

Council Decision (CFSP) 2015/1863 of 18 October 2015 amending  
Decision 2010/413/CFSP concerning restrictive measures against Iran

*Article 1*

Decision 2010/413/CFSP is amended as follows:

- (1) In Article 1, paragraph 2 is replaced by the following:
  2. The prohibition in paragraph 1 shall not apply to the direct or indirect transfer to, or for use in, or the benefit of Iran, through the territories of Member States of items referred to in paragraph 2(c), subparagraph 1 of Annex B to UNSCR 2231 (2015) for light water reactors..
- (2) In Article 15, paragraphs 1, 2, 5 and 6 are replaced by the following:
  1. Member States shall inspect, in accordance with their national authorities and legislation and consistent with international law, in particular the law of the sea and relevant international civil aviation agreements, all cargo to and from Iran in their territories, including seaports and airports, if they have information that provides reasonable grounds to believe that the cargo contains items the supply, sale, transfer or export of which is being undertaken contrary to this Decision.
  2. Member States, consistent with international law, in particular the law of the sea, may request inspections of vessels on the high seas with the consent of the flag State, if they have information that provides reasonable grounds to believe that the vessels carry items the supply, sale, transfer or export of which is being undertaken contrary to this Decision.
  5. In cases where an inspection referred to in paragraph 1 or 2 is undertaken, Member States shall seize and dispose of (such as through destruction, rendering inoperable, storage or transferring to a State other than the originating or destination States for disposal) items the supply, sale, transfer or export of which is being undertaken contrary to this Decision. Such seizure and disposal will be carried out at the expense of the importer or, if it is not possible to recover these expenses from the importer, they may, in accordance with national legislation, be recovered from any other person or entity responsible for the attempted illicit supply, sale, transfer or export.
  6. The provision by nationals of Member States or from the territories under the jurisdiction of Member States of bunkering or ship supply services, or other servicing of vessels, to Iranian-owned or Iranian-contracted vessels, including chartered vessels, shall be prohibited if they have information that provides reasonable grounds to believe that the vessels carry items the supply, sale, transfer or export of which is being undertaken contrary to this Decision unless the provision of such services is necessary for humanitarian purposes or until the cargo has been inspected, and seized and disposed of if necessary, in accordance with paragraphs 1, 2 and 5..
- (3) Article 18 is replaced by the following:

The provision by nationals of Member States, or from the territories of Member States, of engineering and maintenance services to Iranian cargo aircraft shall be prohibited if they have information that provides reasonable grounds to believe that the cargo aircraft carry items the supply, sale, transfer or export of which is being undertaken contrary to this Decision unless the provision of such services

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is necessary for humanitarian and safety purposes or until the cargo has been inspected, and seized and disposed of if necessary, in accordance with Article 15 (1) and (5)..

- (4) In Article 19(1) the following points are added:
- (d) other persons designated by the Security Council as having engaged in, directly associated with, or provided support for, Iran's proliferation-sensitive nuclear activities undertaken contrary to Iran's commitments in the Joint Comprehensive Plan of Action (JCPOA) or the development of nuclear weapon delivery systems, including through the involvement in the procurement of prohibited items, goods, equipment, materials and technology specified in the statement attached to Annex B to UNSCR 2231 (2015); having assisted designated persons or entities in evading or acting inconsistently with the JCPOA or UNSCR 2231 (2015); having acted on behalf or at the direction of designated persons or entities, as listed in Annex III.
  - (e) other persons not covered by Annex III that have engaged in, directly associated with, or provided support for, Iran's proliferation-sensitive nuclear activities undertaken contrary to Iran's commitments in the JCPOA or the development of nuclear weapon delivery systems, including through the involvement in the procurement of prohibited items, goods, equipment, materials and technology specified in the statement attached to Annex B to UNSCR 2231 (2015) or in this Decision; having assisted designated persons or entities in evading or acting inconsistently with the JCPOA, UNSCR 2231 (2015) or this Decision; having acted on behalf or at the direction of designated persons or entities, as listed in Annex IV..
- (5) In Article 19, paragraph 2 is replaced by the following:
2. The prohibition in paragraph 1 of this Article shall not apply to the transit through the territories of Member States for the purposes of activities directly related to the items specified in paragraph 2(c), subparagraph 1 of Annex B to UNSCR 2231 (2015) for light water reactors..
- (6) In Article 19(7), point (ii) is replaced by the following:
- (ii) furthering the objectives of UNSCR 2231 (2015), including where Article XV of the IAEA Statute is engaged;
- (7) In Article 19, paragraphs 9 and 10 are replaced by the following:
9. In cases where, pursuant to paragraphs 4, 5 and 7, a Member State authorises the entry into, or transit through, its territory of persons listed in Annex I, II, III or IV, the authorisation shall be limited to the purpose for which it is given and to the persons concerned thereby.
10. A Member State wishing to grant the exemptions referred to in paragraph 7(i) and (ii) shall submit the proposed authorisations to the Security Council for approval..
- (8) In Article 20(1), the following points are added:
- (d) other persons and entities designated by the Security Council as having engaged in, directly associated with, or provided support for, Iran's proliferation-sensitive nuclear activities undertaken contrary to Iran's commitments in the JCPOA or the development of nuclear weapon delivery

