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EN

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<sup>(1)</sup> Text with EEA relevance.

## I

*(Legislative acts)*

## DIRECTIVES

## COUNCIL DIRECTIVE (EU) 2020/2020

of 7 December 2020

**amending Directive 2006/112/EC as regards temporary measures in relation to value added tax applicable to COVID-19 vaccines and *in vitro* diagnostic medical devices in response to the COVID-19 pandemic**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 113 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Parliament <sup>(1)</sup>,

Having regard to the opinion of the European Economic and Social Committee <sup>(2)</sup>,

Acting in accordance with a special legislative procedure,

Whereas:

- (1) On 30 January 2020, the World Health Organization (WHO) declared the COVID-19 outbreak a 'public health emergency of international concern' and, on 11 March 2020, characterised it as a pandemic.
- (2) The Union has joined forces with the WHO and a group of global actors in an unprecedented effort of global solidarity to fight the pandemic. That effort aims to support the development and equitable distribution of *in vitro* diagnostic medical devices, treatments and vaccines required to control and combat COVID-19.
- (3) In view of the alarming increase in the number of COVID-19 cases in the Member States, in its communication of 17 June 2020 the Commission has proposed an EU strategy for COVID-19 vaccines. The aim of that strategy is to accelerate the development, manufacturing and deployment of vaccines against the virus to help protect people in the Union. While an effective and safe vaccine against COVID-19 is the most likely permanent solution to the pandemic, testing is indispensable to contain the pandemic.
- (4) In the area of value added tax (VAT), the Commission has taken exceptional measures to help victims of the pandemic. On 3 April 2020, the Commission adopted Decision (EU) 2020/491 <sup>(3)</sup> enabling Member States to temporarily exempt from VAT and import duties vital goods needed to combat the effects of the COVID-19 outbreak, including COVID-19 *in vitro* diagnostic medical devices. However, that Decision covers only importation and not intra-Community or domestic supplies.

<sup>(1)</sup> Opinion of 26 November 2020 (not yet published in the Official Journal).

<sup>(2)</sup> Opinion of 2 December 2020 (not yet published in the Official Journal).

<sup>(3)</sup> Commission Decision (EU) 2020/491 of 3 April 2020 on relief from import duties and VAT exemption on importation granted for goods needed to combat the effects of the COVID-19 outbreak during 2020 (OJ L 103 I, 3.4.2020, p. 1).

- (5) Council Directive 2006/112/EC <sup>(4)</sup> contains tools allowing Member States to partly alleviate the cost of COVID-19 vaccination and testing, notably through a VAT exemption without deductibility for hospital and medical care and a reduced VAT rate available for vaccines. However, that Directive does not allow Member States to apply a reduced VAT rate to the supply of COVID-19 *in vitro* diagnostic medical devices or services closely linked to such devices. Nor does it allow Member States to grant an exemption with deductibility of VAT paid at the preceding stage in respect of the supply of COVID-19 vaccines and *in vitro* diagnostic medical devices or services closely linked to such vaccines and devices.
- (6) In 2018, the Commission presented a proposal to amend Directive 2006/112/EC as regards VAT rates (the '2018 proposal'). If adopted by Council, it would, amongst other things, allow Member States, under certain conditions, to apply a reduced VAT rate to the supply of COVID-19 *in vitro* diagnostic medical devices as well as of services closely linked to such devices. In addition, the 2018 proposal would allow Member States, under certain conditions, to grant an exemption with deductibility of VAT paid at the preceding stage to the supply of COVID-19 vaccines and *in vitro* diagnostic medical devices as well as of services closely linked to such vaccines and devices. The 2018 proposal would allow Member States to apply those rates, if such supply benefits only the final consumer and pursues an objective of general interest.
- (7) However, since the adoption of the 2018 proposal is still pending before the Council, it is necessary to take immediate action in order to adapt Directive 2006/112/EC to the exceptional circumstances caused by the COVID-19 pandemic. The aim of such action is to ensure that the supply of COVID-19 vaccines and *in vitro* diagnostic medical devices as well as of services closely linked to such vaccines and devices become more affordable in the Union as soon as possible.
- (8) To that end, Member States should be allowed to apply a reduced VAT rate to the supply of COVID-19 *in vitro* diagnostic medical devices and services closely linked to such devices, or to grant an exemption with deductibility of VAT paid at the preceding stage in respect of the supply of COVID-19 vaccines and *in vitro* diagnostic medical devices, approved as such by the Commission or by them, as well as of services closely linked to such vaccines and devices.
- (9) The possibility to apply a reduced VAT rate to the supply of COVID-19 *in vitro* diagnostic medical devices and services closely linked to such devices or to grant an exemption with deductibility of VAT paid at the preceding stage in respect of the supply of COVID-19 vaccines and *in vitro* diagnostic medical devices and services closely linked to such vaccines and devices, should be limited in time. That possibility should be allowed only for the duration of the exceptional circumstances caused by the COVID-19 pandemic. Due to the uncertainty of the duration of those exceptional circumstances, the possibility to apply a reduced VAT rate or to grant an exemption with deductibility of VAT paid at the preceding stage to such supplies should remain in place until 31 December 2022. Before the end of that period, the possibility to apply the reduction or to grant the exemption should be reviewed in light of the situation of the pandemic and, if necessary, it should be possible to extend that period. If the 2018 proposal were to be adopted and become applicable before the expiry of that period, these temporary measures aimed at adapting Directive 2006/112/EC to the COVID-19 pandemic would no longer serve their purpose.
- (10) Since the objective of this Directive to ensure, as soon as possible, more affordable access to the supply of COVID-19 vaccines and *in vitro* diagnostic medical devices as well as of services closely linked to such vaccines and devices in the Union cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve that objective.
- (11) Directive 2006/112/EC should therefore be amended accordingly.

<sup>(4)</sup> Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1).

- (12) In view of the COVID-19 pandemic and the urgency to address the associated public health crisis, it was considered to be appropriate to provide for an exception to the eight-week period referred to in Article 4 of Protocol No 1 on the role of national Parliaments in the European Union, annexed to the Treaty on European Union, to the Treaty on the Functioning of the European Union and to the Treaty establishing the European Atomic Energy Community.
- (13) Given the urgency of the situation related to the COVID-19 pandemic, this Directive should enter into force on the day following its publication in the *Official Journal of the European Union*,

HAS ADOPTED THIS DIRECTIVE:

#### Article 1

The following Article is inserted in Directive 2006/112/EC:

##### ‘Article 129a

1. Member States may take one of the following measures:
  - (a) apply a reduced rate to the supply of COVID-19 *in vitro* diagnostic medical devices and services closely linked to those devices;
  - (b) grant an exemption with deductibility of VAT paid at the preceding stage in respect of the supply of COVID-19 *in vitro* diagnostic medical devices and services closely linked to those devices.

Only COVID-19 *in vitro* diagnostic medical devices that are in conformity with the applicable requirements set out in Directive 98/79/EC of the European Parliament and of the Council \* or Regulation (EU) 2017/746 of the European Parliament and of the Council \*\* and other applicable Union legislation shall be eligible for the measures provided for in the first subparagraph.

2. Member States may grant an exemption with deductibility of VAT paid at the preceding stage in respect of the supply of COVID-19 vaccines and services closely linked to those vaccines.

Only COVID-19 vaccines authorised by the Commission or by Member States shall be eligible for the exemption provided for in the first subparagraph.

3. This Article shall apply until 31 December 2022.

\* Directive 98/79/EC of the European Parliament and of the Council of 27 October 1998 on *in vitro* diagnostic medical devices (OJ L 331, 7.12.1998, p. 1).

\*\* Regulation (EU) 2017/746 of the European Parliament and of the Council of 5 April 2017 on *in vitro* diagnostic medical devices and repealing Directive 98/79/EC and Commission Decision 2010/227/EU (OJ L 117, 5.5.2017, p. 176).’.

#### Article 2

1. Where Member States decide to apply a reduced rate or grant an exemption referred to in Article 1, the laws, regulations and administrative provisions, which are adopted and published by them and which are necessary to comply with this Directive, shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.
2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive within two months of their adoption.

*Article 3*

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

*Article 4*

This Directive is addressed to the Member States.

Done at Brussels, 7 December 2020.

*For the Council*  
*The President*  
M. ROTH

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## II

*(Non-legislative acts)*

## REGULATIONS

## COUNCIL IMPLEMENTING REGULATION (EU) 2020/2021

of 10 December 2020

**implementing Article 9 of Regulation (EC) No 1183/2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo**

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 1183/2005 of 18 July 2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of Congo <sup>(1)</sup>, and in particular Article 9 thereof,

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

Whereas:

- (1) On 18 July 2005, the Council adopted Regulation (EC) No 1183/2005.
- (2) Further to a review of the autonomous restrictive measures laid down in Article 2b of Regulation (EC) No 1183/2005, the statements of reasons relating to certain persons listed in Annex Ia to Regulation (EC) No 1183/2005 should be amended and one person should be removed from the list in that Annex.
- (3) Regulation (EC) No 1183/2005 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

*Article 1*

Annex Ia to Regulation (EC) No 1183/2005 is replaced by the text appearing in 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*.

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<sup>(1)</sup> OJ L 193, 23.7.2005, p. 1.

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

Done at Brussels, 10 December 2020.

