by and the journalists employed by TUT.by, as well as blocking access to the TUT.by website. He is therefore responsible for serious human rights violations and the repression of civil society and democratic opposition as well as for seriously undermining the rule of law. He remains active in the Lukashenka regime as Director of the Republican Unitary Enterprise 'Brest Center for Standardization, Metrology and Certification'.	2.12.2021

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
195.	Ivan Ivanavich GALAVATYI Ivan Ivanovich GOLOVATY	Іван Іванавіч ГАЛАВАТЫ Иван Иванович ГОЛОВАТЫЙ	Position(s): Director-General of the Open Joint Stock Company 'Belaruskali', Chairman of the supervisory board of JSC Belarussian Potash Company. Member of the Standing Committee of the Council of the Republic of the National Assembly of the Republic of Belarus for Foreign Affairs and National Security DOB: 15.6.1976 POB: Pogost Settlement, Soligorsk District, Minsk Province, Belarus Gender: male Nationality: Belarusian	Ivan Galavatyi is the Director-General of the state-owned enterprise Belaruskali, which is a major source of revenue and foreign currency for the Lukashenka regime. He is a member of the Council of the Republic of the National Assembly and holds multiple other high positions in Belarus. Furthermore, he is the Chairman of the supervisory board of JSC Belarussian Potash Company. He has received multiple state awards, including directly from Aliaksandr Lukashenka, during his career. He has been closely associated with Lukashenka and members of his family. He is therefore benefitting from and supporting the Lukashenka regime. The employees of Belaruskali who took part in strikes and peaceful protests in the aftermath of the fraudulent August 2020 presidential elections in Belarus were deprived of premiums and dismissed. Lukashenka himself personally threatened to replace the strikers with miners from Ukraine. Ivan Galavatyi is therefore responsible for the repression of civil society.	3.6.2022'.

(2) in Table 'B. Legal persons, entities or bodies referred to in Article 2(1)', entries 5 and 29 are replaced by the following:

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
'5.	SYNESIS LLC	ООО 'Синезис'	Address: 220005, Minsk, Platonova 20B Belarus; Mantulinskaya 24, Moscow 123100, Russia. Registration number (УНН/ИНН): 190950894 (Belarus); 7704734000/ 770301001 (Russia). Website: https://synesis.partners ; https://synesis-group.com/ Tel. +375 (17) 240-36-50 Email address: yuriy.serbenkov@synesis.by	Synesis LLC has provided the Belarusian authorities with a Kipod surveillance platform, which can search through and analyse video footage and employ facial recognition software, making the company responsible for the repression of civil society and democratic opposition by the state apparatus in Belarus. The Belarusian State Security Committee (KGB) and Ministry of Internal Affairs have been listed as users of a system created by Synesis. Synesis claims to have stopped providing the Belarusian authorities with the Kipod platform, but according to ByPOL reports Kipod is still used by the state securities agencies. Synesis is one of the residents of the Hi-Tech Park, created by a decree of Aliaksandr Lukashenka, and as such enjoys numerous benefits, including exemptions from income tax, VAT, offshore duty, customs duties and others. The company is therefore benefitting from its association with and supporting the Lukashenka regime.	17.12.2020
29.	Joint Stock Company 'Belarusian Potash Company'	ААТ 'Беларуская калійная кампанія' ОАО 'Белорусская калийная компания'	Address: 35 Masherova Ave., 220002 Minsk, Belarus Date of registration: 13.9.2013 Registration number: 192050251 Tel. +375 (17) 309-30-10; +375 (17) 309-30-30 Email address: info@belpc.by	JSC Belarusian Potash Company is the exporting arm of Belarusian state potash producer Belaruskali. Belaruskali is one of the largest sources of revenue for the Lukashenka regime. Supplies from the Belarusian Potash Company account for 20 % of global potash exports. The state guaranteed the Belarusian Potash Company monopoly rights to export potassium fertilizers. Thanks to preferential treatment from the Belarusian authorities, the company earns a substantial revenue. Therefore, the Belarusian Potash Company benefits from and supports the Lukashenka regime.	3.6.2022'.

COUNCIL IMPLEMENTING REGULATION (EU) 2023/420**of 24 February 2023****implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism, and repealing Implementing Regulation (EU) 2022/1230**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 2580/2001 of 27 December 2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism ⁽¹⁾, and in particular Article 2(3) thereof,

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

Whereas:

- (1) On 18 July 2022, the Council adopted Implementing Regulation (EU) 2022/1230 ⁽²⁾, establishing an updated list of persons, groups and entities to which Regulation (EC) No 2580/2001 applies ('the list').
- (2) The Council has provided, where practically possible, all the persons, groups and entities with statements of reasons explaining why they were entered into the list.
- (3) By way of a notice published in the *Official Journal of the European Union*, the Council informed the persons, groups and entities on the list that it had decided to keep them thereon. The Council also informed those persons, groups and entities that it was possible to request a statement of the Council's reasons for entering them into the list where such a statement had not already been communicated to them.
- (4) The Council has reviewed the list as required by Article 2(3) of Regulation (EC) No 2580/2001. When carrying out that review, the Council took into account the observations submitted to it by those concerned as well as the updated information received from the competent national authorities on the status of listed individuals and entities at national level.
- (5) The Council has verified that competent authorities, as referred to in Article 1(4) of Council Common Position 2001/931/CFSP ⁽³⁾, have taken decisions with regard to all persons, groups and entities on the list to the effect that they have been involved in terrorist acts within the meaning of Article 1(2) and (3) of Common Position 2001/931/CFSP. The Council has also concluded that the persons, groups and entities to which Articles 2, 3 and 4 of Common Position 2001/931/CFSP apply should continue to be subject to the specific restrictive measures provided for in Regulation (EC) No 2580/2001.

⁽¹⁾ OJ L 344, 28.12.2001, p. 70.

⁽²⁾ Council Implementing Regulation (EU) 2022/1230 of 18 July 2022 implementing Article 2(3) of Regulation (EC) No 2580/2001 on specific restrictive measures directed against certain persons and entities with a view to combating terrorism, and repealing Implementing Regulation (EU) 2022/147 (OJ L 190, 19.7.2022, p. 1).

⁽³⁾ Council Common Position 2001/931/CFSP of 27 December 2001 on the application of specific measures to combat terrorism (OJ L 344, 28.12.2001, p. 93).

(6) The list should be updated accordingly, and Implementing Regulation (EU) 2022/1230 should be repealed,

HAS ADOPTED THIS REGULATION:

Article 1

The list provided for in Article 2(3) of Regulation (EC) No 2580/2001 is set out in the Annex to this Regulation.

Article 2

Implementing Regulation (EU) 2022/1230 is hereby repealed.

Article 3

This Regulation shall enter into force on the day following that 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.

Done at Brussels, 24 February 2023.

For the Council
The President
J. ROSWALL

ANNEX

LIST OF PERSONS, GROUPS AND ENTITIES REFERRED TO IN ARTICLE 1

I. PERSONS

1. ABDOLLAHI Hamed (a.k.a. Mustafa Abdullahi), born 11.8.1960 in Iran. Passport number: D9004878.
2. AL-NASSER Abdelkarim Hussein Mohamed, born in Al Ihsa (Saudi Arabia), citizen of Saudi Arabia.
3. AL-YACCOUB Ibrahim Salih Mohammed, born 16.10.1966 in Tarut (Saudi Arabia), citizen of Saudi Arabia.
4. ARBABSAR Manssor (a.k.a. Mansour Arbabsar), born 6.3.1955 or 15.3.1955 in Iran. Iranian and US national, passport number: C2002515 (Iran); passport number: 477845448 (USA). National ID number: 07442833, expiry date 15.3.2016 (USA driving licence).
5. ASSADI Assadollah (a.k.a. Assadollah Asadi), born 22.12.1971 in Teheran (Iran), Iranian national. Iranian diplomatic passport number: D9016657.
6. BOUYERI Mohammed (a.k.a. Abu Zubair, a.k.a. Sobiar, a.k.a. Abu Zoubair), born 8.3.1978 in Amsterdam (The Netherlands).
7. EL HAJJ Hassan Hassan, born 22.3.1988 in Zaghdraiya, Sidon, Lebanon, Canadian citizen. Passport number: JX446643 (Canada).
8. HASHEMI MOGHADAM Saeid, born 6.8.1962 in Teheran (Iran), Iranian national. Passport number: D9016290, valid until 4.2.2019.
9. AL-DIN Hasan Izz (a.k.a. Garbaya Ahmed, a.k.a. Sa'id, a.k.a. Salwwan Samir), Lebanon, born 1963 in Lebanon, citizen of Lebanon.
10. MELIAD Farah, born 5.11.1980 in Sydney (Australia), Australian citizen. Passport number: M2719127 (Australia).
11. MOHAMMED Khalid Sheikh (a.k.a. Ali Salem, a.k.a. Bin Khalid Fahd Bin Abdallah, a.k.a. Henin Ashraf Refaat Nabith, a.k.a. Wadood Khalid Abdul), born 14.4.1965 or 1.3.1964 in Pakistan, passport number: 488555.
12. SHAHLAI Abdul Reza (a.k.a. Abdol Reza Shala'i, a.k.a. Abd-al Reza Shalai, a.k.a. Abdorreza Shahlai, a.k.a. Abdolreza Shahla'i, a.k.a. Abdul-Reza Shahlaee, a.k.a. Hajj Yusef, a.k.a. Haji Yusif, a.k.a. Hajji Yasir, a.k.a. Hajji Yusuf, a.k.a. Yusuf Abu-al-Karkh), born circa 1957 in Iran. Addresses: (1) Kermanshah, Iran, (2) Mehran Military Base, Ilam Province, Iran.
13. SHAKURI Ali Gholam, born circa 1965 in Tehran, Iran.

II. GROUPS AND ENTITIES

1. 'Abu Nidal Organisation' – 'ANO' (a.k.a. 'Fatah Revolutionary Council', a.k.a. 'Arab Revolutionary Brigades', a.k.a. 'Black September', a.k.a. 'Revolutionary Organisation of Socialist Muslims').
2. 'Al-Aqsa Martyrs' Brigade'.
3. 'Al-Aqsa e.V'.
4. 'Babbar Khalsa'.
5. 'Communist Party of the Philippines', including 'New People's Army' – 'NPA', Philippines.

6. Directorate for Internal Security of the Iranian Ministry for Intelligence and Security.
 7. 'Gama'a al-Islamiyya' (a.k.a. 'Al-Gama'a al-Islamiyya') ('Islamic Group' – 'IG').
 8. 'İslami Büyük Doğu Akıncılar Cephesi' – 'IBDA-C' ('Great Islamic Eastern Warriors Front').
 9. 'Hamas', including 'Hamas-Izz al-Din al-Qassem'.
 10. 'Hizballah Military Wing' (a.k.a. 'Hezbollah Military Wing', a.k.a. 'Hizbullah Military Wing', a.k.a. 'Hizbollah Military Wing', a.k.a. 'Hezbollah Military Wing', a.k.a. 'Hisbollah Military Wing', a.k.a. 'Hizbu'llah Military Wing' a.k.a. 'Hizb Allah Military Wing', a.k.a. 'Jihad Council' (and all units reporting to it, including the External Security Organisation)).
 11. 'Hizbul Mujahideen' – 'HM'.
 12. 'Khalistan Zindabad Force' – 'KZF'.
 13. 'Kurdistan Workers' Party' – 'PKK' (a.k.a. 'KADEK', a.k.a. 'KONGRA-GEL').
 14. 'Liberation Tigers of Tamil Eelam' – 'LTTE'.
 15. 'Ejército de Liberación Nacional' ('National Liberation Army').
 16. 'Palestinian Islamic Jihad' – 'PIJ'.
 17. 'Popular Front for the Liberation of Palestine' – 'PFLP'.
 18. 'Popular Front for the Liberation of Palestine – General Command' (a.k.a. 'PFLP – General Command').
 19. 'Devrimci Halk Kurtuluş Partisi-Cephesi' – 'DHKP/C' (a.k.a. 'Devrimci Sol' ('Revolutionary Left'), a.k.a. 'Dev Sol') ('Revolutionary People's Liberation Army/Front/Party').
 20. 'Sendero Luminoso' – 'SL' ('Shining Path').
 21. 'Teyrbazen Azadiya Kurdistan' – 'TAK' (a.k.a. 'Kurdistan Freedom Falcons', a.k.a. 'Kurdistan Freedom Hawks').
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DECISIONS

COUNCIL DECISION (CFSP) 2023/421

of 24 February 2023

amending 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

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 15 October 2012, the Council adopted Decision 2012/642/CFSP ⁽¹⁾ concerning restrictive measures in view of the situation in Belarus and, as amended, that country's involvement in the Russian aggression against Ukraine.
- (2) On the basis of a review of Decision 2012/642/CFSP, and considering the persistent gravity of the situation in Belarus and the involvement of Belarus in the illegal aggression of the Russian Federation against Ukraine, it is appropriate to maintain in force all the measures adopted by the Union. Consequently, Decision 2012/642/CFSP should be renewed until 28 February 2024.
- (3) The entries for 21 natural and two legal persons included in the list of natural and legal persons, entities and bodies subject to restrictive measures set out in Annex I to Decision 2012/642/CFSP should be amended.
- (4) Decision 2012/642/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2012/642/CFSP is amended as follows:

- (1) in Article 8, paragraph 1 is replaced by the following:
‘1. This Decision shall apply until 28 February 2024.’;
- (2) 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*.

