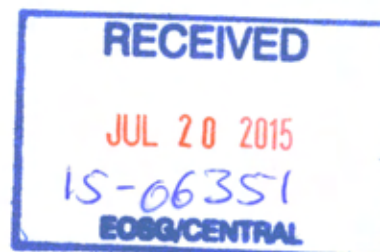


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Note to the Secretary-General

(Through the Deputy Secretary-General)



ASSESSMENT OF THE DRAFT SECURITY COUNCIL RESOLUTION ON IRAN

Basic provisions

1. Under the draft resolution (version 14 July), the Security Council would *endorse* the Joint Comprehensive Plan of Action (JCPOA) and *urge* its full implementation. The Council would *request* the Director General of the International Atomic Energy Agency (IAEA) to verify Iran's nuclear-related commitments (JCPOA Annex I) and further *requests* the IAEA Director General to provide regular updates to the IAEA Board of Governors and in parallel to the Security Council. The Council further requests the IAEA Director General to report at any time to the Board of Governors and in parallel to the Security Council "if the Director General has reasonable grounds to believe there is an issue of concern directly affecting fulfillment of JCPOA commitments".

2. Upon receipt of a report by the IAEA that Iran has undertaken its initial nuclear-related commitments – those to be completed by "Implementation Day" under the JCPOA – the provisions of past Security Council resolutions on Iran¹ will be terminated automatically. The present resolution will have a duration of ten years, at which time its provisions will be terminated and the item "non-proliferation" will be removed from the list of matters of which the Council is seized. However, if the previous Security Council resolutions are reapplied (pursuant to the procedures described below), the present resolution will not be terminated automatically after ten years and all prior sanctions will be resumed indefinitely.

Supply of conventional arms, ballistic missiles and on sensitive nuclear items

3. The draft Security Council resolution extends restrictions on the export to Iran of sensitive nuclear items for ten years, of ballistic missile-related items for eight years and of major conventional weapons for five years.² The provisions are not incorporated directly into the draft resolution, but rather they are contained in a stand-alone joint statement by China, France, Germany, the Russian Federation, the United Kingdom, the United States and the European Union. Accordingly, in the draft resolution the Council *decides* (operative paragraph 7(b)) that all States shall comply with the relevant provisions of the joint statement, which is annexed to the resolution (Annex B).

4. The resolution does, however, incorporate various exceptions for the supply of sensitive nuclear items that are necessary for Iran to undertake activities in accordance with the JCPOA (operative paragraphs 21–23), including modification of the Fordow site,³ the export of enriched uranium in excess of agreed limits and the modernization and the conversion of the heavy water reactor at Arak.

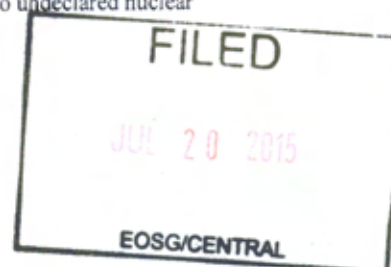
5. Rather than categorically prohibiting exports of ballistic missile-related items and major conventional weapons, as in resolution 1929 (2010), the joint statement permits States

¹ 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), 1835 (2008), 1929 (2010) and 2224 (2015)

² Each of these restrictions would terminate earlier than their specified durations, upon the IAEA making the determination for the first time, in accordance with the Additional Protocol, that there are no undeclared nuclear activities or materials in Iran.

³ The fortified location where Iran previously enriched uranium up to 20% U-235

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to export such items to Iran *provided* that the Security Council decides in advance on a case-by-case basis to permit it. The Council does not establish a new subsidiary body or Committee to review and decide on such exports or specify procedures that States should follow in order to submit such exports for approval. Rather, the Council would *decide* “to make the necessary practical arrangements to undertake directly tasks related to the implementation of this resolution, including those tasks specified in Annex B and the release of guidance.”

6. In contrast, for proposals by States to participate in the export to Iran of sensitive nuclear items, (operative paragraphs 16–20) the Council would share these proposals and related information with the Joint Commission established by the JCPOA. The Council would *request* the Joint Commission to review these proposals and provide recommendations to the Council within 20 working days. Those recommendations would be deemed approved unless the Council adopts a resolution to reject the recommendation within five working days of receipt.

7. In this connection, the Council (operative paragraph 18) would *request the Secretary-General*, “in order to support JCPOA implementation, to take the necessary administrative measures to facilitate communications with Member States and between the Security Council and the Joint Commission through agreed practical arrangements.” This is the only action directed to the Secretary-General in the resolution. Accordingly, in implementing the resolution the role of the Secretary-General would be limited to forwarding proposals to the Joint Commission from Member States for the supply of nuclear-related items to Iran (see paragraph 4 above) through the EU High Representative, and relaying the recommendations of the Joint Commission back to the Council. As noted in paragraph 5 above, the resolution envisages a separate decision being taken by the Council on practical arrangements, which may further specify the role of the Secretary-General.