*For the Council*  
*The President*  
M. ROTH

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**LIST OF PERSONS, ENTITIES AND BODIES REFERRED TO IN ARTICLE 2b****A. Persons**

|   | Name                | Identifying information                                                                                                                                                                                                                                                                           | Grounds for listing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Date of listing |
|---|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 1 | Ilunga KAMPETE      | <p>a.k.a. Gaston Hughes Ilunga Kampete; Hugues Raston Ilunga Kampete</p> <p>DOB: 24.11.1964</p> <p>POB: Lubumbashi, DRC</p> <p>Nationality: DRC</p> <p>Military ID number: 1-64-86-22311-29</p> <p>Address: 69, avenue Nyangwile, Kinsuka Mimosas, Kinshasa/Ngaliema, DRC</p> <p>Gender: Male</p> | <p>As Commander of the Republican Guard (GR) until April 2020, Ilunga Kampete was responsible for the GR units deployed on the ground and involved in the disproportionate use of force and violent repression in September 2016 in Kinshasa.</p> <p>He was also responsible for the repression and infringement of human rights committed by GR agents, such as the violent repression of an opposition rally in Lubumbashi in December 2018.</p> <p>Since July 2020, he remains a high-ranking soldier, as a Lieutenant General in the Congolese Armed Forces (FARDC) and Commander of the Kitona military base in the province of Kongo Central. By virtue of his functions, he bears responsibility for the recent human rights violations committed by the FARDC.</p> <p>Ilunga Kampete was therefore involved in planning, directing or committing acts that constitute serious human rights violations or abuses in the DRC.</p> | 12.12.2016      |
| 2 | Gabriel Amisi KUMBA | <p>a.k.a. Gabriel Amisi Nkumba; ‘Tango Fort’; ‘Tango Four’</p> <p>DOB: 28.5.1964</p> <p>POB: Malela, DRC</p> <p>Nationality: DRC</p> <p>Military ID number: 1-64-87-77512-30</p> <p>Address: 22, avenue Mbenseke, Ma Campagne, Kinshasa/Ngaliema, DRC</p> <p>Gender: Male</p>                     | <p>Former Commander of the first defence zone of the Congolese Armed Forces (FARDC), which took part in the disproportionate use of force and violent repression in September 2016 in Kinshasa.</p> <p>In his capacity as Deputy Chief of Staff of the FARDC in charge of operations and intelligence from July 2018 to July 2020, and owing to his senior duties as Inspector General of the FARDC since July 2020, he bears responsibility for recent human rights violations committed by the FARDC.</p> <p>Gabriel Amisi Kumba was therefore involved in planning, directing or committing acts that constitute serious human rights violations or abuses in the DRC.</p>                                                                                                                                                                                                                                                           | 12.12.2016      |

|   | Name                    | Identifying information                                                                                                                                                                                                                                                                                                                                                                                           | Grounds for listing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Date of listing |
|---|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 3 | Ferdinand Ilunga LUYOYO | <p>DOB: 8.3.1973</p> <p>POB: Lubumbashi, DRC</p> <p>Nationality: DRC</p> <p>DRC passport number: OB0260335 (valid from 15.4.2011 to 14.4.2016)</p> <p>Address: 2, avenue des Orangers, Kinshasa/Gombe, DRC</p> <p>Gender: Male</p>                                                                                                                                                                                | <p>As Commander of the anti-riot unit called the <i>Légion Nationale d'Intervention</i> of the Congolese National Police (PNC) until 2017, and Commander of the unit responsible for the protection of institutions and high-ranking officials within the PNC until December 2019, Ferdinand Ilunga Luyoyo was responsible for the disproportionate use of force and violent repression in September 2016 in Kinshasa, and bears responsibility for the subsequent human rights violations committed by the PNC.</p> <p>Ferdinand Ilunga Luyoyo was therefore involved in planning, directing or committing acts that constitute serious human rights violations or abuses in the DRC.</p> <p>Ferdinand Ilunga Luyoyo has retained his rank of General and remains active on the public scene in the DRC.</p>                                                                   | 12.12.2016      |
| 4 | Célestin KANYAMA        | <p>a.k.a. Kanyama Tshisiku Celestin; Kanyama Celestin Cishiku Antoine; Kanyama Cishiku Bilolo Célestin; 'Esprit de mort'</p> <p>DOB: 4.10.1960</p> <p>POB: Kananga, DRC</p> <p>Nationality: DRC</p> <p>DRC passport number: OB0637580 (valid from 20.5.2014 to 19.5.2019)</p> <p>Schengen visa number 011518403, issued on 2.7.2016</p> <p>Address: 56, avenue Usika, Kinshasa/Gombe, DRC</p> <p>Gender: Male</p> | <p>As Commissioner of the Congolese National Police (PNC), Célestin Kanyama was responsible for the disproportionate use of force and violent repression in September 2016 in Kinshasa.</p> <p>In July 2017, Célestin Kanyama was appointed Director-General of the PNC's training schools. Owing to his role as a senior PNC official, he bears responsibility for the recent human rights violations committed by the PNC. One example is the intimidation and deprivation of freedom imposed on journalists by police officers in October 2018, after the publication of a series of articles on the misappropriation of police cadet rations, and the role that Célestin Kanyama played in these events.</p> <p>Célestin Kanyama was therefore involved in planning, directing or committing acts that constitute serious human rights violations or abuses in the DRC.</p> | 12.12.2016      |
| 5 | John NUMBI              | <p>a.k.a. John Numbi Banza Tambo; John Numbi Banza Ntambo; Tambo Numbi</p> <p>DOB: 16.8.1962</p> <p>POB: Jadotville-Likasi-Kolwezi, DRC</p> <p>Nationality: DRC</p> <p>Address: 5, avenue Oranger, Kinshasa/Gombe, DRC</p> <p>Gender: Male</p>                                                                                                                                                                    | <p>John Numbi was Inspector General of the Congolese Armed Forces (FARDC) from July 2018 until July 2020. Owing to his role, he bears responsibility for the recent human rights violations committed by the FARDC, such as disproportionate violence against illegal miners from June to July 2019 committed by FARDC troops under his direct authority.</p> <p>John Numbi was therefore involved in planning, directing or committing acts that constitute serious human rights violations or abuses in the DRC.</p>                                                                                                                                                                                                                                                                                                                                                          | 12.12.2016      |

|   | Name               | Identifying information                                                                                                                                                                                                                                                                                                                         | Grounds for listing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Date of listing |
|---|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
|   |                    |                                                                                                                                                                                                                                                                                                                                                 | John Numbi retains a position of influence in the FARDC, especially in Katanga, where serious human rights violations committed by the FARDC have been reported.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                 |
| 6 | Evariste BOSHAB    | <p>a.k.a. Evariste Boshab Mabub Ma Bileng</p> <p>DOB: 12.1.1956</p> <p>POB: Tete Kalamba, DRC</p> <p>Nationality: DRC</p> <p>Diplomatic passport number: DP0000003 (valid from 21.12.2015 to 20.12.2020)</p> <p>Schengen visa expired on 5.1.2017</p> <p>Address: 3, avenue du Rail, Kinshasa/Gombe, DRC</p> <p>Gender: Male</p>                | <p>In his capacity as Vice Prime Minister and Minister of Interior and Security from December 2014 to December 2016, Evariste Boshab was officially responsible for the police and security services and for coordinating the work of provincial governors. In this capacity, he was responsible for arrests of activists and opposition members, as well as disproportionate use of force, including between September 2016 and December 2016 in response to demonstrations in Kinshasa, which resulted in a large number of civilians being killed or injured by security services.</p> <p>Evariste Boshab was therefore involved in planning, directing or committing acts that constitute serious human rights violations or abuses in the DRC.</p> <p>Evariste Boshab also played a part in the exploitation and aggravation of the crisis in the Kasai region, where he maintains a position of influence, in particular since becoming Senator of Kasai in March 2019.</p> | 29.5.2017       |
| 7 | Alex Kande MUPOMPA | <p>a.k.a. Alexandre Kande Mupomba; Kande-Mupompa</p> <p>DOB: 23.9.1950</p> <p>POB: Kananga, DRC</p> <p>Nationality: DRC and Belgian</p> <p>DRC passport number: OP0024910 (valid from 21.3.2016 to 20.3.2021)</p> <p>Addresses: Messidorlaan 217/25, 1180 Uccle, Belgium</p> <p>1, avenue Bumba, Kinshasa/Ngaliema, DRC</p> <p>Gender: Male</p> | <p>As Governor of Kasai Central until October 2017, Alex Kande Mupompa was responsible for the disproportionate use of force, violent repression and extra-judicial killings committed by security forces and the Congolese National Police (PNC) in Kasai Central from August 2016, including killings in the territory of Dibaya in February 2017.</p> <p>Alex Kande Mupompa was therefore involved in planning, directing or committing acts that constitute serious human rights violations or abuses in the DRC.</p> <p>Alex Kande Mupompa also played a part in the exploitation and aggravation of the crisis in the Kasai region for which he was a representative until October 2019 and in which he maintains a position of influence as leader of the <i>Congrès des alliés pour l'action au Congo</i> (CAAC) which is part of the provincial government of Kasai.</p>                                                                                                 | 29.5.2017       |

