

Council Decision 2012/635/CFSP of 15 October 2012 amending
Decision 2010/413/CFSP concerning restrictive measures against Iran

Article 1

Council Decision 2010/413/CFSP is hereby amended as follows:

- (1) the following Article is added:

Article 3e

1 The import, purchase or transport of Iranian natural gas shall be prohibited.
The Union shall take the necessary measures in order to determine the relevant items to be covered by this provision.

2 It shall be prohibited to provide, directly or indirectly, financing or financial assistance - including financial derivatives, as well as insurance and reinsurance and brokering services relating to insurance and reinsurance - related to the import, purchase or transport of Iranian natural gas.

3 The prohibition in paragraph 1 shall be without prejudice to the execution of contracts for the delivery of natural gas of a State other than Iran to an EU Member State;

- (2) Article 4b is replaced by the following:

Article 4b

1 The prohibition set out in Article 4(1) shall be without prejudice to the execution, until 15 April 2013, of any obligation relating to the delivery of goods provided for in contracts concluded before 26 July 2010 or 16 October 2012.

2 The prohibitions set out in Article 4 shall be without prejudice to the execution, until 15 April 2013, of any obligation arising from contracts concluded before 26 July 2010 or 16 October 2012 and relating to investments made in Iran before those dates by enterprises established in Member States.

3 The prohibition in Article 4a(1) shall be without prejudice to the execution, until 15 April 2013, of an obligation relating to the delivery of goods provided for in contracts concluded before 23 January 2012 or 16 October 2012.

4 The prohibitions in Article 4a shall be without prejudice to the execution, until 15 April 2013, of an obligation arising from contracts concluded before 23 January 2012 or 16 October 2012 and relating to investments made in Iran before those dates by enterprises established in Member States.

5 Paragraphs 1 and 2 are without prejudice to the execution of obligations referred to in Article 3c(2) provided that those obligations arise from service contracts or ancillary contracts necessary for their execution and provided that the execution of those obligations has been authorised in advance by the relevant Member State. The relevant Member State shall inform the other Member States and the Commission of its intention to grant an authorisation.

6 Paragraphs 3 and 4 are without prejudice to the execution of obligations referred to in Article 3d(2) provided that those obligations arise from service contracts or ancillary contracts necessary for their execution and provided that the execution of those obligations has been authorised in advance by the relevant Member State. The

Changes to legislation: There are currently no known outstanding effects for the Council Decision 2012/635/CFSP, Article 1. (See end of Document for details)

relevant Member State shall inform the other Member States and the Commission of its intention to grant an authorisation;

(3) the following Articles are added:

Article 4e

1 The sale, supply or transfer to Iran of graphite, and raw or semi-finished metals, such as aluminium and steel, which are relevant to industries controlled directly or indirectly by the Iranian Revolutionary Guard Corps or which are relevant to Iran's nuclear, military and ballistic missile programme, by nationals of Member States, or from the territories of Member States, or using vessels or aircraft under the jurisdiction of Member States, shall be prohibited whether or not originating in their territories.

The Union shall take the necessary measures in order to determine the relevant items to be covered by this provision.

2 It shall also be prohibited to:

- a provide Iran with technical assistance or training and other services related to items referred to in paragraph 1;
- b provide Iran with financing or financial assistance for any sale, supply or transfer of items referred to in paragraph 1 or for the provision of related technical assistance and training.

3 It shall be prohibited to participate, knowingly or intentionally, in activities the object or effect of which is to circumvent the prohibitions set out in paragraphs 1 and 2.

Article 4f

The prohibitions set out in Article 4e shall be without prejudice to the execution, until 15 April 2013, of contracts concluded before 16 October 2012 or ancillary contracts necessary for the execution of such contracts.

Article 4g

1 The sale, supply or transfer of key naval equipment and technology for ship-building, maintenance or refit, to Iran or to Iranian or Iranian-owned enterprises engaged in this sector, by nationals of Member States, or from the territories of Member States, or using vessels or aircraft under the jurisdiction of Member States, shall be prohibited whether or not originating in their territories.

The Union shall take the necessary measures in order to determine the relevant items to be covered by this provision.

2 The prohibition in paragraph 1 shall be without prejudice to the supply of key naval equipment and technology to a non-Iranian-owned or controlled vessel that has been forced into an Iranian port or Iranian territorial waters under *force majeure*.

3 It shall also be prohibited to:

- a provide Iran with technical assistance or training and other services related to items referred to in paragraph 1;
- b provide Iran with financing or financial assistance for any sale, supply or transfer of items referred to in paragraph 1 or for the provision of related technical assistance and training.

- 4 It shall be prohibited to participate, knowingly or intentionally, in activities the object or effect of which is to circumvent the prohibitions set out in paragraphs 1 and 3.