Re-imposition of sanctions

8. The JCPOA provides for an elaborate dispute resolution mechanism under which sanctions imposed in the terminated Security Council resolutions could be eventually re-instated.⁴

9. The mechanism (JCPOA, paragraph 36) enables each of the parties to refer any concern over non-performance to the JCPOA Joint Commission (Annex 4). If the Commission is unable to resolve the problem within 15 days, the party could then refer to matter to ministerial level. If, after a further 15 days, neither the Foreign Ministers nor the Commission are able to resolve the matter, the complaining party could refer the matter to an ad hoc Advisory Board. The Board would be comprised of three members, two appointed by each party to the dispute and one independent member. The Board should provide a non-binding opinion with 15 days to the Commission, which would have a further 5 days to resolve the matter. If the matter then remains unresolved and the complaining party deems the issue to constitute “significant non-performance”, the party would have grounds to cease implementation of the JCPOA and/or refer the matter to the United Nations Security Council.

10. Provisions for the re-imposition of sanctions are addressed by the draft Security Council resolution (operative paragraphs 11–13). Under the resolution, the Council would *encourage* the parties to resolve any issues regarding implementation with the JCPOA in

⁴ 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), 1835 (2008), and 1929 (2010).

accordance with the above-described dispute resolution procedures. The Council would further *decide* that, in the event that it receives notification by a party to the JCPOA of an issue that the party believes constitutes significant non-performance, the Council must vote within 30 days on a resolution to uphold its decision to terminate the previous resolutions on Iran. If the Council takes no action after 30 days and the complaining party has not otherwise informed the Council that the matter has been resolved, the previous resolutions on Iran will be automatically reinstated.

11. The text of the JCPOA notes (JCPOA, paragraph 37) "if sanctions are reinstated in whole or in part, Iran will treat that as grounds to cease performing its commitments under this JCPOA in whole or in part."

Other provisions

12. In accordance with the joint statement of the E3/EU+3 (Annex B, paragraph 6), asset bans and travel freezes will remain in effect for individuals and entities associated with Iran's sensitive nuclear activities. The Council can also add to the list new individuals and entities that undertake activities that are inconsistent with the JCPOA.

13. Via the E3/EU+3 joint statement (Annex B, paragraph 7), all States would be *called upon* to inspect in accordance with international law all cargo to and from Iran, in their territory, including seaports and airports, if they believe the cargo contains items in contravention of the resolution or JCPOA.

14. In the joint statement, the E3/EU+3 propose that the Secretary-General should report to the Security Council on the implementation of the joint statement every six months. The provisions in the joint statement could be reviewed by the Joint Commission established by the JCPOA at its biannual ministerial meetings, at which time the Commission could make recommendations to the Security Council by consensus.

Comments

15. Though the resolution "terminates" all previous resolutions on Iran,⁵ as these resolutions can be reinstated within the ten-year duration of the present resolution, it can also be understood that their provisions are simply being held in abeyance for ten years. Unless the trigger for reapplying the previous resolutions is activated, after ten years all Security Council resolutions on Iran will terminate. As certain nuclear-related commitments in the JCPOA extend beyond ten years, the E3+3 have expressed their intention to introduce a new resolution in ten years' time to reinstate certain provisions in the present resolution for an additional five years.

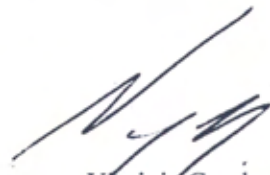
16. It is notable that notwithstanding the dispute resolution mechanism provided for in the JCPOA, which specifies the steps and conditions that must be followed before a party can notify the Security Council of a matter of significant non-performance, the draft resolution does not explicitly require for those steps and conditions to be followed. Rather, it merely encourages the parties to make use of them and decides in effect that the mechanism for automatically re-imposing sanctions could be triggered simply upon notification that a party believes an issue constitutes significant non-performance.

⁵ As it is not otherwise specified in the present resolution, the 1737 Committee and the Panel of Experts should also be terminated in accordance with the provisions of the resolution.

17. As these provisions of the Security Council resolution will be adopted under Article 41 of the Charter, they will be binding on all States. The provisions of the JCPOA in contrast are non-binding. The text of the draft resolution thus raises the prospects that a future government of one of the parties could unilaterally trigger the re-imposition of previous Security Council resolution without necessarily engaging in the dispute resolution process provided for in the JCPOA. In accordance with the terms of the resolution, the only requirement for this is for one of the parties to notify the Council of an issue that the party "believes constitutes significant non-performance".

18. This notification would not need to be supported by any determination by IAEA inspectors and it appears that there would be no prospect for other members of the Security Council, include any of its permanent members, to block this trigger. This procedure contrasts with the compliance mechanism under comprehensive safeguards agreements, in which the IAEA Board of Governors can normally refer a matter to the Security Council only upon receipt of a report by inspectors of non-compliance.