|    | Name                        | Identifying information                                                                                                                                                                                                                                                                        | Grounds for listing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Date of listing |
|----|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 8  | Jean-Claude Kazembe MUSONDA | <p>DOB: 17.5.1963</p> <p>POB: Kashobwe, DRC</p> <p>Nationality: DRC</p> <p>Address: 7891, avenue Lubembe, Quartier Lido, Lubumbashi, Haut-Katanga, DRC</p> <p>Gender: Male</p>                                                                                                                 | <p>As Governor of Haut-Katanga until April 2017, Jean-Claude Kazembe Musonda was responsible for the disproportionate use of force and violent repression committed by security forces and the Congolese National Police (PNC) in Haut-Katanga, including between 15 and 31 December 2016, when 12 civilians were killed and 64 were injured as a result of the use of lethal force by security forces including PNC agents in response to protests in Lubumbashi.</p> <p>Jean-Claude Kazembe Musonda was therefore involved in planning, directing or committing acts that constitute serious human rights violations or abuses in the DRC.</p> <p>Jean-Claude Kazembe Musonda is the leader of the CONAKAT party, which has remained loyal to the <i>Front Commun pour le Congo</i> (FCC).</p>                                                                                                                                                                                                                                                                         | 29.5.2017       |
| 9  | Éric RUHORIMBERE            | <p>a.k.a. Eric Ruhorimbere Ruhanga; 'Tango Two'; 'Tango Deux'</p> <p>DOB: 16.7.1969</p> <p>POB: Minembwe, DRC</p> <p>Nationality: DRC</p> <p>Military ID number: 1-69-09-51400-64</p> <p>DRC passport number: OB0814241</p> <p>Address: Mbujimayi, Kasai Province, DRC</p> <p>Gender: Male</p> | <p>As Deputy Commander of the 21st military region from September 2014 to July 2018, Éric Ruhorimbere was responsible for the disproportionate use of force and extrajudicial killings perpetrated by the Congolese Armed Forces (FARDC), in particular against the Nsapu militia and women and children. Éric Ruhorimbere has been the Commander of the Nord Equateur operational sector since July 2018. Owing to his role, he bears responsibility for the recent human rights violations committed by the FARDC.</p> <p>Éric Ruhorimbere was therefore involved in planning, directing or committing acts that constitute serious human rights violations or abuses in the DRC.</p>                                                                                                                                                                                                                                                                                                                                                                                  | 29.5.2017       |
| 10 | Emmanuel Ramazani SHA-DARI  | <p>a.k.a. Emmanuel Ramazani Shadari Mulanda; Shadary</p> <p>DOB: 29.11.1960</p> <p>POB: Kasongo, DRC</p> <p>Nationality: DRC</p> <p>Address: 28, avenue Ntela, Mont Ngafula, Kinshasa, DRC</p> <p>Gender: Male</p>                                                                             | <p>As Vice Prime Minister and Minister of Interior and Security until February 2018, Emmanuel Ramazani Shadari was officially responsible for the police and security services and for coordinating the work of provincial governors. In this capacity, he was responsible for the arrests of activists and opposition members, as well as for the disproportionate use of force, such as the violent crackdown on members of the Bundu Dia Kongo (BDK) movement in Kongo Central, the repression in Kinshasa from January to February 2017 and the disproportionate use of force and violent repression in the Kasai provinces.</p> <p>In this capacity, Emmanuel Ramazani Shadari was therefore involved in planning, directing or committing acts that constitute serious human rights violations or abuses in the DRC.</p> <p>Since February 2018, Emmanuel Ramazani Shadari has been permanent secretary of the <i>Parti du peuple pour la reconstruction et le développement</i> (PPRD), the main party in the coalition under former President Joseph Kabila.</p> | 29.5.2017       |

|    | Name          | Identifying information                                                                                                                                                                                                                                                                                                                         | Grounds for listing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Date of listing |
|----|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 11 | Kalev MUTONDO | <p>a.k.a. Kalev Katanga Mutondo; Kalev Motono; Kalev Mutundo; Kalev Mutoid; Kalev Mutombo; Kalev Mutond; Kalev Mutondo Katanga; Kalev Mutund</p> <p>DOB: 3.3.1957</p> <p>Nationality: DRC</p> <p>DRC passport number: DB0004470 (valid from 8.6.2012 to 7.6.2017)</p> <p>Address: 24, avenue Ma Campagne, Kinshasa, DRC</p> <p>Gender: Male</p> | <p>As Head of the National Intelligence Service (ANR) until February 2019, Kalev Mutondo was involved in and responsible for the arbitrary arrest, detention and mistreatment of opposition members, civil society activists and others.</p> <p>Kalev Mutondo was therefore involved in planning, directing or committing acts that constitute serious human rights violations or abuses in the DRC.</p> <p>In May 2019, he signed a declaration of past and future loyalty to Joseph Kabila, to whom he remains close.</p> <p>Kalev Mutondo still wields a high degree of political influence, in his new role as “political advisor” to the Prime Minister of the DRC.</p> | 29.5.2017       |

B. Entities’.

# DECISIONS

## COUNCIL DECISION (EU) 2020/2022

of 4 December 2020

**on the position to be adopted on behalf of the European Union within the EEA Joint Committee concerning an amendment to Annex IV (Energy) to the EEA Agreement**

(Text with EEA relevance)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 194 in conjunction with Article 218(9) thereof,

Having regard to Council Regulation (EC) No 2894/94 of 28 November 1994 concerning arrangements for implementing the Agreement on the European Economic Area <sup>(1)</sup>, and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the European Economic Area <sup>(2)</sup> ('the EEA Agreement') entered into force on 1 January 1994.
- (2) Pursuant to Article 98 of the EEA Agreement, the EEA Joint Committee may decide to amend Annex IV to the EEA Agreement.
- (3) Commission Regulation (EU) 2015/1222 <sup>(3)</sup> is to be incorporated into the EEA Agreement.
- (4) Annex IV to the EEA Agreement should therefore be amended accordingly.
- (5) The position of the Union within the EEA Joint Committee should therefore be based on the draft decision of the EEA Joint Committee,

HAS ADOPTED THIS DECISION:

### *Article 1*

The position to be adopted, on behalf of the Union, within the EEA Joint Committee on the proposed amendment to Annex IV (Energy) to the EEA Agreement, shall be based on the draft decision of the EEA Joint Committee <sup>(4)</sup>.

### *Article 2*

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

Done at Brussels, 4 December 2020.

*For the Council*  
*The President*  
M. ROTH

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<sup>(1)</sup> OJ L 305, 30.11.1994, p. 6.

<sup>(2)</sup> OJ L 1, 3.1.1994, p. 3.

<sup>(3)</sup> 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).

<sup>(4)</sup> See document ST12929/20 at <http://register.consilium.europa.eu>

**COUNCIL DECISION (EU) 2020/2023****of 4 December 2020****on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee  
concerning an amendment to Annex IV (Energy) to the EEA Agreement****(Text with EEA relevance)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 194 in conjunction with Article 218(9) thereof,

Having regard to Council Regulation (EC) No 2894/94 of 28 November 1994 concerning arrangements for implementing the Agreement on the European Economic Area <sup>(1)</sup>, and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the European Economic Area <sup>(2)</sup> ('the EEA Agreement') entered into force on 1 January 1994.
- (2) Pursuant to Article 98 of the EEA Agreement, the EEA Joint Committee may decide to amend Annex IV to the EEA Agreement.
- (3) Commission Regulation (EU) 2017/1485 <sup>(3)</sup> is to be incorporated into the EEA Agreement.
- (4) Annex IV to the EEA Agreement should therefore be amended accordingly.
- (5) The position of the Union within the EEA Joint Committee should therefore be based on the draft decision of the EEA Joint Committee,

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be adopted, on behalf of the Union, within the EEA Joint Committee on the proposed amendment to Annex IV (Energy) to the EEA Agreement, shall be based on the draft decision of the EEA Joint Committee <sup>(4)</sup>.

*Article 2*

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

Done at Brussels, 4 December 2020.

*For the Council*  
*The President*  
M. ROTH

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<sup>(1)</sup> OJ L 305, 30.11.1994, p. 6.

<sup>(2)</sup> OJ L 1, 3.1.1994, p. 3.

<sup>(3)</sup> Commission Regulation (EU) 2017/1485 of 2 August 2017 establishing a guideline on electricity transmission system operation (OJ L 220, 25.8.2017, p. 1).

<sup>(4)</sup> See document ST 12933/20 at <http://register.consilium.europa.eu>

**COUNCIL DECISION (EU) 2020/2024****of 4 December 2020****on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee  
concerning an amendment to Annex IV (Energy) to the EEA Agreement****(Text with EEA relevance)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 194 in conjunction with Article 218(9) thereof,

Having regard to Council Regulation (EC) No 2894/94 of 28 November 1994 concerning arrangements for implementing the Agreement on the European Economic Area <sup>(1)</sup>, and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the European Economic Area <sup>(2)</sup> ('the EEA Agreement') entered into force on 1 January 1994.
- (2) Pursuant to Article 98 of the EEA Agreement, the EEA Joint Committee may decide to amend Annex IV to the EEA Agreement.
- (3) Commission Regulation (EU) 2016/1719 <sup>(3)</sup> is to be incorporated into the EEA Agreement.
- (4) Annex IV to the EEA Agreement should therefore be amended accordingly.
- (5) The position of the Union within the EEA Joint Committee should therefore be based on the draft decision of the EEA Joint Committee,

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be adopted, on behalf of the Union, within the EEA Joint Committee on the proposed amendment to Annex IV (Energy) to the EEA Agreement, shall be based on the draft decision of the EEA Joint Committee <sup>(4)</sup>.

*Article 2*

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

Done at Brussels, 4 December 2020.

*For the Council*  
*The President*  
M. ROTH

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<sup>(1)</sup> OJ L 305, 30.11.1994, p. 6.

<sup>(2)</sup> OJ L 1, 3.1.1994, p. 3.

<sup>(3)</sup> Commission Regulation (EU) 2016/1719 of 26 September 2016 establishing a guideline on forward capacity allocation (OJ L 259, 27.9.2016, p. 42).

