COUNCIL REGULATION (EU) 2019/1778

of 24 October 2019

amending Regulation (EU) No 1284/2009 imposing certain specific restrictive measures in respect of the Republic of Guinea

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 thereof,

Having regard to Council Decision 2010/638/CFSP of 25 October 2010 concerning restrictive measures against the Republic of Guinea ([1]),

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

Whereas:

(1) Council Regulation (EU) No 1284/2009 ([2]) gives effect to several restrictive measures provided for in Decision 2010/638/CFSP.

(2) On 24 October 2019, the Council adopted Decision (CFSP) 2019/1790 ([3]), which amended Decision 2010/638/CFSP by introducing an article on the processing of personal data by the Council and the High Representative.

(3) For the implementation of Regulation (EU) No 1284/2009, and in order to ensure maximum legal certainty within the Union, the names of and other relevant data concerning natural and legal persons, entities and bodies whose funds and economic resources are frozen in accordance with that Regulation should be made public. Any processing of personal data must comply with Regulations (EU) 2016/679 ([4]) and (EU) 2018/1725 ([5]) of the European Parliament and of the Council.

(4) Regulation (EU) No 1284/2009 should therefore be amended accordingly,

([1]) OJ L 280, 26.10.2010, p. 10.
([2]) Council Regulation (EU) No 1284/2009 of 22 December 2009 imposing certain specific restrictive measures in respect of the Republic of Guinea (OJ L 346, 23.12.2009, p. 26).
([3]) Council Decision (CFSP) 2019/1790 of 24 October 2019 amending Decision 2010/638/CFSP concerning restrictive measures against the Republic of Guinea (see page 153 of this Official Journal).
([4]) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).
([5]) Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

HAS ADOPTED THIS REGULATION:

Article 1

The following article is inserted in Regulation (EU) No 1284/2009:

'*Article 16a*

1. The Council, the Commission and the High Representative of the Union for Foreign Affairs and Security Policy (the "High Representative") may process personal data in order to carry out their tasks under this Regulation. These tasks include:

(a) as regards the Council, preparing and making amendments to Annex I;

(b) as regards the High Representative, preparing amendments to Annex I;

(c) as regards the Commission:

(i) adding the contents of Annex I to the electronic consolidated list of persons, groups and entities subject to Union financial restrictive measures and in the interactive sanctions map, both publicly available;

(ii) processing information on the impact of measures taken under this Regulation, such as the value of frozen funds and information on authorisations granted by the competent authorities.

2. The Council, the Commission and the High Representative may process, where applicable, relevant data relating to criminal offences committed by listed natural persons, to criminal convictions of such persons or to security measures concerning such persons, only to the extent that such processing is necessary for the preparation of Annex I.

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

Article 2

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

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

Done at Luxembourg, 24 October 2019.

For the Council
The President
A.-K. PEKONEN