19. The resolution incorporates a number of other novel and orthodox aspects which may be subject to discussion among the members of the Security Council. The most notable is the mechanism of the Council making binding on all States the provisions contained in the joint statement by the E3/EU+3. Unlike the provisions in the draft resolution itself, presumably the provisions of that joint statement will not be subject to negotiations amongst the members of the Council. Further in this connection, it is also notable that, in lieu of establishing a new subsidiary body to monitor implementation of the resolution and to take decisions with respect to the export of restricted items, the Council effectively outsources this function to the Joint Commission established by the JCPOA. This approach, while novel, allows for the participation of Iran in the processes of reviewing and taking decisions on these matters.



Virginia Gamba
Officer-in-Charge
Office for Disarmament Affairs
20 July 2015

cc: Mr. KIM
Mr. Feltman

UN Security Council resolution (July 14)

The Security Council,

1. *Recalling* the Statement of its President, S/PRST/2006/15, and its resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), 1835 (2008), and 1929 (2010),
2. *Reaffirming* its commitment to the Treaty on the Non-Proliferation of Nuclear Weapons, the need for all States Party to that Treaty to comply fully with their obligations, and *recalling* the right of States Party, in conformity with Articles I and II of that Treaty, to develop research, production and use of nuclear energy for peaceful purposes without discrimination,
3. *Emphasizing* the importance of political and diplomatic efforts to find a negotiated solution guaranteeing that Iran's nuclear program is exclusively for peaceful purposes, and *noting* that such a solution would benefit nuclear non-proliferation,
4. *Welcoming* diplomatic efforts by China, France, Germany, the Russian Federation, the United Kingdom, the United States, the High Representative of the European Union for Foreign Affairs and Security Policy, and Iran to reach a comprehensive, long-term and proper solution to the Iranian nuclear issue, culminating in the Joint Comprehensive Plan of Action (JCPOA) concluded on 14 July 2015, (S/2015/XXX, as attached as Annex A to this resolution) and the establishment of the Joint Commission,
5. *Welcoming* Iran's reaffirmation in the JCPOA that it will under no circumstances ever seek, develop or acquire any nuclear weapons,
6. *Noting* the statement of 14 July 2015, from China, France, Germany, the Russian Federation, the United Kingdom, the United States, and the European Union aimed at promoting transparency and creating an atmosphere conducive to the full implementation of the JCPOA (S/2015/XXX, as attached as Annex B to this resolution),
7. *Affirming* that conclusion of the JCPOA marks a fundamental shift in its consideration of this issue, and *expressing* its desire to build a new relationship with Iran strengthened by the implementation of the JCPOA and to bring to a satisfactory conclusion its consideration of this matter,
8. *Affirming* that full implementation of the JCPOA will contribute to building confidence in the exclusively peaceful nature of Iran's nuclear program,
9. *Strongly supporting* the essential and independent role of the International Atomic Energy Agency (IAEA) in verifying compliance with safeguards agreements, including the non-diversion of declared nuclear material to undeclared purposes and the absence of undeclared nuclear material and undeclared nuclear activities, and, in this context, in ensuring the exclusively peaceful nature of Iran's nuclear program, including through the implementation of the "Framework for Cooperation" agreed between Iran and the IAEA on 11 November 2013 and the "Roadmap for Clarification of Past and Present Outstanding Issues," and *recognizing* the IAEA's important role in supporting full implementation of the JCPOA,

10. *Affirming* that IAEA safeguards are a fundamental component of nuclear non-proliferation, promote greater confidence among States, *inter alia*, by providing assurance that States are complying with their obligations under relevant safeguards agreements, contribute to strengthening their collective security and help to create an environment conducive to nuclear cooperation, and further *recognizing* that effective and efficient safeguards implementation requires a cooperative effort between the IAEA and States, that the IAEA Secretariat will continue to engage in open dialogue on safeguards matters with States to increase transparency and build confidence and to interact with them on the implementation of safeguards, and in this case, avoid hampering the economic and technological development of Iran or international cooperation in the field of peaceful nuclear activities; respect health, safety, physical protection and other security provisions in force and the rights of individuals; and take every precaution to protect commercial, technological and industrial secrets as well as other confidential information coming to its knowledge,
11. *Encouraging* Member States to cooperate, including through IAEA involvement, with Iran in the framework of the JCPOA in the field of peaceful uses of nuclear energy and to engage in mutually determined civil nuclear cooperation projects, in accordance with Annex III of the JCPOA,
12. *Noting* the termination of provisions of previous resolutions and other measures foreseen in this resolution, and *inviting* Member States to give due regard to these changes,
13. *Emphasizing* that the JCPOA is conducive to promoting and facilitating the development of normal economic and trade contacts and cooperation with Iran, and *having* regard to States' rights and obligations relating to international trade,
14. *Underscoring* that Member States are obligated under Article 25 of the Charter of the United Nations to accept and carry out the Security Council's decisions,