<sup>(4)</sup> See document ST12938/20 at <http://register.consilium.europa.eu>

**COUNCIL DECISION (EU) 2020/2025****of 4 December 2020****on the position to be adopted, on behalf of the European Union, within the EEA Joint Committee  
concerning an amendment to Annex IV (Energy) to the EEA Agreement****(Text with EEA relevance)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 194 in conjunction with Article 218(9) thereof,

Having regard to Council Regulation (EC) No 2894/94 of 28 November 1994 concerning arrangements for implementing the Agreement on the European Economic Area <sup>(1)</sup>, and in particular Article 1(3) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement on the European Economic Area <sup>(2)</sup> ('the EEA Agreement') entered into force on 1 January 1994.
- (2) Pursuant to Article 98 of the EEA Agreement, the EEA Joint Committee may decide to amend Annex IV to the EEA Agreement.
- (3) Commission Regulation (EU) 2017/2195 <sup>(3)</sup> is to be incorporated into the EEA Agreement.
- (4) Annex IV to the EEA Agreement should therefore be amended accordingly.
- (5) The position of the Union within the EEA Joint Committee should therefore be based on the draft decision of the EEA Joint Committee,

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be adopted, on behalf of the Union, within the EEA Joint Committee on the proposed amendment to Annex IV (Energy) to the EEA Agreement, shall be based on the draft decision of the EEA Joint Committee <sup>(4)</sup>.

*Article 2*

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

Done at Brussels, 4 December 2020.

*For the Council*  
*The President*  
M. ROTH

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<sup>(1)</sup> OJ L 305, 30.11.1994, p. 6.

<sup>(2)</sup> OJ L 1, 3.1.1994, p. 3.

<sup>(3)</sup> Commission Regulation (EU) 2017/2195 of 23 November 2017 establishing a guideline on electricity balancing (OJ L 312, 28.11.2017, p. 6).

<sup>(4)</sup> See document ST 12942/20 at <http://register.consilium.europa.eu>

**COUNCIL DECISION (EU) 2020/2026****of 4 December 2020****on the position to be taken on behalf of the European Union within the General Council of the World Trade Organization as regards the adoption of a decision exempting certain purchases of foodstuffs from application of export prohibitions or restrictions**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Marrakesh Agreement establishing the World Trade Organization of 1994 (the 'WTO Agreement') was concluded by the Union by means of Council Decision 94/800/EC <sup>(1)</sup> on 22 December 1994 and entered into force on 1 January 1995.
- (2) Pursuant to paragraph 1 of Article IV of the WTO Agreement, the Ministerial Conference of the WTO has the authority to take decisions on all matters under any of the Multilateral Trade Agreements, if so requested by a Member.
- (3) Pursuant to paragraph 2 of Article IV of the WTO Agreement, the functions of the Ministerial Conference are to be conducted by the General Council of the WTO in the intervals between meetings of the Ministerial Conference.
- (4) Pursuant to paragraph 1 of Article IX of the WTO Agreement, the WTO continues, where possible, the practice of decision-making by consensus.
- (5) The General Council of the WTO, at its meeting in December 2020, or at a subsequent meeting in 2021, may be requested to consider and adopt a proposal aimed at exempting foodstuffs purchased for non-commercial humanitarian purposes by the United Nations (UN) World Food Programme from export prohibitions and restrictions.
- (6) Paragraph 2(a) of Article XI of the General Agreement on Tariffs and Trade 1947 (GATT 1947) permits WTO Members to apply export prohibitions or restrictions temporarily, under specific circumstances, to prevent or relieve critical shortages of foodstuffs or other products essential to them. Article 12 of the WTO Agreement on Agriculture, which belongs to the GATT 1994, specifies additional conditions to be observed by WTO Members in such cases. During the COVID-19 pandemic, WTO Members have resorted to such restrictive measures, which can also affect foodstuffs purchased for non-commercial humanitarian purposes.
- (7) Humanitarian purchases by the UN World Food Programme should be exempted from export prohibitions and restrictions in view of the critical need for humanitarian support provided by the UN World Food Programme, which has become even more crucial during the COVID-19 pandemic.
- (8) It is appropriate to establish the position to be taken on behalf of the Union at the relevant future meeting of the General Council of the WTO as regards the adoption of a decision on a proposal aimed at exempting foodstuffs purchased for non-commercial humanitarian purposes by the UN World Food Programme from export prohibitions and restrictions, as such a decision would be binding on the Union,

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<sup>(1)</sup> Council Decision 94/800/EC of 22 December 1994 concerning the conclusion on behalf of the European Community, as regards matters within its competence, of the agreements reached in the Uruguay Round multilateral negotiations (1986-1994) (OJ L 336, 23.12.1994, p. 1).

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be taken on behalf of the Union within the General Council of the World Trade Organization (WTO) at its meeting in December 2020, or at a subsequent meeting in 2021, shall be to join the consensus, in the event it is reached among WTO Members, on a decision exempting foodstuffs purchased by the World Food Programme for non-commercial humanitarian purposes from the application of export prohibitions or restrictions.

*Article 2*

This decision shall enter into force on the date of its adoption.

Done at Brussels, 4 December 2020.

*For the Council*  
*The President*  
M. ROTH

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**COUNCIL DECISION (EU) 2020/2027****of 7 December 2020**

**on the position to be taken on behalf of the European Union within the EU-Central America Association Council as regards modifications to Appendix 2 to Annex II and the introduction of Explanatory Notes to Articles 15, 16, 19, 20 and 30 of Annex II to the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other, and repealing Decisions (EU) 2016/1001 and (EU) 2016/1336**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4) in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other ('the Agreement') was signed by the Union in accordance with Council Decision 2012/734/EU <sup>(1)</sup>. Pursuant to Article 353(4) of the Agreement, Part IV thereof has been applied provisionally since 1 August 2013 between the Union and Nicaragua, Honduras and Panama, since 1 October 2013 between the Union and El Salvador and Costa Rica, and since 1 December 2013 between the Union and Guatemala.
- (2) Pursuant to Article 36 of Annex II to the Agreement, which concerns the definition of the concept of 'originating products' and methods of administrative cooperation, the Association Council established by Article 4 of the Agreement is able to decide to modify the provisions of the Appendices to Annex II. Pursuant to Article 37 of Annex II to the Agreement, the Association Council is able to approve Explanatory Notes regarding the interpretation, application and administration of Annex II.
- (3) The Association Council is to adopt a Decision modifying Appendix 2 (List of working or processing required to be carried out on non-originating materials in order that the product manufactured can obtain originating status) to Annex II, which is based on the Harmonised System (HS) 2007, to align the product-specific rules of origin with the updated HS as applicable from 2017. Such alignment includes the changes introduced by the HS 2012, and non-substantive changes for the HS 2017, to the product-specific rules of Appendix 2. For reasons of clarity, taking into account the number of amendments that need to be made in Appendix 2, that Appendix should be replaced in its entirety.
- (4) The Association Council is also to adopt a Decision introducing Explanatory Notes to Articles 15, 16, 19, 20 and 30 of Annex II to the Agreement to ensure transparency and uniformity in the application of the rules of origin regarding the movement certificate EUR.1, invoice declarations, approved exporters and verification of proofs of origin.
- (5) The adoption of the two Decisions by the Association Council is expected to take place before the end of 2021.
- (6) It is appropriate to establish the position to be taken on the Union's behalf in the Association Council, as the two Decisions of the Association Council will have legal effect in the Union.

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<sup>(1)</sup> Council Decision 2012/734/EU of 25 June 2012 on the signing, on behalf of the European Union, of the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other, and the provisional application of Part IV thereof concerning trade matters (OJ L 346, 15.12.2012, p. 1).

- (7) It is also appropriate to repeal Council Decisions (EU) 2016/1001 <sup>(2)</sup> and (EU) 2016/1336 <sup>(3)</sup>, which establish positions to be taken on the Union's behalf on acts no longer to be adopted by the Association Council.
- (8) The position of the Union within the Association Council should therefore be based on the two draft Decisions of the Association Council,

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be taken on the Union's behalf within the Association Council as regards the modifications to Appendix 2 to Annex II and the introduction of Explanatory Notes to Articles 15, 16, 19, 20 and 30 of Annex II to the Agreement shall be based on the two draft Decisions of the Association Council <sup>(4)</sup>.

*Article 2*

Decisions (EU) 2016/1001 and (EU) 2016/1336 are repealed.

*Article 3*

Once adopted, the two Decisions of the Association Council referred to in Article 1 shall be published in the *Official Journal of the European Union*.

*Article 4*

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

It shall expire on 31 December 2021.

Done at Brussels, 7 December 2020.

*For the Council*

*The President*

M. ROTH

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<sup>(2)</sup> Council Decision (EU) 2016/1001 of 20 June 2016 on the position to be adopted on behalf of the European Union within the EU-Central America Association Council regarding Explanatory Notes to Article 15 of Annex II to the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other (OJ L 164, 22.6.2016, p. 15).

<sup>(3)</sup> Council Decision (EU) 2016/1336 of 18 July 2016 on the position to be adopted on behalf of the European Union within the EU-Central America Association Council as regards the replacement of Appendix 2 to Annex II to the Agreement establishing an Association between the European Union and its Member States, on the one hand, and Central America on the other (OJ L 212, 5.8.2016, p. 8).