⁽¹⁾ Council Decision 2012/642/CFSP of 15 October 2012 concerning restrictive measures in view of the situation in Belarus and the involvement of Belarus in the Russian aggression against Ukraine (OJ L 285, 17.10.2012, p. 1).

Done at Brussels, 24 February 2023.

For the Council
The President
J. ROSWALL

Annex I to Decision 2012/642/CFSP is amended as follows:

- (1) in Table A. 'Natural persons referred to in Articles 3(1) and 4(1)', entries 10, 17, 20, 22, 35, 39, 41, 42, 64, 65, 71, 73, 75, 78, 85, 87, 89, 90, 123, 125 and 179 are replaced by the following:

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
'10.	Khazalbek Baktibekavich ATABEKAU Khazalbek Bakhtibekovich ATABEKOV	Хазалбек Бактібекавіч АТАБЕКАЎ Хазалбек Бахтибекович АТАБЕКОВ	Position(s): Former Deputy Commander of the Internal Troops DOB: 18.3.1967 Gender: male	In his former position as Deputy Commander of the Internal Troops of the Ministry of Internal Affairs (MoIA), he was responsible for the repression and intimidation campaign led by MoIA forces, in particular the Internal Troops under his command, in the wake of the 2020 presidential election, in particular arbitrary arrests and ill-treatment, including torture, of peaceful demonstrators, as well as intimidation and violence against journalists. He was passed to the military reserve in March 2022 by the decree of Aliaksandr Lukashenka. He has the right to wear military uniform and insignia.	2.10.2020
17.	Andrei Vasilievich GALENKA Andrey Vasilievich GALENKA	Андрэй Васільевіч ГАЛЕНКА Андрей Васильевич ГАЛЕНКА	Position(s): First Deputy Head of the District Department of Internal Affairs in Moskovski District, Minsk, Head of Public Safety Police Gender: male	In his former position as Deputy Head of the District Department of Internal Affairs in Moskovski District, Minsk and Head of Public Safety Police, he was responsible for the repression and intimidation campaign in that district against peaceful protesters in the wake of the 2020 presidential election, in particular arbitrary arrests, excessive use of force and ill-treatment, including torture. He remains active in the Lukashenka regime and is serving as the First Deputy Head of the District Department of Internal Affairs in Moskovski District, Minsk, Head of Public Safety Police.	2.10.2020

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
20.	Anatol Anatolievich VASILIEU Anatoli Anatolievich VASILIEV	Анатоль Анатольевіч ВАСІЛЬЕЎ Анатолий Анатольевич ВАСИЛЬЕВ	Position(s): First Deputy Head of the Department of Internal Affairs of Gomel/Homyel Region/Oblast Executive Committee, Head of Public Safety Police Former Deputy Head of the Department of Internal Affairs of Gomel/Homyel Region/Oblast Executive Committee, Head of Public Safety Police, Former Deputy Chairman of the Investigative Committee DOB: 26.1.1972 POB: Gomel/Homyel, Gomel/Homyel Region/Oblast, former USSR (now Belarus) Gender: male	In his former position as Deputy Head of the Department of Internal Affairs of Gomel/Homyel Region/Oblast Executive Committee and Head of Public Safety Police, he was responsible for the repression and intimidation campaign in that region/oblast against peaceful protesters in the wake of the 2020 presidential election, in particular arbitrary arrests, excessive use of force and ill-treatment, including torture. He remains active in the Lukashenka regime as First Deputy Head of the Department of Internal Affairs of Gomel/Homyel Region/Oblast Executive Committee, Head of Public Safety Police.	2.10.2020
22.	Leanid ZHURAUSKI Leonid ZHURAVSKI	Леанід ЖУРАЎСКІ Леонид ЖУРАВСКИЙ	Position(s): Former Head of OMON ("Special Purpose Police Detachment") in Vitebsk/Viciebsk DOB: 20.9.1975 Gender: male	In his former command position over OMON forces in Vitebsk/Viciebsk, he was responsible for the repression and intimidation campaign led by OMON forces in Vitebsk/Viciebsk in the wake of the 2020 presidential election, in particular arbitrary arrests and ill-treatment of peaceful demonstrators.	2.10.2020

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
35.	Alena Mikalaeuna DMUHAILA Elena Nikolaevna DMUHAILO	Алена Мікалаеўна ДМУХАЙЛА Елена Николаевна ДМУХАЙЛО	Position(s): Former Secretary of the Central Electoral Commission (CEC) DOB: 1.7.1971 Gender: female	In her former position as Secretary of the CEC, she was responsible for its misconduct of the 2020 presidential electoral process, its non-compliance with basic international standards of fairness and transparency and its falsification of election results. The CEC and its leadership have, in particular, organised the dismissal of certain opposition candidates on spurious grounds and placed disproportionate restrictions on observers in polling stations. The CEC has also ensured that the election commissions under its supervision are composed in a biased manner.	2.10.2020
39.	Sviatlana Piatrouna KATSUBA Svetlana Petrovna KATSUBO	Святлана Пятроўна КАЦУБА Светлана Петровна КАЦУБО	Position(s): Former Member of the Central Electoral Commission (CEC) DOB: 6.8.1959 POB: Podilsk, Odessa Region/Oblast, former USSR (now Ukraine) Gender: female	In her former position as a member of the CEC college, she was responsible for its misconduct of the 2020 presidential electoral process, its non-compliance with basic international standards of fairness and transparency and its falsification of election results. The CEC and its college have, in particular, organised the dismissal of certain opposition candidates on spurious grounds and placed disproportionate restrictions on observers in polling stations. The CEC has also ensured that the election commissions under its supervision are composed in a biased manner.	2.10.2020
41.	Igar Anatolievich PLYSHEUSKI Ihor Anatolievich PLYSHEVSKIY	Ігар Анатольевіч ПЛЫШЭЎСКІ Игорь Анатольевич ПЛЫШЕВСКИЙ	Position(s): Former Member of the Central Electoral Commission (CEC) DOB: 19.2.1979 POB: Lyuban, former USSR (now Belarus) Gender: male	In his former position as a member of the CEC college, he was responsible for its misconduct of the 2020 presidential electoral process, its non-compliance with basic international standards of fairness and transparency and its falsification of election results. The CEC and its college have, in particular, organised the dismissal of certain opposition candidates on spurious grounds and placed disproportionate restrictions on observers in polling stations. The CEC has also ensured that the election commissions under its supervision are composed in a biased manner.	2.10.2020

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
42.	Marina Yureuna RAKHMANAVA Marina Yurievna RAKHMANOVA	Марына Юр'еўна РАХМАНАВА Марина Юрьевна РАХМАНОВА	Position(s): Former Member of the Central Electoral Commission (CEC) DOB: 26.9.1970 Gender: female	In her former position as a member of the CEC college, she was responsible for its misconduct of the 2020 presidential electoral process, its non-compliance with basic international standards of fairness and transparency and its falsification of election results. The CEC and its college have, in particular, organised the dismissal of certain opposition candidates on spurious grounds and placed disproportionate restrictions on observers in polling stations. The CEC has also ensured that the election commissions under its supervision are composed in a biased manner.	2.10.2020
64.	Pavel Mikalaevich LIOHKI Pavel Nikolaevich LIOHKI	Павел Мікалаевіч ЛЁГКІ Павел Николаевич ЛЁГКИЙ	Position(s): minister counsellor at the Belarusian embassy in Moscow, Russia, Former First Deputy Minister of Information DOB: 30.5.1972 POB: Baranavichy, former USSR (now Belarus) Gender: male	In his former leadership position as First Deputy Minister of Information, he is responsible for the repression of civil society, and in particular the Ministry of Information decision to cut off access to independent websites and limit internet access in Belarus in the wake of the 2020 presidential election, as a tool of repression of civil society, peaceful demonstrators and journalists. He remains active in the Lukashenka regime as a minister counsellor at the Belarusian embassy in Moscow, Russia.	17.12.2020
65.	Ihar Uladzimiravich LUTSKY Igor Vladimirovich LUTSKY	Ігар Уладзіміравіч ЛУЦКІ Игорь Владимирович ЛУЦКИЙ	Position(s): Deputy Head of the Presidential Administration, former Minister of Information DOB: 31.10.1972 POB: Stolin, Brest Region/Oblast, former USSR (now Belarus) Gender: male	In his former leadership position as Minister of Information, he was responsible for the repression of civil society, and in particular the Ministry of Information decision to cut off access to independent websites and limit internet access in Belarus in the wake of the 2020 presidential election, as a tool of repression of civil society, peaceful demonstrators and journalists. He remains active in the Lukashenka regime as Deputy Head of the Presidential Administration.	17.12.2020

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
71.	Dzmitry Aliaksandravich KURYAN Dmitry Alexandrovich KURYAN	Дзмітрый Аляксандравіч КУРЬЯН Дмитрий Александрович КУРЬЯН	Position(s): Deputy Head of the public militia of the Academy of the Ministry of Internal Affairs, Police Colonel, former Deputy Head of the Main Department and Head of the Department of Law Enforcement in the Ministry of Internal Affairs DOB: 3.10.1974 Gender: male	In his former leadership position as Deputy Head of the Main Department and Head of the Department of Law Enforcement in the Ministry of Internal Affairs, he was responsible for the repression and intimidation campaign led by the police forces in the wake of the 2020 presidential election, in particular arbitrary arrests and ill-treatment, including torture, of peaceful demonstrators as well as intimidation and violence against journalists. He remains active in the Lukashenka regime as the Deputy Head of the public militia of the Academy of the Ministry of Internal Affairs and retains the rank of Police Colonel.	17.12.2020
73.	Dzmitry Mikalaevich SHUMILIN Dmitry Nikolayevich SHUMILIN	Дзмітрый Мікалаевіч ШУМІЛІН Дмитрий Николаевич ШУМИЛИН	Position(s): Deputy Head of the Directorate for the Protection of Law and Order and Prevention, former Deputy Head of the department for mass events of the GUV D (Main Department of Internal Affairs) of the Minsk City Executive Committee DOB: 26.7.1977 Gender: male	In his former position as Deputy Head of the department for mass events of the GUV D of the Minsk City Executive Committee, he was responsible for the repression and intimidation campaign led by the local apparatus in the wake of the 2020 presidential election, in particular arbitrary arrests and ill-treatment, including torture, of peaceful demonstrators as well as intimidation and violence against journalists. He was documented as personally taking part in the unlawful detention of peaceful protesters. He remains active in the Lukashenka regime as Deputy Head of the Directorate for the Protection of Law and Order and Prevention of the GUV D (Main Department of Internal Affairs) of the Minsk City Executive Committee.	17.12.2020

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
75.	Siarhei Leanidavich KALINNIK Sergei Leonidovich KALINNIK	Сяргей Леанідавіч КАЛІННІК Сергей Леонидович КАЛІННІК	Position(s): Former Police Colonel, Chief of the Sovetsky District Police Department of Minsk DOB: 23.7.1979 Gender: male	In his former position as Chief of the Sovetsky District Police Department of Minsk, he was responsible for the repression and intimidation campaign led by the local police force under his command in the wake of the 2020 presidential election, in particular arbitrary arrests and ill-treatment, including torture, of peaceful demonstrators as well as intimidation and violence against journalists. According to witnesses, he personally supervised and took part in torturing unlawfully detained protesters.	17.12.2020
78.	Aliaksandr Aliaksandravich PIETRASH Alexander (Alexandr) Alexandrovich PETRASH	Аляксандр Аляксандравіч ПЕТРАШ Александр Александрович ПЕТРАШ	Position(s): Chairman of the Tsentralny District Court in Minsk, former Chairman of the Moskovski district court in Minsk DOB: 16.5.1988 Gender: male	In his former position as chairman of the Moskovski district court in Minsk, he was responsible for numerous politically motivated rulings against journalists, opposition leaders, activists and protesters. Violations of rights of defence and reliance on statements from false witnesses were reported during trials conducted under his supervision. He was instrumental in fining and detaining protesters, journalists and opposition leaders in the wake of the 2020 presidential election. He is therefore responsible for human rights violations and undermining the rule of law, as well as for contributing to the repression of civil society and democratic opposition. He remains active in the Lukashenka regime as chairman of the Tsentralny District Court in Minsk.	17.12.2020