Operative Paragraphs

1. *Endorses* the JCPOA, and *urges* its full implementation on the timetable established in the JCPOA;
2. *Calls upon* all Members States, regional organizations and international organizations to take such actions as may be appropriate to support the implementation of the JCPOA, including by taking actions commensurate with the implementation plan set out in the JCPOA and this resolution and by refraining from actions that undermine implementation of commitments under the JCPOA;
3. *Requests* the Director General of the IAEA to undertake the necessary verification and monitoring of Iran's nuclear-related commitments for the full duration of those commitments under the JCPOA, and *reaffirms* that Iran shall cooperate fully as the IAEA requests to be able to resolve all outstanding issues, as identified in IAEA reports;
4. *Requests* the Director General of the IAEA to provide regular updates to the IAEA Board of Governors and, as appropriate, in parallel to the Security Council on Iran's implementation of its commitments under the JCPOA and also to report to the IAEA Board of Governors and in

parallel to the Security Council at any time if the Director General has reasonable grounds to believe there is an issue of concern directly affecting fulfillment of JCPOA commitments;

Terminations

5. *Requests* that, as soon as the IAEA has verified that Iran has taken the actions specified in paragraph 15.1-15.11 of Annex V of the JCPOA, the Director General of the IAEA submit a report confirming this fact to the IAEA Board of Governors and in parallel to the Security Council;
6. *Requests* further that, as soon as the IAEA has reached the Broader Conclusion that all nuclear material in Iran remains in peaceful activities, the Director General of the IAEA submit a report confirming this conclusion to the IAEA Board of Governors and in parallel to the Security Council;
7. *Decides*, acting under Article 41 of the Charter of the United Nations, that, upon receipt by the Security Council of the report from the IAEA described in paragraph 5:
 - a) The provisions of resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), 1835 (2008), 1929 (2010) and 2224 (2015) shall be terminated;
 - b) All States shall comply with paragraphs 1, 2, 4, and 5 and the provisions in subparagraphs (a)-(f) of paragraph 6 of Annex B for the duration specified in each paragraph or subparagraph, and are called upon to comply with paragraphs 3 and 7 of Annex B;
8. *Decides*, acting under Article 41 of the Charter of the United Nations, that on the date ten years after the JCPOA Adoption Day, as defined in the JCPOA, all the provisions of this resolution shall be terminated, and none of the previous resolutions described in paragraph 7(a) shall be applied, the Security Council will have concluded its consideration of the Iranian nuclear issue, and the item "Non-proliferation" will be removed from the list of matters of which the Council is seized;
9. *Decides*, acting under Article 41 of the Charter of the United Nations, that the terminations described in Annex B and paragraph 8 of this resolution shall not occur if the provisions of previous resolutions have been applied pursuant to paragraph 12;

Application of Provisions of Previous Resolutions

10. *Encourages* China, France, Germany, the Russian Federation, the United Kingdom, the United States, the EU, and Iran (the "JCPOA participants") to resolve any issues arising with respect to implementation of JCPOA commitments through the procedures specified in the JCPOA, and *expresses* its intention to address possible complaints by JCPOA participants about significant non-performance by another JCPOA participant;
11. *Decides*, acting under Article 41 of the Charter of the United Nations, that, within 30 days of receiving a notification by a JCPOA participant State of an issue that the JCPOA participant State believes constitutes significant non-performance of commitments under the JCPOA, it

shall vote on a draft resolution to continue in effect the terminations in paragraph 7(a) of this resolution, *decides* further that if, within 10 days of the notification referred to above, no Member of the Security Council has submitted such a draft resolution for a vote, then the President of the Security Council shall submit such a draft resolution and put it to a vote within 30 days of the notification referred to above, and *expresses* its intention to take into account the views of the States involved in the issue and any opinion on the issue by the Advisory Board established in the JCPOA;

12. *Decides*, acting under Article 41 of the Charter of the United Nations, that, if the Security Council does not adopt a resolution under paragraph 11 to continue in effect the terminations in paragraph 7(a), then effective midnight Greenwich Mean Time after the thirtieth day after the notification to the Security Council described in paragraph 11, all of the provisions of resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), 1835 (2008), and 1929 (2010) that have been terminated pursuant to paragraph 7(a) shall apply in the same manner as they applied before the adoption of this resolution, and the measures contained in paragraphs 7, 8 and 16 to 20 of this resolution shall be terminated, unless the Security Council decides otherwise;
13. *Underscores* that, in the event of a notification to the Security Council described in paragraph 11, Iran and the other JCPOA participants should strive to resolve the issue giving rise to the notification, *expresses* its intention to prevent the reapplication of the provisions if the issue giving rise to the notification is resolved, *decides*, acting under Article 41 of the Charter of the United Nations, that if the notifying JCPOA participant State informs the Security Council that such an issue has been resolved before the end of the 30-day period specified in paragraph 12 above, then the provisions of this resolution, including the terminations in paragraph 7(a), shall remain in effect notwithstanding paragraph 12 above, and *notes* Iran's statement that if the provisions of previous resolutions are applied pursuant to paragraph 12 in whole or in part, Iran will treat this as grounds to cease performing its commitments under the JCPOA;
14. *Affirms* that the application of the provisions of previous resolutions pursuant to paragraph 12 do not apply with retroactive effect to contracts signed between any party and Iran or Iranian individuals and entities prior to the date of application, provided that the activities contemplated under and execution of such contracts are consistent with the JCPOA, this resolution and the previous resolutions;
15. *Affirms* that any application of the provisions of previous resolutions pursuant to paragraph 12 is not intended to harm individuals and entities that, prior to that application of those provisions, engaged in business with Iran or Iranian individuals and entities that is consistent with the JCPOA and this resolution, *encourages* Member States to consult with each other with regard to such harm, and to take action to mitigate such unintended harm for these individuals and entities, and *decides* if the provisions of previous resolutions are applied pursuant to paragraph 12 not to impose measures with retroactive effect on individuals and entities for business activities with Iran that were consistent with the JCPOA, this resolution and the previous resolutions prior to the application of these provisions;