<sup>(4)</sup> See documents ST 11697/20 and ST 11699/20 at <http://register.consilium.europa.eu>

**COUNCIL DECISION (EU) 2020/2028****of 7 December 2020**

**on the position to be taken on behalf of the European Union within the Stabilisation and Association Council established by the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part, as regards the amendment of that Agreement by replacing Protocol 3 thereto concerning the definition of the concept of ‘originating products’ and methods of administrative cooperation**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part (‘the Agreement’), was concluded by the Union by Council and Commission Decision 2010/224/EU, Euratom <sup>(1)</sup> and entered into force on 1 May 2010.
- (2) The Agreement includes Protocol 3 concerning the definition of the concept of ‘originating products’ and methods of administrative cooperation (‘Protocol 3’). Pursuant to Article 3 of Protocol 3, the Stabilisation and Association Council established by Article 119 of the Agreement (‘the Stabilisation and Association Council’) may decide to amend the provisions of Protocol 3.
- (3) The Stabilisation and Association Council will adopt a decision amending the Agreement by replacing Protocol 3 (‘decision’) during its next meeting, before the end of 2023.
- (4) It is appropriate to establish the position to be taken on the Union’s behalf within the Stabilisation and Association Council, as the decision will have binding legal effects in the Union.
- (5) The Regional Convention on pan-Euro-Mediterranean preferential rules of origin (‘the Convention’) was concluded by the Union by Council Decision 2013/94/EU <sup>(2)</sup> and entered into force in relation to the Union on 1 May 2012. It lays down provisions on the origin of goods traded under relevant bilateral free trade agreements concluded between the Contracting Parties to the Convention, which apply without prejudice to the principles laid down in those bilateral agreements.
- (6) Article 6 of the Convention provides that each Contracting Party is to take appropriate measures to ensure that the Convention is effectively applied. To that effect, the decision will introduce a dynamic reference to the Convention in Protocol 3, so as to refer always to the latest version of the Convention in force.
- (7) Discussions on amending the Convention have resulted in a new set of modernised and more flexible rules of origin to be incorporated into the Convention. Pending the conclusion and entry into force of the amendment of the Convention, the Union and the Republic of Montenegro have agreed to apply as soon as possible an alternative set of rules of origin based on those of the amended Convention, which may be used bilaterally as alternative rules of origin to those laid down in the Convention (‘Transitional rules’). To that effect, the decision will also provide for the Transitional rules.

<sup>(1)</sup> Council and Commission Decision 2010/224/EU, Euratom of 29 March 2010 on the conclusion of the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part (OJ L 108, 29.4.2010, p. 1).

<sup>(2)</sup> Council Decision 2013/94/EU of 26 March 2012 on the conclusion of the Regional Convention on pan-Euro-Mediterranean preferential rules of origin (OJ L 54, 26.2.2013, p. 3).

- (8) In the cumulation zone constituted by the EFTA States, the Faroe Islands, the Union, the Republic of Turkey, the participants in the Stabilisation and Association Process, the Republic of Moldova, Georgia and Ukraine, the possibility of using movement certificates EUR.1 or origin declarations instead of movement certificates EUR-MED or origin declarations EUR-MED, as a derogation from the provisions of the Convention applicable to diagonal cumulation among those participants, should be maintained.
- (9) The position of the Union within the Stabilisation and Association Council should therefore be based on the draft decision,

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be taken on the Union's behalf within the Stabilisation and Association Council established by the Stabilisation and Association Agreement between the European Communities and their Member States, of the one part, and the Republic of Montenegro, of the other part, as regards the amendment of that Agreement by replacing Protocol 3 thereto, shall be based on the draft decision of the Stabilisation and Association Council <sup>(3)</sup>.

*Article 2*

This Decision shall enter into force on the date of its adoption and shall expire on 31 December 2023.

Done at Brussels, 7 December 2020.

*For the Council*  
*The President*  
M. ROTH

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<sup>(3)</sup> See document ST 11124/20 on <http://register.consilium.europa.eu>

**COUNCIL DECISION (EU) 2020/2029****of 7 December 2020**

**on the position to be taken on behalf of the European Union within the Joint Committee established by the Euro-Mediterranean Interim Association Agreement on trade and cooperation between the European Community, of the one part, and the Palestinian Liberation Organization (PLO) for the benefit of the Palestinian Authority of the West Bank and Gaza Strip, of the other part, as regards the amendment of that Agreement by replacing Protocol 3 thereto concerning the definition of the concept of ‘originating products’ and methods of administrative cooperation**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular the first subparagraph of Article 207(4), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Euro-Mediterranean Interim Association Agreement on trade and cooperation between the European Community, of the one part, and the Palestinian Liberation Organization (PLO) for the benefit of the Palestinian Authority of the West Bank and Gaza Strip, of the other part (‘the Agreement’), was concluded by the Union by Council Decision 97/430/EC <sup>(1)</sup> and entered into force on 1 July 1997.
- (2) The Agreement includes Protocol 3 concerning the definition of the concept of ‘originating products’ and methods of administrative cooperation (‘Protocol 3’). Pursuant to Article 3 of Protocol 3, the Joint Committee established by Article 63 of the Agreement (‘the Joint Committee’) may decide to amend the provisions of Protocol 3.
- (3) The Joint Committee will adopt a decision amending the Agreement by replacing Protocol 3 (‘decision’) during its next meeting, before the end of 2023.
- (4) It is appropriate to establish the position to be taken on the Union’s behalf within the Joint Committee, as the decision will have binding legal effects in the Union.
- (5) The Regional Convention on pan-Euro-Mediterranean preferential rules of origin (‘the Convention’) was concluded by the Union by Council Decision 2013/94/EU <sup>(2)</sup> and entered into force in relation to the Union on 1 May 2012. It lays down provisions on the origin of goods traded under relevant bilateral free trade agreements concluded between the Contracting Parties to the Convention, which apply without prejudice to the principles laid down in those bilateral agreements.
- (6) Article 6 of the Convention provides that each Contracting Party is to take appropriate measures to ensure that the Convention is effectively applied. To that effect, the decision will introduce a dynamic reference to the Convention in Protocol 3, so as to refer always to the latest version of the Convention in force.
- (7) Discussions on amending the Convention have resulted in a new set of modernised and more flexible rules of origin to be incorporated into the Convention. Pending the conclusion and entry into force of the amendment of the Convention, the Union and the Palestinian Liberation Organization (PLO) for the benefit of the Palestinian Authority of the West Bank and Gaza Strip have agreed to apply as soon as possible an alternative set of rules of origin based on those of the amended Convention, which may be used bilaterally as alternative rules of origin to those laid down in the Convention (‘Transitional rules’). To that effect, the decision will also provide for the Transitional rules.

<sup>(1)</sup> Council Decision 97/430/EC of 2 June 1997 concerning the conclusion of the Euro-Mediterranean Interim Association Agreement on trade and cooperation between the European Community, of the one part, and the Palestine Liberation Organization (PLO) for the benefit of the Palestinian Authority of the West Bank and the Gaza Strip (OJ L 187, 16.7.1997, p. 1).

<sup>(2)</sup> Council Decision 2013/94/EU of 26 March 2012 on the conclusion of the Regional Convention on pan-Euro-Mediterranean preferential rules of origin (OJ L 54, 26.2.2013, p. 3).

(8) The position of the Union within the Joint Committee should therefore be based on the draft decision,

HAS ADOPTED THIS DECISION:

*Article 1*

The position to be taken on the Union's behalf within the Joint Committee established by the Euro-Mediterranean Interim Association Agreement on trade and cooperation between the European Community, of the one part, and the Palestinian Liberation Organization (PLO) for the benefit of the Palestinian Authority of the West Bank and Gaza Strip, of the other part, as regards the amendment of that Agreement by replacing Protocol 3 thereto, shall be based on the draft decision of the Joint Committee <sup>(3)</sup>.

*Article 2*

This Decision shall enter into force on the date of its adoption and shall expire on 31 December 2023.

Done at Brussels, 7 December 2020.

*For the Council*  
*The President*  
M. ROTH

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<sup>(3)</sup> See document ST 11125/20 on <http://register.consilium.europa.eu>

**COUNCIL DECISION (EU, Euratom) 2020/2030**  
**of 10 December 2020**  
**amending the Council's Rules of Procedure**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 240(3) thereof,

Whereas:

- (1) When an act is to be adopted by the Council acting by qualified majority, it has to be verified that the Member States constituting the qualified majority represent at least 65 % of the population of the Union.
- (2) That percentage is calculated according to the population figures set out in Annex III to the Council's Rules of Procedure ('the Rules of Procedure') <sup>(1)</sup>.
- (3) Article 11(6) of the Rules of Procedure provides that, with effect from 1 January each year, the Council is to amend the figures set out in that Annex, in accordance with the data available to the Statistical Office of the European Union on 30 September of the preceding year.
- (4) The Rules of Procedure should therefore be amended accordingly for the year 2021.
- (5) In accordance with Article 106a of the Treaty establishing the European Atomic Energy Community, Article 240 of the Treaty on the Functioning of the European Union applies to the European Atomic Energy Community,

HAS ADOPTED THIS DECISION:

*Article 1*

Annex III to the Rules of Procedure is replaced by the following:

‘ANNEX III

**Figures concerning the population of the Union and the population of each Member State for implementing the provisions concerning qualified majority voting in the Council**

| Member State | Population | Percentage of the population of the Union (%) |
|--------------|------------|-----------------------------------------------|
| Germany      | 83 100 961 | 18,54                                         |
| France       | 67 098 824 | 14,97                                         |
| Italy        | 60 897 891 | 13,58                                         |
| Spain        | 47 329 981 | 10,56                                         |
| Poland       | 37 958 138 | 8,47                                          |
| Romania      | 19 317 984 | 4,31                                          |
| Netherlands  | 17 549 457 | 3,91                                          |
| Belgium      | 11 549 888 | 2,58                                          |
| Greece       | 10 709 739 | 2,39                                          |