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
85.	Yulia Chaslavauna HUSTYR Yulia Cheslavovna HUSTYR	Юлія Чаславаўна ГУСТЫР Юлия Чеславовна ГУСТЫР	Position(s): lawyer at the legal aid office of the Kastrychnitski district in Minsk, former Judge of the Central district court in Minsk DOB: 14.1.1984 Gender: female	In her former position as judge of the Central district court in Minsk, she was responsible for numerous politically motivated rulings against journalists, opposition leaders, activists and protesters, in particular the sentencing of opposition presidential candidate Viktar Babarika. Violations of rights of defence were reported during trials conducted under her supervision. She is therefore responsible for human rights violations and undermining the rule of law, as well as for contributing to the repression of civil society and democratic opposition. She remains active in the Lukashenka regime as lawyer at the legal aid office of the Kastrychnitski district in Minsk.	17.12.2020
87.	Aliaksandr Vasilevich SHAKUTSIN Aleksandr Vasilevich SHAKUTIN	Аляксандр Васільевіч ШАКУЦІН Александр Васильевич ШАКУТИН	Position(s): Businessman, chairman of the board of directors of Amkodor holding, shareholder of SV Maschinen GmbH, UAB EM System, Anulatrans SIA, Amkodor-Tsentr, OOO Iskamed, OOO PMI Inzhiniring, DOB: 12.1.1959 POB: Bolshoe Babino, Orsha Rayon, Vitebsk/Viciebsk Region/Oblast, former USSR (now Belarus) Gender: male	He is one of the leading businessmen operating in Belarus, with business interests in construction, machine building, agriculture and other sectors. He is reported to be one of the persons who benefitted most from the privatisation during Lukashenka's tenure as President. He is also a former member of the presidium of the pro-Lukashenka public association 'Belaya Rus' and a former member of the Council for the Development of Entrepreneurship in the Republic of Belarus. In July 2020 he made public comments condemning the opposition protests in Belarus, thus supporting the Lukashenka regime's policy of repression towards peaceful protesters, democratic opposition and civil society. He is therefore benefitting from and supporting the Lukashenka regime. He maintains business interests in Belarus.	17.12.2020

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
89.	Natallia Mikhailauna BUHUK Natalia Mikhailovna BUGUK	Наталля Міхайлаўна БУТУК Наталья Михайловна БУТУК	Position: judge of the Minsk City Court, former judge at the Fruzensky district court in Minsk DOB: 19.12.1989 POB: Minsk, former USSR (now Belarus) Gender: female Nationality: Belarusian	In her former position as judge at the Fruzensky district court in Minsk, Natallia Buhuk was responsible for numerous politically motivated rulings against journalists and protesters, in particular the sentencing of Katsiaryna Bakhvalava (Andreyeva) and Darya Chultsova. Violations of rights of defence and of right to a fair trial were reported during trials conducted under her supervision. She is therefore responsible for serious human rights violations and for seriously undermining the rule of law, as well as for the repression of civil society and democratic opposition. She remains active in the Lukashenka regime as a judge of the Minsk City Court.	21.6.2021
90.	Alina Siarhieeuna KASIANCHYK Alina Sergeevna KASYANCHYK	Аліна Сяргееўна КАСЬЯНЧЫК Алина Сергеевна КАСЬЯНЧИК	Position: prosecutor at the Minsk City Prosecutor's Office, former Assistant Prosecutor at the Frunzensky District Court in Minsk DOB: 12.03.1998 POB: Gender: female Nationality: Belarusian	In her former position as assistant prosecutor at the Fruzensky District Court in Minsk, Alina Kasianchyk has represented the Lukashenka regime in politically motivated cases against journalists, activists and protesters. In particular, she has prosecuted journalists Katsiaryna Bakhvalava (Andreyeva) and Darya Chultsova for recording peaceful protests, based on the groundless charges of "conspiracy" and "violating public order". She has also prosecuted members of Belarusian civil society e.g. for taking part in peaceful protests, and paying tribute to murdered protester Aliaksandr Taraikousky. She has continuously asked the judge for long-term prison sentences. She is therefore responsible for serious human rights violations and for seriously undermining the rule of law, as well as for the repression of civil society and democratic opposition. She remains active in the Lukashenka regime as a prosecutor at the Minsk City Prosecutor's Office.	21.6.2021

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
104.	Andrei Vaclavavich HRUSHKO Andrei Vatslavovich GRUSHKO	Андрэй Вацлававіч ГРУШКО Андрей Вацлавович ГРУШКО	Position: Deputy Chairman of the Leninsky District Court of Brest, former Judge of the Leninsky District Court of Brest DOB: 24.01.1979 POB: Gender: male Nationality: Belarusian	In his position as judge of the Leninsky District Court of Brest, Andrei Hrushko is responsible for numerous politically motivated rulings against peaceful protesters, in particular by sentencing activists, recognized as political prisoners, and minors. He is therefore responsible for serious human rights violations and seriously undermining the rule of law, as well as the repression of civil society and democratic opposition. He currently serves as the Deputy Chairman of the Leninsky District Court of Brest.	21.6.2021
123.	Aliaksandr Yauhenavich SHATROU Alexander (Alexandr) Evgenevich SHATROV	Аляксандр Яўгенавіч ШАТРОЎ Александр Евгеньевич ШАТРОВ	Position(s): Businessman, shareholder and former head of Synesis LLC DOB: 9.11.1978 POB: former USSR (now Russian Federation) Gender: male Nationality: Russian, Belarusian Personal ID: 3091178A002VF5	In his position as the former head and former majority shareholder of Synesis LLC, Alexander Shatrov was responsible for that company's decision to provide Belarusian authorities with a surveillance platform, Kipod, which can search through and analyse video footage and employ facial recognition software. He is therefore contributing to the repression of civil society and democratic opposition by the state apparatus. Synesis claims to have stopped providing the Belarusian authorities with the Kipod platform, but according to ByPOL reports Kipod is still used by the state securities agencies. Synesis is one of the residents of the Hi-Tech Park, created by a decree of Aliaksandr Lukashenka, and as such enjoys numerous benefits, including exemptions from income tax, VAT, offshore duty, customs duties and others. Synesis LLC and its subsidiary Panoptes have benefitted from their participation in the Republican Safety Monitoring System. Other companies which have been owned or co-owned by Shatrov, such as BelBet and Synesis Sport, also benefit from government contracts. He made public statements in which he criticised those protesting against the Lukashenka regime and put into perspective the lack of democracy in Belarus. He therefore benefits from and supports the Lukashenka regime. He remains a shareholder of Synesis LLC.	21.6.2021

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
125.	Mikhail Safarbekovich GUTSERIEV	Микаил (Михаил) Сафарбекович ГУЦЕРИЕВ	Position(s): Businessman, shareholder and chairman of the board of executives of Slavkali, chairman of the board of directors and shareholder of: JSC Mospromstroï, Industrial Financial Group Safmar JSC, LLC Proekt Grad. Member of the board of directors and shareholder of JSC NKNeftisa DOB: 9.5.1958 POB: Akmolinsk, former USSR (now Kazakhstan) Gender: male Nationality: Russian	Mikhail Gutseriev is a prominent Russian businessman, with business interests in Belarus in the sectors of energy, potash, hospitality and others. He is a long-time acquaintance of Aliaksandr Lukashenka and thanks to that association has accumulated significant wealth and influence among the political elite in Belarus. Safmar, a company which has been controlled by Gutseriev, was the only Russian oil firm that carried on supplying oil to Belarusian refineries during the energy crisis between Belarus and Russia in early 2020. Gutseriev also supported Lukashenka in disputes with Russia over oil deliveries. Gutseriev has been the chairman of the board of directors of, and a shareholder in, the Slavkali company, which is building the Nezhinsky potassium chloride mining and processing plant based on the Starobinsky potash salt deposit near Lyuban. It is the largest investment in Belarus, worth USD 2 billion. Lukashenka promised to rename the town of Lyuban “Gutserievsk” in his honour. His other businesses in Belarus have included fuelling stations and oil depots, a hotel, a business centre and an airport terminal in Minsk. Lukashenka came to Gutseriev’s defence after a criminal investigation was initiated against him in Russia. Lukashenka also thanked Gutseriev for his financial contributions to charity and investments worth billions of dollars in Belarus. Gutseriev is reported to have gifted Lukashenka luxurious presents. Gutseriev also declared himself to be the owner of a residency which de facto belongs to Lukashenka, thus covering him up when journalists started to investigate Lukashenka’s assets. Gutseriev attended Lukashenka’s secret inauguration on 23 September 2020. In October 2020 Lukashenka and Gutseriev both appeared at the opening of an orthodox church, which the latter sponsored. According to media reports, when the striking employees of Belarusian state-owned media were fired in August 2020, Russian media workers were flown to Belarus on board aircraft belonging to Gutseriev in order to replace the fired workers, and lodged in the Minsk Renaissance Hotel belonging to Gutseriev. Gutseriev assisted with the acquisition of CT scanners for Belarus during the COVID-19 crisis. Mikhail Gutseriev is therefore benefitting from and supporting the Lukashenka regime.	21.6.2021

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
129.	Aleh Mikalaevich, BELIAKOU Oleg Nikolaevich BELIAKOV	Алег Мікалаевіч БЕЛЯКОЎ Олег Николаевич БЕЛЯКОВ	Position: Head of the Department of ideological work and personnel support at the Ministry of Internal Affairs of Belarus, former Deputy Head of the Penal Correction Department of the Ministry of Internal Affairs DOB: POB: Gender: male Nationality: Belarusian	In his former position as Deputy Head of the Penal Correction Department of the Ministry of Internal Affairs that has authority over detention facilities, Aleh Beliakou was responsible for the inhumane and degrading treatment, including torture, inflicted on citizens who participated in peaceful protests and were detained in those detention facilities in the wake of the 2020 presidential election, in line with the address of Lukashenka to officers of the Interior Ministry. In his position, he bears responsibility for detention conditions in Belarusian prisons, including the categorisation of prisoners corresponding to different kinds of ill-treatment and torture the detainees are subject to, such as verbal abuse, punitive isolation, deprivation of calls and visits, mutilation, beatings and brutal torture. He is therefore responsible for serious human rights violations and for the repression of civil society and democratic opposition. He remains active in the Lukashenka regime as Head of the Department of ideological work and personnel support at the Ministry of Internal Affairs of Belarus.	21.6.2021

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
131.	Andrei Mikalaevich DAILIDA Andrei Nikolaevich DAILIDA	Андрэй Мікалаевіч ДАЙЛІДА Андрей Николаевич ДАЙЛИДА	Position: Head of the Rear Support Department at the Ministry of Internal Affairs of Belarus, former Deputy Head of the Penal Correction Department of the Ministry of Internal Affairs DOB: 01.07.1974 POB: Passport: KH21 33825 Gender: male Nationality: Belarusian	In his former position as Deputy Head of the Penal Correction Department of the Ministry of Internal Affairs that has authority over detention facilities, Andrei Dailida was responsible for the inhumane and degrading treatment, including torture, inflicted on citizens who participated in peaceful protests and were detained in those detention facilities in the wake of the 2020 presidential election, in line with the address of Lukashenka to officers of the Interior Ministry. In his position, he bears responsibility for detention conditions in Belarusian prisons, including the categorization of prisoners, corresponding to different kinds of ill-treatment and torture the detainees are subject to, such as verbal abuse, punitive isolation, deprivation of calls and visits, mutilation, beatings and brutal torture. For his work as Deputy head of the Penal Correction Department of the Ministry of Internal Affairs, he received, in December 2020, the Presidential Order for service to the Motherland and has therefore benefitted from the Lukashenka regime. He is therefore responsible for serious human rights violations and for the repression of civil society and democratic opposition. He remains active in the Lukashenka regime as Head of the Rear Support Department at the Ministry of Internal Affairs of Belarus.	21.6.2021

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
179.	Andrei Andreevich PRAKAPUK Andrey Andreevich PROKOPUK	Андрэй Андрэевіч ПРАКАПУК Андрей Андреевич ПРОКОПУК	Position: Director of the Republican Unitary Enterprise "Brest Center for Standardization, Metrology and Certification", former Deputy Director of the Financial Investigations Department of the State Control Committee of the Republic of Belarus Colonel of the Financial Police DOB: 22.7.1973 POB: Kobrin, Brest region, Belarus Address: 22 Mira St., apt. 88, Priluki, Minsk Region, Belarus Gender: male Nationality: Belarusian Personal ID: 3220773C061PB1	In his former position as the Deputy Director of the Financial Investigations Department of the State Control Committee of the Republic of Belarus, Andrei Prakapuk was responsible for politically motivated campaigns of that department against journalists and independent Belarusian media outlets. He personally approved a decision to search the premises of independent media outlet TUT.by and initiated a court case into TUT.by and the journalists employed by TUT.by, as well as blocking access to the TUT.by website. He is therefore responsible for serious human rights violations and the repression of civil society and democratic opposition as well as for seriously undermining the rule of law. He remains active in the Lukashenka regime as Director of the Republican Unitary Enterprise "Brest Center for Standardization, Metrology and Certification".	2.12.2021