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systems, including through the involvement in the procurement of prohibited items, goods, equipment, materials and technology specified in the statement attached to Annex B to UNSCR 2231 (2015); having assisted designated persons or entities in evading or acting inconsistently with the JCPOA or UNSCR 2231 (2015); having acted on behalf or at the direction of designated persons or entities, or having been owned or controlled by designated persons or entities, as listed in Annex III;

- (e) other persons and entities not covered by Annex III that have engaged in, directly associated with, or provided support for, Iran's proliferation-sensitive nuclear activities undertaken contrary to Iran's commitments in the JCPOA or the development of nuclear weapon delivery systems, including through the involvement in the procurement of prohibited items, goods, equipment, materials and technology specified in the statement attached to Annex B to UNSCR 2231 (2015) or in this Decision; having assisted designated persons or entities in evading or acting inconsistently with the JCPOA, UNSCR 2231 (2015) or this Decision; having acted on behalf or at the direction of designated persons or entities, or having been owned or controlled by designated persons or entities, as listed in Annex IV..

- (9) In Article 20(3) the final wording is replaced by the following:

after notification by the Member State concerned to the Security Council of the intention to authorise, where appropriate, access to such funds and economic resources and in the absence of a negative decision by the Security Council within five working days of such notification..

- (10) In Article 20, paragraph 4 is replaced by the following:

4. Exemptions may also be made for funds and economic resources which are:
- a necessary for extraordinary expenses, after notification by the Member State concerned to, and approval by, the Security Council;
  - b the subject of a judicial, administrative or arbitral lien or judgement, in which case the funds and economic resources may be used to satisfy that lien or judgement provided that the lien or judgement was entered before the date of UNSCR 1737 (2006), and is not for the benefit of a person or entity referred to in paragraph 1 of this Article, after notification by the Member State concerned to the Security Council;
  - c necessary for activities directly related to the items specified in paragraph 2(c), subparagraph 1 of Annex B to UNSCR 2231 (2015) for light water reactors.
  - d necessary for the civil nuclear cooperation projects described in Annex III of the JCPOA, after notification by the Member State concerned to, and approval by, the Security Council;
  - e necessary for activities directly related to the items specified in Articles 26c and 26d, or to any other activity required for the implementation of the JCPOA, after notification by the Member State concerned to, and approval by, the Security Council..

- (11) In Article 20, paragraph 6 is replaced by the following:

6. Paragraph 1 shall not prevent a designated person or entity from making payment due under a contract entered into before the listing of such a person or entity, provided that the relevant Member State has determined that:

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- a the contract is not related to any of the prohibited items, materials, equipment, goods, technologies, assistance, training, financial assistance, investment, brokering or services referred to in this Decision;
- b the payment is not directly or indirectly received by a person or entity referred to in paragraph 1,

and after notification by the relevant Member State to the Security Council of the intention to make or receive such payments or to authorise, where appropriate, the unfreezing of funds or economic resources for this purpose, 10 working days prior to such authorisation..

- (12) Article 22 is replaced by the following:

No claims, including for compensation or for other claim of this kind, such as a claim of set-off or a claim under a guarantee, in connection with any contract or transaction the performance of which was affected, directly or indirectly, wholly or in part, by reason of measures decided on pursuant to UNSCRs 1737 (2006), 1747 (2007), 1803 (2008), 1929 (2010), 2231 (2015), including measures of the Union or any Member State in accordance with, as required by or in any connection with, the implementation of the relevant decisions of the Security Council or measures covered by the present Decision, shall be granted to the designated persons or entities listed in Annex I, II, III or IV, or any other person or entity in Iran, including the Government of Iran, or any person or entity claiming through or for the benefit of any such person or entity..