Article 4h

The prohibitions in Article 4g shall be without prejudice to the execution, until 15 February 2013, of contracts concluded before 16 October 2012 or ancillary contracts necessary for the execution of such contracts.

Article 4i

- 1 The sale, supply or transfer to Iran of software for integrating industrial processes, which is relevant to industries controlled directly or indirectly by the Iranian Revolutionary Guard Corps or which is relevant to Iran's nuclear, military and ballistic missile programme, by nationals of Member States, or from the territories of Member States, or using vessels or aircraft under the jurisdiction of Member States, shall be prohibited whether or not originating in their territories.

The Union shall take the necessary measures in order to determine the relevant items to be covered by this provision.

- 2 It shall also be prohibited to:
- a provide Iran with technical assistance or training and other services related to items referred to in paragraph 1;
 - b provide Iran with financing or financial assistance for any sale, supply or transfer of items referred to in paragraph 1 or for the provision of related technical assistance and training.

- 3 It shall be prohibited to participate, knowingly or intentionally, in activities the object or effect of which is to circumvent the prohibitions set out in paragraphs 1 and 2.

Article 4j

The prohibitions in Article 4i shall be without prejudice to the execution, until 15 January 2013, of contracts concluded before 16 October 2012 or ancillary contracts necessary for the execution of such contracts.;

- (4) Article 8(1) is replaced by the following:

1. Member States shall not enter into any new short-, medium- or long-term commitments to provide financial support for trade with Iran, including the granting of export credits, guarantees or insurance, to their nationals or entities involved in such trade, nor shall Member States guarantee or reinsure such commitments.

- (5) the following Article is added:

CONSTRUCTION OF OIL TANKERS

Article 8a

- 1 Without prejudice to Article 4g, the construction or the participation in the construction of new oil tankers for Iran or for Iranian persons and entities shall be prohibited.

- 2 It shall be prohibited to provide technical assistance or financing or financial assistance to the construction of new oil tankers for Iran or for Iranian persons and entities.;

- (6) Article 10 is replaced by the following:

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Article 10

1 In order to prevent the transfer to, through, or from, the territories of Member States, or the transfer to or by nationals of Member States, entities organised under their laws (including branches abroad), or persons or financial institutions in the territories of Member States, of any financial or other assets or resources that could contribute to Iran's proliferation-sensitive nuclear activities, or the development of Iran's nuclear weapon delivery systems, financial institutions under the jurisdiction of Member States shall not enter into, or continue to participate in, any transactions with:

- a banks domiciled in Iran, including the Central Bank of Iran;
- b branches and subsidiaries, within the jurisdiction of the Member States, of banks domiciled in Iran;
- c branches and subsidiaries, outside the jurisdiction of the Member States, of banks domiciled in Iran;
- d financial entities that are not domiciled in Iran, but that are controlled by persons and entities domiciled in Iran,

unless such transactions are authorised in advance by the relevant Member State in accordance with paragraphs 2 and 3.

2 For the purpose of paragraph 1, the following transactions may be authorised by the relevant Member State:

- a transactions regarding foodstuffs, healthcare, medical equipment, or for agricultural or humanitarian purposes;
- b transactions regarding personal remittances;
- c transactions regarding the execution of the exemptions provided for in this Decision;
- d transactions in connection with a specific trade contract not prohibited under this Decision;
- e transactions regarding a diplomatic or consular mission or an international organisation enjoying immunities in accordance with international law, insofar as such transactions are intended to be used for official purposes of the diplomatic or consular mission or international organisation.
- f transactions regarding payment to satisfy claims against Iran, Iranian persons or entities, on a case-by-case basis and subject to notification ten days prior to authorisation, and transactions of a similar nature that do not contribute to activities prohibited under this Decision.

No authorisation or notification is required for transactions falling under points (a) to (e) which are below EUR 10 000.

3 Transfers of funds to and from Iran using Iranian banks and financial institutions for the transactions referred to in paragraph 2 shall be processed as follows:

- a transfers due on transactions regarding foodstuffs, healthcare, medical equipment, or for agricultural or humanitarian purposes below EUR 100 000, as well as transfers regarding personal remittances, below EUR 40 000, shall be carried out without any prior authorisation; the transfer shall be notified to the competent authority of the Member State concerned if above EUR 10 000;
- b transfers due on transactions regarding foodstuffs, healthcare, medical equipment, or for agricultural or humanitarian purposes above EUR 100 000, as well as transfers regarding personal remittances, above EUR 40 000, shall require the prior authorisation from the competent authority of the Member

State concerned. The relevant Member State shall inform the other Member States of any authorisation granted;

- c any other transfer above EUR 10 000 shall require the prior authorisation from the competent authority of the Member State concerned. The relevant Member State shall inform the other Member States of any authorisation granted.