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
195.	Ivan Ivanavich GALAVATYI Ivan Ivanovich GOLOVATY	Іван Іванавіч ГАЛАВАТЫ Иван Иванович ГОЛОВАТЫЙ	Position(s): Director-General of the Open Joint Stock Company “Belaruskali”, Chairman of the supervisory board of JSC Belarussian Potash Company. Member of the Standing Committee of the Council of the Republic of the National Assembly of the Republic of Belarus for Foreign Affairs and National Security DOB: 15.6.1976 POB: Pogost Settlement, Soligorsk District, Minsk Province, Belarus Gender: male Nationality: Belarusian	Ivan Galavatyi is the Director-General of the state-owned enterprise Belaruskali, which is a major source of revenue and foreign currency for the Lukashenka regime. He is a member of the Council of the Republic of the National Assembly and holds multiple other high positions in Belarus. Furthermore, he is the Chairman of the supervisory board of JSC Belarussian Potash Company. He has received multiple state awards, including directly from Aliaksandr Lukashenka, during his career. He has been closely associated with Lukashenka and members of his family. He is therefore benefitting from and supporting the Lukashenka regime. The employees of Belaruskali who took part in strikes and peaceful protests in the aftermath of the fraudulent August 2020 presidential elections in Belarus were deprived of premiums and dismissed. Lukashenka himself personally threatened to replace the strikers with miners from Ukraine. Ivan Galavatyi is therefore responsible for the repression of civil society.	3.6.2022'

(2) in Table 'B. Legal persons, entities or bodies referred to in Article 4(1)', entries 5 and 29 are replaced by the following:

	Names (Transliteration of Belarusian spelling) (Transliteration of Russian spelling)	Names (Belarusian spelling) (Russian spelling)	Identifying information	Reasons for listing	Date of listing
5.	SYNESIS LLC	ООО “Синезис”	Address: 220005, Minsk, Platonova 20B Belarus; Mantulinskaya 24, Moscow 123100, Russia. Registration number (УНН/ИНН): 190950894 (Belarus); 7704734000/ 770301001 (Russia). Website: https://synesis.partners ; https://synesis-group.com/ Tel. +375 (17) 240-36-50 Email address:	Synesis LLC has provided the Belarusian authorities with a Kipod surveillance platform, which can search through and analyse video footage and employ facial recognition software, making the company responsible for the repression of civil society and democratic opposition by the state apparatus in Belarus. The Belarusian State Security Committee (KGB) and Ministry of Internal Affairs have been listed as users of a system created by Synesis. Synesis claims to have stopped providing the Belarusian authorities with the Kipod platform, but according to ByPOL reports Kipod is still used by the state securities agencies. Synesis is one of the residents of the Hi-Tech Park, created by a decree of Aliaksandr Lukashenka, and as such enjoys numerous benefits, including exemptions from income tax, VAT, offshore duty, customs duties and others. The company is therefore benefitting from its association with and supporting the Lukashenka regime.	17.12.2020
29.	Joint Stock Company “Belarusian Potash Company”	ААТ “Беларуская калійная кампанія” ОАО “Белорусская калийная компания”	Address: 35 Masherova Ave., 220002 Minsk, Belarus Date of registration: 13.9.2013 Registration number: 192050251 Tel. +375 (17) 309-30-10; +375 (17) 309-30-30 Email address: info@belpc.by	JSC Belarusian Potash Company is the exporting arm of Belarusian state potash producer Belaruskali. Belaruskali is one of the largest sources of revenue for the Lukashenka regime. Supplies from the Belarusian Potash Company account for 20 % of global potash exports. The state guaranteed the Belarusian Potash Company monopoly rights to export potassium fertilizers. Thanks to preferential treatment from the Belarusian authorities, the company earns a substantial revenue. Therefore, the Belarusian Potash Company benefits from and supports the Lukashenka regime.	3.6.2022'

COUNCIL DECISION (CFSP) 2023/422**of 24 February 2023****updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism, and repealing Decision (CFSP) 2022/1241**

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 27 December 2001, the Council adopted Common Position 2001/931/CFSP ⁽¹⁾.
- (2) On 18 July 2022, the Council adopted Decision (CFSP) 2022/1241 ⁽²⁾, updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP ('the list').
- (3) In accordance with Article 1(6) of Common Position 2001/931/CFSP, it is necessary to review at regular intervals the names of persons, groups and entities in the list to ensure that there are grounds for keeping them thereon.
- (4) This Decision sets out the result of the review that the Council has carried out in respect of persons, groups and entities to which Articles 2, 3 and 4 of Common Position 2001/931/CFSP apply.
- (5) The Council has verified that competent authorities, as referred to in Article 1(4) of Common Position 2001/931/CFSP, have taken decisions with regard to all persons, groups and entities on the list to the effect that they have been involved in terrorist acts within the meaning of Article 1(2) and (3) of Common Position 2001/931/CFSP. The Council has also concluded that the persons, groups and entities to which Articles 2, 3 and 4 of Common Position 2001/931/CFSP apply should continue to be subject to the specific restrictive measures provided for in Common Position 2001/931/CFSP.
- (6) The list should be updated accordingly, and Decision (CFSP) 2022/1241 should be repealed,

HAS ADOPTED THIS DECISION:

Article 1

The list of persons, groups and entities to which Articles 2, 3 and 4 of Common Position 2001/931/CFSP apply is set out in the Annex to this Decision.

Article 2

Decision (CFSP) 2022/1241 is hereby repealed.

⁽¹⁾ Council Common Position 2001/931/CFSP of 27 December 2001 on the application of specific measures to combat terrorism (OJ L 344, 28.12.2001, p. 93).

⁽²⁾ Council Decision (CFSP) 2022/1241 of 18 July 2022 updating the list of persons, groups and entities subject to Articles 2, 3 and 4 of Common Position 2001/931/CFSP on the application of specific measures to combat terrorism, and repealing Decision (CFSP) 2022/152 (OJ L 190, 19.7.2022, p. 133).

Article 3

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, 24 February 2023.

For the Council

The President

J. ROSWALL

ANNEX

LIST OF PERSONS, GROUPS AND ENTITIES REFERRED TO IN ARTICLE 1

I. PERSONS

1. ABDOLLAHI Hamed (a.k.a. Mustafa Abdullahi), born 11.8.1960 in Iran. Passport number: D9004878.
2. AL-NASSER Abdelkarim Hussein Mohamed, born in Al Ihsa (Saudi Arabia), citizen of Saudi Arabia.
3. AL-YACOUB Ibrahim Salih Mohammed, born 16.10.1966 in Tarut (Saudi Arabia), citizen of Saudi Arabia.
4. ARBABSAR Manssor (a.k.a. Mansour Arbabsar), born 6.3.1955 or 15.3.1955 in Iran. Iranian and US national, passport number: C2002515 (Iran); passport number: 477845448 (USA). National ID number: 07442833, expiry date 15.3.2016 (USA driving licence).
5. ASSADI Assadollah (a.k.a. Assadollah Asadi), born 22.12.1971 in Teheran (Iran), Iranian national. Iranian diplomatic passport number: D9016657.
6. BOUYERI Mohammed (a.k.a. Abu Zubair, a.k.a. Sobiari, a.k.a. Abu Zoubair), born 8.3.1978 in Amsterdam (The Netherlands).
7. EL HAJJ Hassan Hassan, born 22.3.1988 in Zaghdraiya, Sidon, Lebanon, Canadian citizen. Passport number: JX446643 (Canada).
8. HASHEMI MOGHADAM Saeid, born 6.8.1962 in Teheran (Iran), Iranian national. Passport number: D9016290, valid until 4.2.2019.
9. AL-DIN Hasan Izz (a.k.a. Garbaya Ahmed, a.k.a. Sa'id, a.k.a. Salwwan Samir), Lebanon, born 1963 in Lebanon, citizen of Lebanon.
10. MELIAD Farah, born 5.11.1980 in Sydney (Australia), Australian citizen. Passport number: M2719127 (Australia).
11. MOHAMMED Khalid Sheikh (a.k.a. Ali Salem, a.k.a. Bin Khalid Fahd Bin Abdallah, a.k.a. Henin Ashraf Refaat Nabith, a.k.a. Wadood Khalid Abdul), born 14.4.1965 or 1.3.1964 in Pakistan, passport number: 488555.
12. SHAHLAI Abdul Reza (a.k.a. Abdol Reza Shala'i, a.k.a. Abd-al Reza Shalai, a.k.a. Abdorreza Shahlai, a.k.a. Abdolreza Shahla'i, a.k.a. Abdul-Reza Shahlaee, a.k.a. Hajj Yusef, a.k.a. Haji Yusif, a.k.a. Hajji Yasir, a.k.a. Hajji Yusuf, a.k.a. Yusuf Abu-al-Karkh), born circa 1957 in Iran. Addresses: (1) Kermanshah, Iran, (2) Mehran Military Base, Ilam Province, Iran.
13. SHAKURI Ali Gholam, born circa 1965 in Tehran, Iran.

II. GROUPS AND ENTITIES

1. 'Abu Nidal Organisation' – 'ANO' (a.k.a. 'Fatah Revolutionary Council', a.k.a. 'Arab Revolutionary Brigades', a.k.a. 'Black September', a.k.a. 'Revolutionary Organisation of Socialist Muslims').
2. 'Al-Aqsa Martyrs' Brigade'.
3. 'Al-Aqsa e.V'.
4. 'Babbar Khalsa'.
5. 'Communist Party of the Philippines', including 'New People's Army' – 'NPA', Philippines.
6. Directorate for Internal Security of the Iranian Ministry for Intelligence and Security.

7. 'Gama'a al-Islamiyya' (a.k.a. 'Al-Gama'a al-Islamiyya') ('Islamic Group' – 'IG').
 8. 'İslami Büyük Doğu Akıncılar Cephesi' – 'İBDA-C' ('Great Islamic Eastern Warriors Front').
 9. 'Hamas', including 'Hamas-Izz al-Din al-Qassem'.
 10. 'Hizballah Military Wing' (a.k.a. 'Hezbollah Military Wing', a.k.a. 'Hizbullah Military Wing', a.k.a. 'Hizbollah Military Wing', a.k.a. 'Hezbollah Military Wing', a.k.a. 'Hisbollah Military Wing', a.k.a. 'Hizbu'llah Military Wing' a.k.a. 'Hizb Allah Military Wing', a.k.a. 'Jihad Council' (and all units reporting to it, including the External Security Organisation)).
 11. 'Hizbul Mujahideen' – 'HM'.
 12. 'Khalistan Zindabad Force' – 'KZF'.
 13. 'Kurdistan Workers' Party' – 'PKK' (a.k.a. 'KADEK', a.k.a. 'KONGRA-GEL').
 14. 'Liberation Tigers of Tamil Eelam' – 'LTTE'.
 15. 'Ejército de Liberación Nacional' ('National Liberation Army').
 16. 'Palestinian Islamic Jihad' – 'PIJ'.
 17. 'Popular Front for the Liberation of Palestine' – 'PFLP'.
 18. 'Popular Front for the Liberation of Palestine – General Command' (a.k.a. 'PFLP – General Command').
 19. 'Devrimci Halk Kurtuluş Partisi-Cephesi' – 'DHKP/C' (a.k.a. 'Devrimci Sol' ('Revolutionary Left'), a.k.a. 'Dev Sol') ('Revolutionary People's Liberation Army/Front/Party').
 20. 'Sendero Luminoso' – 'SL' ('Shining Path').
 21. 'Teyrbazen Azadiya Kurdistan' – 'TAK' (a.k.a. 'Kurdistan Freedom Falcons', a.k.a. 'Kurdistan Freedom Hawks').
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COMMISSION IMPLEMENTING DECISION (EU) 2023/423**of 24 February 2023****on a pilot project to implement the administrative cooperation provisions relating to regulated professions set out in Directives 2005/36/EC and (EU) 2018/958 of the European Parliament and of the Council by means of the Internal Market Information System and to integrate the database of regulated professions into that system****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation') ⁽¹⁾, and in particular Article 4(1) thereof,

Whereas:

- (1) The Internal Market Information System ('IMI') established by Regulation (EU) No 1024/2012 is an online software application developed by the Commission, in cooperation with the Member States, to help Member States comply with information exchange requirements in Union acts by providing a centralised communication mechanism to facilitate the cross-border exchange of information and mutual assistance.
- (2) Regulation (EU) No 1024/2012 allows the Commission to carry out pilot projects to assess whether IMI would be an effective tool to implement provisions on administrative cooperation laid down in Union acts not listed in the Annex to that Regulation.
- (3) Directive 2005/36/EC of the European Parliament and of the Council ⁽²⁾ provides for the automatic recognition of professional qualifications of a limited number of professions based on harmonised minimum training conditions, and the automatic recognition of professional qualifications of a limited number of professions in crafts, trade and industry on the basis of professional experience, and a general system for the recognition of professional qualifications. It also lays down rules for the free temporary and occasional provision of services. In accordance with Article 59(1) of Directive 2005/36/EC, the Commission is to set up and maintain a publicly available database of regulated professions, including a general description of activities covered by each regulated profession.
- (4) Article 59(1) of Directive 2005/36/EC provides that Member States were to notify to the Commission a list of existing regulated professions, specifying the activities covered by each profession; a list of regulated education and training; and training with a special structure, in the territory of that Member State by 18 January 2016. Member States are also to notify any change to those lists without undue delay.
- (5) Article 59(2) of Directive 2005/36/EC provides that Member States were to notify to the Commission by 18 January 2016 the list of professions for which prior checks of qualifications are necessary in accordance with Article 7(4) of that Directive.
- (6) Pursuant to Article 59(3) and (5) of Directive 2005/36/EC, Member States are required to examine whether their existing requirements for regulated professions are compatible with the principles of non-discrimination and proportionality, and by 18 January 2016 Member States were to provide the Commission with information on those requirements and the reasons for considering that those requirements were non-discriminatory and proportionate. Within 6 months from the adoption of a measure that subsequently introduces a new requirement or makes changes to existing ones Member States are also required to provide information on the requirements and the reasons for considering that those requirements are non-discriminatory and proportionate.

⁽¹⁾ OJ L 316, 14.11.2012, p. 1.

⁽²⁾ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22).

- (7) Article 59(6) provides that Member States are to report to the Commission every 2 years on the requirements that have been removed or made less stringent. Article 59(7), first sentence, provides that Member States are to submit their observations on the reports of the other Member States within 6 months from receipt thereof from the Commission.
- (8) Directive (EU) 2018/958 of the European Parliament and of the Council ⁽³⁾ establishes rules for the conduct of proportionality assessments by Member States before introducing new or amending existing rules restricting access to, or the pursuit of, regulated professions. Article 11(1) of Directive (EU) 2018/958 provides that Member States are to communicate to the Commission, pursuant to Article 59(5) of Directive 2005/36/EC, the provisions as referred to in Article 4(1) of Directive (EU) 2018/958, and their reasons for considering that those provisions are justified and proportionate. Those communications are to be recorded by Member States in the database of regulated professions referred to in Article 59(1) of Directive 2005/36/EC and made publicly available by the Commission.
- (9) Article 10 of Directive (EU) 2018/958 requires Member States to take measures to encourage the exchange of information on matters covered by that Directive, and on the particular way they regulate professions, and on the effects of such regulation. The Commission is to facilitate such exchanges of information.
- (10) Article 60(1) of Directive 2005/36/EC requires Member States to send reports to the Commission on the application of that Directive, including general observations, a statistical summary of recognition decisions taken and a description of the main problems arising from the application of that Directive.
- (11) If technically and legally possible, for reasons of efficiency it is appropriate to integrate different Commission IT systems into one. IMI already supports administrative cooperation in the area of recognition of professional qualifications for the information request for mutual assistance pursuant to Article 56(2a) of Directive 2005/36/EC and sending of alerts pursuant to Article 56a of that Directive, as well as the European Professional Card procedure set out in Articles 4a to 4e of Directive 2005/36/EC. The integration of the database of regulated professions into IMI should therefore be subject to a pilot project.
- (12) IMI could potentially be an effective tool for the integration of the database of regulated professions, to facilitate information provision and reporting by Member States concerning regulated professions and to implement Member States' transparency obligations laid down in Article 59(1), (2), (5) and (6), Article 59(7), first sentence, and Article 60(1) of Directive 2005/36/EC, as well as the transparency obligations set out in Article 11(1) of Directive (EU) 2018/958. Those provisions should therefore be subject to a pilot project pursuant to Article 4(1) of Regulation (EU) No 1024/2012.
- (13) To ensure they fulfil their transparency obligations under Directives 2005/36/EC and (EU) 2018/958, Member States should designate one or more competent authorities responsible for notifying the information referred to in Article 59(1), (2), (5) and (6), Article 59(7), first sentence, and Article 60(1) of Directive 2005/36/EC, and Article 11(1) of Directive (EU) 2018/958. This does not preclude Member States from designating for that purpose the authorities referred to in Article 3(1), point (d), and Article 56(3) of Directive 2005/36/EC, and the assistance centres referred to in Article 57b of that Directive.
- (14) Notifications in IMI are two-step procedures. First, competent authorities initiate a notification and submit it to their coordinator in their Member State. Second, coordinators in Member States are to approve notifications before submitting them to the Commission. For that reason, Member States should nominate coordinators in IMI. To ensure the necessary flexibility, it should be possible for competent authorities to also be assigned the tasks of coordinators.

⁽³⁾ Directive (EU) 2018/958 of the European Parliament and of the Council of 28 June 2018 on a proportionality test before adoption of new regulation of professions (OJ L 173, 9.7.2018, p. 25).

- (15) The regulation of professions by Member States needs to be in line with applicable Union law, and up-to-date information on regulated professions needs to be available both publicly and in IMI to facilitate recognition of professional qualifications. At the same time, Member States need to be able to fulfil their notification obligations by electronic means using IMI, which should provide all the necessary technical functionality for that purpose.
- (16) To improve transparency and to facilitate the recognition of professional qualifications, IMI should provide technical functionality for transmitting information on regulated professions to the public website dedicated to regulated professions, including the result of the proportionality test; contact details of contact persons, competent authorities and assistance centres; and statistics and reports.
- (17) To facilitate communication on regulated professions, IMI should provide technical functionality for recording personal data of contact persons of competent authorities responsible for regulated professions in Member States. The contact persons should first consent to the processing of their personal data by means of a consent form. IMI actors should record in IMI the contact details as well as the consent form signed by the contact persons.
- (18) Pursuant to Regulation (EU) No 1024/2012, the Commission is to submit an evaluation of the outcome of the pilot project to the European Parliament and the Council. It is appropriate to specify the date by which that evaluation is to be submitted. The dates by which the next reports under Article 60(2) of Directive 2005/36/EC and Article 12 of Directive (EU) 2018/958 are to be submitted would be too early to evaluate the outcome of the pilot project. It is therefore appropriate to set 31 December 2025 as the deadline for the evaluation report on the outcome of the pilot project.
- (19) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council⁽⁴⁾, and delivered an opinion on 12 December 2022.
- (20) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 24(1) of Regulation (EU) No 1024/2012,

HAS ADOPTED THIS DECISION:

Article 1

The pilot project

1. A pilot project shall be carried out to assess whether the Internal Market Information System ('IMI') would be an effective tool to implement the notification obligations set out in Article 59(1), (2), (5) and (6), Article 59(7), first sentence, and Article 60(1) of Directive 2005/36/EC, and in Article 11(1) of Directive (EU) 2018/958, and to integrate the database of regulated professions referred to in Article 59(1) of Directive 2005/36/EC into IMI.
2. For the purposes of this Decision, reporting, communication, recording and provision of information pursuant to Article 59(1), (5) and (6), Article 59(7), first sentence, and Article 60(1) of Directive 2005/36/EC, and Article 11(1) of Directive (EU) 2018/958 shall be referred to as 'notifications'.

Article 2

Competent authorities

1. Member States shall designate one or more competent authorities responsible for notifying the information referred to in Article 59(1), (2), (5), and (6), Article 59(7), first sentence, and Article 60(1) of Directive 2005/36/EC, and Article 11(1) of Directive (EU) 2018/958.

⁽⁴⁾ 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 authorities designated pursuant to paragraph 1 of this Article shall be considered competent authorities within the meaning of Article 5, second paragraph, point (f), of Regulation (EU) No 1024/2012.

Article 3

Coordinators

1. Each Member State shall assign the task of coordinating notifications to one or more competent authorities ('coordinators').
2. The coordinators shall ensure that notifications are approved and sent to the Commission without undue delay.
3. A competent authority referred to in Article 2 may also be designated as a coordinator.

Article 4

Administrative cooperation

For the purposes of Article 59(1), (2), (5) and (6), Article 59(7), first sentence, and Article 60(1) of Directive 2005/36/EC, and Article 11(1) of Directive (EU) 2018/958, IMI shall provide at least the following technical functionalities:

- (a) notifying information on regulated professions, including the activities covered by each profession, regulated education and training, and training with a special structure, and any change to that information;
- (b) notifying existing requirements restricting access to or pursuit of regulated professions and the reasons for considering that those requirements comply with Article 59(3) of Directive 2005/36/EC, and any change to those requirements;
- (c) notifying new or amended requirements restricting access to or pursuit of a regulated profession, together with the provisions introducing or amending the requirements, which shall be assessed in accordance with Directive (EU) 2018/958, the reasons for considering that such provisions are justified and proportionate, and any change to those requirements;
- (d) reporting on requirements that have been removed or made less stringent pursuant to Article 59(6) of Directive 2005/36/EC;
- (e) commenting on the notifications referred to in points (a) to (d);
- (f) approving the notifications referred to in points (a) to (d) by the coordinator in the Member State and sending them to the Commission;
- (g) facilitating the evaluation of and taking of procedural actions by the Commission regarding the notifications referred to in points (a) to (d);
- (h) providing a response by the notifying Member State to the Commission's procedural actions referred to in point (g);
- (i) recording different versions of notifications set out in points (a) to (d);
- (j) recording statistical data based on Member States' recognition decisions on professionals seeking to be established abroad or to provide services on a temporary and occasional basis, to facilitate the preparation of the reports referred to in Article 60(1) of Directive 2005/36/EC;
- (k) providing a consent form for the contact person whose personal data will be recorded in IMI and transmitted to the public website;
- (l) keeping the notifications up to date;

- (m) providing a repository for the notified information on regulated professions to ensure that all designated competent authorities registered in IMI for modules concerning recognition of professional qualifications can check the requirements for regulated professions directly in IMI;
- (n) providing a repository for notified information on competent authorities, assistance centres and reports as referred to in Article 59(2), (5) and (6), and Article 60(1) of Directive 2005/36/EC;
- (o) transmitting the following to the public website:
 - (i) information on regulated professions, including the results of proportionality assessments;
 - (ii) contact details of contact persons, competent authorities and assistance centres;
 - (iii) data for statistics on recognition decisions concerning professionals seeking to establish themselves abroad or to provide services on a temporary and occasional basis;
 - (iv) reports referred to in Article 59(2), (5) and (6) and Article 60(1) of Directive 2005/36/EC.

Article 5

Data protection

1. Any information containing personal data recorded in or exchanged through IMI shall be processed in IMI in accordance with Articles 14 to 17 of Regulation (EU) No 1024/2012.
2. In accordance with Article 6(1), point (e), of Regulation (EU) 2016/679 of the European Parliament and of the Council ⁽⁵⁾, Member States may, in the performance of a task carried out in the public interest, decide to provide contact details containing the personal data of a contact person for the purpose of the technical functionality referred to in Article 4, point (o), of this Decision,

Where Member States decide to provide personal data of the contact person the following information shall be recorded and transmitted to the public website dedicated to regulated professions:

- (i) first name;
- (ii) last name;
- (iii) email address;
- (iv) phone number;
- (v) name of the competent authority the person works for;
- (vi) languages spoken.

3. The contact persons whose personal data is recorded and transmitted pursuant to this Article shall provide explicit consent for the processing of their personal data by means of the consent form, which shall be uploaded in IMI.

Article 6

Evaluation

The Commission shall submit the evaluation of the outcome of the pilot project to the European Parliament and the Council as required by Article 4(2) of Regulation (EU) No 1024/2012 by 31 December 2025.