- (13) Article 23 is replaced by the following:

- 1. The Council shall implement modifications to Annexes I and III on the basis of the determinations made by the Security Council.
- 2. The Council, acting by unanimity on a proposal from Member States or from the High Representative of the Union for Foreign Affairs and Security Policy, shall establish the list in Annexes II and IV and adopt modifications to it..

- (14) In Article 24, paragraphs 1 and 2 are replaced by the following:

- 1. Where the Security Council lists a person or entity, the Council shall include such person or entity in Annex III.
- 2. Where the Council decides to subject a person or entity to the measures referred to in Articles 19(1)(b), (c) and (e) and 20(1)( b), (c) and (e), it shall amend Annexes II and IV accordingly..

- (15) Article 25 is replaced by the following:

- 1. Annexes I, II, III and IV shall include the grounds for listing of listed persons and entities, as provided by the Security Council or by the Committee with regard to Annex I and by the Security Council with regard to Annex III.
- 2. Annexes I, II, III and IV shall also include, where available, information necessary to identify the persons or entities concerned, as provided by the Security Council or by the Committee in respect of Annex I, or by the Security Council with regard to Annex III. With regard to persons, such information may include names including aliases, date and place of birth, nationality, passport and ID card numbers, gender, address, if known and function or profession. With regard to entities such information may include names, place and date of registration, registration number and place of business. Annexes I, II, III and IV shall also include the date of designation..

- (16) In Article 26, paragraph 4 is replaced by the following:
4. The measures referred to in Articles 19(1)(a), 20(1)(a), 20(2) and 20(12), in so far as they apply to the persons and entities listed in Annex V, shall be suspended.
  5. The measures referred to in Articles 19(1)(b) and (c), 20(1)(b) and (c), 20(2) and 20(12), in so far as they apply to the persons and entities listed in Annex VI, shall be suspended..
- (17) Article 26a is replaced by the following:
- Article 26a*
1. The measures set out in Article 1(1)(a), (b), (d) and (e), Articles 2, 3, 3a, 3b, 3c, 3d, 3e, 4, 4a, 4b, 4c, 4d, 4e, 4f, 4g, 4h, 4i, 4j, 5, 6, 6a, 7, 8, 8a, 9, 10, 11, 12, 13, 14, 16, 17, 18a, 18b, Articles 20(7), 20(11), 20(13), 20(14), Articles 21 and 26b shall be suspended..
- (18) The following Articles are inserted:
- Article 26c*
1. The direct or indirect supply, sale or transfer to, or for use in, or the benefit of, Iran, by nationals of Member States or through the territories of Member States, or using vessels or aircraft under their jurisdiction, of the following items, materials, equipment, goods and technology, whether or not originating in their territories, shall be subject to approval on a case-by-case basis by the Security Council:
    - a all items, materials, equipment, goods and technology contained in the Nuclear Suppliers Group list;
    - b any further item if the Member State determines that it could contribute to reprocessing- or enrichment-related or heavy water-related activities inconsistent with the JCPOA.
  2. The requirement set out in paragraph 1 of this Article shall not apply to the supply, sale or transfer to Iran of equipment referred to in paragraph 2(c), subparagraph 1 of Annex B to UNSCR 2231 (2015) for light water reactors.
  3. Member States engaging in the activities referred to in paragraphs 1 and 2 shall ensure that:
    - a the requirements, as appropriate, of the Guidelines as set out in the Nuclear Suppliers Group list have been met;
    - b they have obtained and are in a position to exercise effectively a right to verify the end-use and end-use location of any supplied item;
    - c they notify, as appropriate, the Security Council within ten days of the supply, sale or transfer; and
    - d in the case of supplied items, materials, equipment, goods and technology included in the Nuclear Suppliers Group list, they also notify the IAEA within ten days of the supply, sale or transfer.
  4. The requirement in paragraph 1 shall not apply to the supply, sale or transfer of items, materials, equipment, goods and technology, and the provision of any related technical assistance, training, financial assistance, investment, brokering or other services, that is directly related to:
    - a the necessary modification of two cascades at the Fordow facility for stable isotope production;

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- b the export of Iran's enriched uranium in excess of 300 kilograms in return for natural uranium; or
- c the modernisation of the Arak reactor based on the agreed conceptual design and, subsequently, on the agreed final design of such reactor,

provided that Member States ensure that:

- d all such activities are undertaken strictly in accordance with the JCPOA;
- e they notify the Security Council and the Joint Commission ten days in advance of such activities;
- f the requirements, as appropriate, of the Guidelines as set out in the Nuclear Suppliers Group list have been met;
- g they have obtained and are in a position to exercise effectively a right to verify the end-use and end-use location of any supplied item; and
- h in the case of supplied items, materials, equipment, goods and technology included in the Nuclear Suppliers Group list, they also notify the IAEA within ten days of the supply, sale or transfer.