<sup>(1)</sup> Council Decision 2009/937/EU of 1 December 2009 adopting the Council's Rules of Procedure (OJ L 325, 11.12.2009, p. 35).

| Member State     | Population   | Percentage of the population of the Union (%) |
|------------------|--------------|-----------------------------------------------|
| Czechia          | 10 557 001   | 2,35                                          |
| Sweden           | 10 330 000   | 2,30                                          |
| Portugal         | 10 295 909   | 2,30                                          |
| Hungary          | 9 769 526    | 2,18                                          |
| Austria          | 8 897 000    | 1,98                                          |
| Bulgaria         | 6 951 482    | 1,55                                          |
| Denmark          | 5 816 443    | 1,30                                          |
| Finland          | 5 521 292    | 1,23                                          |
| Slovakia         | 5 457 873    | 1,22                                          |
| Ireland          | 4 964 440    | 1,11                                          |
| Croatia          | 4 058 165    | 0,91                                          |
| Lithuania        | 2 794 090    | 0,62                                          |
| Slovenia         | 2 095 861    | 0,47                                          |
| Latvia           | 1 907 675    | 0,43                                          |
| Estonia          | 1 328 976    | 0,30                                          |
| Cyprus           | 888 005      | 0,20                                          |
| Luxembourg       | 623 962      | 0,14                                          |
| Malta            | 514 564      | 0,11                                          |
| EU-27            | 448 285 127  |                                               |
| Threshold (65 %) | 291 385 333' |                                               |

#### Article 2

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

It shall apply from 1 January 2021.

Done at Brussels, 10 December 2020.

For the Council  
The President  
M. ROTH

**COUNCIL DECISION (CFSP) 2020/2031**  
**of 10 December 2020**  
**amending Decision 2012/389/CFSP on the European Union Capacity Building Mission in Somalia**  
**(EUCAP Somalia)**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 42(4) and 43(2) thereof,

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

Whereas:

- (1) On 16 July 2012 the Council adopted Decision 2012/389/CFSP <sup>(1)</sup> concerning the European Union Mission on Regional Maritime Capacity Building in the Horn of Africa (EUCAP NESTOR).
- (2) On 12 December 2016 the Council adopted Decision (CFSP) 2016/2240 <sup>(2)</sup>, which amended the Mission's mandate to focus it on capacity building in Somalia and changed the Mission's name to EUCAP Somalia.
- (3) On 10 December 2018 the Council adopted Decision (CFSP) 2018/1942 <sup>(3)</sup> amending Decision 2012/389/CFSP to extend EUCAP Somalia and provide it with a financial reference amount for the period until 31 December 2020. This financial reference amount was increased by Council Decision (CFSP) 2020/663 <sup>(4)</sup>.
- (4) In the context of the Holistic and coordinated Strategic Review of CSDP engagement in Somalia and the Horn of Africa, the Political and Security Committee agreed to extend EUCAP Somalia until 31 December 2022 and to amend its mandate.
- (5) Decision 2012/389/CFSP should be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

Decision 2012/389/CFSP is amended as follows:

- (1) Articles 2 and 3 are replaced by the following:

*'Article 2*

**Mission Statement**

1. EUCAP Somalia shall assist Somalia in strengthening its maritime security capacity in order to enable it to enforce maritime law more effectively.
2. In addition, EUCAP Somalia shall assist Somalia in strengthening its police capacity in order to support the implementation of the Somali Transition Plan for the transfer of security responsibilities to the Somali authorities.

<sup>(1)</sup> Council Decision 2012/389/CFSP of 16 July 2012 on the European Union Capacity Building Mission in Somalia (EUCAP Somalia) (OJ L 187, 17.7.2012, p. 40).

<sup>(2)</sup> Council Decision (CFSP) 2016/2240 of 12 December 2016 amending Decision 2012/389/CFSP on the European Union Mission on Regional Maritime Capacity Building in the Horn of Africa (EUCAP NESTOR) (OJ L 337, 13.12.2016, p. 18).

<sup>(3)</sup> Council Decision (CFSP) 2018/1942 of 10 December 2018 extending and amending Decision 2012/389/CFSP on the European Union Capacity Building Mission in Somalia (EUCAP Somalia) (OJ L 314, 11.12.2018, p. 56).

<sup>(4)</sup> Council Decision (CFSP) 2020/663 of 18 May 2020 amending Decision 2012/389/CFSP on the European Union Capacity Building Mission in Somalia (EUCAP Somalia) (OJ L 157, 19.5.2020, p. 1).

*Article 3***Objectives and tasks**

1. In order to achieve the Mission Statement set out in Article 2, EUCAP Somalia shall:
    - (a) enhance the Somali maritime civilian law enforcement capacity to exert effective maritime governance over its coastline, internal waters, territorial sea and exclusive economic zone;
    - (b) reinforce the Somali capacity to carry out fisheries inspections and enforcement, ensure maritime search and rescue, counter smuggling, fight piracy and police the coastal zone on land and at sea;
    - (c) strengthen the capacity of the Ministry of Internal Security and of the Somali police services to implement the Somali Transition Plan for the transfer of security responsibilities to the Somali authorities.
  2. In order to pursue these objectives, EUCAP Somalia shall support the Somali authorities in developing the necessary legislation and in setting up judicial authorities through:
    - (a) providing the necessary mentoring, advice, training and equipment to Somali maritime civilian law enforcement entities;
    - (b) providing advice and mentoring, as feasible, on policy, command, control and coordination, as well as providing project support and equipment, to the Ministry of Internal Security and the Somali police services in support of initiatives from the Union and international partners.
  3. In order to achieve these objectives, EUCAP Somalia shall operate in accordance with the lines of operation and tasks set out in the operational planning documents approved by the Council.
  4. EUCAP Somalia shall not carry out any executive function.’;
- (2) in Article 13(1), the following subparagraph is added:
- ‘The financial reference amount intended to cover the expenditure related to EUCAP Somalia for the period from 1 January 2021 to 31 December 2022 shall be EUR 87 780 000.’;
- (3) in Article 14, paragraphs 4 and 5 are replaced by the following:
- ‘4. The Head of Mission shall cooperate with the other international actors in the region, in particular the United Nations (UN) Political Office for Somalia, the UN Office on Drugs and Crime, the UN Development Programme, INTERPOL and the International Maritime Organisation.
5. The Head of Mission shall coordinate closely with Atalanta, the European Union military mission to contribute to the training of Somali security forces (EUTM Somalia) and the relevant Union assistance programmes.’;
- (4) in Article 16, the last sentence is replaced by the following:
- ‘It shall apply until 31 December 2022.’.

*Article 2*

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

Done at Brussels, 10 December 2020.

*For the Council*  
*The President*  
M. ROTH

**COUNCIL DECISION (CFSP) 2020/2032****of 10 December 2020****amending Decision 2010/96/CFSP on a European Union military mission to contribute to the training of Somali security forces**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Articles 42(4) and 43(2) thereof,

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

Whereas:

- (1) On 15 February 2010 the Council adopted Decision 2010/96/CFSP <sup>(1)</sup>, establishing a European Union military mission to contribute to the training of Somali security forces (EUTM Somalia).
- (2) On 19 November 2018 the Council adopted Decision (CFSP) 2018/1787 <sup>(2)</sup>, extending EUTM Somalia until 31 December 2020.
- (3) In the context of the Holistic and coordinated Strategic Review of CSDP engagement in Somalia and the Horn of Africa, the Political and Security Committee has recommended that the mandate of EUTM Somalia be extended until 31 December 2022.
- (4) Decision 2010/96/CFSP should be amended accordingly.
- (5) In accordance with Article 5 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 does not participate in the elaboration and implementation of decisions and actions of the Union which have defence implications. Denmark does not participate in the implementation of this Decision and therefore does not participate in the financing of this mission,

HAS ADOPTED THIS DECISION:

*Article 1*

Decision 2010/96/CFSP is amended as follows:

- (1) Article 1 is replaced by the following:

*'Article 1*

**Mission**

1. The Union shall conduct a military training mission (EUTM Somalia), in order to contribute to the building up and strengthening of the Somali National Armed Forces (SNAF) accountable to the Somali National Government, consistent with Somali needs and priorities and to support the implementation of the Somali Transition Plan for the transfer of security responsibilities to the Somali authorities.
2. In order to achieve the objectives set out in paragraph 1, the EU military mission shall be deployed in Somalia in order to address both institutional building in the defence sector through strategic advice as well as direct support to SNAF through training, advice and mentoring.

<sup>(1)</sup> Council Decision 2010/96/CFSP of 15 February 2010 on a European Union military mission to contribute to the training of Somali security forces (OJ L 44, 19.2.2010, p. 16).

<sup>(2)</sup> Council Decision (CFSP) 2018/1787 of 19 November 2018 amending and extending Decision 2010/96/CFSP on a European Union military mission to contribute to the training of Somali security forces (OJ L 293, 20.11.2018, p. 9).