JCPOA Implementation

16. *Decides*, acting under Article 41 of the Charter of the United Nations, to review recommendations of the Joint Commission regarding proposals by States to participate in or permit nuclear-related activities set forth in paragraph 2 of Annex B, and that such recommendations shall be deemed to be approved unless the Security Council adopts a resolution to reject a Joint Commission recommendation within five working days of receiving it;
17. *Requests* Member States seeking to participate in or permit activities set forth in paragraph 2 of Annex B to submit proposals to the Security Council, *expresses* its intention to share such proposals with the Joint Commission established in the JCPOA for its review, *invites* any Member of the Security Council to provide relevant information and opinions about these proposals, *encourages* the Joint Commission to give due consideration to any such information and opinions, and *requests* the Joint Commission to provide its recommendations on these proposals to the Security Council within twenty working days (or, if extended, within thirty working days);
18. *Requests* the Secretary-General, in order to support JCPOA implementation, to take the necessary administrative measures to facilitate communications with Member States and between the Security Council and the Joint Commission through agreed practical arrangements;
19. *Requests* the IAEA and the Joint Commission to consult and exchange information, where appropriate, as specified in the JCPOA, and *requests* further that the exporting states cooperate with the Joint Commission in accordance with Annex IV of the JCPOA;
20. *Requests* the Joint Commission to review proposals for transfers and activities described in paragraph 2 of Annex B with a view to recommending approval where consistent with this resolution and the provisions and objectives of the JCPOA so as to provide for the transfer of items, materials, equipment, goods and technology required for Iran's nuclear activities under the JCPOA, and *encourages* the Joint Commission to establish procedures to ensure detailed and thorough review of all such proposals;

Exemptions

21. *Decides*, acting under Article 41 of the Charter of the United Nations, that the measures imposed in resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), 1835 (2008), and 1929 (2010) 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, by JCPOA participant States or Member States acting in coordination with them, that is directly related to: a) the 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; and c) the modernization of the Arak reactor based on the agreed conceptual design and, subsequently, on the agreed final design of such reactor;
22. *Decides*, acting under Article 41 of the Charter of the United Nations, that Member States engaging in the activities permitted in paragraph 21 shall ensure that: a) all such activities are undertaken strictly in accordance with the JCPOA; b) they notify the Committee established

pursuant to resolution 1737 (2006) and, when constituted, the Joint Commission ten days in advance of such activities; c) the requirements, as appropriate, of the Guidelines as set out in the relevant INFCIRC referenced in resolution 1737 (2006), as updated, have been met; d) 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 e) in case of supplied items, materials, equipment, goods and technology listed in the INFCIRCs referenced in resolution 1737 (2006), as updated, they also notify the IAEA within ten days of the supply, sale or transfers;

23. *Decides*, acting under Article 41 of the Charter of the United Nations, also that the measures imposed in resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), 1835 (2008), and 1929 (2010) shall not apply to the extent necessary to carry out transfers and activities, as approved on a case-by-case basis in advance by the Committee established pursuant to resolution 1737 (2006), that are:
- a) directly related to implementation of the nuclear-related actions specified in paragraphs 15.1-15.11 of Annex V of the JCPOA;
 - b) required for preparation for the implementation of the JCPOA; or,
 - c) determined by the Committee to be consistent with the objectives of this resolution;
24. *Notes* that the provisions of paragraph 21, 22, 23 and 27 continue in effect if the provisions of previous resolutions are applied pursuant to paragraph 12;

Other Matters

25. *Decides* to make the necessary practical arrangements to undertake directly tasks related to the implementation of this resolution, including those tasks specified in Annex B and the release of guidance;
26. *Urges* all States, relevant United Nations bodies and other interested parties, to cooperate fully with the Security Council in its exercise of the tasks related to this resolution, in particular by supplying any information at their disposal on the implementation of the measures in this resolution;
27. *Decides* that all provisions contained in the JCPOA are only for the purposes of its implementation between the E3/EU+3 and Iran and should not be considered as setting precedents for any other State or for principles of international law and the rights and obligations under the Treaty on the Non-Proliferation of Nuclear Weapons and other relevant instruments, as well as for internationally recognized principles and practices;
28. *Recalls* that the measures imposed by paragraph 12 of resolution 1737 (2006) shall not prevent a designated person or entity from making payment due under a contract entered into prior to the listing of such a person or entity, provided that the conditions specified in paragraph 15 of that resolution are met, and *underscores*, that if the provisions of previous resolutions are reapplied pursuant to paragraph 12 of this resolution, then this provision will apply;
29. *Emphasizes* the importance of all States taking the necessary measures to ensure that no claim shall lie at the instance of the Government of Iran, or any person or entity in Iran, or of persons or entities designated pursuant to resolution 1737 (2006) and related resolutions, or

any person claiming through or for the benefit of any such person or entity, in connection with any contract or other transaction where its performance was prevented by reason of the application of the provisions of resolutions 1737 (2006), 1747 (2007), 1803 (2008), 1929 (2010) and this resolution;

30. *Decides* to remain seized of the matter until the termination of the provisions of this resolution in accordance with paragraph 8.