⁽⁵⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

*Article 7***Entry into force**

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

Done at Brussels, 24 February 2023.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING DECISION (EU) 2023/424
of 24 February 2023
amending Implementing Decision (EU) 2019/450 as regards the publication of references of
European Assessment Documents for special drawn sheet glass and other construction products
(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 305/2011 of the European Parliament and of the Council of 9 March 2011 laying down harmonised conditions for the marketing of construction products and repealing Council Directive 89/106/EEC ⁽¹⁾, and in particular Article 22 thereof,

Whereas:

- (1) In accordance with Regulation (EU) No 305/2011, Technical Assessment Bodies are to use methods and criteria provided in European Assessment Documents, the references of which have been published in the *Official Journal of the European Union*, for assessing performance of construction products covered by those documents in relation to their essential characteristics.
- (2) In accordance with Article 19 of Regulation (EU) No 305/2011, following several requests by manufacturers for European Technical Assessments, the organisation of Technical Assessment Bodies has drawn up and adopted 10 European Assessment Documents.
- (3) The European Assessment Documents that have been drawn up and adopted by the organisation of Technical Assessment Bodies relate to the following construction products:
 - special drawn sheet glass;
 - rectangular geogrid for the stabilization of unbound granular layers under applied load;
 - boards made from recycled beverage cartons for use in construction;
 - headed reinforcing steel bars (superseding technical specification 'EAD 160012-00-0301');
 - combined penetration seals for fire dampers;
 - glass, basalt, aramid, carbon, PBO (polyparaphenylene benzobisoxazole) and steel rovings for fibre-reinforced anchor spikes;
 - polyurethane (PU) foam mat or polyester fibre mat to be used for impact sound insulation (superseding technical specification 'EAD 040049-00-0502');
 - in-situ loose fill thermal and/or acoustic insulation products made of vegetable fibres to be used in floor constructions without additional load-bearing structures;
 - power-actuated fastener in concrete for redundant non-structural applications (superseding technical specification 'EAD 330083-02-0601');
 - thermal insulation and sound absorbing rendering/plastering.

⁽¹⁾ OJ L 88, 4.4.2011, p. 5.

- (4) The European Assessment Documents that have been drawn up and adopted by the organisation of Technical Assessment Bodies satisfy the demands to be met in relation to the basic requirements for construction works set out in Annex I to Regulation (EU) No 305/2011. It is therefore appropriate to publish the references to those European Assessment Documents in the *Official Journal of the European Union*.
- (5) The list of references to European Assessment Documents for construction products is published pursuant to Commission Implementing Decision (EU) 2019/450 ⁽²⁾. For reasons of clarity, references to new European Assessment Documents should be added to that list.
- (6) Implementing Decision (EU) 2019/450 should therefore be amended accordingly.
- (7) In order to enable the use of the European Assessment Documents as early as possible, this Decision should enter into force on the day of its publication,

HAS ADOPTED THIS DECISION:

Article 1

Annex to Implementing Decision (EU) 2019/450 is amended in accordance with Annex to this Decision.

Article 2

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

Done at Brussels, 24 February 2023.

For the Commission
The President
Ursula VON DER LEYEN

⁽²⁾ Commission Implementing Decision (EU) 2019/450 of 19 March 2019 on publication of the European Assessment Documents (EADs) for construction products drafted in support of Regulation (EU) No 305/2011 of the European Parliament and of the Council (OJ L 77, 20.3.2019, p. 78).

ANNEX

In Annex to Implementing Decision (EU) 2019/450, the following rows are inserted in sequential order following the order of the reference numbers:

'300010-00-0505	Special drawn sheet glass'
'080013-00-0102	Rectangular geogrid for the stabilization of unbound granular layers under applied load'
'210138-00-0504	Boards made from recycled beverage cartons for use in construction'
'160012-01-0301	Headed reinforcing steel bars (superseding technical specification 'EAD 160012-00-0301')
'350454-00-1104-v01	Combined penetration seals for fire dampers'
'331668-00-0601	Glass, basalt, aramid, carbon, PBO (polyparaphenylene benzobisoxazole) and steel rovings for fibre-reinforced anchor spikes'
'040049-01-0502	Polyurethane (PU) foam mat or polyester fibre mat to be used for impact sound insulation (superseding technical specification 'EAD 040049-00-0502')
'041125-00-1201	In-situ loose fill thermal and/or acoustic insulation products made of vegetable fibres to be used in floor constructions without additional load-bearing structures'
'330083-03-0601	Power-actuated fastener in concrete for redundant non-structural applications (superseding technical specification 'EAD 330083-02-0601')
'041559-00-1201	Thermal insulation and sound absorbing rendering/plastering'.

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

**RECOMMENDATION No 1/2023 OF THE SPECIALISED COMMITTEE ON ENERGY ESTABLISHED
BY ARTICLE 8(1)(L) OF THE TRADE AND COOPERATION AGREEMENT BETWEEN THE
EUROPEAN UNION AND THE EUROPEAN ATOMIC ENERGY COMMUNITY, OF THE ONE PART,
AND THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND, OF THE OTHER
PART**

of 7 February 2023

**to each Party concerning their requests to transmission system operators for electricity in view of
preparing technical procedures for the efficient use of electricity interconnectors [2023/425]**

THE SPECIALISED COMMITTEE ON ENERGY,

Having regard to the Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland of the other part (the 'Trade and Cooperation Agreement'), and in particular Article 311(1) and (2), Article 312(1), Article 317(2) and (3) and Annex 29 thereof,

Whereas:

- (1) Pursuant to Article 8(4), point (a), of the Trade and Cooperation Agreement, the Specialised Committee on Energy (the 'Specialised Committee') has the power to monitor and review the implementation and ensure the proper functioning of the Trade and Cooperation Agreement in its area of competence. Pursuant to Article 8(4), point (c), it has the power to adopt decisions and recommendations in respect of all matters where the Trade and Cooperation Agreement so provides or for which the Partnership Council has delegated its powers to that Specialised Committee pursuant to Article 7(4), point (f). Pursuant to Article 329(3) of the Trade and Cooperation Agreement, it shall make recommendations as necessary to ensure the effective implementation of the Chapters of Title VIII of the Trade and Cooperation Agreement for which it is responsible.
- (2) With the aim of ensuring the efficient use of electricity interconnectors and reducing barriers to trade between the Parties, Article 311(1) of the Trade and Cooperation Agreement sets commitments *inter alia* with regard to capacity allocation, congestion management and capacity calculation for electricity interconnectors, as well as the development of arrangements to deliver robust and efficient outcomes for all relevant timeframes.
- (3) On 22 January 2021, the Directorate-General for Energy of the European Commission and the Department for Business, Energy and Industrial Strategy of the United Kingdom Government each issued a preliminary recommendation (the 'preliminary recommendation') to their respective transmission system operators for electricity ('TSOs') requesting them to jointly start preparing technical procedures for the efficient use of electricity interconnectors in advance of the commencement of work by the Specialised Committee. Given that the Specialised Committee started its operations in the course of 2021, that preliminary recommendation, as provided by the Parties to the TSOs, needs to be confirmed by the Specialised Committee as a Recommendation to the Parties.
- (4) Concerning capacity calculation and allocation for the day-ahead timeframe the preliminary recommendation requested TSOs to prepare a day-ahead target model based on the concept of 'Multi-region loose volume coupling' in accordance with Article 312(1), Article 317(2) and (3) and Annex 29 to the Trade and Cooperation Agreement.

- (5) As regards capacity calculation and allocation for timeframes other than the day ahead timeframe, the preliminary recommendation invited the TSOs of the Parties to jointly prepare a proposal for a timeline for developing the draft technical procedures. It continues to be useful as a point of reference and guidance for further work on these matters while the priority is given to electricity trading at the day ahead timeframe.
- (6) While the timeline set out in Annex 29 as referred to in the preliminary recommendation has not been met, the Specialised Committee should nevertheless discharge its obligations under Article 312(1) and Article 317(2) of the Trade and Cooperation Agreement.
- (7) The TSOs and regulatory authorities of the Parties have already undertaken work with reference to the preliminary recommendation. In the light of progress achieved to date by the TSOs, further information is required regarding the cost-benefit analysis and the outline proposals of technical procedures in order for the Specialised Committee to be able to discharge its obligations under Article 312(1) and Article 317(2) of the Trade and Cooperation Agreement.
- (8) Each Party therefore should request its TSOs to provide this further information,

HAS ADOPTED THIS RECOMMENDATION:

- (1) The preliminary recommendation issued on 22 January 2021 by the Directorate-General for Energy of the European Commission and the Department for Business, Energy and Industrial Strategy of the United Kingdom Government to, respectively, TSOs for electricity of the Union and of the United Kingdom requesting them to start preparing technical procedures on the efficient use of electricity interconnectors, as set out in Annex I to this Recommendation, is hereby confirmed as a Recommendation of the Specialised Committee on Energy to the Parties.
- (2) The Specialised Committee recommends that each Party requests its respective TSOs for electricity to provide the additional information as set out in Annex II to this Recommendation within five months of the date of request made by each Party.

Done at Brussels and London, 7 February 2023.

For the Specialised Committee

The co-Chairs

F. ERMACORA

P. KOVACS

M. SKRINAR

ANNEX I-A

Preliminary recommendation of the Directorate-General for Energy of the European Commission to EU transmission system operators for electricity of 22 January 2021 concerning the development of technical procedures for calculating and allocating transmission capacities to ensure efficient trade over electricity interconnectors under the EU-United Kingdom Trade and Cooperation Agreement



EUROPEAN COMMISSION

DIRECTORATE-GENERAL FOR ENERGY

[sender]

Brussels, 22 January 2021

[addressee at ENTSO-E]

Subject: Developing draft technical procedures for calculating and allocating transmission capacities to ensure efficient trade over electricity interconnectors following the Trade and Cooperation Agreement

Dear [addressee],

As you will be aware, a Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, ("the Agreement") was signed on 30 December 2020 and provisionally applied by the Parties from 1 January 2021.

Under Article ENER.19 of the Agreement, the Union and the UK must ensure that their transmission system operators cooperate to develop technical procedures on a series of areas, including the use of interconnectors, if so recommended by the Specialised Committee on Energy. During the negotiations, it was agreed between the Union and the UK that it is appropriate that certain of these technical procedures are developed now, and in advance of the commencement of the work of the Specialised Committee on Energy. ENTSO-E is therefore requested to develop draft technical procedures for calculating and allocating transmission capacities to ensure efficient trade over electricity interconnectors. Once operational the Specialised Committee on Energy will follow all work related to the development of the technical procedures.

The draft technical procedures should address capacity calculation and capacity allocation on all relevant timeframes.

This request aims to give effect to aspects of Articles ENER.13, ENER.14 and ENER.19 of the Agreement in relation to efficient use of electricity interconnection, and should be understood in that context. In particular, the technical procedures should not involve or imply participation by United Kingdom transmission system operators in Union procedures for capacity allocation and congestion management.

ENTSO-E should develop these technical procedures in cooperation with UK transmission system operators for electricity in the context of the cooperation established in the Memorandum of Understanding established to give effect to aspects of Article ENER.19 of the Agreement.

More detail on what should be included in the draft technical procedures is set out in Annex 2 (capacity calculation), Annex 3 (capacity allocation) and Annex 4.

Specifically, concerning capacity calculation and allocation for the day-ahead timeframe, we request the preparation of a Day Ahead Target model based on the concept of "Multi-region loose volume coupling" that is in accordance with Article ENER.14, ENER.19 and Annex ENER-4 of the Agreement; in accordance with those provisions, this should begin as a matter of priority. Annex ENER-4 to the Agreement is replicated at Annex 4 to this letter.

Part 2 of Annex ENER-4 to the Agreement sets out a timeline for the development of the technical procedures for the day-ahead timeframe. The dates set out below are based on this timeline, which in accordance with Article FINPROV.11.3 of the Agreement, we have calculated from 1 January 2021, being the date of provisional application of the Agreement.

To support the development of the Day Ahead Target model, and in line with Annex ENER-4, we request that an outline of the proposals and a cost benefit analysis to assess the added value of the Target model are completed by 1 April 2021. The outline proposals and cost benefit analysis should be developed in accordance with Annex 5 of this letter.

We request that draft technical procedures are submitted to the Agency for the Cooperation of Energy Regulators (the Agency) for their opinion. Prior to this, we request ENTSO-E to carry out appropriate consultation with market parties on the draft technical procedures. Following receipt of the opinion, we request you submit it together with the draft technical procedures to the Specialised Committee on Energy in sufficient time to enable them to be implemented by 1 April 2022.

Concerning capacity calculation and allocation for timeframes other than the day ahead timeframe, we invite ENTSO-E to propose a timeline for developing the draft technical procedures.

I am copying this letter to my counterpart at the the Department for Business, Energy and Industrial Strategy, who is sending an equivalent letter to UK TSOs for electricity, a copy of which is included as Annex 1 to this letter.

Yours sincerely,

[signature sender]

Copy

The Department for Business, Energy and Industrial Strategy

Annex 1

Letter from the [sender] at the Department for Business, Energy and Industrial Strategy to UK TSOs for electricity

Annex 2 Capacity calculation

The draft technical procedures should set out terms, conditions and methodologies for the allocation of interconnection capacity which can subsequently be made available to the market.