5 The provision of technical assistance or training, financing or financial assistance, investment, brokering or other services related to the supply, sale, transfer, manufacture or use of the items, materials, equipment, goods and technology referred to in paragraph 1 to any person, entity or body in, or for use in, Iran shall be subject to approval on a case-by-case basis by the Security Council.

6 Investment in the territories under the jurisdiction of Member States by Iran, its nationals, or entities incorporated in Iran or subject to its jurisdiction, or by persons or entities acting on their behalf or at their direction, or by entities owned or controlled by them in any commercial activity involving uranium mining, or production or use of nuclear materials as listed in Part 1 of the Nuclear Suppliers Group list shall be subject to approval on a case-by-case basis by the Security Council.

7 The procurement by nationals of Member States, or using their flagged vessels or aircraft, of the items, materials, equipment, goods and technology referred to in paragraph 1 from Iran shall be subject to approval on a case-by-case basis by the Joint Commission, whether or not originating in the territory of Iran.

8 The relevant Member State shall inform the other Member States of any approval granted in accordance with, or of activities undertaken pursuant to this Article.

#### *Article 26d*

1 The direct or indirect supply, sale or transfer to, or for use in, or the benefit of, Iran, by nationals of Member States or through the territories of Member States, or using vessels or aircraft under their jurisdiction, of items, materials, equipment, goods and technology not covered by Article 26c or Article 26e that could contribute to reprocessing- or enrichment-related, heavy water-related or other activities inconsistent with the JCPOA shall be subject to an authorisation on a case-by-case basis by the competent authorities of the exporting Member State, 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 requirement in paragraph 1 shall not apply to the supply, sale or transfer to Iran of equipment referred to in that paragraph for light water reactors.

3 Member States engaging in the activities referred to in paragraphs 1 and 2 shall ensure that they have obtained and are in a position to exercise effectively a right to verify the end-use and end-use location of any supplied item.

4 Member States engaging in the activities referred to in paragraph 2 shall ensure that they notify the other Member States within ten days of such activities.

5 The requirement set out in paragraph 1 shall not apply to the supply, sale or transfer of items, materials, equipment, goods and technology, and the provision of any related technical assistance, training, financial assistance, investment, brokering or other services, that is directly related to:

- a the necessary modification of two cascades at the Fordow facility for stable isotope production;
- b the export of Iran's enriched uranium in excess of 300 kilograms in return for natural uranium; or
- c the modernisation of the Arak reactor based on the agreed conceptual design and, subsequently, on the agreed final design of such reactor,

provided that Member States ensure that:

- d all such activities are undertaken strictly in accordance with the JCPOA;
- e they notify the other Member States ten days in advance of such activities; and
- f they have obtained and are in a position to exercise effectively a right to verify the end-use and end-use location of any supplied item.

6 The provision of technical assistance or training, financing or financial assistance, investment, brokering or other services related to the supply, sale, transfer, manufacture or use of the items, materials, equipment, goods and technology referred to in paragraph 1, to any person, entity or body in, or for use in, Iran shall be subject to an authorisation on a case-by-case basis by the competent authorities of the relevant Member State.

7 Investment in the territories under the jurisdiction of Member States by Iran, its nationals, or entities incorporated in Iran or subject to its jurisdiction, or by persons or entities acting on their behalf or at their direction, or by entities owned or controlled by them in any commercial activity involving technologies referred to paragraph 1 shall be subject to an authorisation on a case-by-case basis by the competent authorities of the relevant Member State.

8 The procurement by nationals of Member States, or using their flagged vessels or aircraft, of the items, materials, equipment, goods and technology referred to in paragraph 1 from Iran shall be subject to approval, on a case-by-case basis, by the competent authorities of the relevant Member State, whether or not originating in the territory of Iran.

9 The competent authorities of the Member States shall not grant any authorisation for any supply, sale, transfer or procurement of the items, materials, equipment, goods and technology referred to in paragraph 1 if they determine that the supply, sale, transfer or procurement concerned or the provision of the service concerned would contribute to activities inconsistent with the JCPOA.

10 The relevant Member State shall inform the other Member States of its intention to grant an authorisation under this Article at least ten days in advance.