4 Transfers of funds to and from Iran which do not fall within the scope of paragraph 3 shall be processed as follows:

- a transfers due on transactions regarding foodstuffs, healthcare, medical equipment, or for agricultural or humanitarian purposes shall be carried out without any prior authorisation; the transfer shall be notified to the competent authority of the Member State concerned if above EUR 10 000;
- b any other transfer below EUR 40 000 shall be carried out without any prior authorisation; the transfer shall be notified to the competent authority of the Member State concerned if above EUR 10 000;
- c any other transfer above EUR 40 000 shall require the prior authorisation from the competent authority of the Member State concerned. The authorisation shall be deemed granted within four weeks unless the competent authority of the Member State concerned has objected within this time-limit. The relevant Member State shall inform the other Member States of any authorisation rejected.

5 Branches and subsidiaries of banks domiciled in Iran within the jurisdiction of the Member States shall also be required to notify the competent authority of the Member State where they are established, of all transfers of funds carried out or received by them, within five working days of carrying out or receiving the respective transfer of funds.

Subject to information-sharing arrangements, notified competent authorities shall without delay transmit this information on notifications, as appropriate, to the competent authorities of other Member States, where the counterparts to such transactions are established.;

(7) the following Articles are added:

Article 18a

The provision by nationals of Member States or from the territory under the jurisdiction of the Member States, of flagging and classification services, including registration and identification numbers of any kind, to Iranian oil tankers and cargo vessels shall be prohibited as of 15 January 2013.

Article 18b

1 It shall be prohibited to supply vessels designed for the transport or storage of oil and petrochemical products to Iranian persons, entities or bodies.

2 It shall be prohibited to supply vessels designed for the transport or storage of oil and petrochemical products to any person, entity or body for the transport or storage of Iranian oil and petrochemical products.";

3 It shall be prohibited to participate, knowingly or intentionally, in activities the object or effect of which is to circumvent the prohibitions set out in paragraphs 1 and 2.

(8) Article 20 is amended as follows:

Changes to legislation: There are currently no known outstanding effects for the Council Decision 2012/635/CFSP, Article 1. (See end of Document for details)

- (a) paragraphs 1(b) and (c) are replaced by the following:
 - (b) persons and entities not covered by Annex I that are engaged in, directly associated with, or providing support for, Iran's proliferation-sensitive nuclear activities or for the development of nuclear weapon delivery systems, including through the involvement in procurement of the prohibited items, goods, equipment, materials and technology, or persons or entities acting on their behalf or at their direction, or entities owned or controlled by them, including through illicit means, or persons and entities that have assisted designated persons or entities in evading or violating the provisions of UNSCR 1737 (2006), UNSCR 1747 (2007), UNSCR 1803 (2008) and UNSCR 1929 (2010) or this Decision as well as other senior members and entities of IRGC and IRISL and entities owned or controlled by them or acting on their behalf or providing insurance and other essential services to them, as listed in Annex II.
 - (c) other persons and entities not covered by Annex I that provide support to the Government of Iran and entities owned or controlled by them or persons and entities associated with them, as listed in Annex II;
- (b) paragraph 7 is replaced by the following:
 - 7. Paragraph 1 shall not apply to:
 - a a transfer by or through the Central Bank of Iran of frozen funds or economic resources where such transfer is for the purpose of providing financial institutions under the jurisdiction of Member States with liquidity for the financing of trade;
 - b the reimbursement by or through the Central Bank of Iran of claims due under a contract or agreement that was concluded by public or private Iranian entities before the adoption of this Decision,provided that the transfer or reimbursement has been authorised by the relevant Member State.
- (c) paragraphs 8, 9 and 10 are deleted;
- (d) paragraph 11 is replaced by the following:
 - 11. Paragraph 7 is without prejudice to paragraphs 3, 4, 4a, 5 and 6 and to Article 10(3) and (4).;
- (e) the following paragraphs are added:
 - 13. Paragraphs 1 and 2 shall not apply to acts and transactions carried out with regard to entities listed in Annex II which hold rights derived from an original award before 27 October 2010, by a sovereign Government other than Iran, of a gas production sharing agreement, insofar as such acts and transactions relate to those entities' participation in that agreement.
 - 14. Paragraphs 1 and 2 shall not apply to acts and transactions carried out with regard to entities listed in Annex II insofar as necessary for the execution, until 31 December 2014, of the obligations as referred to in Article 3c(2) provided that those acts and transactions have been authorised

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in advance, on a case-by-case basis, by the relevant Member State. The relevant Member State shall inform the other Member States and the Commission of its intention to grant an authorisation.

Changes to legislation:

There are currently no known outstanding effects for the Council Decision 2012/635/CFSP, Article 1.