This capacity should be calculated in a coordinated manner across electricity interconnectors.

Capacities should be maximised across electricity interconnectors. This requirement should:

- take account of TSOs' obligations to comply with safety standards of secure network operation;
- respect the bidding-zone borders within the EU and UK established under the relevant domestic frameworks;
- allow EU TSOs to comply with the requirement to provide at least 70% of their capacities on bidding-zone borders within the EU as set out in Article 16(8) of Regulation (EU) 2019/943;
- provide for non-discrimination between transmission system operators in the Union and the United Kingdom in the calculation of capacity;
- be supported by a coordinated process for remedial actions across electricity interconnectors, including redispatching and counter-trading;
- be supported by a cost-sharing arrangement between the Parties' TSOs related to redispatching and counter-trading.

As far as technically possible, the Parties' TSOs shall net the capacity requirements of any power flows in opposite directions over electricity interconnectors in order to use the interconnectors to their maximum capacity.

In relation to capacity calculation, TSOs should publish at least:

- annually: information on the long-term evolution of the transmission infrastructure and its impact on cross-border transmission capacity;
- monthly: month- and year-ahead forecasts of the transmission capacity available to the market, taking into account all relevant information available to the TSO at the time of the forecast calculation (for example, impact of summer and winter seasons on the capacity of lines, maintenance of the network, availability of production units, etc.);
- weekly: week-ahead forecasts of the transmission capacity available to the market, taking into account all relevant information available to the TSOs at the time of calculation of the forecast, such as the weather forecast, planned network maintenance work, availability of production units, etc.;
- daily: day-ahead and intra-day transmission capacity available to the market for each market time unit, taking into account all netted day-ahead nominations, day-ahead production schedules, demand forecasts and planned network maintenance work;
- total capacity already allocated, by market time unit, and all relevant conditions under which that capacity may be used (for example, auction clearing price, obligations on how to use the capacity, etc.), so as to identify any remaining capacity;
- allocated capacity as soon as possible after each allocation, as well as an indication of prices paid
- total capacity used, by market time unit, immediately after nomination
- as closely as possible to real time: aggregated realised commercial and physical flows, by market time unit, including a description of the effects of any corrective actions taken by the TSOs (such as curtailment) for solving network or system problems
- relevant information to assess whether electricity interconnector capacity has been calculated and allocated in a manner consistent with the EU-UK Agreement.

Annex 3 Capacity allocation

The draft technical procedures should set out terms, conditions and methodologies for the allocation of interconnection capacity to the market for the following timeframes:

- Forward;
- Day ahead;
- Intraday.

For each timeframe the methodology should:

- provide for coordinated auctions for all electricity interconnectors;
- include rules for nomination, curtailment, firmness, remuneration, transfer and return of acquired transmission capacities as well as for fall-back procedures and compensation in case of curtailment
- include rules for distributing congestion income
- prohibit transmission system operators to charge reserve prices where no congestion occurs on the electricity interconnectors, unless an exemption applies.

Annex 4 - Day ahead Target model: “Multi-region loose volume coupling”

PART 1

1. The new procedure for the allocation of capacity on electricity interconnectors at the day-ahead market timeframe shall be based on the concept of “Multi-region loose volume coupling”. The overall objective of the new procedure shall be to maximise the benefits of trade. As the first step in developing the new procedure, the Parties shall ensure that transmission system operators prepare outline proposals and a cost-benefit analysis.

2. Multi-region loose volume coupling shall involve the development of a market coupling function to determine the net energy positions (implicit allocation) between:
 - (a) bidding zones established in accordance with Regulation (EU) 2019/943, which are directly connected to the United Kingdom by an electricity interconnector; and
 - (b) the United Kingdom.
3. The net energy positions over electricity interconnectors shall be calculated via an implicit allocation process by applying a specific algorithm to:
 - (a) commercial bids and offers for the day-ahead market timeframe from the bidding zones established in accordance with Regulation (EU) 2019/943 which are directly connected to the United Kingdom by an electricity interconnector;
 - (b) commercial bids and offers for the day-ahead market timeframe from relevant day-ahead markets in the United Kingdom;
 - (c) network capacity data and system capabilities determined in accordance with the procedures agreed between transmission system operators; and
 - (d) data on expected commercial flows of electricity interconnections between bidding zones connected to the United Kingdom and other bidding zones in the Union, as determined by Union transmission system operators using robust methodologies.

This process shall be compatible with the specific characteristics of direct current electricity interconnectors, including losses and ramping requirements.
4. The market coupling function shall:
 - (a) produce results sufficiently in advance of the operation of the Parties' respective day-ahead markets (for the Union this is single day-ahead coupling established in accordance with Commission Regulation (EU) 2015/1222 ⁽¹⁾) in order that such results may be used as inputs into the processes which determine the results in those markets;
 - (b) produce results which are reliable and repeatable;
 - (c) be a specific process to link the distinct and separate day-ahead markets in the Union and the United Kingdom; in particular, this means that the specific algorithm shall be distinct and separate from that used in single day-ahead coupling established in accordance with Regulation (EU) 2015/1222 and, in respect of commercial bids and offers of the Union, only have access to those from bidding zones which are directly connected to the United Kingdom by an electricity interconnector.
5. The calculated net energy positions shall be published following validation and verification. If the market coupling function is unable either to operate or to produce a result, electricity interconnector capacity shall be allocated by a fall-back process, and market participants shall be notified that the fall-back process will apply.
6. The costs of developing and implementing the technical procedures shall be equally shared between the relevant United Kingdom transmission system operators or other entities, on the one side, and relevant Union transmission system operators or other entities, on the other side, unless the Specialised Committee on Energy decides otherwise.

PART 2

The timeline for the implementation of this Annex shall be from the entry into force of this Agreement, as follows:

- (a) within 3 months – cost benefit analysis and outline of proposals for technical procedures;
- (b) within 10 months – proposal for technical procedures;
- (c) within 15 months – entry into operation of technical procedures.

⁽¹⁾ Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management (OJ L 197, 25.7.2015, p. 24).

Annex 5: Requirements of the outline proposals and cost benefit analysis

As set out in Part 1 of Annex ENER – 4 of the Agreement, the first stage of development of the new day-ahead arrangements is to develop outline proposals and a cost-benefit analysis.

The outline proposals should:

- set out the high-level design of the multi-region loose volume coupling solution;
- identify the roles and responsibilities of industry parties;
- contain an implementation plan;
- highlight any implementation risks or issues, with proposals on how to resolve those; and;
- assess the impact of differences between the carbon pricing regimes of the parties on flows over interconnectors.

The cost benefit analysis should take account of the objective of the arrangements to maximise the benefits of trade which means that, within the constraints referred to in Annex ENER-4 of the Agreement, the trading arrangements:

- should be as efficient as possible, and;
 - should, under normal circumstances, result in flows across electricity interconnectors being consistent with the prices in the Parties' day-ahead markets.
-

ANNEX I-B

Preliminary recommendation of the Department for Business, Energy and Industrial Strategy of the United Kingdom Government to the United Kingdom transmission system operator for electricity of 22 January 2021 concerning the development of technical procedures for calculating and allocating transmission capacities to ensure efficient trade over electricity interconnectors under the EU-United Kingdom Trade and Cooperation Agreement



**Department for
Business, Energy
& Industrial Strategy**

[sender at the Department for Business, Energy & Industrial Strategy]

[addressee at the UK TSO for electricity]

Friday, 22 January 2021

Dear [addressee],

Developing draft technical procedures for calculating and allocating transmission capacities to ensure efficient trade over electricity interconnectors following the EU-UK Trade and Cooperation Agreement

As you will be aware, a Trade and Cooperation Agreement between the European Union and the European Atomic Energy Community, of the one part, and the United Kingdom of Great Britain and Northern Ireland, of the other part, (“the Agreement”) was signed on 30 December 2020 and provisionally applied by the Parties from 1 January 2021. Under Article ENER.19 of the Agreement, the Union and the UK must ensure that their transmission system operators cooperate to develop technical procedures on a series of areas, including the use of interconnectors, if so recommended by the Specialised Committee on Energy. During the negotiations, it was agreed between the Union and the UK that it is appropriate that certain of these technical procedures are developed now, and in advance of the commencement of the work of the Specialised Committee on Energy. UK TSOs for electricity are therefore requested to develop draft technical procedures for calculating and allocating transmission capacities to ensure efficient trade over electricity interconnectors. Once operational the Specialised Committee on Energy will follow all work related to the development of the technical procedures.

The draft technical procedures should address capacity calculation and capacity allocation on all relevant timeframes.

This request aims to give effect to aspects of Articles ENER.13, ENER.14 and ENER.19 of the Agreement in relation to efficient use of electricity interconnection, and should be understood in that context. In particular, the technical procedures should not involve or imply participation by United Kingdom transmission system operators in Union procedures for capacity allocation and congestion management.

UK TSOs for electricity should develop these technical procedures in cooperation with ENTSO-E in the context of the cooperation established in the Memorandum of Understanding established to give effect to aspects of Article ENER.19 of the Agreement.

More detail on what should be included in the draft technical procedures is set out in Annex 2 (capacity calculation), Annex 3 (capacity allocation) and Annex 4.

Specifically, concerning capacity calculation and allocation for the day-ahead timeframe, we request the preparation of a Day Ahead Target model based on the concept of “Multi-region loose volume coupling” that is in accordance with Article ENER.14, ENER.19 and Annex ENER-4 of the Agreement; in accordance with those provisions, this should begin as a matter of priority. Annex ENER—4 to the Agreement is replicated at Annex 4 to this letter.

Part 2 of Annex ENER-4 to the Agreement sets out a timeline for the development of the technical procedures for the day-ahead timeframe. The dates set out below are based on this timeline, which in accordance with Article FINPROV.11.3 of the Agreement, we have calculated from 1 January 2021, being the date of provisional application of the Agreement.

To support the development of the Day Ahead Target model, and in line with Annex ENER-4, we request that an outline of the proposals and a cost benefit analysis to assess the added value of the Target model are completed by 1 April 2021. The outline proposals and cost benefit analysis should be developed in accordance with Annex 5 of this letter.

We request that draft technical procedures are submitted to the UK regulatory authorities for their opinion. Prior to this, we request the UK TSOs for electricity to carry out appropriate consultation with market parties on the draft technical procedures. Following receipt of the opinion, we request you submit it together with the draft technical procedures to the Specialised Committee on Energy in sufficient time to enable them to be implemented by 1 April 2022.

Concerning capacity calculation and allocation for timeframes other than the day ahead timeframe, we invite UK TSOs for electricity to propose to the Specialised Committee on Energy a timeline for developing the draft technical procedures.

I am copying this letter to my counterpart at the Directorate General for Energy of the European Commission, who is sending an equivalent letter to ENTSO-E, a copy of which is included as Annex 1 to this letter.

Yours sincerely,

[signature sender]

Copy

Directorate General for Energy of the European Commission

Annex 1

Letter from Directorate General for Energy of the European Commission to ENTSO-E

Annex 2 Capacity calculation

The draft technical procedures should set out terms, conditions and methodologies for the allocation of interconnection capacity which can subsequently be made available to the market.

This capacity should be calculated in a coordinated manner across electricity interconnectors.

Capacities should be maximized across electricity interconnectors. This requirement should:

- take account of TSOs' obligations to comply with safety standards of secure network operation;
- respect the bidding-zone borders within the EU and UK established under the relevant domestic frameworks;
- allow EU TSOs to comply with the requirement to provide at least 70% of their capacities on bidding-zone borders within the EU as set out in Article 16(8) of Regulation (EU) 2019/943;
- provide for non-discrimination between transmission system operators in the Union and the United Kingdom in the calculation of capacity;
- be supported by a coordinated process for remedial actions across electricity interconnectors, including redispatching and counter-trading;
- be supported by a cost-sharing arrangement between the Parties' TSOs related to redispatching and counter-trading;

As far as technically possible, the Parties' TSOs shall net the capacity requirements of any power flows in opposite directions over electricity interconnectors in order to use the interconnectors to their maximum capacity.