3. From 2021 onwards, EUTM Somalia shall, in particular, support the development of the Somali-owned Training System with a view to gradually handing over, in principle, training to SNAF by the end of 2022. EUTM Somalia shall provide mentoring for Somali-owned and Somali-provided training and establish a capacity to track and assess units it has trained. EUTM Somalia shall also provide support, as necessary and within its means and capabilities, to other Union actors in the implementation of their respective mandates in the security and defence area in Somalia, notably to EUCAP Somalia with regard to the interoperability between SNAF and the Somali police force, and to the African Peace Facility support package, or to any future Union support to the Somali Security Forces.

4. Subject to approval by the Political and Security Committee and within its means and capabilities, EUTM Somalia shall plan and conduct decentralised activities in support of SNAF regional Headquarters.

5. The implementation of the mandated activities in Somalia shall depend on the security conditions in Somalia and political guidance by the Political and Security Committee.;

(2) in Article 3, paragraphs 2 and 3 are replaced by the following:

‘2. The Mission Force Headquarters shall be located in Mogadishu and shall operate under the command of the EU Mission Force Commander. It shall include support cells in Brussels and Nairobi, as well as a liaison office in Djibouti. The Brussels support cell shall be located in the MPCC.;

(3) in Article 7, paragraph 3 is replaced by the following:

‘3. EUTM Somalia shall maintain and enhance coordination with Atalanta, with EUCAP Somalia and with the relevant Union assistance programmes. The MPCC shall, in accordance with its mandate laid down in Council Decision (CFSP) 2017/971 (\*), facilitate such coordination and information exchange with a view to increasing coherence, efficiency and synergies between the Common Security and Defence Policy missions and operation in the region.

(\*) Council Decision (CFSP) 2017/971 of 8 June 2017 determining the planning and conduct arrangements for EU non-executive military CSDP missions and amending Decisions 2010/96/CFSP on a European Union military mission to contribute to the training of Somali security forces, 2013/34/CFSP on a European Union military mission to contribute to the training of the Malian armed forces (EUTM Mali) and (CFSP) 2016/610 on a European Union CSDP military training mission in the Central African Republic (EUTM RCA) (OJ L 146, 9.6.2017, p. 133).;

(4) in Article 10, the following paragraph is added:

‘8. The financial reference amount for the common costs of the EU military mission for the period from 1 January 2021 until 31 December 2022 shall be EUR 25 234 700. The percentage of the reference amount referred to in Article 25(1) of Decision (CFSP) 2015/528 shall be 0 % and the percentage referred to in Article 34(3) of that Decision shall be 0 %.’;

(5) in Article 12, paragraph 2 is replaced by the following:

‘2. The mandate of the EU military mission shall end on 31 December 2022.’.

#### *Article 2*

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

Done at Brussels, 10 December 2020.

*For the Council*  
*The President*  
M. ROTH

**COUNCIL DECISION (CFSP) 2020/2033**  
**of 10 December 2020**  
**amending Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo**

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 20 December 2010, the Council adopted Decision 2010/788/CFSP <sup>(1)</sup> concerning restrictive measures against the Democratic Republic of the Congo (DRC).
- (2) On 12 December 2016, the Council adopted Decision (CFSP) 2016/2231 <sup>(2)</sup> in response to the obstruction of the electoral process and the related human rights violations in the DRC. Decision (CFSP) 2016/2231 amended Decision 2010/788/CFSP and introduced autonomous restrictive measures in Article 3(2) of Decision 2010/788/CFSP.
- (3) On the basis of a review of the restrictive measures laid down in Article 3(2) of Decision 2010/788/CFSP, those measures should be renewed until 12 December 2021 and one person should be removed from the list in Annex II to that Decision.
- (4) The statements of reasons relating to certain persons listed in Annex II to Decision 2010/788/CFSP should be amended.
- (5) Decision 2010/788/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

*Article 1*

Decision 2010/788/CFSP is amended as follows:

- (1) in Article 9, paragraph 2 is replaced by the following:  
‘2. The measures referred to in Article 3(2) shall apply until 12 December 2021. They shall be renewed, or amended as appropriate, if the Council deems that their objectives have not been met.’;
- (2) Annex II to Decision 2010/788/CFSP is replaced by the text appearing in the Annex to this Decision.

*Article 2*

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

Done at Brussels, 10 December 2020.

*For the Council*  
*The President*  
M. ROTH

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<sup>(1)</sup> Council Decision 2010/788/CFSP of 20 December 2010 concerning restrictive measures against the Democratic Republic of the Congo and repealing Common Position 2008/369/CFSP (OJ L 336, 21.12.2010, p. 30).

<sup>(2)</sup> Council Decision (CFSP) 2016/2231 of 12 December 2016 amending Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo (OJ L 336I, 12.12.2016, p. 7).

## LIST OF PERSONS AND ENTITIES REFERRED TO IN ARTICLE 3(2)

## A. Persons

|   | Name                | Identifying information                                                                                                                                                                                                                                                                           | Grounds for listing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Date of listing |
|---|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 1 | Ilunga KAMPETE      | <p>a.k.a. Gaston Hughes Ilunga Kampete; Hugues Raston Ilunga Kampete</p> <p>DOB: 24.11.1964</p> <p>POB: Lubumbashi, DRC</p> <p>Nationality: DRC</p> <p>Military ID number: 1-64-86-22311-29</p> <p>Address: 69, avenue Nyangwile, Kinsuka Mimosas, Kinshasa/Ngaliema, DRC</p> <p>Gender: Male</p> | <p>As Commander of the Republican Guard (GR) until April 2020, Ilunga Kampete was responsible for the GR units deployed on the ground and involved in the disproportionate use of force and violent repression in September 2016 in Kinshasa.</p> <p>He was also responsible for the repression and infringement of human rights committed by GR agents, such as the violent repression of an opposition rally in Lubumbashi in December 2018.</p> <p>Since July 2020, he remains a high-ranking soldier, as a Lieutenant General in the Congolese Armed Forces (FARDC) and Commander of the Kitona military base in the province of Kongo Central. By virtue of his functions, he bears responsibility for the recent human rights violations committed by the FARDC.</p> <p>Ilunga Kampete was therefore involved in planning, directing or committing acts that constitute serious human rights violations or abuses in the DRC.</p> | 12.12.2016      |
| 2 | Gabriel Amisi KUMBA | <p>a.k.a. Gabriel Amisi Nkumba; “Tango Fort”; “Tango Four”</p> <p>DOB: 28.5.1964</p> <p>POB: Malela, DRC</p> <p>Nationality: DRC</p> <p>Military ID number: 1-64-87-77512-30</p> <p>Address: 22, avenue Mbenseke, Ma Campagne, Kinshasa/Ngaliema, DRC</p> <p>Gender: Male</p>                     | <p>Former Commander of the first defence zone of the Congolese Armed Forces (FARDC), which took part in the disproportionate use of force and violent repression in September 2016 in Kinshasa.</p> <p>In his capacity as Deputy Chief of Staff of the FARDC in charge of operations and intelligence from July 2018 to July 2020, and owing to his senior duties as Inspector General of the FARDC since July 2020, he bears responsibility for recent human rights violations committed by the FARDC.</p> <p>Gabriel Amisi Kumba was therefore involved in planning, directing or committing acts that constitute serious human rights violations or abuses in the DRC.</p>                                                                                                                                                                                                                                                           | 12.12.2016      |

|   | Name                    | Identifying information                                                                                                                                                                                                                                                                                                                                                                                           | Grounds for listing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Date of listing |
|---|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 3 | Ferdinand Ilunga LUYOYO | <p>DOB: 8.3.1973</p> <p>POB: Lubumbashi, DRC</p> <p>Nationality: DRC</p> <p>DRC passport number: OB0260335 (valid from 15.4.2011 to 14.4.2016)</p> <p>Address: 2, avenue des Orangers, Kinshasa/Gombe, DRC</p> <p>Gender: Male</p>                                                                                                                                                                                | <p>As Commander of the anti-riot unit called the <i>Légion Nationale d'Intervention</i> of the Congolese National Police (PNC) until 2017, and Commander of the unit responsible for the protection of institutions and high-ranking officials within the PNC until December 2019, Ferdinand Ilunga Luyoyo was responsible for the disproportionate use of force and violent repression in September 2016 in Kinshasa, and bears responsibility for the subsequent human rights violations committed by the PNC.</p> <p>Ferdinand Ilunga Luyoyo was therefore involved in planning, directing or committing acts that constitute serious human rights violations or abuses in the DRC.</p> <p>Ferdinand Ilunga Luyoyo has retained his rank of General and remains active on the public scene in the DRC.</p>                                                                   | 12.12.2016      |
| 4 | Célestin KANYAMA        | <p>a.k.a. Kanyama Tshisiku Celestin; Kanyama Celestin Cishiku Antoine; Kanyama Cishiku Bilolo Célestin; "Esprit de mort"</p> <p>DOB: 4.10.1960</p> <p>POB: Kananga, DRC</p> <p>Nationality: DRC</p> <p>DRC passport number: OB0637580 (valid from 20.5.2014 to 19.5.2019)</p> <p>Schengen visa number 011518403, issued on 2.7.2016</p> <p>Address: 56, avenue Usika, Kinshasa/Gombe, DRC</p> <p>Gender: Male</p> | <p>As Commissioner of the Congolese National Police (PNC), Célestin Kanyama was responsible for the disproportionate use of force and violent repression in September 2016 in Kinshasa.</p> <p>In July 2017, Célestin Kanyama was appointed Director-General of the PNC's training schools. Owing to his role as a senior PNC official, he bears responsibility for the recent human rights violations committed by the PNC. One example is the intimidation and deprivation of freedom imposed on journalists by police officers in October 2018, after the publication of a series of articles on the misappropriation of police cadet rations, and the role that Célestin Kanyama played in these events.</p> <p>Célestin Kanyama was therefore involved in planning, directing or committing acts that constitute serious human rights violations or abuses in the DRC.</p> | 12.12.2016      |
| 5 | John NUMBI              | <p>a.k.a. John Numbi Banza Tambo; John Numbi Banza Ntambo; Tambo Numbi</p> <p>DOB: 16.8.1962</p> <p>POB: Jadotville-Likasi-Kolwezi, DRC</p> <p>Nationality: DRC</p> <p>Address: 5, avenue Oranger, Kinshasa/Gombe, DRC</p> <p>Gender: Male</p>                                                                                                                                                                    | <p>John Numbi was Inspector General of the Congolese Armed Forces (FARDC) from July 2018 until July 2020. Owing to his role, he bears responsibility for the recent human rights violations committed by the FARDC, such as disproportionate violence against illegal miners from June to July 2019 committed by FARDC troops under his direct authority.</p> <p>John Numbi was therefore involved in planning, directing or committing acts that constitute serious human rights violations or abuses in the DRC.</p> <p>John Numbi retains a position of influence in the FARDC, especially in Katanga, where serious human rights violations committed by the FARDC have been reported.</p>                                                                                                                                                                                  | 12.12.2016      |