Annex A: JCPOA

Annex B: Stand-Alone Statement

Statement

China, France, Germany, the Russian Federation, the United Kingdom, the United States, and the European Union have concluded with Iran a Joint Comprehensive Plan of Action (JCPOA) to reach a comprehensive, long-term and proper solution to the Iranian nuclear issue. To improve transparency and create an atmosphere conducive to the full implementation of the JCPOA, China, France, Germany, the Russian Federation, the United Kingdom, the United States, and the European Union have set forth below certain provisions. Their participation in the JCPOA is contingent upon the United Nations Security Council adopting a new resolution that would, acting under Article 41 of the UN Charter: terminate resolutions 1696 (2006), 1737 (2006), 1747 (2007), 1803 (2008), 1835 (2008), 1929 (2010), and 2224 (2015); require States to comply with the provisions in this statement for their respective durations; and facilitate, in cooperation with the Joint Commission established in the JCPOA, implementation of the JCPOA as provided in paragraphs 2 and 6(a) below.

As provided by a resolution so deciding, the following provisions would apply on the date on which the IAEA Director General submits a report verifying that Iran has taken the actions specified in paragraph 15.1-15.11 of Annex V of the JCPOA:

1. The term “all States” as used in this document, and as incorporated in the resolution, means “all States without exception.”
2. All States may participate in and permit the following activities *provided* that approval is provided in advance, on a case-by-case basis, by the Security Council:
 - a) the supply, sale or transfer directly or indirectly from their territories, or by their nationals or using their flag vessels or aircraft to, or for the use in or benefit of, Iran, and whether or not originating in their territories, of all items, materials, equipment, goods and technology set out in INFCIRC/254/Rev.12/Part 1 and INFCIRC/254/Rev.9/Part 2 (or the most recent versions of these documents, as updated by the Security Council), as well as any further items if the State determines that they could contribute to reprocessing or enrichment-related or heavy water-related activities inconsistent with the JCPOA;
 - b) the provision to Iran of any technical assistance or training, financial assistance, investment, brokering or other services, and the transfer of financial resources or services, related to the supply, sale, transfer, manufacture or use of the items, materials, equipment, goods and technology described in subparagraph a) above; and
 - c) acquisition by Iran of an interest in a commercial activity in another State involving uranium mining or production or use of nuclear materials and technology as listed in INFCIRC/254/Rev.12/Part 1, and such investment in territories under their jurisdiction by Iran, its nationals, and entities incorporated in Iran or subject to its jurisdiction, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them,

except that approval in advance by the Security Council shall not be required for the supply, sale, or transfer to Iran of equipment covered by B.1 of INFCIRC/254/Rev.12/Part 1 when

such equipment is for light water reactors, low-enriched uranium covered by A.1.2 of INFCIRC/254/Rev.12/Part 1 when it is incorporated in assembled nuclear fuel elements for such reactors, as well as items, materials, equipment, goods and technology set out in INFCIRC/254/Rev. 9/Part 2 only when for exclusive use in light water reactors.

For any items, materials, equipment, goods and technology that are approved by the Security Council pursuant to subparagraph a) above, or are supplied, sold, or transferred subject to the exception stated above, States are to ensure that: a) the requirements, as appropriate, of the Guidelines as set out in the referenced INFCIRC 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 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 listed in the referenced INFCIRCs, they also notify the IAEA within ten days of the supply, sale or transfer.

And except also that approval in advance by the Security Council is not required for 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 the necessary modification of two cascades at the Fordow facility for stable isotope production, the export of Iran's enriched uranium in excess of 300 kilograms in return for natural uranium, and the modernization 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: a) all such activities are undertaken strictly in accordance with the JCPOA; b) they notify the Security Council and Joint Commission ten days in advance of such activities; c) the requirements, as appropriate, of the Guidelines as set out in the referenced INFCIRC have been met; d) 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 e) in case of supplied items, materials, equipment, goods and technology listed in the referenced INFCIRCs, they also notify the IAEA within ten days of the supply, sale or transfers.

This paragraph shall apply until the date ten years after JCPOA Adoption Day, as defined in the JCPOA, except if the IAEA submits a report confirming the Broader Conclusion before that date, then the requirement to obtain approval in advance by the Security Council shall be suspended immediately and, beginning on the date of this suspension, the exceptions provided for in this paragraph shall continue to apply and all States may participate in and permit the activities set forth in this paragraph if they notify the Security Council and the Joint Commission at least ten working days in advance of each such activity on a case-by-case basis.