In relation to capacity calculation, TSOs should publish at least:

- annually: information on the long-term evolution of the transmission infrastructure and its impact on cross-border transmission capacity;
- monthly: month- and year-ahead forecasts of the transmission capacity available to the market, taking into account all relevant information available to the TSO at the time of the forecast calculation (for example, impact of summer and winter seasons on the capacity of lines, maintenance of the network, availability of production units, etc.);
- weekly: week-ahead forecasts of the transmission capacity available to the market, taking into account all relevant information available to the TSOs at the time of calculation of the forecast, such as the weather forecast, planned network maintenance work, availability of production units, etc.;
- daily: day-ahead and intra-day transmission capacity available to the market for each market time unit, taking into account all netted day-ahead nominations, day-ahead production schedules, demand forecasts and planned network maintenance work;
- total capacity already allocated, by market time unit, and all relevant conditions under which that capacity may be used (for example, auction clearing price, obligations on how to use the capacity, etc.), so as to identify any remaining capacity;
- allocated capacity as soon as possible after each allocation, as well as an indication of prices paid
- total capacity used, by market time unit, immediately after nomination;
- as closely as possible to real time: aggregated realised commercial and physical flows, by market time unit, including a description of the effects of any corrective actions taken by the TSOs (such as curtailment) for solving network or system problems;
- relevant information to assess whether electricity interconnector capacity has been calculated and allocated in a manner consistent with the EU-UK Agreement.

Annex 3 Capacity allocation

The draft technical procedures should set out terms, conditions and methodologies for the allocation of interconnection capacity to the market for the following timeframes:

- Forward;
- Day ahead;
- Intraday.

For each timeframe the methodology should:

- provide for coordinated auctions for all electricity interconnectors;
- include rules for nomination, curtailment, firmness, remuneration, transfer and return of acquired transmission capacities as well as for fall-back procedures and compensation in case of curtailment – include rules for distributing congestion income
- prohibit TSOs to charge reserve prices where no congestion occurs on the electricity interconnectors, unless an exemption applies.

Annex 4 - Day ahead Target model: “Multi-region loose volume coupling”

PART 1

1. The new procedure for the allocation of capacity on electricity interconnectors at the day-ahead market timeframe shall be based on the concept of “Multi-region loose volume coupling”. The overall objective of the new procedure shall be to maximize the benefits of trade. As the first step in developing the new procedure, the Parties shall ensure that transmission system operators prepare outline proposals and a cost-benefit analysis.
2. Multi-region loose volume coupling shall involve the development of a market coupling function to determine the net energy positions (implicit allocation) between:
 - (a) bidding zones established in accordance with Regulation (EU) 2019/943, which are directly connected to the United Kingdom by an electricity interconnector; and

(b) the United Kingdom.

3. The net energy positions over electricity interconnectors shall be calculated via an implicit allocation process by applying a specific algorithm to:

- (a) commercial bids and offers for the day-ahead market timeframe from the bidding zones established in accordance with Regulation (EU) 2019/943 which are directly connected to the United Kingdom by an electricity interconnector;
- (b) commercial bids and offers for the day-ahead market timeframe from relevant day-ahead markets in the United Kingdom;
- (c) network capacity data and system capabilities determined in accordance with the procedures agreed between transmission system operators; and
- (d) data on expected commercial flows of electricity interconnections between bidding zones connected to the United Kingdom and other bidding zones in the Union, as determined by Union transmission system operators using robust methodologies.

This process shall be compatible with the specific characteristics of direct current electricity interconnectors, including losses and ramping requirements.

4. The market coupling function shall:

- (a) produce results sufficiently in advance of the operation of the Parties' respective day-ahead markets (for the Union this is single day-ahead coupling established in accordance with Commission Regulation (EU) 2015/12221 ⁽¹⁾) in order that such results may be used as inputs into the processes which determine the results in those markets;
- (b) produce results which are reliable and repeatable;
- (c) be a specific process to link the distinct and separate day-ahead markets in the Union and the United Kingdom; in particular, this means that the specific algorithm shall be distinct and separate from that used in single day-ahead coupling established in accordance with Regulation (EU) 2015/1222 and, in respect of commercial bids and offers of the Union, only have access to those from bidding zones which are directly connected to the United Kingdom by an electricity interconnector.

5. The calculated net energy positions shall be published following validation and verification. If the market coupling function is unable either to operate or to produce a result, electricity interconnector capacity shall be allocated by a fall-back process, and market participants shall be notified that the fall-back process will apply.

6. The costs of developing and implementing the technical procedures shall be equally shared between the relevant United Kingdom transmission system operators or other entities, on the one side, and relevant Union transmission system operators or other entities, on the other side, unless the Specialised Committee on Energy decides otherwise.

PART 2

The timeline for the implementation of this Annex shall be from the entry into force of this Agreement, as follows:

- (a) within 3 months – cost benefit analysis and outline of proposals for technical procedures;
- (b) within 10 months – proposal for technical procedures;
- (c) within 15 months – entry into operation of technical procedures.

Annex 5: Requirements of the outline proposals and cost benefit analysis

As set out in Part 1 of Annex ENER – 4 of the Agreement, the first stage of development of the new day-ahead arrangements is to develop outline proposals and a cost-benefit analysis.

The outline proposals should:

— set out the high-level design of the multi-region loose volume coupling solution;

⁽¹⁾ Commission Regulation (EU) 2015/1222 of 24 July 2015 establishing a guideline on capacity allocation and congestion management (OJ L 197, 25.7.2015, p. 24).

- identify the roles and responsibilities of industry parties;
- contain an implementation plan;
- highlight any implementation risks or issues, with proposals on how to resolve those; and
- assess the impact of differences between the carbon pricing regimes of the parties on flows over interconnectors.

The cost benefit analysis should take account of the objective of the arrangements to maximise the benefits of trade which means that, within the constraints referred to in Annex ENER-4 of the Agreement, the trading arrangements:

- should be as efficient as possible, and;
 - should, under normal circumstances, result in flows across electricity interconnectors being consistent with the prices in the Parties' day-ahead markets.
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ANNEX II

Draft letter of the Directorate-General for Energy of the European Commission and of the Department for Business, Energy and Industrial Strategy of the United Kingdom Government to their respective transmission system operators for electricity requesting to provide additional information in view of preparing technical procedures for capacity allocation and congestion management at the day ahead timeframe under the EU-United Kingdom Trade and Cooperation Agreement

[address transmission system operator for electricity EU or UK]

[date]

Subject: Request for additional information in view of preparing technical procedures for capacity allocation and congestion management at the day ahead timeframe under the EU- United Kingdom Trade and Cooperation Agreement

Dear [placeholder: addressee],

Thank you for your work to date progressing the implementation of the Energy Title of the Trade and Cooperation Agreement and in particular the publication of the cost-benefit analysis and outline proposal supported by the opinion of [placeholder: UK national regulators [or] ACER] in April 2021.

Further to the meeting of the Specialised Committee on Energy on 30 March 2022 and its Recommendation [placeholder: No. X/202x] made on [placeholder: date], [placeholder: the Department for Business, Energy, and Industrial Strategy of the United Kingdom Government [or] the Directorate General for Energy of the European Commission] request that you provide answers to the questions set out in the annex to this letter within 5 months of receiving this letter, while closely involving relevant parties (e.g. power exchanges, nominated electricity market operators, clearing houses) in the analysis to assess the practical feasibility of the scenarios.

The [placeholder: transmission system operator [or] ENTSO-E, facilitating the work of the EU transmission system operators,] should furthermore request an informal opinion of the [placeholder: UK national energy regulators [or] ACER] on this additional information and submit it together with the answers to the questions set out in the annex.

The questions in the Annex relate to the preparation of the technical procedures for capacity allocation and congestion management at the day ahead timeframe. Any information you may need to obtain from third parties should be processed solely for the purpose of responding to those questions and its confidentiality should be protected from disclosure if so requested by the third party. The [placeholder: the Department for Business, Energy, and Industrial Strategy of the United Kingdom Government [or] the Directorate General for Energy of the European Commission] will ensure that any information received in the response to this letter is also used for this sole purpose. It will treat as confidential any information identified as confidential or commercially sensitive and will hold it and protect it from disclosure, in accordance with the applicable laws and regulations, unless a specific permission of its rights holder has been obtained for making it available.

In advance, I wish to thank you for your additional effort on this subject.

[signature]

Cc: [sender at Directorate General for Energy of the European Commission or, as appropriate,

at Department for Business, Energy and Industrial Strategy of the United Kingdom Government]

Annex

Context: The following questions relate to the options set out by the UK and EU transmission system operators in the cost-benefit analysis published April 2021. Note that point 3 of Annex 29 of the Trade and Cooperation Agreement requires the net energy positions over electricity interconnectors to be calculated via an implicit allocation process by applying a specific algorithm including commercial bids and offers for the day-ahead market timeframe from relevant day-ahead markets in the United Kingdom. The UK and EU transmission system operators' cost-benefit analysis identified that a single GB price is highly desirable for the efficient implementation of Multi-region loose volume coupling (MRLVC) in all MRLVC design

options. In September 2021, BEIS opened a consultation to seek views on the current arrangements for trading electricity on power exchanges in the Great Britain wholesale electricity market and our proposals to support efficient cross-border trading. In particular, BEIS set out a high-level approach for the coupling of specific daily day-ahead auctions, which would be used as the 'relevant day-ahead markets' for the purposes of Annex 29 to the Trade and Cooperation Agreement, with the aim of seeking stakeholder views on whether to implement this, and if so how to do so in practice. This consultation closed in November 2021, and the UK Government will publish a response in due course.

1. With respect to the Preliminary Order Book option identified by transmission system operators:

- (a) What proportion of orders for Single Day-Ahead Coupling (SDAC) are typically submitted during the final 15 minutes before the Gate Closure Time (GCT), within what range does that proportion typically vary, and are there specific drivers for when market participants submit their orders and could these drivers change as a result of implementing the Preliminary Order Book Option?
- (b) To what extent would the proportion of orders submitted during the final 15 minutes before the SDAC GCT impact on the interconnector flows being consistent with the prices in the Parties' day-ahead markets?
- (c) Would this option fully mitigate or still face any of the timing issues identified with the Common Order Book Options? Any operational impacts and risks should be fully explained and substantiated.
- (d) Do the requirements of Article 305 (Prohibition of market abuse on wholesale electricity and gas market) of the Trade and Cooperation Agreement provide sufficient mitigation of the risks of market manipulation identified as arising under the Preliminary Order book option? Any residual risks of market manipulation should be fully explained and justified.
- (e) Are there further actions, requirements, or obligations, including of regulatory authorities or market participants, transmissions system operators, or market operators, that could be established to provide further mitigations to the risk of market manipulation identified with the Preliminary Order Book option? Any residual risks of market manipulation should be fully explained and justified.

2. With respect to the Common Order Book options identified by transmission system operators:

- (a) What are the full range of options that could allow for the MRLVC MCO calculation processes to be run between SDAC GCT at 12:00 CET and publication of SDAC results at 13:00 CET, including any options that allow for the MRLVC MCO calculation processes to be run in parallel with aspects of SDAC?

What are the advantages/disadvantages between these options, including:

- (1) the potential impacts on the operation of SDAC and fallback processes, (i.e., risks of decoupling of SDAC);
- (2) the impact on transmission system operators, market operators, and market participants

Any operational impacts and risks should be fully explained and substantiated.

- (b) For other additional common order book options identified by TSOs in the cost benefit analysis (a change in timing of SDAC GCT and/or the publication of SDAC results), what are the advantages/ disadvantages between these options, including:
 - (1) the impact on the processes before (e.g., capacity calculation) and after SDAC (e.g. intraday/ balancing markets);
 - (2) the impact on transmission system operators, market operators and the impact on market participants of any increased time between SDAC GCT and SDAC results.

Any operational impacts and risks should be fully explained and substantiated.

3. With respect to both the Preliminary and Common Order Book options:

- (a) What are the different processes required for performing the MRLVC MCO calculation, and what is the range of time that would be required for each of those processes? Any range in potential timeframe should be fully explained and substantiated.

- (b) Please provide an outline proposal for the Bordering Bidding Zone (BBZ) Methodology for establishing an accurate and robust forecast. In setting this out, please include;
- (1) the key issues, principles, and parameters (including input data, outputs, and the use of outputs in MRLVC) that need to be addressed and established by the BBZ Methodology, and;
 - (2) a timescale within which this methodology could be established and made operational.
 - (3) a preliminary qualitative assessment of how the proposed BBZ methodology in conjunction with MRLVC is expected to perform, compared to the results of the allocation of capacity through explicit auctions to deliver more efficient trading arrangements, and, in particular, under what conditions the proposed methodology in conjunction with MRLVC outperforms explicit auctions.
- (c) Implementation
- (1) What are the detailed steps required to implement all aspects of both Preliminary and Common Order Book options, including processes to test and verify the performance of MRLVC before full operation, roles and responsibilities of transmission system operators, market operators, and market participants, how could these aspects be implemented in the shortest possible time, and how could the structure and content of the technical procedures best support efficient implementation?
 - (2) Please provide a realistic timeline for implementation for each option (such a timeline should take into account current and established future developments and include all the necessary steps such as stakeholder consultations, implementation of new IT systems for MRLVC MCO, testing phases, governance processes, etc.).
 - (3) What are the anticipated direct costs of implementing and operating MRLVC for the different roles and functions necessary for MRLVC?
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