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### *Article 26e*

1 The direct or indirect supply, sale or transfer to, or for use in, or the benefit of, Iran, by nationals of Member States, or through the territories of Member States, or using vessels or aircraft under their jurisdiction, of items, materials, equipment, goods and technology contained in the Missile Technology Control Regime list or any additional item that could contribute to the development of nuclear weapon delivery systems 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 technical assistance or training, investment or brokering services related to items, materials, equipment, goods and technology set out in paragraph 1 and to the provision, manufacture, maintenance and use of these items, materials, equipment, goods and technology, directly or indirectly, to any person, entity or body in, or for use in, Iran;
  - b provide financing or financial assistance related to items and technology referred to in paragraph 1, including in particular grants, loans and export credit insurance, for any supply, sale, transfer or export of these items and technologies, or for the provision of related technical assistance, training, services or assistance, directly or indirectly, to any person, entity or body in, or for use in, Iran;
  - c participate, knowingly or intentionally, in activities the object or effect of which is to circumvent the prohibition referred to in points (a) and (b);
  - d make an investment in the territories under the jurisdiction of Member States by Iran, its nationals, or entities incorporated in Iran or subject to its jurisdiction, or by persons or entities acting on their behalf or at their direction, or by entities owned or controlled by them in any commercial activity involving technologies referred to paragraph 1.

3 The procurement by nationals of Member States, or using their flagged vessels or aircraft, of the items, materials, equipment, goods and technology referred to in paragraph 1 from Iran shall be prohibited, whether or not originating in the territory of Iran.

### *Article 26f*

1 The supply, sale or transfer to Iran, by nationals of Member States, or from the territories of Member States, or using vessels or aircraft under their jurisdiction, of graphite, and raw or semi-finished metals, such as aluminium and steel, shall be subject to an authorisation by the competent authority of the exporting Member State 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 provision of:
- a technical assistance or training and other services related to items referred to in paragraph 1;
  - b financing or financial assistance for any supply, sale, or transfer of items referred to in paragraph 1 or for the provision of related technical assistance and training,



shall also be subject to an authorisation of the competent authority of the relevant Member State.

3 The competent authorities of the Member States shall not grant any authorisation for any supply, sale or transfer of the items, materials, equipment, goods and technology referred to in paragraph 1 if:

- a they determine that the supply, sale or transfer concerned or the provision of the service concerned would:
  - (i) contribute to reprocessing- or enrichment-related or heavy water-related activities or other nuclear-related activities inconsistent with the JCPOA;
  - (ii) contribute to Iran's military or ballistic missile programme; or
  - (iii) benefit directly or indirectly the Iranian Revolutionary Guard Corps;
- b contracts for delivery of such items or assistance do not include appropriate end-user guarantees.

4 The relevant Member State shall inform the other Member States of its intention to grant an authorisation under this Article at least ten days in advance.

*Article 26g*

1 The supply, sale or transfer to Iran, by nationals of Member States, or from the territories of Member States, or using vessels or aircraft under their jurisdiction, of software for integrating industrial processes shall be subject to an authorisation by the competent authority of the exporting Member State, 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 provision of:

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

shall also be subject to an authorisation of the competent authority of the relevant Member State.

3 The competent authorities of the Member States shall not grant any authorisation for any supply, sale or transfer of the items, materials, equipment, goods and technology referred to in paragraph 1 if:

- a they determine that the supply, sale, transfer or export concerned or the provision of the service concerned would:
  - (i) contribute to reprocessing- or enrichment-related or heavy water-related activities or other nuclear-related activities inconsistent with the JCPOA;
  - (ii) contribute to Iran's military or ballistic missile programme; or
  - (iii) benefit directly or indirectly the Iranian Revolutionary Guard Corps.

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b contracts for delivery of such items or assistance do not include appropriate end-user guarantees.

4 The relevant Member State shall inform the other Member States of its intention to grant an authorisation under this Article at least ten days in advance..

(19) The Annexes set out in the Annexes to this Decision are added.

*Article 2*

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

It shall apply from the date on which the Council has noted that the Director-General of the IAEA has presented a report to the IAEA Board of Governors and to the United Nations Security Council which confirms that Iran has taken the measures specified in paragraphs 15.1 to 15.11 of Annex V to the JCPOA. The date of application shall be published on the same day in the *Official Journal of the European Union*.

Done at Brussels, 18 October 2015.

*For the Council*

*The President*

J. ASSELBORN

**Changes to legislation:**

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