3. Iran is called upon not to undertake any activity related to ballistic missiles designed to be capable of delivering nuclear weapons, including launches using such ballistic missile technology, until the date eight years after the JCPOA Adoption Day or until the date on which the IAEA submits a report confirming the Broader Conclusion, whichever is earlier.
4. All States may participate in and permit the activities described below *provided* that the Security Council decides in advance on a case-by-case basis to permit such activity:

- a) the supply, sale or transfer directly or indirectly from their territories, or by their nationals or using their flag vessels or aircraft to or from Iran, or for the use in or benefit of Iran, and whether or not originating in their territories, of all items, materials, equipment, goods and technology set out in (S/2015/XXX) [latest missile technology control list] and of any items, materials, equipment, goods and technology that the State determines could contribute to the development of nuclear weapon delivery systems; and
- b) the provision to Iran of any technology or technical assistance or training, financial assistance, investment, brokering or other services, and the transfer of financial resources or services, or Iran's acquisition of an interest in any commercial activity in another State, related to the supply, sale, transfer, manufacture or use of the items, materials, equipment, goods and technology described in subparagraph a of this paragraph or related to the activities described in paragraph 3.

provided that in the event of an approval by the Security Council: (a) the contract for delivery of such items or assistance include appropriate end-user guarantees; and (b) Iran commit not to use such items for development of nuclear weapon delivery systems.

This paragraph shall apply until the date eight years after the JCPOA Adoption Day or until the date on which the IAEA submits a report confirming the Broader Conclusion, whichever is earlier.

5. All States may participate in and permit, *provided* that the Security Council decides in advance on a case-by-case basis to approve: the supply, sale or transfer directly or indirectly from or through their territories, or by their nationals or individuals subject to their jurisdiction, or using their flag vessels or aircraft, and whether or not originating in their territories, to Iran, or for the use in or benefit of Iran, of any battle tanks, armoured combat vehicles, large caliber artillery systems, combat aircraft, attack helicopters, warships, missiles or missile systems, as defined for the purpose of the United Nations Register of Conventional Arms, or related materiel, including spare parts, and the provision to Iran by their nationals or from or through their territories of technical training, financial resources or services, advice, other services or assistance related to the supply, sale, transfer, manufacture, maintenance, or use of arms and related materiel described in this subparagraph.

This paragraph shall apply until the date five years after the JCPOA Adoption Day or until the date on which the IAEA submits a report confirming the Broader Conclusion, whichever is earlier.

6. All States are to:
 - a) Take the necessary measures to ensure that any activities described in paragraphs 2, 4, and 5 occur on their territories, or involving their nationals or individuals subject to their jurisdiction, or involving their flag vessels or aircraft, only pursuant to the relevant terms of those paragraphs, and also to prevent and prohibit any activities inconsistent with these provisions, until the date ten years after the JCPOA Adoption Day or until the date on which the IAEA submits a report confirming the Broader Conclusion, whichever is earlier;

- b) Take the necessary measures to prevent, except as decided otherwise by the UN Security Council in advance on a case-by-case basis, the supply, sale, or transfer of arms or related materiel from Iran by their nationals or using their flag vessels or aircraft, and whether or not originating in the territory of Iran, until the date five years after the JCPOA Adoption Day or until the date on which the IAEA submits a report confirming the Broader Conclusion, whichever is earlier;
- c) For eight years after the JCPOA Adoption Day or until the date on which the IAEA submits a report confirming the Broader Conclusion, whichever is earlier, continue to freeze the funds, other financial assets and economic resources which are on their territories at the date of adoption of the JCPOA, and freeze the funds, other financial assets and economic resources which are on their territories at any time thereafter, that are owned or controlled by the individuals and entities that were specified on the list established and maintained by the Committee pursuant to resolution 1737 (2006) as of the date of adoption of the new resolution, with the exception of those individuals and entities specified in Attachment 1 hereto, or that may be de-listed by the Security Council, and freeze those of additional individuals and entities that may be 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 systems, including through the involvement in procurement of prohibited items, goods, equipment, materials and technology specified in this statement; having assisted designated individuals or entities in evading or acting inconsistently with the JCPOA or the new resolution; having acted on behalf or at the direction of designated individuals or entities; or having been owned or controlled by designated individuals or entities, including through illicit means.
- d) For eight years from the JCPOA Adoption Day or until the date on which the IAEA submits a report confirming the Broader Conclusion, whichever is earlier, ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of designated individuals or entities. These requirements shall not apply to funds, other financial assets or economic resources that have been determined by relevant States:
 - i. To be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant States to the Security Council of the intention to authorize, where appropriate, access to such funds, other financial assets or economic resources and in the absence of a negative decision by the Security Council within five working days of such notification;
 - ii. To be necessary for extraordinary expenses, provided that such determination has been notified by the relevant States to the Security Council and has been

approved by the Security Council;

- iii. To be necessary for the civil nuclear cooperation projects described in Annex III of the JCPOA, provided that such determination has been notified by the relevant States to the Security Council and has been approved by the Security Council;
- iv. To be the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgment provided that the lien or judgment was entered into prior to the date of Security Council resolution 1737 (2006), is not for the benefit of a person or entity subject to the measures in this paragraph, and has been notified by the relevant States to the Security Council; or
- v. To be necessary for activities directly related to the items specified in paragraph 2, or to any other activity required for the implementation of the JCPOA, provided that such determination has been notified by the relevant States to the Security Council and has been approved by the Security Council.