|   | Name                        | Identifying information                                                                                                                                                                                                                                                                                                                         | Grounds for listing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Date of listing |
|---|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 6 | Evariste BOSHAB             | <p>a.k.a. Evariste Boshab Mabub Ma Bileng</p> <p>DOB: 12.1.1956</p> <p>POB: Tete Kalamba, DRC</p> <p>Nationality: DRC</p> <p>Diplomatic passport number: DP0000003 (valid from 21.12.2015 to 20.12.2020)</p> <p>Schengen visa expired on 5.1.2017</p> <p>Address: 3, avenue du Rail, Kinshasa/Gombe, DRC</p> <p>Gender: Male</p>                | <p>In his capacity as Vice Prime Minister and Minister of Interior and Security from December 2014 to December 2016, Evariste Boshab was officially responsible for the police and security services and for coordinating the work of provincial governors. In this capacity, he was responsible for arrests of activists and opposition members, as well as disproportionate use of force, including between September 2016 and December 2016 in response to demonstrations in Kinshasa, which resulted in a large number of civilians being killed or injured by security services.</p> <p>Evariste Boshab was therefore involved in planning, directing or committing acts that constitute serious human rights violations or abuses in the DRC.</p> <p>Evariste Boshab also played a part in the exploitation and aggravation of the crisis in the Kasai region, where he maintains a position of influence, in particular since becoming Senator of Kasai in March 2019.</p> | 29.5.2017       |
| 7 | Alex Kande MUPOMPA          | <p>a.k.a. Alexandre Kande Mupomba; Kande-Mupompa</p> <p>DOB: 23.9.1950</p> <p>POB: Kananga, DRC</p> <p>Nationality: DRC and Belgian</p> <p>DRC passport number: OP0024910 (valid from 21.3.2016 to 20.3.2021)</p> <p>Addresses: Messidorlaan 217/25, 1180 Uccle, Belgium</p> <p>1, avenue Bumba, Kinshasa/Ngaliema, DRC</p> <p>Gender: Male</p> | <p>As Governor of Kasai Central until October 2017, Alex Kande Mupompa was responsible for the disproportionate use of force, violent repression and extrajudicial killings committed by security forces and the Congolese National Police (PNC) in Kasai Central from August 2016, including killings in the territory of Dibaya in February 2017.</p> <p>Alex Kande Mupompa was therefore involved in planning, directing or committing acts that constitute serious human rights violations or abuses in the DRC.</p> <p>Alex Kande Mupompa also played a part in the exploitation and aggravation of the crisis in the Kasai region for which he was a representative until October 2019 and in which he maintains a position of influence as leader of the <i>Congrès des alliés pour l'action au Congo</i> (CAAC) which is part of the provincial government of Kasai.</p>                                                                                                  | 29.5.2017       |
| 8 | Jean-Claude Kazembe MUSONDA | <p>DOB: 17.5.1963</p> <p>POB: Kashobwe, DRC</p> <p>Nationality: DRC</p> <p>Address: 7891, avenue Lubembe, Quartier Lido, Lubumbashi, Haut-Katanga, DRC</p>                                                                                                                                                                                      | <p>As Governor of Haut-Katanga until April 2017, Jean-Claude Kazembe Musonda was responsible for the disproportionate use of force and violent repression committed by security forces and the Congolese National Police (PNC) in Haut-Katanga, including between 15 and 31 December 2016, when 12 civilians were killed and 64 were injured as a result of the use of lethal force by security forces including PNC agents in response to protests in Lubumbashi.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 29.5.2017       |

|    | Name                       | Identifying information                                                                                                                                                                                                                                                                 | Grounds for listing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Date of listing |
|----|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
|    |                            | Gender: Male                                                                                                                                                                                                                                                                            | Jean-Claude Kazembe Musonda was therefore involved in planning, directing or committing acts that constitute serious human rights violations or abuses in the DRC.<br><br>Jean-Claude Kazembe Musonda is the leader of the CONAKAT party, which has remained loyal to the <i>Front Commun pour le Congo</i> (FCC).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                 |
| 9  | Éric RUHORIMBERE           | a.k.a. Eric Ruhorimbere Ruhanga; “Tango Two”; “Tango Deux”<br><br>DOB: 16.7.1969<br><br>POB: Minembwe, DRC<br><br>Nationality: DRC<br><br>Military ID number: 1-69-09-51400-64<br><br>DRC passport number: OB0814241<br><br>Address: Mbujimayi, Kasai Province, DRC<br><br>Gender: Male | As Deputy Commander of the 21st military region from September 2014 to July 2018, Éric Ruhorimbere was responsible for the disproportionate use of force and extrajudicial killings perpetrated by the Congolese Armed Forces (FARDC), in particular against the Nsapu militia and women and children.<br><br>Éric Ruhorimbere has been the Commander of the Nord Equateur operational sector since July 2018. Owing to his role, he bears responsibility for the recent human rights violations committed by the FARDC.<br><br>Éric Ruhorimbere was therefore involved in planning, directing or committing acts that constitute serious human rights violations or abuses in the DRC.                                                                                                                                                                                                                                                                                                                                                                           | 29.5.2017       |
| 10 | Emmanuel Ramazani SHA-DARI | a.k.a. Emmanuel Ramazani Shadari Mulanda; Shadary<br><br>DOB: 29.11.1960<br><br>POB: Kasongo, DRC<br><br>Nationality: DRC<br><br>Address: 28, avenue Ntela, Mont Ngafula, Kinshasa, DRC<br><br>Gender: Male                                                                             | As Vice Prime Minister and Minister of Interior and Security until February 2018, Emmanuel Ramazani Shadari was officially responsible for the police and security services and for coordinating the work of provincial governors. In this capacity, he was responsible for the arrests of activists and opposition members, as well as for the disproportionate use of force, such as the violent crackdown on members of the Bundu Dia Kongo (BDK) movement in Kongo Central, the repression in Kinshasa from January to February 2017 and the disproportionate use of force and violent repression in the Kasai provinces.<br><br>In this capacity, Emmanuel Ramazani Shadari was therefore involved in planning, directing or committing acts that constitute serious human rights violations or abuses in the DRC.<br><br>Since February 2018, Emmanuel Ramazani Shadari has been permanent secretary of the <i>Parti du peuple pour la reconstruction et le développement</i> (PPRD), the main party in the coalition under former President Joseph Kabila. | 29.5.2017       |

|    | Name          | Identifying information                                                                                                                                                                                                                                                                                                                         | Grounds for listing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Date of listing |
|----|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| 11 | Kalev MUTONDO | <p>a.k.a. Kalev Katanga Mutondo; Kalev Motono; Kalev Mutundo; Kalev Mutoid; Kalev Mutombo; Kalev Mutond; Kalev Mutondo Katanga; Kalev Mutund</p> <p>DOB: 3.3.1957</p> <p>Nationality: DRC</p> <p>DRC passport number: DB0004470 (valid from 8.6.2012 to 7.6.2017)</p> <p>Address: 24, avenue Ma Campagne, Kinshasa, DRC</p> <p>Gender: Male</p> | <p>As Head of the National Intelligence Service (ANR) until February 2019, Kalev Mutondo was involved in and responsible for the arbitrary arrest, detention and mistreatment of opposition members, civil society activists and others.</p> <p>Kalev Mutondo was therefore involved in planning, directing or committing acts that constitute serious human rights violations or abuses in the DRC.</p> <p>In May 2019, he signed a declaration of past and future loyalty to Joseph Kabila, to whom he remains close.</p> <p>Kalev Mutondo still wields a high degree of political influence, in his new role as “political advisor” to the Prime Minister of the DRC.</p> | 29.5.2017       |

#### B. Entities'

## CORRIGENDA

**Corrigendum to Directive (EU) 2018/1972 of the European Parliament and of the Council of 11 December 2018 establishing the European Electronic Communications Code***(Official Journal of the European Union L 321 of 17 December 2018)*

On page 205, Annex XI, point 3:

*for:*

‘3. Interoperability for car radio receivers

Any car radio receiver integrated in a new vehicle of category M which is made available on the market for sale or rent in the Union from 21 December 2020 shall comprise ...’,

*read:*

‘3. Interoperability for car radio receivers

Any car radio receiver integrated in a new vehicle of category M which is placed on the market for sale or rent in the Union from 21 December 2020 shall comprise ...’.

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