

Council Regulation (EU) No 264/2012 of 23 March 2012 amending Regulation (EU) No 359/2011 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Iran

*Article 1*

Regulation (EU) No 359/2011 is hereby amended as follows:

(1) The following Articles are inserted:

*Article 1a*

It shall be prohibited:

- (a) to sell, supply, transfer or export, directly or indirectly, equipment which might be used for internal repression as listed in Annex III, whether or not originating in the Union, to any person, entity or body in Iran or for use in Iran;
- (b) to provide, directly or indirectly, technical assistance or brokering services related to equipment which might be used for internal repression as listed in Annex III, to any person, entity or body in Iran or for use in Iran;
- (c) to provide, directly or indirectly, financing or financial assistance related to equipment which might be used for internal repression as listed in Annex III, including in particular grants, loans and export credit insurance, for any sale, supply, transfer or export of such items, or for any provision of related technical assistance to any person, entity or body in Iran or for use in Iran;
- (d) to participate, knowingly and intentionally, in activities the object or effect of which is to circumvent the prohibitions referred to in points (a), (b) and (c).

*Article 1b*

1 It shall be prohibited to sell, supply, transfer or export, directly or indirectly, equipment, technology or software identified in Annex IV, whether or not originating in the Union, to any person, entity or body in Iran or for use in Iran, unless the competent authority of the relevant Member State, as identified in the websites referred to in Annex II, has given prior authorisation.

2 The competent authorities of the Member States, as identified in the websites referred to in Annex II, shall not grant any authorisation under paragraph 1 if they have reasonable grounds to determine that the equipment, technology or software in question would be used for monitoring or interception, by Iran's government, public bodies, corporations and agencies or any person or entity acting on their behalf or at their direction, of internet or telephone communications in Iran.

3 Annex IV shall include equipment, technology or software which may be used for the monitoring or interception of internet or telephone communications.

4 The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this Article, within four weeks following the authorisation.

*Article 1c*

1 It shall be prohibited:

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*Changes to legislation: There are currently no known outstanding effects for the Council Regulation (EU) No 264/2012. (See end of Document for details)*

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- a to provide, directly or indirectly, technical assistance or brokering services related to the equipment, technology and software identified in Annex IV, or related to the provision, manufacture, maintenance and use of the equipment and technology identified in Annex IV or to the provision, installation, operation or updating of any software identified in Annex IV, to any person, entity or body in Iran or for use in Iran;
- b to provide, directly or indirectly, financing or financial assistance related to the equipment, technology and software identified in Annex IV, to any person, entity or body in Iran or for use in Iran;
- c to provide any telecommunication or internet monitoring or interception services of any kind to, or for the direct or indirect benefit of, Iran's government, public bodies, corporations and agencies or any person or entity acting on their behalf or at their direction; and
- d to participate, knowingly and intentionally, in any activity the object or effect of which is to circumvent the prohibitions referred to in point (a), (b) or (c) above;

unless the competent authority of the relevant Member State, as identified in the websites referred to in Annex II, has given prior authorisation, on the basis set out in Article 1b(2).

2 For the purposes of paragraph 1(c), "telecommunication or internet monitoring or interception services" means those services that provide, in particular using equipment, technology or software as identified in Annex IV, access to and delivery of a subject's incoming and outgoing telecommunications and call-associated data for the purpose of its extraction, decoding, recording, processing, analysis and storing or any other related activity..

- (2) The persons listed in Annex I to this Regulation are added to the list set out in Annex I
- (3) The text set out in Annex II to this Regulation is added as Annex III.
- (4) The text set out in Annex III to this Regulation is added as Annex IV.
- (5) Annex II is replaced by the text set out in Annex IV to this Regulation.

#### *Article 2*

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

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

Done at Brussels, 23 March 2012.

*For the Council*

*The President*

C. ASHTON

**Changes to legislation:**

There are currently no known outstanding effects for the Council Regulation (EU) No 264/2012.