In addition, this provision shall not prevent a designated individual or entity from making payment due under a contract entered into prior to the listing of such individual or entity, provided that the relevant States have determined that 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 statement; the payment is not directly or indirectly received by an individual or entity subject to the measures in this paragraph; and after notification by the relevant States to the Security Council of the intention to make or receive such payments or to authorize, where appropriate, the unfreezing of funds, other financial assets or economic resources for this purpose, ten working days prior to such authorization.

In addition, States may permit the addition to the accounts frozen pursuant to this paragraph of interest or other earnings due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts were frozen, provided that such interest, other earnings and payments continue to be subject to these measures and are frozen;

- e) For five years from the JCPOA Adoption Day or until the date on which the IAEA submits a report confirming the Broader Conclusion, whichever is earlier, take the necessary measures to prevent the entry into or transit through their territories of individuals described in paragraphs 6(c) above, although underlining that nothing in this paragraph shall oblige a State to refuse its own nationals entry into its territory. The measures imposed in this paragraph shall not apply when the Security Council determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligations, or where the Security Council concludes that an exemption would otherwise further the objectives of the new resolution, including where Article XV of the IAEA statute is engaged;

- f) Take the required actions, in accordance with the resolution and guidance provided by the Security Council, with respect to items the supply, sale, transfer, or export of which is being undertaken contrary to the provisions contained in the JCPOA or this statement, and cooperate in such efforts.
7. All States are called upon to facilitate full implementation of the JCPOA by inspecting, 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 territory, including seaports and airports, if the State concerned has 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 the provisions contained in the JCPOA or this statement; and are called upon also to cooperate in inspections on the high seas with the consent of the flag State, if there is information that provides reasonable grounds to believe the vessel is carrying items the supply, sale, transfer or export of which is being undertaken contrary to the provisions contained in the JCPOA or this statement.

China, France, Germany, the Russian Federation, the United Kingdom, the United States and the European Union note their understanding that, upon adoption of a resolution endorsing the JCPOA, the Security Council would make the practical arrangements to undertake directly the tasks specified in this statement, including to monitor and take action to support the implementation by Member States of these provisions, review proposals described in paragraph 2 of this statement, answer inquiries from Member States, provide guidance, and examine information regarding alleged actions inconsistent with the resolution. Furthermore, these states propose that the Security Council ask the Secretary-General to report to the Security Council on the implementation of these provisions every six months.

The duration of the provisions in this statement may be reviewed by the Joint Commission at the request of any participant at its biannual ministerial-level meetings, at which time the Joint Commission could make recommendations by consensus to the Security Council.

ATTACHMENT

1. AGHA-JANI, Dawood
2. ALAI, Amir Moayyed
3. ASGARPOUR, Behman
4. ASHIANI, Mohammad Fedai
5. ASHTIANI, Abbas Rezaee
6. ATOMIC ENERGY ORGANISATION OF IRAN (AEOI)
7. BAKHTIAR, Haleh
8. BEHZAD, Morteza
9. ESFAHAN NUCLEAR FUEL RESEARCH AND PRODUCTION CENTRE (NFRPC) AND ESFAHAN NUCLEAR TECHNOLOGY CENTRE (ENTC)
10. FIRST EAST EXPORT BANK, P.L.C.:
11. HOSSEINI, Seyyed Hussein
12. IRANO HIND SHIPPING COMPANY
13. IRISL BENELUX NV

14. JABBER IBN HAYAN
15. KARAJ NUCLEAR RESEARCH CENTRE
16. KAVOSHYAR COMPANY
17. LEILABADI, Ali Hajinia
18. MESBAH ENERGY COMPANY
19. MODERN INDUSTRIES TECHNIQUE COMPANY
20. MOHAJERANI, Hamid-Reza
21. MOHAMMADI, Jafar
22. MONAJEMI, Ehsan
23. NOBARI, Houshang
24. NOVIN ENERGY COMPANY
25. NUCLEAR RESEARCH CENTER FOR AGRICULTURE AND MEDICINE
26. PARS TRASH COMPANY
27. PISHGAM (PIONEER) ENERGY INDUSTRIES
28. QANNADI, Mohammad
29. RAHIMI, Amir
30. RAHIQI, Javad
31. RASHIDI, Abbas
32. SABET, M. Javad Karimi
33. SAJDARI, Seyed Jaber
34. SOLEYMANI, Ghasem
35. SOUTH SHIPPING LINE IRAN (SSL)
36. TAMAS COMPANY